

# CITY OF SALMON ARM

## BYLAW NO. 2870

### **A bylaw to establish procedures for the issuance of Development Permits**

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WHEREAS Section 919.1 of the *Local Government Act* directs that where a local government has adopted an Official Community Plan in accordance with Section 875, Development Permit Areas may be designated;

AND WHEREAS the Municipal Council of the City of Salmon Arm has adopted an Official Community Plan Bylaw and designated Development Permit Areas in accordance with Section 919.1 of the *Local Government Act*;

AND WHEREAS Section 920 of the *Local Government Act* authorizes Council, by resolution, to issue a Development Permit that may, in respect of land covered in the permit, vary or supplement the provisions of a bylaw adopted under Division (7) or (11), of Part 26 of the *Local Government Act*, except for the use and density of land specified in the bylaw, or a floodplain specification;

AND WHEREAS pursuant to Section 931(1) of the *Local Government Act*, Council may, by bylaw, impose an application fee for the issue of a Development Permit;

NOW THEREFORE the Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

1. The Council may, by resolution, issue Development Permits subject to Development Permit Areas designated in the Official Community Plan.
2. All owners of land located in designated Development Permit Areas must obtain a Development Permit where required and in accordance with the criteria set out in the Official Community Plan.
3. Before issuing a Development Permit, Council may require the applicant to furnish, at his expense, a report certified by a Professional Engineer with experience in geotechnical engineering to assist Council in determining what conditions or requirements it will impose in the permit relative to the protection of development from hazardous conditions.
4. Before issuing a Development Permit, Council may require the applicant to furnish, at his expense, to the Ministry of Environment, an assessment certified by a Qualified Environmental Professional to identify the riparian assessment area and/or streamside protection and enhancement area in accordance with the Riparian Areas Regulation."

5. A Development Permit shall not vary land use or density of the land permitted in the Zoning Bylaw, except where land is designated under Section 919.1 (b) of the *Local Government Act* for protection of development from hazardous conditions.
6. Applications for Development Permits shall be made to the Municipal Clerk on the form of application attached hereto as Schedule "A".
7. The following material shall be filed with the application to facilitate the processing of the Development Permit:
  - a) The Application Fee as set out in the current "Fee for Services Bylaw".
  - b) A current Title Search for all Parcels.
  - c) A written description and 8-1/2 inch by 11 inch legible site plan.
  - d) Three sets of full-size plans, including legible site plan, elevations, cross-sections of original and proposed grades (i.e lot grading plan), project name as well as overall address concept plan (to be approved by the Municipality).
8. The application shall be processed by the Development Services Department, which shall prepare a report, containing a recommendation on the matter, to be placed on Council's agenda for consideration.
9. Permits involving the construction of commercial or industrial buildings exceeding 4,500 square metres in gross floor area within a radius of 800 metres of the intersection of a controlled access highway with any other highway require the approval of the Ministry of Transportation and Highways.
10. The Clerk shall give notice of Council's intention to issue a Development Permit. Notice shall be mailed or otherwise delivered at least ten [10] days before adoption of the resolution to issue the permit. The specified distance for the notification of property owners and occupiers shall be thirty [30] metres from the property subject to the Development Permit.
11. Persons wishing to register an opinion with respect to the proposed Development Permit may do so by making a written submission and/or appearing before Council as a delegation at the Hearing.
12. The Council may, upon receipt of a report from the Development Services Department and hearing any public input, by resolution:
  - a) authorize issuance of the Development Permit;
  - b) authorize issuance of the proposed Development Permit as amended by the Council resolution;
  - c) refuse to authorize the issuance of the Development Permit, with reasons.

13. When the City Council considers that a condition in a Development Permit shall require the applicant to complete landscaping, or where contravention of a condition in the permit may result in an unsafe condition, the Council may require the applicant to provide security or an irrevocable letter of credit in an amount stated in the permit.
14. If authorized by Council, the Development Services Department will complete the Development Permit and forward it to the Clerk for issuance on behalf of the Municipality. Development Permits shall be in the form attached hereto as Schedule "B".
15. The Municipal Clerk shall file in the Land Title Office a notice in the form of Schedule "C" attached hereto, that the land described in the notice is subject to a development permit.
16. A copy of all Development Permits issued by the Municipality shall be retained by the Development Services Department who shall make the same available for perusal by any member of the public upon request during normal business hours.
17. Council may issue more than one Development Permit for an area of land and the land shall be developed strictly in accordance with the permit or permits, issued, which shall also be binding on the City of Salmon Arm.
18. Where an applicant has failed to satisfy the landscaping requirements of the permit or failed to comply with the conditions of the permit and an unsafe condition has resulted, the City Council may undertake to complete the landscaping requirements or carry out any construction required to correct the unsafe condition, at the cost of the holder of the permit, and may apply the security in payment of the cost of the work with any excess to be returned to the holder of the permit.  
  
If the Municipality undertakes and completes the works required to satisfy landscaping conditions or carries out any construction required to correct unsafe conditions, the entire cost and risk of such work shall be borne by the owner, notwithstanding the amount of security posted under the permit.
19. Subject to the terms of the Development Permit, where an applicant fails to substantially commence any construction with respect to which the permit was issued, within two years after the date it was issued, the permit lapses.
20. When a permit lapses, the City shall, subject to Section 926 of the *Local Government Act*, return any security provided under Sections 921 (12) and 925 (2.1) of the *Local Government Act* to the person who provided it.

21. One-half of the Application Fee will be refunded if the Application is withdrawn by the Authorized Agent, Applicant or Property Owner prior to the mailing or delivery of notification to property owners/occupiers with respect to the Hearing.
22. Development Permit Procedure Bylaw No. 1, 1987 (#1738) and amendments thereto are hereby repealed.
23. This bylaw may be cited for all purposes as **“City of Salmon Arm Development Permit Procedure Bylaw No. 2870”**.

READ A FIRST TIME THIS                    24th    DAY OF            November    1998.

READ A SECOND TIME THIS                24th    DAY OF            November    1998.

READ A THIRD TIME THIS                 24th    DAY OF            November    1998.

ADOPTED BY COUNCIL THIS                8th     DAY OF            December    1998.

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*“C.N. MAYES”*  
 MAYOR

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*“D.B. LAGORE”*  
 CLERK

NOTE: Bylaw Schedules and required forms are available on the Website

Go to: Municipal Hall  
       Departments  
       Development & Planning Services  
       Documents  
       Forms