



DISTRICT OF SOOKE

BYLAW No. 490

A bylaw to establish procedures and fees for applications to amend the official community plan bylaw and the zoning bylaw and for the issuance of permits under Part 26 of the *Local Government Act*.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as the *Development Procedures Bylaw, 2011*.

Definitions

2. "Municipal Planner" means the Municipal Planner of the Development Services Department of the District of Sooke, or in his or her absence, the next most senior Planner of the District of Sooke who is acting in the Municipal Planner's place, or another person designated by resolution of Council to act in the place of the Municipal Planner.

Applications and Notifications

3. Under the procedures set out in this Bylaw, an owner of land may apply to the District of Sooke:
 - a) to amend the *Official Community Plan Bylaw* or *Zoning Bylaw*; and,
 - b) for a permit under Part 26 of the *Local Government Act* [*Planning and Land Use Management*].
4. An application must be:
 - (a) signed by the owner of each parcel of land that is the subject of the application or by a person authorized in writing by the owner to act as his or her agent for the purpose of making the application;
 - (b) made on the application form prescribed by the Municipal Planner (or designate);
 - (c) accompanied by the information required by the Municipal Planner (or designate); and

- (d) accompanied by the applicable fees set out in Schedule A to this Bylaw, which fees are not refundable except:
 - i. to the extent that they relate to a public hearing that is not held or a public notice that is not given; or
 - ii. in the case of an error on the part of the District of Sooke that cannot be cured.
5. The applicant must display a sign provided by the District of Sooke on every highway frontage of every parcel of land or group of contiguous parcels of land that is the subject of an application to amend the official community plan bylaw or the zoning bylaw. In particular the applicant must:
- (a) pay to the District of Sooke the amount set out in Schedule A to this Bylaw for each sign required;
 - (b) post such signs at locations at which they are legible, within 24 hours of the application being filed with the District of Sooke, and display them until the date of adoption or date of refusal of the bylaw in the case of an application to amend a bylaw, and until the date of issuance or refusal of the permit in the case of an application for a permit;
 - (c) notify the Municipal Planner (or designate) once signs are posted;
and
 - (d) maintain the signs in good and legible condition and replace, at the applicant's expense, any signs that are damaged or removed before the time specified in subsection (b).
6. For the purposes of the notice requirements under the *Local Government Act*, the notice of the public hearing or Council meeting at which a bylaw to
- (a) amend the official community plan or zoning bylaw; or
 - (b) a development variance or temporary use permit application will be considered

must be mailed or otherwise delivered to owners and tenants who are in occupation of each parcel any part of which is the subject of the application, or within 100 metres of any part of the land that is the subject of the application. If 10 or more parcels owned by 10 or more persons are subject of the bylaw, then a mailed notice is not required.

7. An application is considered abandoned and the application fee forfeited to the District of Sooke in its entirety if the Municipal Planner (or designate) requests the applicant to provide information required to permit the application to be processed, and such information has not been provided within six (6) months of the request.

Re-Application

8. Where an application to amend the official community plan bylaw or zoning bylaw or for a permit under Part 26 of the *Local Government Act* has been considered and denied by Council, no like application in respect of the same parcel of land may be made within twelve months of the date it was denied.

Renewal

9. Prior to its expiry, and subject to the terms of the development permit and District of Sooke *Development Application Procedure Policy*, as replaced and amended, a development permit may be renewed once, provided a request for renewal is accompanied by the applicable fees set out in Schedule A to this Bylaw.

Change of Ownership

10. If there is a change of ownership of a parcel of land subject to an application to amend the Official Community Plan Bylaw or Zoning Bylaw or for the issuance of a permit under Part 26 of the *Local Government Act*, the new owner shall immediately notify the District of the change of ownership and assignment of the application.

Bylaw Repeal

11. Bylaw No. 255, *Development Procedures Bylaw, 2007*, as amended is repealed.

Introduced and read a first time the 11th day of April, 2011.

Read a second time the 11th day of April, 2011.

Read a third time the 26th day of April, 2011.

Adopted on the 9th day of May, 2011.

Janet Evans
Mayor

Bonnie Sprinkling
Corporate Officer

SCHEDULE A

DEVELOPMENT APPLICATION FEES

1. Official Community Plan Bylaw Amendment or Zoning Bylaw Amendment Application Fees

	Application Fee	Fee per Public Hearing	Additional Fee Per m ² of Lot Area
All Single-Family Residential and Institutional Zones	\$2,000	+\$1,200	+\$0.05
All Agricultural, Forestry and Rural Zones	\$2,000	+\$1,200	+\$0.02 to a maximum of \$10,000
All Multiple-Family Residential, Commercial, Industrial and Comprehensive Development Zones	\$2,000	+\$1,200	+\$0.20
Official Community Plan or Zoning Bylaw text amendment	\$2,000	+\$1,200	n/a
Combined Official Community Plan Bylaw and Zoning Bylaw amendment	Total rezoning fees plus 50% of the OCP fees		
Sign Deposit (refundable)	+\$200.00		
Preparation of covenant or other legal document required under bylaw	+actual cost plus \$100 per document		
Covenant or legal document amendment	\$200 per document		

2. Temporary Commercial and Industrial Uses Permit Fees

	Application Fee	Fee per Public Notice and Public Information Meeting
Temporary Use Permit	\$500	+\$1,200
Preparation of covenant or other legal document required under bylaw	+actual cost plus \$100 per document	
Covenant or legal document amendment	\$200 per document	

3. Development Permit Application Fees

	Applicati on Fee	Additional Fee	Each Additional Variance
Development Permit under Official Community Plan	\$1,000	+\$1.00 per m ² of new/additional Gross Floor Area for Commercial, Industrial and Institutional and +\$200 per Dwelling Unit for Residential to a maximum of \$15,000	+\$200
Development Permit under Official Community Plan where the owner of the subject property is an educational institution other than a private educational institution	\$800	n/a	
Development Permit under Official Community Plan where the owner of the subject property is a religious organization	\$700	n/a	
Development Permit under Official Community Plan where the owner of the subject property is a registered non-profit society or a library under the <i>Library Act</i>	\$500	n/a	
Development Permit Amendment	\$700	n/a	
Preparation of covenant or other legal document required under bylaw		+actual cost plus \$100 per document	
Renewal of any development permit application, in accordance with District of Sooke Policy 8.4 as amended		50% of the original development permit fee to a maximum of \$5,000	

4. Development Variance Permits

	Application Fee	Fee per Public Meeting	Each Additional Variance
Development Variance Permit	\$500	\$200	+\$100
Preparation of covenant or other legal document required under bylaw	+actual cost plus \$100 per document		
Covenant Amendment	\$200 per document		

5. Board of Variance Fees

	Application Fee	Fee per Public Meeting	Each Additional Variance
Board of Variance Permit	\$500	\$200	n/a
Preparation of covenant or other legal document required under bylaw	+actual cost plus \$100 per document		
Covenant Amendment	\$200 per document		