



City of Vernon

***DEVELOPMENT
APPLICATION
PROCEDURE
BYLAW***

#4103

Consolidated for Convenience

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THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 4103

AMENDMENTS

BYLAW NO.	DATE	AMENDMENT
4358	May 26 th , 1997	<ul style="list-style-type: none"> • Schedule “E” – Schedule of Fees
4485	February 1 st , 1999	<ul style="list-style-type: none"> • Deleting words part 29 and replacing with part 26 • Deleting words Section 975 (1) in the introductory • Adding b,c,d, & e to Section 3.3 • Adding Heritage Revitalization Agreements to various sections in the bylaw • By deleting number 57(2) and 979 (1) in Section 6.A b) and replacing with 54 (2) and 924 (1) • By adding a second sentence to Section 9.B • Deleting number 954 (3) in Section 11 and replacing with 920 (3) • Replacing Schedule ”A” • Replacing Schedule “E” – Schedule of Fees
4859	November 22, 2004	<ul style="list-style-type: none"> • Replacing words in the preamble • Striking out all references to Plan Vernon Bylaw #4084 and replacing with the current OCP and all subsequent amendments • Striking out all references to Zoning Bylaw #2458 and replacing with current zoning bylaw and all subsequent amendments • Deleting <u>Municipal Act</u> and replacing with <u>Local Government Act</u> • Deleting “Community Development Department” and replacing with “Community Services Department” • Deleting “Director of Community Development” and replacing with “GM, Community Services” • Amending Section 3 (1) by adding subsection (d) “Heritage Revitalization Agreements” • Amending Section 3 (3) by adding subsection (f) “Secondary Use Development Permits “ • Deleting Section 4 “Application” and replacing wording • Deleting Section 5 “Fees” and replacing wording • Amending wording in Section 6 (A) “Process” • Deleting Subsection 6 (B) “Process” and replacing wording • Amending Subsection 6 (B) (a) “Process” and inserting wording • Deleting Subsection 9 (B) and replacing wording

BYLAW NO.	DATE	AMENDMENT
		<ul style="list-style-type: none"> • Amending Section 8 “Discharge – Approval or Refusal and Section 10 “Refusal – Amendments and Permits” and inserting wording • Deleting Schedule A “Application Form” and replacing with revised Schedule “A” • Deleting Schedule B “Development Notice Sign” and replacing with revised Schedule B • Deleting Schedule E “Schedule of Fees” • Amending all references to Schedules and renumbering
5037	August 14, 2006	<ul style="list-style-type: none"> • Amending Section 3.3 – Scope, Issuance of: g) Environmental Development Permits; and h) Riparian Development Permits • Deleting reference to “General Manager, Community Services” and replacing with “Manager, Planning, Development and Engineering Services; • Deleting reference to “Community Services Department” and replacing with “Planning, Development and Engineering Services Department”
5215	August 10, 2009	<ul style="list-style-type: none"> • By adding “Temporary Use Permits” as subsection (i) of Section 3(3) • By adding the phrase “or Temporary Use Permit” after the words “Secondary Use Development Permit” in Section 6(B).
5353	February 27, 2012	<ul style="list-style-type: none"> • By adding new subsection D to Section 4 – Application (Developer’s Compensation for Displaced Low Income Rental Housing Tenants)
5370	December 10, 2012	<ul style="list-style-type: none"> • Amending Section 3.3 by REMOVING: (g) Environmental Development Permits (h) Riparian Development Permits
5508	September 8, 2014	<ul style="list-style-type: none"> • Amending Section 3.3 by REMOVING f) Secondary Use Development Permits and renumbering • Amending Section 4 to update staff titles, add reference to Heritage Alteration Permit or Development Variance Permit; and amend requirements and specification for Development Notice signs • Amend Section 6 to update staff titles, legislative references, add Heritage Alteration Permits, and delete reference to Secondary Use Permits • Delete ‘Schedule A’ Secondary Use Development Permit Sign • Amend ‘Schedule B’ to rename it ‘Schedule A’ and update reference to Community Development Department

BYLAW NO.	DATE	AMENDMENT
5468	November 10, 2014	<ul style="list-style-type: none"> • Rename 'Schedule C' and 'Schedule D'. • Amend Section 3 to delete Secondary Use Development Permits • Amend Section 4 to update job title and remove reference to Secondary Use Development Permit • Amend Section 6 to update job title and remove reference to Secondary Use Development Permit • Delete Schedule 'A' <i>Secondary Use Development Permit Sign</i> • Amend Schedule 'B' <i>Notice of Development Sign</i> to update phone number and department title.
5545	February 10, 2015	<ul style="list-style-type: none"> • Amend Section 4. Application - staff titles and requirements and specifications for Development Notice signs • Amend Section 6. Process – staff titles, update legislative references and notice requirements • Amend Section 9. Permits – Issuance or Refusal – reference from 'application' to 'approval' • Amend Section 10. Refusal – Amendments and Permits – notification requirements • Amend Schedule 'A' Notice of Development Signage • Amend Schedule 'B' Typical Sign Siting • Amend Schedule 'C' Posting of Development Notice

THE CORPORATION OF THE CITY OF VERNON

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A bylaw to establish procedures to amend the current Official Community Plan, and all subsequent amendments and the current zoning bylaw, and all subsequent amendments and to issue a Permit under Part 26 of the Local Government Act

WHEREAS the Council of The Corporation of the City of Vernon, referred to as “the Council”, has adopted an Official Community Plan and Zoning Bylaw for The Corporation of the City of Vernon.

AND WHEREAS the Council of The Corporation of the City of Vernon shall, under the Local Government Act, by bylaw establish procedure to amend a plan, bylaw or issue a permit;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, hereby enacts as follows:

1. **Title**

This bylaw may be cited for all purposes as “Development Application Procedure Bylaw Number 4103, 1995”.

2. **Repeal**

“The Corporation of the City of Vernon Development Permit Application Procedure Bylaw Number 3444, 1987” and “The City of Vernon Rezoning, Land Use Contract Amendment and Development Variance Permit Specified Area Bylaw Number 3493, 1987” are hereby repealed.

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3. Scope

This bylaw shall apply to the following:

1. Amendments to:
 - (a) The current Official Community Plan, and all subsequent amendments”.
 - (b) The current Zoning Bylaw, and all subsequent amendments.
 - (c) Land Use Contracts.
 - (d) Heritage Revitalization Agreements

2. Discharge of:
 - (a) Land Use Contracts.

3. Issuance of:
 - (a) Development Variance Permits.
 - (b) Development Permits.
 - (c) Minor Development Permits.
 - (d) Heritage Revitalization Agreements.
 - (e) Heritage Alteration Permits.
 - (f) Temporary Use Permits

4. Application

- A. Application for amendment, discharge, issuance for a permit shall be made by the registered owner of the land involved or by a person authorized in writing by the owner.

- B. Application for amendments, discharges or permits shall be made to the Director of Community Development of the City of Vernon on prescribed forms. *(Bylaw 5468)*

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C. Any person making application for an Official Community Plan amendment, Zoning Bylaw amendment, Land Use Contract amendment, Heritage Revitalization Agreement, Heritage Alteration Permit or Development Variance Permit shall post a Development Notice on or adjacent to the lands which are the subject of the application provided that the Director, Community Development, or designate may require more than one Development Notice sign if the lands have frontage on more than one road. This section shall not apply to persons making applications for textual amendments to the Official Community Plan or the Zoning Bylaw. The Development Notice shall be posted in accordance with the following: *(Bylaw 5545)*

(a) Specifications:

The Development Notice sign shall be constructed of plywood or other durable material. The size and wording of the Development Notice sign shall be in accordance with Schedule "A" for an Official Community Plan redesignation, rezoning, Land Use Contract amendment, Land Use Contract discharge, Development Variance Permit, and a Heritage Revitalization Agreement attached hereto and forming part of this bylaw.

(Bylaw 5545)

(b) Installation:

The Development Notice sign must be installed in a sound, workmanlike manner, capable of withstanding wind and weather. The Development Notice sign shall not interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard. The Director, Community Development, or designate, may specify a location or locations other than that indicated in Schedule 'B' if the Manager, or designate, determines that a different location would better serve a public notification purpose. *(Bylaw 5545)*

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(c) Timing

(i) The Development Notice sign must be installed for a minimum of twelve (12) consecutive days prior to the date of the Official Public Hearing or Public Input Session. *(Bylaw 5545)*

(ii) The applicant must provide the City's Community Development Department with a "Statutory Declaration" in the form attached hereto and forming part of this Bylaw as Schedule "C" stating that the Development Notice sign has been installed on the land involved before the subject application will be considered at Official Public Hearing or Public Input Session. *(Bylaw 5545)*

(iii) The Development Notice sign must remain in place continuously until the Official Public Hearing or Public Input Session is held, and must be removed within fourteen (14) days after the Official Public Hearing or Public Input Session has been closed. *(Bylaw 5545)*

(d) Failure to Post Notice

Failure to post the Development Notice sign in accordance with this section shall result in the postponement of the public hearing, and any costs incurred by the City for public notification as a result of such postponement shall be the responsibility of the applicant.

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- D. Any person making application for a Zoning Bylaw amendment be required to provide information to the City on the displacement of residential tenants and, in particular, whether any of the tenants would be eligible to receive additional compensation and an additional one month's notice of eviction, as indicated in the "Rezoning Bylaw Consideration – Developer's Compensation for Displaced Low Income Rental Housing Tenants" Corporate Policy.

5. Fee

Every person shall at the time of making application for a permit, pay to the City fees according to the schedule set out in the City of Vernon's current Fees and Charges Bylaw, and all subsequent amendments.

6. Process

- A. Every application shall be processed by the Director, Community Development, or designate, who shall present a report to Council for its consideration except those applications that have been delegated to staff for approval. The report shall:
- (a) specify whether or not the approval of the Minister of Transportation under Section 52 of the Transportation Act or Section 924 (1) of the Local Government Act is required; and
 - (b) give a recommendation on the application. *(Bylaw 5545)*
- B. A notice of an Official Public Hearing on a Rezoning, Official Community Plan amendment, Land Use Contract discharge or amendment, Heritage Revitalization Agreement, and a Temporary Use Permit application, and a notice of a Public Input Session for a Development Variance Permit application, shall be mailed to the

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owners and tenants in occupation of all parcels, any part of which lies within the distance specified as follows:

- (a) Thirty metres (30.0m) distance from the perimeter of that part of the area included within the subject application. *(Bylaw 5545)*

- (b) Should Council deem it necessary to expand the notification area beyond thirty metres (30.0m), the same shall be established and approved upon the adoption of a resolution receiving the affirmative vote of two-thirds majority of all members of the Council. *(Bylaw 5545)*

7. Amendments - Approval or Refusal

The Council may, upon receipt of the report under Section 6A of this bylaw, proceed with an amendment bylaw or reject the application.

8. Discharge - Approval or Refusal

The Council may, upon receipt of the report under Section 6A of this bylaw, proceed with a Land Use Contract Discharge Bylaw or reject the application.

9. Permits - Issuance or Refusal

- A. The Council may, upon receipt of the report under Section 6A of this bylaw:
 - (a) authorize the issuance of the permit;
 - (b) authorize the issuance of the proposed permit as amended by Council in its resolution; or
 - (c) refuse to authorize the issuance of the permit.

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- B. Should the requirements for the issuance of a permit not be met within one year from the date of approval, the approval shall expire. Where an applicant has obtained Preliminary Layout Approval for a period longer than one year for the subdivision of lands in the City, a Development Permit or Development Variance Permit relating to the lands may be issued for a period not to exceed ten (10) years. An applicant may apply for a further one-year extension at no charge. Where an approval for a permit has expired and not been extended by Council, an application fee to renew the application shall be charged in accordance with the City's current Fees and Charges bylaw, and all subsequent amendments. *(Bylaw 5545)*

10. Refusal - Amendments and Permits

Where an application for an Official Community Plan amendment bylaw, rezoning bylaw, Heritage Revitalization Agreement, Land Use Contract amendment bylaw, Land Use Contract discharge bylaw, or a Development Variance Permit has been refused by the Council, the Corporate Officer shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal. In the case of a Development Permit application, the applicant shall be notified in writing by the Director, Community Development, or designate, within fifteen (15) days immediately following the date of refusal. *(Bylaw 5545)*

11. Re-Application

Subject to Section **920.1 (3)** of the Local Government Act, re-application for an amendment, discharge or permit that has been refused by the Council shall not be considered within a six (6) month period immediately following the date of refusal.

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READ A FIRST TIME this 27th day of November, 1995.

READ A SECOND TIME this 27th day of November, 1995.

READ A THIRD TIME this 27th day of November, 1995.

ADOPTED this 11th day of December, 1995.

"WAYNE MCGRATH"
Mayor:

"MARGARET J. BAILEY"
City Clerk:

SCHEDULE "A"
Attached hereto and forming
part of Bylaw #4103

NOTICE

OF DEVELOPMENT

**THIS PROPERTY IS SUBJECT TO AN
APPLICATION FOR A:**

HAS APPLIED TO THE CITY OF VERNON TO

**For more information please contact the
COMMUNITY DEVELOPMENT
DEPARTMENT
CITY OF VERNON 250-550-3634**

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Letters

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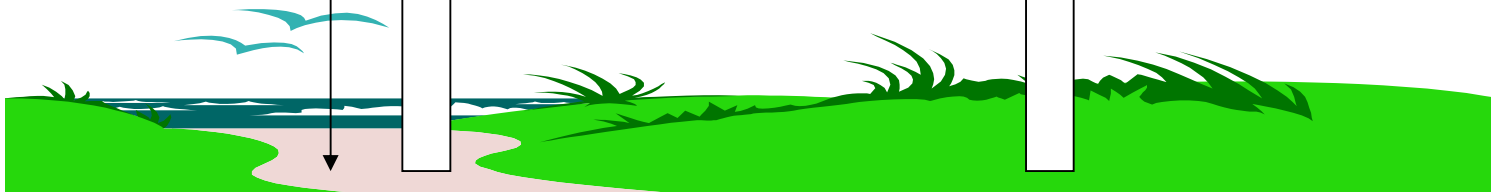
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Max 2.5"
Min 1.5"

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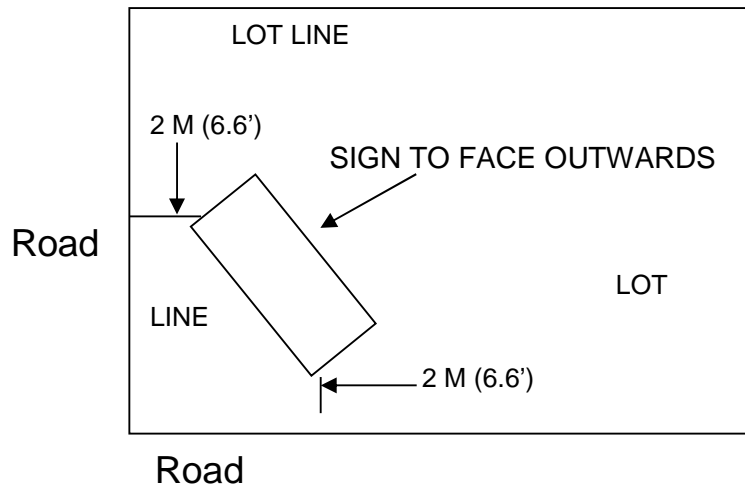
4FT

**SIGN FACE
4 FEET
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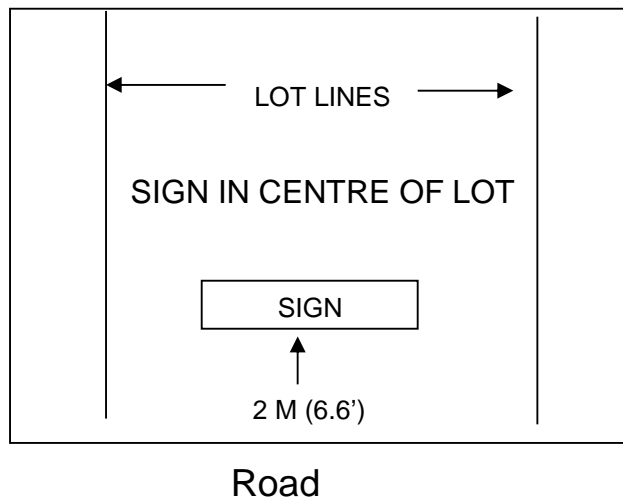


TYPICAL SIGN SITING:

CORNER LOT



INTERIOR LOT



SCHEDULE "C"

Attached hereto and forming
part of Bylaw #4103

CITY OF VERNON

DEVELOPMENT NOTIFICATION CERTIFICATE

POSTING OF DEVELOPMENT NOTICE

I, _____ of
(Print name in full)

(Address)

HEREBY CERTIFY that I did post _____ Development Notices for Development
(# of signs)

Application No. _____, in accordance with Section 4 of City of Vernon Bylaw

#4103 on the _____ day of _____, 20 ____ at _____ a.m./p.m.

on lands legally described as _____

and addressed as _____, Vernon, B.C.

Signature of Individual Certifying Sign Installation

Date Received by City: _____

Received by: _____
(Signature) and (Print Name)