

CITY OF TERRACE
CONSOLIDATED FOR CONVENIENCE
BYLAW NO. 1460-1995/1551-1997/1717-2000/1757-2002/2059-
2014

**"A BYLAW OF THE CITY OF TERRACE TO AMEND AND CONSOLIDATE
DEVELOPMENT PERMIT BYLAWS 1349-1994 AND 1363-1994."**

WHEREAS the Council of the City of Terrace has adopted an Official Community Plan;

AND WHEREAS, pursuant to Section 879(1) of the Local Government Act, the Official Community Plan has designated areas with which Development Permits are required;

AND WHEREAS, pursuant to Section 931(1)(b) of the Local Government Act, a local government may impose a fee for a development permit;

AND WHEREAS, the Council shall, pursuant to Section 895(1) of the Local Government Act, by bylaw establish procedures to issue a Development Permit;

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

1.0 To ensure that development is consistent with the objectives and guidelines of the Official Community Plan, Council may, by resolution, issue Development Permits which may:

(a) vary or supplement an existing bylaw;

(b) impose conditions respecting the sequence and timing of construction;

(c) include guidelines for form and character, requirements, and conditions for commercial, industrial, and multi-family residential developments.

(d) include requirements and conditions for the protection of the natural environment and the protection of development from hazardous conditions; and

(e) include requirements and conditions to assist in the revitalization of the downtown.

Replaced by
#1717-2000

Added by
#1717-2000

Added by
#1717-2000

2.0 On land within Development Permit Areas designated by the Official Community Plan and Zoning Bylaw no subdivision or alteration of the land or no construction of or additions to, or alterations of commercial, industrial or multi-family residential buildings or structures on the land, shall be commenced without the owner first obtaining a Development Permit unless exempted by the Official Community Plan subject to the requirements of Section 879(3) of the Local Government Act.

3.0 *Development Permits shall be generally in the form of the Permit attached hereto as Schedule "A".*

*Replaced by
#2059-2014*

4.0 *Application for Development Permits shall be made to the City of Terrace Planning Department.*

*Replaced by
#1757-2002*

5.0 *At the time of application for Development Permit, the applicant shall pay to the City of Terrace the applicable fees as specified by the Planning Fees Bylaw and amendments thereto.*

6.0 *Subdivision or alteration of land or construction or addition or alterations to buildings dollar amounts shall be determined by the City of Terrace.*

*Amended by
#1757-2002*

7.0 *The application shall be processed by City of Terrace Planning staff who shall in a report to the Development Services Component of the Committee of the Whole present recommendations concerning the Development Permit Application.*

8.0 *The Ministry of Transportation and Highways must approve a development permit where the construction of commercial or industrial buildings exceed 4500m² in gross floor area if the property is within 800m of a controlled access highway.*

*Amended by
#1717-2000*

9.0 *Upon receipt of the report from Planning and/or the Development Services Component of the Committee of the Whole, the Council may, by resolution:*

- (a) authorize the issuance of the proposed Development Permit;*
- (b) authorize the issuance of the proposed Development Permit as amended by Council in its resolution;*

*Amended by
#1757-2002*

- (c) refuse to authorize the issuance of the Development Permit by listing reasons why the issuance was refused.*

*Added by
#1757-2002*

10.0 *An application will be deemed to have been abandoned and will be closed under the following circumstances:*

- (a) If Planning staff have requested additional information in order to process an application or have requested changes to the application to bring it into compliance with development permit guidelines and/or City bylaws and the applicant has not shown significant movement in providing the requested material or contacted the City to show significant movement in making the requested changes within three months of the date of request.*
- (b) If Council refuses to issue a Development permit and the applicant has not shown substantial movement in dealing with the deficiencies*

identified by council within three months of Council's decision not to issue the permit.

11.0 *Once a Development Permit has been issued the City of Terrace shall file notice of permit in the Land Title Office.*

*Replaced by
#1717-2000*

12.0 *As per Section 925(1)(2) of the Local Government Act the City of Terrace reserves the right to take letters of credit or security deposits for landscaping, for completing unfinished landscaping requirements, for carrying out any construction required to correct an unsafe condition, or for repairing damage to the natural environment that has resulted as a consequence of a contravention of a condition in a development permit.*

13.0 *If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.*

14.0 *This Bylaw hereby repeals and replaces City of Terrace Bylaw 1349-1994 and Bylaw No. 1363-1994 and amendments thereto.*

15.0 *This Bylaw may be cited as "**Development Permit Procedures Bylaw No. 1460-1995**".*

This Bylaw is consolidated for convenience only. If discrepancies exist between this consolidation and the original bylaw, the original bylaws shall prevail.

BYLAW #1460-1995 READ a first time this 11th day of September, 1995.

BYLAW #1460-1995 READ a second time this 11th day of September, 1995.

BYLAW #1460-1995 READ a third time this 23rd day of October, 1995.

BYLAW #1460-1995 ADOPTED this 23rd day of October, 1995.

ORIGINAL SIGNED BY "J. TALSTRA"
Mayor

ORIGINAL SIGNED BY "E.R. HALLSOR"
Clerk-Administrator

SCHEDULE "A" TO BYLAW NO. 1460-1995

CITY OF TERRACE
DEVELOPMENT PERMIT

Amended by
#1717-2000

NO. _____

Issued to: _____
(owner as defined in the Local Government Act, hereinafter referred to as the Permittee)

Address: _____

- 1. *This Development Permit applies to and only to those lands within the City of Terrace described below, and any and all buildings, structures and other development thereon:*

(Legal Description of Property)

- 2. *This Development Permit is issued subject to compliance with all of the Bylaws of the City of Terrace applicable thereto, except as specifically varied as follows:*

3. TERMS & CONDITIONS:

Subject to Section 920 of the Local Government Act the land described herein shall be developed strictly in accordance with the following terms and conditions and drawings and specifications attached as Schedules to the permit.

- 4. *This permit shall lapse if the Permittee does not substantially commence the construction of the development permitted by this permit within six (6) months of the date of this permit, and complete construction within two (2) years.*
- 5. *The terms of this permit or any amendment to it, are binding on all persons who acquire an interest in the land effected by this permit.*
- 6. *This permit is not a building permit.*

Authorizing Resolution passed by Council this _____ day of _____, _____.

Issued this _____ day of _____, _____.

Clerk

SCHEDULE "B" TO BYLAW NO. 1460-1995

***CITY OF TERRACE
APPLICATION FOR DEVELOPMENT PERMIT***

*Replaced by
#1551-1997
& Amended by
#1717-2000*

*Deleted by
#2059-2014*