

Gabriola Island Trust Committee

Bylaw No. 114

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A Bylaw to define procedures under which an owner of land may apply for amendment to a plan or bylaw or the issue of a permit under Part 29 of the Municipal Act

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The Gabriola Island Trust Committee ("Trust Committee"), being the Trust Committee having jurisdiction in respect of the Gabriola local trust area in the province of British Columbia pursuant to the *Islands Trust Act* (the "Act") enacts as follows:

**Title**

1. This bylaw may be cited for all purposes as the "Gabriola Island Trust Committee Development Procedure Bylaw No. 114, 1992".

**Applications**

2. Sections 3, 4 and 5 of this bylaw apply in respect of:
  - (1) applications for amendments to the Gabriola Official Community Plan, the Gabriola Zoning Bylaw, the DeCourcy Official Community Plan and the Nanaimo Regional District Zoning Bylaw;
  - (2) applications for:
    - a) development permits and amendments thereto;
    - b) development variance permits;
    - c) temporary commercial use permits;
    - d) temporary industrial use permits;
    - e) amendments to land use contracts;
  - (3) applications under section 9 of the *Condominium Act* for conversion of existing buildings into strata lots.
3. An application by an owner of land for amendment to an official community plan or zoning bylaw, for a permit, or for conversion of a building into strata lots, shall:
  - (1) be made by the owner of the land or by a person authorized in writing by the owner;
  - (2) be submitted to the Islands Trust office in the appropriate form established by the Islands Trust, as may be varied from time to time.
  - (3) contain all the information required by the applicable form.
4. An application or substantially similar application may not be submitted in respect of the same development less than one year from the date of refusal of a previous application or in the case

of an application for conversion of a building into strata lots less than one year from the date of refusal of a previous application, unless the Trust Committee has agreed to such reconsideration.

5. The Trust Committee may, on receipt of an application to amend a plan or bylaw, resolve to proceed with an amendment bylaw or resolve not to proceed with the application. The Trust Committee may, on receipt of a permit application, resolve to proceed with or resolve not to proceed with the permit.
6. The Trust Committee may initiate an amendment to a plan or bylaw without first receiving an application to amend.

### **Fees**

7. Where an application is submitted for amendment to a plan or bylaw or for a permit, the applicant shall pay to the Islands Trust the fee set out in the Fees and Charges Bylaw that applies to the type of amendment or permit for which application is made.

### **Notification**

8. Where an application is made for a development variance permit, temporary commercial use permit or temporary industrial use permit, notice shall be mailed or otherwise delivered by the Trust Committee at least 10 days before adoption of a resolution to issue the permit. Such notification shall be sent to owners and tenants in occupation of that part of the area of the land that is the subject of the application and to the owner and tenants in occupation of all parcels, any part of which is within 100 metres of that part of the area of the land that is the subject of the application.
9. Where a public hearing is to be held under section 956(1) of the *Municipal Act*, and the proposed bylaw alters the permitted use or density of any area, and where less than 10 parcels owned by less than 10 persons are the subject of the bylaw alteration, a notice shall be mailed or otherwise delivered by the Trust Committee. Such notification shall be sent to owners and tenants in occupation of that part of the area of the land that is the subject of the bylaw alteration and to the owners and tenants in occupation of all parcels, any part of which is within 100 metres of that part of the area of the land that is subject to the bylaw alteration.
10. Where the Trust Committee waives the holding of a public hearing in respect of a proposed bylaw that does not alter the permitted use or density of any area, and where less than 10 parcels owned by less than 10 persons are the subject of the bylaw alteration, a notice shall be mailed or otherwise delivered by the Trust Committee to the owners and tenants in occupation of that part of the area of the land that is subject to the bylaw alteration and to the owners and tenants in occupation of all parcels, any part of which is within 100 metres of that part of the area of the land that is subject to the bylaw alteration.
11. Where an application is made for the conversion of an existing building into strata lots, notice shall be given to all occupants of the building by the application.

### **Repeal**

12. Section 2(1) to 2(3) and Section 4(1) to 4(5) of Gabriola Island Trust Committee Bylaw No. 75, being the "Gabriola Island Trust Committee Procedure Bylaw No. 75, 1990" are repealed.

### **Severability**

13. If any section or lesser portion of this bylaw is held invalid by a Court of competent jurisdiction, the invalid portion shall be severed from the bylaw without affecting the validity of the remainder.

READ A FIRST TIME this 25th day of March , 1993

READ A SECOND TIME this 25th day of March , 1993

READ A THIRD TIME this 25th day of March , 1993

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this  
6th day of April , 1993

RECONSIDERED AND FINALLY ADOPTED this 8th day of April , 1993

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Secretary

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Chairperson

### Schedules

Schedules "A" to "G" are not part of this bylaw and may be inserted for convenience only, e.g.

- A. Bylaw Amendment Application
- B. Development Permit Application
- C. Development Permit Amendment Application
- D. Temporary Use Application - Commercial or Industrial
- E. Development Variance Permit Application
- F. Siting and Use Permit Application
- G. *Condominium Act* Conversion Application