

**DISTRICT OF CHETWYND
BYLAW NO. 917, 2010**

**Being a Bylaw to Establish Procedures for the Development of Land and Premises within
the District of Chetwynd**

WHEREAS the Council of the District of Chetwynd has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS Section 895 of the Local Government Act requires the adoption of a bylaw to establish procedures for amendment to an Official Community Plan or Zoning Bylaw, and for the issuance of permits related to such Plans or Bylaws;

NOW THEREFORE the Council of the District of Chetwynd, in open meeting lawfully assembled, hereby enacts as follows;

1. This Bylaw may be cited for all purposes as “District of Chetwynd Development Procedures Bylaw No. 917, 2010”.
2. District of Chetwynd Development Procedures Bylaw No. 425 is repealed in its entirety.
3. Procedures are hereby established for the amendment of the District’s Official Community Plan and Zoning Bylaw, and for the issuance of Development Permits, Development Variance Permits and Temporary Commercial and Industrial Permits as set out in Sections “1” through “6” as attached hereto;

| | |
|-------------|---|
| Section “1” | Introduction |
| Section “2” | Development Permits |
| Section “3” | Development Variance Permits |
| Section “4” | Temporary Commercial and Industrial Permits |
| Section “5” | Zoning Bylaw Amendments |
| Section “6” | Official Community Plan Amendments |

4. Schedules “A” through “J” form an integral part of this bylaw;

| | |
|--------------|--|
| Schedule “A” | Development Permit Application |
| Schedule “B” | Development Variance Permit Application |
| Schedule “C” | Temporary Commercial and Industrial Permit Application |
| Schedule “D” | Rezoning and Official Community Plan Amendment Application |
| Schedule “E” | Development Permit |
| Schedule “F” | Development Variance Permit |
| Schedule “G” | Temporary Commercial and Industrial Permit |
| Schedule “H” | Notice to Registrar |
| Schedule “I” | Cancellation of Notice to Registrar |
| Schedule “J” | Irrevocable Letter of Credit |

5. If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

Read a First time this 1st day of March, 2010

Read a Second time this 1st day of March, 2010

Read a Third time this 1st day of March, 2010

Reconsidered and Adopted this 15th day of March, 2010

Mayor

Director of Corporate Administration

**DISTRICT OF CHETWYND
BYLAW NO. 917, 2010**

INTRODUCTION

SECTION “1”

Processing development related applications can be complicated and time consuming if the proper procedures are not followed. This guide clarifies and simplifies these procedures by providing a step by step description of the necessary tasks for each application. A clearer understanding of these tasks also ensures provincial and local regulations are met.

The five (5) application procedures described in this guide are:

- (1) Development Permits;
- (2) Development Variance Permits;
- (3) Temporary Commercial and Industrial Permits;
- (4) Zoning Bylaw Amendments; and
- (5) Official Community Plan Amendments.

The tasks required to process each of these applications are numbered and contained in separate sections of this document. This format makes it easier to follow the tasks and allows the sections to be removed and reproduced if necessary.

Included within each section of the guide is:

- a flow chart which outlines the steps in the application process;
- a section of text which explains the steps outlined in the flow chart.

Application forms and proforma permits are included in the attached schedules section.

It is important to note that each application is described in its most basic form. Additional tasks may be required.

The District of Chetwynd Development Procedures Bylaw requires permit and amendment applications to be addressed to the Chief Administrative Officer. The Chief Administrative Officer may delegate responsibilities for processing these applications to other District Staff.

**DISTRICT OF CHETWYND
BYLAW NO. 917, 2010**

DEVELOPMENT PERMITS

SECTION “2”

SCOPE:

A Development Permit is required prior to:

- (a) any subdivision of land located within a designated Development Permit Area;
- (b) construction, alteration, or addition of a structure located on land within a designated Development Permit Area.

Before accepting an application under this category, it must first be determined if the subject property is located within a Development Permit Area as identified in the District of Chetwynd Official Community Plan. The designation of a Development Permit Area is pursuant to Section 919.1 of the Local Government Act as amended from time to time, whereby areas may be designated for the:

- (a) protection of the natural environment;
- (b) protection of development from hazardous conditions;
- (c) revitalization of an area in which a commercial use is permitted, if the area has been designated for that purpose by the Minister; or
- (d) establishment of objectives and the provision of guidelines for the form and character of commercial, industrial or multi-family residential development.

Development Permit Applications cannot vary the use or density of land or flood plain specifications, pursuant to Section 920 of the Local Government Act, as amended from time to time.

In the event the applicant proposes changes in use or density, the applicant may wish to explore other avenues. These can include:

- (a) Zoning Bylaw Amendments; and
- (b) Official Community Plan Amendments.

FLOWCHART
Procedures for Development Permit Applications

Applicant submits application to Chief Administrative Officer



District staff and government agencies review application



Application submitted to Council Meeting for Review
(owner/developer may be asked to attend meeting)



Council approves or denies application



Upon approval, applicant submits required security



Chief Administrative Officer prepares final permit, issues permit and prepares record for
applicant and District files.



Chief Administrative Officer files Notice with Land Titles Office

Development Permit Procedure

The general process for issuing a Development Permit is identified below.

1. Applicant Submits Application to the District Chief Administrative Officer

The applicant holds a preliminary discussion with the Chief Administrative Officer to determine if the application is consistent with the requirements established by the District's bylaws and policies. If the application is consistent with those requirements, the applicant may complete the form, "Application for a Development Permit". The applicant must submit the application to the Chief Administrative Officer with the following:

- (a) the \$250.00 application fee;
- (b) State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, charges and liens, etc;
- (c) a completed Application Form;
- (d) a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
- (e) two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
 - (i) legal information;
 - (ii) setbacks;
 - (iii) parking;
 - (iv) access;
 - (v) the outer perimeter of buildings and all structures;
 - (vi) significant topographic features or watercourses;
 - (vii) any proposed elevations, cross sections or detailed drawings which may be relevant; and
 - (viii) any other information required to support the application.

2. Chief Administrative Officer and Government Agencies Review Application

Once the completed application package is received, the Chief Administrative Officer consults with other District departments and prepares a technical report assessing the application according to the criteria set out in the Development Permit section of the District of Chetwynd Official Community Plan.

The technical report should be submitted to District Council as background information. It must address the appropriateness of the application with respect to the Development Permit Area criteria within the District of Chetwynd Official Community Plan and with respect to regulations set out in the District of Chetwynd Zoning Bylaw. This review may consider the appropriateness of the application according to:

- (a) impacts on adjacent properties;
- (b) views and privacy;
- (c) health and safety;
- (d) site rehabilitation plans;
- (e) height;
- (f) setbacks;
- (g) linkages to parks, walkways and green ways; and
- (h) basic infrastructure.

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application process may be delayed until the required information is submitted.

It may be necessary to refer the Development Permit application to outside agencies whose interests may be affected. These agencies may include but should not be limited to:

- (a) Ministry of Transportation and Infrastructure (e.g.: highway access required);
- (b) Ministry of Environment (e.g.: air or water emissions);
- (c) Ministry of Health (e.g.: air or water emissions);
- (d) Agricultural Land Commission (e.g.: agricultural land involved);
- (e) Peace River Regional District (e.g.: impacts on lands within Regional District).

3. District Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to the District Council for review and consideration:

- (a) application form;
- (b) technical review; and
- (c) agency comments.

Upon review of the application, Council has three (3) options including:

- (a) if the application is acceptable, authorizing staff to prepare the permit; or
- (b) if necessary, requesting additional information from the applicant; or
- (c) if the application is unacceptable, denying the application.

4. District Council Denies Application

If the application is denied, the applicant may not reapply for a Development Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*, as amended from time to time.

5. Upon Approval, Applicant Submits Required Security

Pursuant to Section 925 of the *Local Government Act* as amended from time to time, Council may require the Development Permit applicant to provide security with respect to landscaping or unsafe conditions through, at the applicant's option, either:

- (a) an irrevocable letter of credit; or
- (b) cash

6. Chief Administrative Officer Issues Permit

If the application is approved by Council resolution, the Chief Administrative Officer prepares the final Development Permit. The Permit is issued and a record is prepared of the Development Permit for the Owner and the District's files. A building permit may be issued at this time.

7. Chief Administrative Officer Files Notice with the Appropriate Land Titles Office

Pursuant to Section 927 of the *Local Government Act* as amended from time to time, when the District issues a Development Permit, the Chief Administrative Officer must file notice with the appropriate Land Titles Office that the land described in the notice is subject to a Development Permit. On filing, the registrar will make a note of the filing against the title to the land affected.

8. Use of Security

As per Section 925 of the *Local Government Act*, as amended from time to time, if the Council considers that:

- (a) a condition in a permit respecting landscaping and including paving has not been satisfied;
- (b) an unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- (c) damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

the Council will:

- (a) undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment;
- (b) apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit; and
- (c) consider any shortfall in funds to complete the works, construction or other activities as an amount due and payable by the holder of the permit.

As a general guideline, the amount of security should be adequate to undertake all works that may be in default, all landscaping, all work that may be required to rectify any potential unsafe conditions, and all work required to restore a site to its original condition.

Pursuant to Section 920 of the *Local Government Act*, as amended from time to time, Council may specify other conditions under which the development permit may be carried on.

**DISTRICT OF CHETWYND
BYLAW NO. 917, 2010**

DEVELOPMENT VARIANCE PERMITS

SECTION “3”

SCOPE:

Development Variance Permits may, by Council resolution, vary the provisions of a number of District bylaws. These provisions may pertain to:

- (a) zoning (e.g.: setback and height restrictions);
- (b) parking (e.g.: number of spaces required);
- (c) signage (e.g.: size, materials);
- (d) subdivision servicing (e.g.: services required, pipe size);
- (e) mobile home parks (e.g.: setback and separation regulations);
- (f) other regulatory bylaws.

Development Variance Applications cannot vary the use or density of land or flood plain specifications, pursuant to Section 922 of the *Local Government Act*, as amended from time to time.

If the application deals with issues of use or density, the applicant may wish to consider other avenues. These can include:

- (a) Zoning Bylaw amendments; and
- (b) Official Community Plan amendments.

FLOWCHART
Procedures for Development Variance Permit Applications

Applicant submits application to Chief Administrative Officer



Preliminary review with Council (optional)



District staff and government agencies review application



Application submitted to Council Meeting for Review
(owner/developer may be asked to attend meeting)



Council denies application or gives approval to proceed with notices (sets date for consideration of application – notices sent)



Council considers application, technical reports and input from public



Council may deny or approve application



If approved, applicant submits required security



Chief Administrative Officer prepares final permit, issues permit and prepares record for applicant and District files



Chief Administrative Officer files Notice with Land Titles Office

Development Variance Permit Procedure

The general process for issuing a Development Variance Permit is identified below.

1. Applicant Submits Application to the Chief Administrative Officer

The applicant holds a preliminary discussion with the Chief Administrative Officer to determine if the application is consistent with the requirements established by the District's bylaws & policies. If the application is consistent with those requirements, the applicant may complete the form, "Application for a Development Variance Permit".

The applicant must submit the application with the following:

- (a) the \$350.00 application fee;
- (b) State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, charges and liens, etc;
- (c) a completed Application Form;
- (d) a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
- (e) two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
 - (i) legal information;
 - (ii) setbacks;
 - (iii) parking;
 - (iv) access;
 - (v) the outer perimeter of buildings and all structures;
 - (vi) significant topographic features or watercourses;
 - (vii) any elevations, cross sections or detailed drawings which may be relevant; and
 - (viii) any other information required to support the application.

2. Preliminary Review with Council

Before proceeding with this application further, a preliminary review may be conducted with Council to ensure Council's conceptual support for the development variance being requested.

3. Chief Administrative Officer and Government Agencies Review Application

Once the completed application package is received, the Chief Administrative Officer consults with other District departments and prepares a technical report assessing the application according to the criteria set out in the Development Variance Permit section of the District of Chetwynd Official Community Plan. A preliminary review of the application may be made with Council prior to agency referrals.

The technical report should assess the application for presentation to Council. It will consider the nature of the application and its potential impact on adjacent properties with respect to:

- (a) views and privacy;
- (b) health and safety;
- (c) site rehabilitation plans;
- (d) height;
- (e) setbacks;
- (f) linkages to parks, walkways and green ways; and
- (g) basic infrastructure.

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application may be held until the required information is submitted.

It may be necessary to refer the Development Variance Permit application to outside agencies whose interests may be affected. These agencies may include but should not be limited to:

- (a) Ministry of Transportation and Infrastructure (e.g.: highway access required or within 800m of Highway #29 and/or Highway #97 if variance to zoning regulations);
- (b) Ministry of Environment (e.g.: air or water emissions);
- (c) Ministry of Health (e.g.: air or water emissions);
- (d) Agricultural Land Commission (e.g.: agricultural land involved);
- (e) Peace River Regional District (e.g.: impacts on lands within Regional District).

4. District Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to the District Council for review and consideration:

- (a) application form;
- (b) technical review; and
- (c) agency comments.

Upon review of the application, Council has three (3) options including:

- (a) if the application is acceptable, authorizing staff to prepare the draft permit and to notify the public of Council's intention to issue the permit; or
- (b) if necessary, requesting additional information from the applicant; or
- (c) if the application is unacceptable, denying the application.

5. District Council Denies Application

If the application is denied, the applicant may not reapply for a Development Variance Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*, as amended from time to time.

6. Upon Preliminary Approval, Chief Administrative Officer Notifies Property Owners of Permit Application

If Council authorizes the Chief Administrative Officer to notify property owners of their intent to issue the Permit, notice must be given in accordance with the provisions of Section 922 of the *Local Government Act* as amended from time to time.

The notice shall state:

- (a) in general terms, the purpose of the proposed Development Variance Permit;
- (b) the land or lands that are subject to the proposed Development Variance Permit;
- (c) the place where, and the times when, copies of the proposed Development Variance Permit may be inspected; and
- (d) the date, time and place where the resolution will be considered.

The notice must be mailed or otherwise delivered at least ten (10) days before adoption of the resolution to:

- (a) the owners as shown on the assessment role on the date of application for the Development Variance Permit; and
- (b) any tenants in occupation, on the date of the mailing or delivery of the notice, to all parcels which are:
 - (i) the subject of the Development Variance Permit; or
 - (ii) directly adjacent to the property subject to the Development Variance application.

Additionally, notice of the intent to consider the Development Variance Permit application shall be advertised in a local newspaper, not less than ten (10) days before the date upon which the Development Variance Permit will be considered by the Council.

7. District Council Holds Final Review of Application

Once Council considers the application and input from the public, it has three (3) options, including:

- (a) by resolution, issuing the Development Variance Permit (as amended if required); or
- (b) requesting additional information or minor adjustments; or
- (c) refusing to issue the Development Variance Permit.

8. District Council Denies Application

If the application is denied, the applicant may not reapply for a Development Variance Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*, as amended from time to time.

9. Upon Approval, Applicant Submits Required Security

Pursuant to Section 925 of the *Local Government Act* as amended from time to time, Council may require the Development Variance Permit applicant to provide security with respect to landscaping or unsafe conditions through, at the applicant's option, either:

- (a) an irrevocable letter of credit; or
- (b) cash

10. Chief Administrative Officer Issues Permit

If the application is approved by Council resolution, the Chief Administrative Officer prepares the final Development Variance Permit.

The Permit is issued and a record is prepared of the Development Variance Permit for the Owner and the District's files. A building permit may be issued at this time.

11. Chief Administrative Officer Files Notice with the Appropriate Land Titles Office

Pursuant to Section 927 of the *Local Government Act*, as amended from time to time, when the District issues a Development Variance Permit, the Chief Administrative Officer must file notice with the appropriate Land Titles Office that the land described in the notice is subject to a Development Variance Permit. On filing, the registrar will make a note of the filing against the title to the land affected.

12. Use of Security

As per Section 925 of the *Local Government Act*, as amended from time to time, if the Council considers that:

- (a) a condition in a permit respecting landscaping and including paving has not been satisfied;
- (b) an unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- (c) damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

the Council will:

- (a) undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment;
- (b) apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit; and
- (c) consider any shortfall in funds to complete the works, construction or other activities as an amount due and payable by the holder of the permit.

As a general guideline, the amount of security should be adequate to undertake all works that may be in default, all landscaping, all work that may be required to rectify any potential unsafe conditions, and all work required to restore a site to its original condition.

Pursuant to Section 922 of the *Local Government Act*, as amended from time to time, Council may specify other conditions under which the development variance permit may be carried on.

**DISTRICT OF CHETWYND
BYLAW NO. 917, 2010**

TEMPORARY COMMERCIAL AND INDUSTRIAL PERMITS

SECTION “4”

SCOPE:

Temporary Commercial and Industrial Permits provide the property owner with the authority to conduct industrial or commercial uses on a temporary basis.

Staff may only accept applications for a Temporary Commercial and Industrial Permit in area designated for this use in the Official Community Plan or Zoning Bylaw, pursuant to Section 921 of the *Local Government Act* as amended from time to time.

FLOWCHART
Procedures for Temporary Commercial and Industrial Permits

Applicant submits application to Chief Administrative Officer



Preliminary review with Council (optional)



District staff and government agencies review application



Application submitted to Council Meeting for review
(owner/developer may be asked to attend meeting)



Council denies application or gives approval to proceed with notices
(sets date for consideration of application – notices sent)



Council considers application, technical reports and report from public meeting



Council may deny or approve application



If approved, applicant submits required security



Chief Administrative Officer prepares final permit, issues permit and prepares record for
applicant and District files



Chief Administrative Officer files Notice with Land Titles Office

Temporary Commercial and Industrial Permits Procedure:

The general process for issuing a Temporary Commercial and Industrial Permit is identified below.

1. Applicant Submits Application to the Chief Administrative Officer (CAO)

The applicant has a preliminary discussion with the Chief Administrative Officer. At that time the CAO must confirm that the site is located within a Temporary Commercial and Industrial Permit area by referring to the District of Chetwynd Official Community Plan or Zoning Bylaw. The general policies and conditions for temporary uses will provide guidance while reviewing the feasibility of the proposal.

If it is determined that the application is consistent with the requirements set out above, the applicant may complete the form, “Application for a Temporary Commercial and Industrial Permit”.

The applicant must submit the application with the following:

- (a) the \$500.00 application fee;
- (b) State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner’s name, charges and liens, etc;
- (c) a completed Application Form;
- (d) a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
- (e) two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
 - (i) legal information;
 - (ii) set backs;
 - (iii) parking;
 - (iv) access;
 - (v) outer perimeter of buildings and structures;
 - (vi) significant topographic features or watercourses;
 - (vii) any elevations cross sections or detailed drawings which may be relevant; and
 - (viii) any other information required to support the application.

2. Preliminary Review with Council

Before proceeding with this application further, a preliminary review may be conducted with Council to ensure Council’s conceptual support for the temporary commercial or industrial use being requested.

3. Chief Administrative Officer and Government Agencies Review Application

Once the completed application package is received, the Chief Administrative Officer consults with other District departments and prepares a technical report. The technical report should assess the application for presentation to Council. It will consider the nature of the application and its potential impact on adjacent properties with respect to:

- (a) views and privacy;
- (b) appropriateness of use;
- (c) the times of day the use will occur;
- (d) length of use;
- (e) season of use;
- (f) health and safety;
- (g) screening;
- (h) site rehabilitation plans;
- (i) height and setbacks;
- (j) impacts on adjacent properties; and
- (k) basic infrastructure .

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application can be delayed until the required information is submitted.

It may be necessary to refer the request for a Temporary Commercial and Industrial Permit application to outside agencies whose interests may be affected, these agencies may include but should not be limited to:

- (a) Ministry of Transportation and Infrastructure (e.g. highway access required, subject property is within 800m of Highway # 29 and Highway # 97);
- (b) Ministry of Environment (e.g. air or water emissions);
- (c) Ministry of Health (e.g. air or water emissions);
- (d) Agricultural Land Commission (e.g. agricultural land involved);
- (e) Peace River Regional District (e.g. impact on lands within regional district).

4. District Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to District Council for review and consideration:

- (a) application form;
- (b) technical review; and
- (c) agency comments.

Upon review of the application, Council has three (3) options including:

- (a) if the application is acceptable, authorizing staff to prepare the draft permit and advertise the Council's intention to issue the permit; or

- (b) if necessary, requesting additional information from the applicant; or
- (c) if the application is unacceptable, denying the application.

5. District Council Denies Application

If the application is denied, the applicant may not reapply for a Temporary Commercial and Industrial Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*.

6. District Advertises Notice in Newspaper

When Council proposes to pass a resolution to issue a Temporary Commercial and Industrial Permit, the Chief Administrative Officer must give notice according to the provisions of Section 921 of the *Local Government Act*, as amended from time to time. The notice shall state:

- (a) in general terms, the purpose of the proposed Temporary Commercial and Industrial Permit;
- (b) the land or lands that are subject to the proposed Temporary Commercial and Industrial Permit;
- (c) the place where, and the times when, copies of the proposed Temporary Commercial and Industrial Permit may be inspected; and
- (d) the date, time and place where the resolution will be considered.

The notice shall also be published in a newspaper not less than three (3) days, nor more than fourteen (14) days before the adoption of the resolution to issue the Temporary Commercial and Industrial Permit.

7. District Council Holds Final Review of Application

Once Council considers the application and input from the public, it has three (3) options, including:

- (a) by resolution, issuing the Temporary Commercial and Industrial Permit (as amended if required); or
- (b) requesting additional information or minor adjustments; or
- (c) refusing to issue the Temporary Commercial and Industrial Permit.

8. Council Denies Application

If the application is denied, the applicant may not reapply for a Temporary Commercial and Industrial Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*.

9. Upon Approval Applicant Submits Required Security

Pursuant to Section 925 of the *Local Government Act* as amended from time to time, Council may require the Temporary Commercial and Industrial Permit applicant to provide security with respect to landscaping or unsafe conditions through, at the applicant's option, either:

- (a) an irrevocable letter of credit; or
- (b) cash.

10. Chief Administrative Officer Issues Permit

If the application is approved by Council resolution, the Chief Administrative Officer prepares the final Temporary Commercial and Industrial Permit. Once the necessary approvals are received, the Permit is issued and a record is prepared of the Temporary Commercial and Industrial Permit for the applicant and the District's files. A building permit may be issued at this time.

11. Chief Administrative Officer Files Notice with the Appropriate Land Titles Office

Pursuant to Section 927 of the *Local Government Act* as amended from time to time, when the District issues a Temporary Commercial and Industrial Permit, the Chief Administrative Officer must file notice with the appropriate Land Title Office that the land described in the notice is subject to the Temporary Commercial and Industrial Permit. On filing, the Registrar will make a note of the filing against the title of the land affected.

12. Use of Security

As per Section 925 of the *Local Government Act*, as amended from time to time, if the Council considers that:

- (a) a condition in a permit respecting landscaping and including paving has not been satisfied;
- (b) an unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- (c) damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

the Council will:

- (a) undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment;
- (b) apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit; and
- (c) consider any shortfall in funds to complete the works, construction or other activities as an amount due and payable by the holder of the permit.

Pursuant to Section 921 of the *Local Government Act* in addition to any security required above, Council may require as a condition of issuing the permit, that the owner of the land give the local government security to guarantee the performance of the terms of the permit.

As a general guideline, the amount of security should be adequate to undertake all works that may be in default, all landscaping, all work that may be required to rectify any potential unsafe conditions, and all work required to restore a site to its original condition.

Pursuant to Section 921 of the *Local Government Act*, as amended from time to time, Council may specify other conditions under which the temporary commercial or industrial use may be carried on.

**DISTRICT OF CHETWYND
BYLAW NO. 917, 2010**

ZONING BYLAW AMENDMENTS

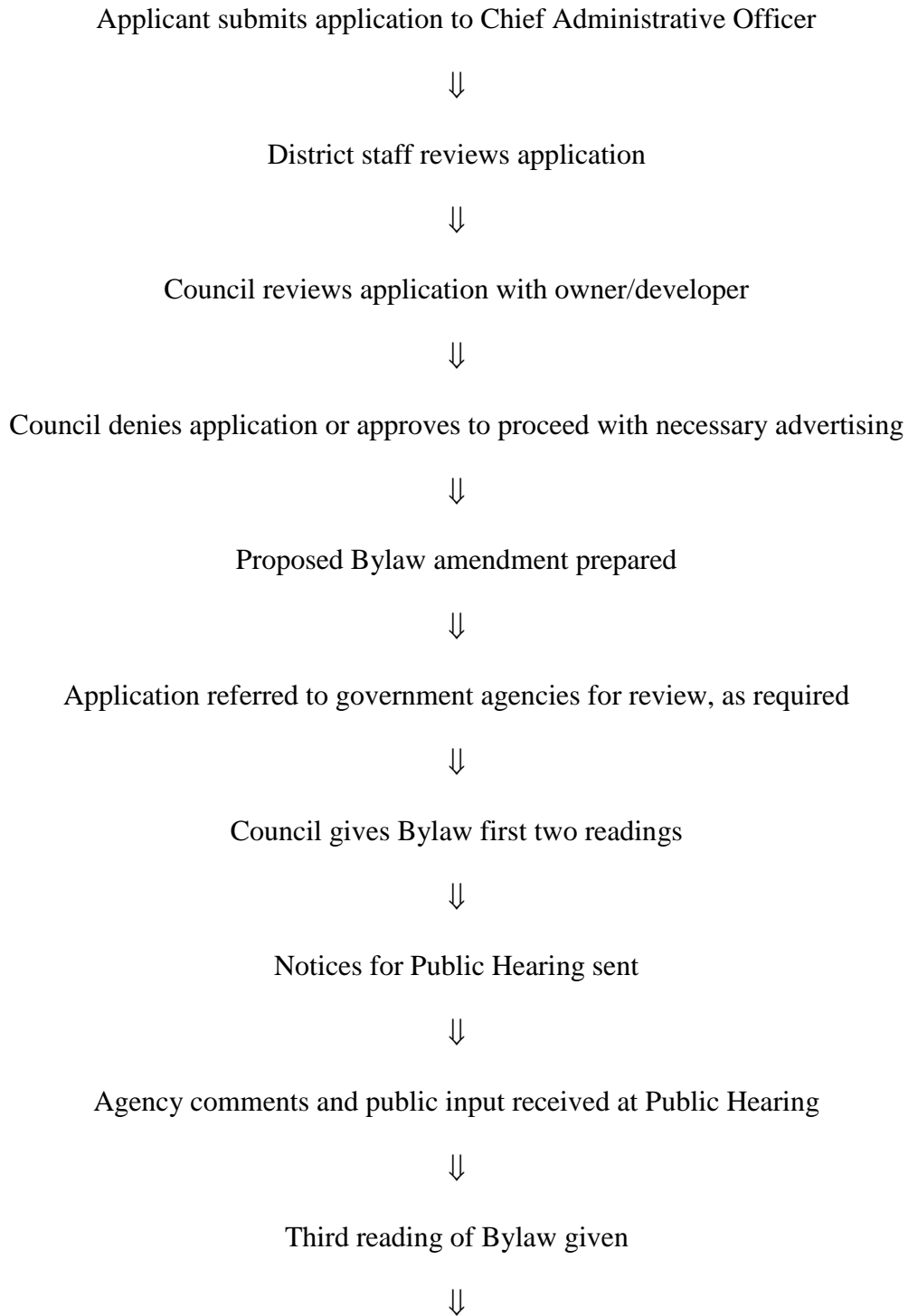
SECTION “5”

SCOPE:

The District may amend any provision of its Zoning Bylaw. However, prior to initiating any change, it is important to determine how the District of Chetwynd Official Community Plan applies to the subject property. Generally speaking, it must be determined if the proposed amendment is consistent with the provisions of the District’s Official Community Plan.

In the event the proposed amendment contradicts the provisions of the Official Community Plan, an amendment to the Official Community Plan is required. This can be conducted either concurrent with or before any Zoning Bylaw amendment.

FLOWCHART
Procedures for Zoning Bylaw Amendment Applications



Bylaw referred to Ministry of Transportation for signature, where applicable



Council adopts Bylaw



Owner notified of Bylaw completion

Note: Council may elect not to proceed with the Bylaw at any stage of the process.

Zoning Amendments Bylaw Procedure:

The general procedure for amendments to Zoning Bylaws is identified below.

1. Applicant Submits Application to the Chief Administrative Officer

The applicant has a preliminary discussion with the Chief Administrative Officer. If it is determined that the applicant requires a Zoning Bylaw amendment, the applicant may complete the form, "Application for a Zoning Bylaw Amendment".

The applicant must submit the application with the following:

- (a) the \$500.00 application fee, (see section 16);
- (b) State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, charges and liens, etc;
- (c) a completed Application Form;
- (d) a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
- (e) two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
 - (i) legal information;
 - (ii) setbacks;
 - (iii) parking;
 - (iv) access;
 - (v) the outer perimeter of buildings and all structures;
 - (vi) significant topographic features or watercourses;
 - (vii) any elevations, cross sections or detail drawings which may be relevant; and
 - (viii) any other information required to support the application.

2. Chief Administrative Officer Reviews Application

Once the completed application package is received, the Chief Administrative Officer consults with other District departments and prepares a technical report. The technical report should assess the application for presentation to Council.

Council will consider the nature of the application and its potential impact on adjacent properties with respect to:

- (a) appropriateness of use;
- (b) past precedents;
- (c) Council policy; and
- (d) compliance with the Official Community Plan.

The technical report must also consider the general nature and appropriateness of the proposal, and the potential impact of the application on adjacent properties with respect to:

- (a) land use;
- (b) views and privacy;
- (c) health and safety;
- (d) height;
- (e) setbacks;
- (f) basic infrastructure; and
- (g) other impacts on adjacent properties.

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application may be delayed until the required information is submitted.

3. District Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to District Council for review and consideration:

- (a) application form;
- (b) technical review; and
- (c) agency comments.

Upon review of the application, Council has three (3) options, including:

- (a) if satisfied, beginning the referral process as outlined below; or
- (b) requesting additional information, if required; or
- (c) if dissatisfied, denying the application.

4. District Council Denies Application

If Council denies the application, the applicant may not reapply for an amendment to the Zoning Bylaw until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*, as amended from time to time.

5. Chief Administrative Officer Refers Application to Government Agencies and Prepares Amending Bylaw

If Council chooses the referral process, the Chief Administrative Officer will refer the application to Government Agencies that may include, but should not be limited to:

- (a) Ministry of Transportation and Infrastructure (e.g.: highway access required, subject property is within 800m of Highway #29 and/or Highway #97);
- (b) Ministry of Environment (e.g.: air or water emissions);

- (c) Ministry of Energy, Mines & Petroleum Resources (e.g.: gravel pit);
- (d) Agricultural Land Commission (e.g.: agricultural land involved);
- (e) Peace River Regional District (e.g.: impacts on lands within the regional district).

6. Chief Administrative Officer Submits Amending Bylaw to District Council

Once the recommendations and comments are received from government agencies, the Chief Administrative Officer prepares the following for submission to the Council:

- (a) the amending bylaw; and
- (b) recommendations/comments from the government agencies.

7. Council Considers Giving Bylaw First and Second Readings

Council considers the Zoning Amendment and proceeds with one of the following options:

- (a) giving the Bylaw First and Second readings; or
- (b) requesting additional information or minor adjustments; or
- (c) tabling the Bylaw; or
- (d) refusing First and Second readings and defeating the Bylaw.

8. Council Defeats Bylaw

If Council denies the application, the applicant may not reapply for an amendment to the Zoning Bylaw until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*, as amended from time to time.

9. Upon First and Second Readings, Chief Administrative Officer Advertises Notice in Newspaper

Pursuant to Section 890 of the *Local Government Act*, as amended from time to time, Council must hold a Public Hearing if it intends to proceed with the application. Prior to a Public Hearing, the Chief Administrative Officer must advertise the Hearing in not less than two (2) consecutive issues of a newspaper. Pursuant to Section 892 of the *Local Government Act*, as amended from time to time, the notice shall state:

- (a) the time and date of the Hearing;
- (b) the place of the Hearing;
- (c) in general terms, the purpose of the amending Zoning Bylaw;
- (d) the land or lands that are subject to the amending Zoning Bylaw; and
- (e) the place where, and the times and dates when, copies of the proposed Bylaw may be inspected.

Where the amendment alters the permitted use or density of the Zoning Bylaw affecting the subject area, pursuant to Section 892 of the *Local Government Act*, as amended from time to time, the Chief Administrative Officer must also mail or otherwise deliver notices to:

- (a) the owners as shown on the assessment roll on the date of application for the amendment; and
- (b) any tenants in occupation, on the date of the mailing or delivery of the notice, of all parcels, any part of which is:
 - (i) the subject of the amending Zoning Bylaw; or
 - (ii) directly adjacent to the property subject to the rezoning application.

Pursuant to Section 892 of the *Local Government Act*, as amended from time to time, Council is not required to send notification if the amending Zoning Bylaw applies to ten (10) or more parcels owned by ten (10) or more persons.

If the amending Zoning Bylaw is consistent with the Official Community Plan, Council may waive the Public Hearing. However, waiving of a Public Hearing is a rare occurrence and should only be done in consultation with the District's Solicitor. If a Public Hearing is waived, the Chief Administrative Officer must still advertise and mail notices of the amending Zoning Bylaw, in accordance with Section 893 of the *Local Government Act*, as amended from time to time.

10. Council Holds Public Hearing

When the Public Hearing is held, eligible parties are given an opportunity to speak before Council. Once this occurs, Council must officially adjourn the Hearing before convening again to address the application. Council may reconvene on the same day of the Hearing.

11. Council Gives Third Reading of Bylaw

District Council gives Third Reading of the Bylaw. Prior to this task, Council may consider other factors potentially affecting the Bylaw. This is done by ensuring:

- (a) regulations in other District Bylaws have been met (e.g.: subdivision servicing);
- (b) all guidelines set out in Development Permit area (DPA's) affecting the subject property are met (if the subject property is located within a DPA);
- (c) response received at the Public Hearing has been considered; and
- (d) the complexity of the proposal is considered.

12. Council Defeats Bylaw

If Council denies the application, the applicant may not reapply for an amendment to the Zoning Bylaw until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*, as amended from time to time.

13. Upon Third Reading, Chief Administrative Officer Refers Amending Bylaw to the Ministry of Transportation

If the amending Zoning Bylaw is given Third Reading and it applies to an area within eight hundred (800) metres of a controlled access highway (Highway #29 and/or Highway #97), it must be referred to the Regional Approving Officer at the Ministry of Transportation and Infrastructure for approval, pursuant to Section 54 of the *Highways Act*.

14. Council Adopts Bylaw

Once the necessary provincial approvals are in place, the amending Zoning Bylaw can be considered and adopted by Council.

15. Upon Adoption, Chief Administrative Officer Notifies the Applicant

The Chief Administrative Officer will notify the applicant of the final disposition of the Bylaw.

16. Amendment to the District's Official Community Plan

Where an application is made for an amendment to the District's Official Community Plan at the same time as an amendment to the Zoning Bylaw, a combined fee of \$850.00 will be charged.

**DISTRICT OF CHETWYND
BYLAW NO. 917, 2010**

OFFICIAL COMMUNITY PLAN AMENDMENTS

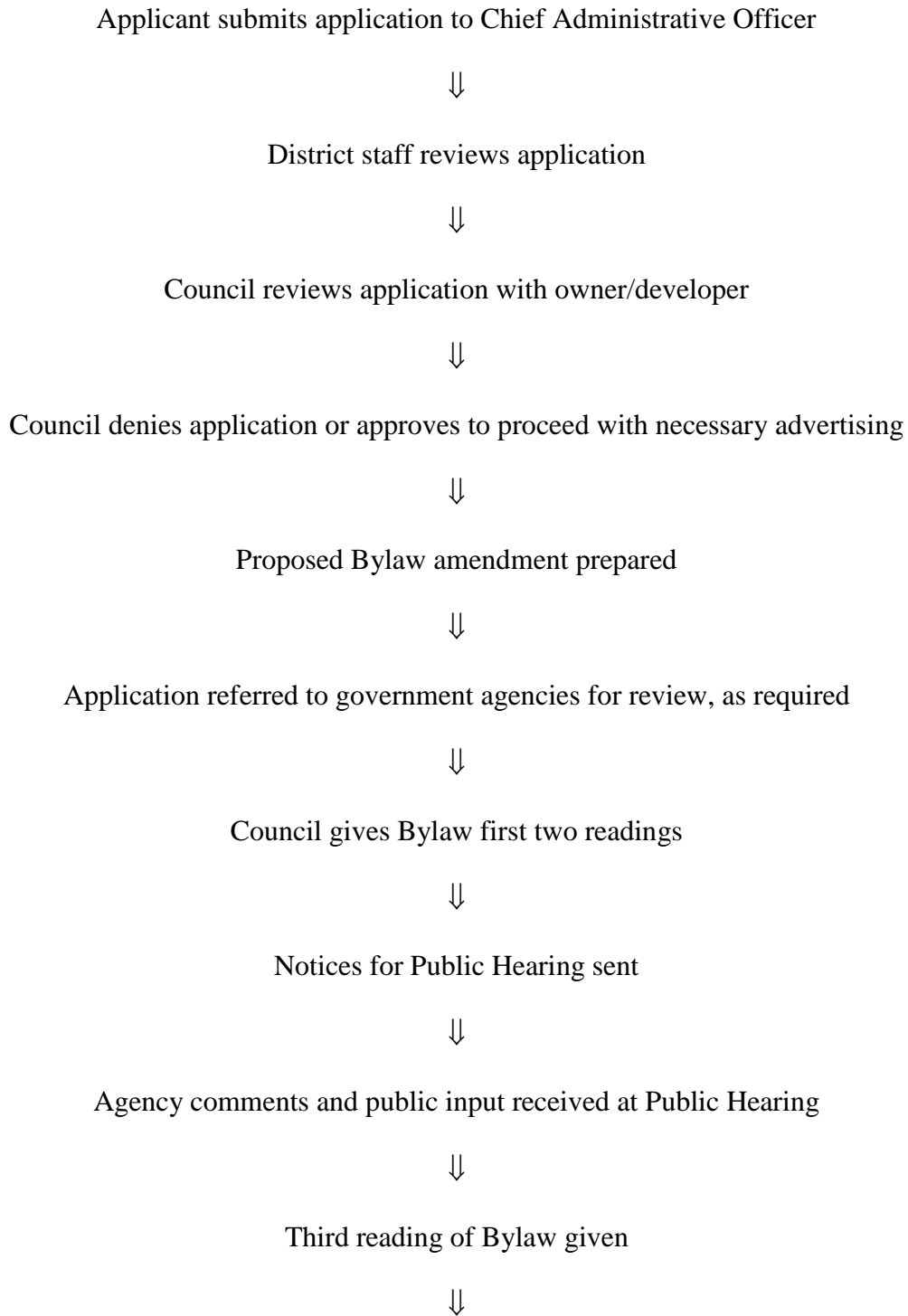
SECTION “6”

SCOPE:

An Official Community Plan (OCP) is a general statement of Council’s broad objectives and policies. These objectives and policies address the form and character of existing and proposed land use in the area covered by the OCP.

The Chief Administrative Officer may accept an application to amend any provision of the OCP.

FLOWCHART
Procedures for Official Community Plan Amendment Applications



Bylaw referred to appropriate Ministries for signature, as required



Council adopts Bylaw



Owner notified of Bylaw completion

Note: Council may elect not to proceed with the Bylaw at any stage of the process.

Official Community Plan Amendments:

PROCEDURE:

The general procedure for amendments to the District's Official Community Plan (OCP) is identified below.

1. Applicant Submits Application to the Chief Administrative Officer

The applicant has a preliminary discussion with the Chief Administrative Officer. If it is determined that the applicant requires an OCP amendment, the applicant may complete the form, "Application for an Official Community Plan Amendment".

The Applicant must submit the application with the following;

- (a) the \$500.00 application fee, (see Section 15);
- (b) State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, charges and liens, etc;
- (c) a completed Application Form;
- (d) a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
- (e) two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
 - (i) legal information;
 - (ii) setbacks;
 - (iii) parking;
 - (iv) access;
 - (v) the outer perimeter of buildings and all structures;
 - (vi) significant topographic features or watercourses;
 - (vii) any elevations, cross sections or detail drawings which may be relevant; and
 - (viii) any other information required to support the application.

2. Chief Administrative Officer Review Application

Once the completed application package is received, the Chief Administrative Officer consults with other District departments and prepares a technical report.

The technical report should assess the application for presentation to Council. The assessment should be conducted according to the objectives and policies set out in the District's Official Community Plan. It will consider the nature of the application and its potential impact on adjacent properties with respect to:

- (a) land use;
- (b) views and privacy;
- (c) health and safety;

- (d) site rehabilitation plans;
- (e) height;
- (f) setbacks;
- (g) basic infrastructure; and
- (h) other impacts on adjacent properties.

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application may be delayed until the required information is submitted.

3. District Council Reviews Application with Developer/Owner

When necessary information has been received, the following must be submitted to Council for review and consideration:

- (a) application form;
- (b) technical review; and
- (c) agency comments.

Upon review of the application, Council has three (3) options, including:

- (a) if satisfied, beginning the referral process as outlined below; or
- (b) requesting additional information; or
- (c) if dissatisfied, denying the application.

4. District Council Denies Application

If Council denies the application, the applicant may not reapply for an amendment to the Official Community Plan until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*, as amended from time to time.

5. Chief Administrative Officer refers Application to Government Agencies and prepares Amending Bylaw

The Chief Administrative Officer may refer the application to Government Agencies that may include, but should not be limited to:

- (a) Ministry of Transportation and Infrastructure (eg. Highway access required, subject property is within 800 m of Highway #29 and/or Highway #97);
- (b) Ministry of Environment (eg. Air or water emissions);
- (c) Ministry of Energy, Mines & Petroleum Resources (eg. gravel pit);
- (d) Agricultural Land Commission (eg. agricultural land involved);
- (e) Peace River Regional District (e.g.: impacts on lands within the regional district).

6. Chief Administrative Officer Submits amending Bylaw to District Council

Once the recommendations and comments are received from government agencies, the Chief Administrative Officer prepares the following for submission to the Council:

- (a) the amending Bylaw; and
- (b) recommendations/comments from the government agencies.

7. District Council Considers giving Bylaw First and Second Readings

Council considers one of the following options for the amending OCP Bylaw:

- (a) giving the Bylaw First and Second readings; or
- (b) requesting additional information or minor adjustments; or
- (c) tabling the Bylaw; or
- (d) refusing First and Second readings and defeating the Bylaw.

If Council wishes to advance the amending OCP Bylaw, Council gives it First Reading and examines the amending OCP Bylaw in conjunction with the District's most recent capital expenditure program and any waste management and/or economic strategy plan. The purpose of this review is to ensure consistency between the OCP and these plans. Council may then give the amending OCP Bylaw Second Reading and shall authorize the calling of a Public Hearing.

8. District Council Defeats Bylaw

If Council denies the application, the applicant may not reapply for an amendment to the OCP until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*, as amended from time to time.

9. Upon First and Second Readings, Chief Administrative Officer Advertises Notice in Newspaper

Pursuant to Section 890 of the *Local Government Act*, as amended from time to time, Council must hold a Public Hearing if it intends to proceed with the application. Prior to a Public Hearing, the Chief Administrative Officer must advertise the hearing in not less than two (2) consecutive issues of a newspaper. Pursuant to Section 892 of the *Local Government Act*, as amended from time to time, the notice shall state:

- (a) the time and date of the Hearing;
- (b) the place of the Hearing;
- (c) in general terms, the purpose of the amending Bylaw;
- (d) the land or lands that are subject to the amending Bylaw; and
- (e) the place where, and the times and dates when, copies of the proposed Bylaw may be inspected.

Where the amendment alters the permitted use or density of the Official Community Plan affecting the subject area, pursuant to Section 892 of the *Local Government Act*, as amended from time to time, the Chief Administrative Officer must also mail or otherwise deliver notices to:

- (a) the owners as shown on the assessment roll on the date of application for the amendment; and
- (b) any tenants in occupation, on the date of the mailing or delivery of the notice, of all parcels, any part of which is:
 - (i) the subject of the amending Official Community Plan; or
 - (ii) directly adjacent to the property subject to the Official Community Plan amendment.

Pursuant to Section 892 of the *Local Government Act*, as amended from time to time, Council is not required to send notification if the amending Official Community Plan Bylaw applies to ten (10) or more parcels owned by ten (10) or more persons.

10. District Council Holds Public Hearing

When the Public Hearing is held, eligible parties are given an opportunity to speak before Council. Once this occurs, Council must officially adjourn the Hearing before convening again to address the application. Council may reconvene on the same day of the Hearing.

11. District Council Gives Third Reading of Bylaw

Council gives Third Reading of the Bylaw. Prior to this task, Council may consider other factors potentially affecting the Bylaw. This is done by ensuring:

- (a) regulations in other District bylaws have been met (e.g.: subdivision servicing);
- (b) all guidelines set out in Development Permit Area (DPA) affecting the subject property are met (if the subject property is located within a DPA);
- (c) response received at the Public Hearing has been considered; and
- (d) the complexity of the proposal is considered.

12. Council Defeats Bylaw

If Council denies the application, the applicant may not reapply for an amendment to the OCP until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*, as amended from time to time.

13. Upon Third Reading, Council can Proceed with Reconsideration and Adoption of the Bylaw

14. Upon Adoption, Chief Administrative Officer Notifies the Applicant

Chief Administrative Officer will notify the applicant of the final disposition of the Bylaw.

15. Amendment to the District's Zoning Bylaw

Where an application is made for an amendment to the District's Zoning Bylaw at the same time as an amendment to the Official Community Plan, a combined fee of \$850.00 will be charged.

**DISTRICT OF CHETWYND
DEVELOPMENT PROCEDURES BYLAW NO. 917, 2010**

SCHEDULE "A"

APPLICATION FOR A DEVELOPMENT PERMIT

I/We hereby make application for a Development Permit.

1. Name of Applicant(s): _____
2. Address: _____ Folio # _____
3. Telephone Number: Business: _____ Residence: _____
4. Name of Owner(s): _____
(If different from Applicant)
5. Address: _____
6. Legal Description of Property: _____

7. Street Address of Property: _____
8. Existing Use of Subject Property: _____
9. Existing Use of Adjacent Property: North: _____
 South: _____
 East: _____
 West: _____
10. Official Community Plan Map Designation: _____
11. Present Zoning: _____

12. Detailed Description of Permit:

Attach two (2) Site Plans. Site plan should illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings.

13. The following items are attached:

- Application Fee of \$250.00
- Current, date stamped State of Title Certificate
- Letter of Consent from the Owner (if the Applicant is not the Owner)

I/WE HEREBY DECLARE THAT THE ABOVE STATEMENTS AND THE INFORMATION CONTAINED IN THE MATERIAL SUBMITTED IN SUPPORT OF THIS APPLICATION ARE TO THE BEST OF MY/OUR BELIEF TRUE AND CORRECT IN ALL RESPECTS.

Dated this _____ day of _____, 20__.

Print Name of Applicant

Signature of Applicant

Print Name of Applicant

Signature of Applicant

NOTES:

1. The Local Government Act states that a development permit shall not vary:
 - (a) The use or density of land from that specified in the Bylaw; or
 - (b) A flood plain specification
2. Prior to the issuance of a Development Permit, the District may require, as a condition of issuing the Permit, security to guarantee the performance of obligations under the Permit.

**DISTRICT OF CHETWYND
DEVELOPMENT PROCEDURES BYLAW NO. 917, 2010**

SCHEDULE "B"

APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT

I/We hereby make application for a Development Variance Permit.

1. Name of Applicant(s): _____
2. Address: _____ Folio # _____
3. Telephone Number: Business: _____ Residence: _____
4. Name of Owner(s): _____
(If different from Applicant)
5. Address: _____
6. Legal Description of Property: _____

7. Street Address of Property: _____
8. Existing Use of Subject Property: _____
9. Existing Use of Adjacent Property: North: _____
South: _____
East: _____
West: _____
10. Official Community Plan Map Designation: _____
11. Present Zoning: _____
12. The Development Variance(s) requested vary the provisions of the following District Bylaws:

| <u>District Bylaw</u> | <u>Variance Requested</u> | <u>Applicable Sections</u> |
|--------------------------------------|---------------------------|----------------------------|
| Zoning | _____ | _____ |
| Subdivision Control And Servicing | _____ | _____ |

13. Detailed Description of Variance:

Attach two (2) Site Plans. Site plan should illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings.

14. The following items are attached:

- Application Fee of \$350.00
- Current, date stamped State of Title Certificate
- Letter of Consent from the Owner (if the Applicant is not the Owner)

I/WE HEREBY DECLARE THAT THE ABOVE STATEMENTS AND THE INFORMATION CONTAINED IN THE MATERIAL SUBMITTED IN SUPPORT OF THIS APPLICATION ARE TO THE BEST OF MY/OUR BELIEF TRUE AND CORRECT IN ALL RESPECTS.

Dated this _____ day of _____, 20__.

Print Name of Applicant

Signature of Applicant

Print Name of Applicant

Signature of Applicant

NOTE:

1. The Local Government Act states that a development permit shall not vary:
 - (a) The use or density of land from that specified in the Bylaw; or
 - (b) A flood plain specification
2. Prior to the issuance of a Development Variance Permit, the Village may require, as a condition of issuing the Permit, security to guarantee the performance of obligations under the Permit.

**DISTRICT OF CHETWYND
DEVELOPMENT PROCEDURES BYLAW NO. 917, 2010**

SCHEDULE "C"

APPLICATION FOR A TEMPORARY COMMERCIAL AND INDUSTRIAL PERMIT

I/We hereby make application for a Temporary Commercial and Industrial Permit.

1. Name of Applicant(s): _____
2. Address: _____ Folio #: _____
3. Telephone Number: Business: _____ Residence: _____
4. Name of Owner(s): _____
(If different from Applicant)
5. Address: _____
6. Legal Description of Property: _____

7. Street Address of Property: _____
8. Existing Use of Subject Property: _____
9. Existing Use of Adjacent Property: North: _____
South: _____
East: _____
West: _____
10. Official Community Plan Map Designation: _____
11. Present Zoning: _____
12. Detailed Description of Permit:

Attach two (2) Site Plans. Site plan should illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings.

13. Estimated date when Temporary Use will cease: _____

14. Proposed Water Supply: _____

15. Proposed Sewage Disposal: _____

16. Proposed Solid Waste Disposal: _____

17. Proposed Access and Parking: _____

18. The following items are attached:

- Application Fee of \$500.00
- Current, date stamped State of Title Certificate
- Letter of Consent from the Owner (if the Applicant is not the Owner)

I/WE HEREBY DECLARE THAT THE ABOVE STATEMENTS AND THE INFORMATION CONTAINED IN THE MATERIAL SUBMITTED IN SUPPORT OF THIS APPLICATION ARE TO THE BEST OF MY/OUR BELIEF TRUE AND CORRECT IN ALL RESPECTS.

Dated this _____ day of _____, 20__.

Print Name of Applicant

Signature of Applicant

Print Name of Applicant

Signature of Applicant

NOTE:

1. Prior to the issuance of a Temporary Commercial and Industrial Permit, the District may require, as a condition of issuing the Permit, security to guarantee the performance of obligations under the Permit.

**DISTRICT OF CHETWYND
DEVELOPMENT PROCEDURES BYLAW NO. 917, 2010**

SCHEDULE "D"

APPLICATION FOR AN OCP AND/OR ZONING BYLAW AMENDMENT

I/We hereby make application to amend: Official Community Plan
 Zoning Bylaw
 Both Bylaws

1. Name of Applicant(s): _____

2. Address: _____ Folio #: _____

3. Telephone Number: Business: _____ Residence: _____

4. Name of Owner(s): _____
(If different from Applicant)

5. Address: _____

6. Legal Description of Property: _____

7. Street Address of Property: _____

8. Existing Use of Subject Property: _____

9. Existing Use of Adjacent Property: North: _____
 South: _____
 East: _____
 West: _____

10. Official Community Plan Map Designation: _____

11. Present Zoning: _____

12. Amendment Proposed:
 Official Community Plan From: _____ To: _____
 Zoning From: _____ To: _____

Other Details: _____

13. Explain purpose of Application (including intended use): _____

14. Detailed Description of Application:

Attach two (2) Site Plans. Site plan should illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings.

15. The following items are attached:

- Application Fee of \$500.00
- Application Fee of \$850.00 for a Combined Plan/Bylaw Amendment
- Current, date stamped State of Title Certificate
- Letter of Consent from the Owner (if the Applicant is not the Owner)

I/WE HEREBY DECLARE THAT THE ABOVE STATEMENTS AND THE INFORMATION CONTAINED IN THE MATERIAL SUBMITTED IN SUPPORT OF THIS APPLICATION ARE TO THE BEST OF MY/OUR BELIEF TRUE AND CORRECT IN ALL RESPECTS.

Dated this _____ day of _____, 20__.

Print Name of Applicant

Signature of Applicant

Print Name of Applicant

Signature of Applicant

**DISTRICT OF CHETWYND
DEVELOPMENT PROCEDURES BYLAW NO. 917, 2010**

SCHEDULE "E"

DEVELOPMENT PERMIT

DATE:

DEVELOPMENT PERMIT NO.

This Development Permit is hereby issued by the Council for the District of Chetwynd to:

(Permittee)

for the development of: _____

(Describe Proposal)

Subject to the following conditions:

1. This Development Permit is issued subject to compliance with all of the Bylaws of the District of Chetwynd applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to, and only to, those lands within the District described below, and to any and all buildings, structures and other development thereon:

Legal Description: _____

Municipal P.I.D.: _____

Address: _____

To permit construction of _____

3. Bylaw(s) _____ is/are hereby varied or supplemented by: _____

4. The sequence and timing of construction shall be as follows: _____

5. The following requirements are hereby imposed under Section 920 of the Local Government Act.

6. As a condition of the issuance of this Permit, as per Section 925 of the *Local Government Act*, the District is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit.

Security Deposit Amount: \$ _____

Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that, should the Permittee fail to carry out the development hereby authorized according to the terms and conditions of this Permit within the time provided, the District may use the security to carry out the work by its employees, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the times set out above, the security shall be returned to the Permittee.

There is filed accordingly:

- An Irrevocable Letter of Credit in the amount of \$ _____; or
- Cash in the amount of \$ _____.

7. As per Section 925 of the *Local Government Act*, if the District considers that:
- (a) A condition in a permit respecting landscaping and including paving has not been satisfied;
 - (b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
 - (c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

The District will:

- (a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment;
 - (b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit; and
 - (c) Consider any shortfall in funds to complete the works, construction or other activities as an amount due and payable by the holder of the permit.
8. The land described within shall be developed strictly in accordance with the terms and conditions and provisions of this permit and any plans and specifications attached to this Permit shall form part hereof.
9. This Permit is not a Building Permit.
10. If the Permittee does not commence the development permitted by this Permit within one (1) year of the date of issuance of this Permit, this permit shall lapse.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL THIS _____ DAY
OF _____, 20__.

APPROVED BY THE MINISTRY OF TRANSPORTATION ON THE _____ DAY
OF _____, 20__. (If Applicable)

ISSUED THIS _____ DAY OF _____, 20__.

Chief Administrative Officer

**DISTRICT OF CHETWYND
DEVELOPMENT PROCEDURES BYLAW NO. 917, 2010**

SCHEDULE "F"

DEVELOPMENT VARIANCE PERMIT

DATE: _____ **DEVELOPMENT PERMIT NO.** _____

This Development Variance Permit is hereby issued by the Council for the District of Chetwynd to:

(Permittee)

for the development of: _____

(Describe Proposal)

Subject to the following conditions:

1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the District of Chetwynd applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to, and only to, those lands within the District described below, and to any and all buildings, structures and other development thereon:

Legal Description: _____

Municipal P.I.D.: _____

Address: _____

To permit construction of _____

3. The sequence and timing of construction shall be as follows: _____

4. The Development Variance(s) requested vary the provisions of the following District Bylaws:

5. Detailed Description of Variance:

Attach two (2) Site Plans. Site plan should illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings.

6. As per Section 922 of the *Local Government Act*, a development variance permit shall not vary:

- (a) the use or density of land from that specified in the Bylaw; or
- (b) a flood plain specification

7. As a condition of the issuance of this Permit, as per Section 925 of the *Local Government Act*, the District is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit.

Security Deposit Amount: \$_____

Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that, should the Permittee fail to carry out the development hereby authorized according to the terms and conditions of this Permit within the time provided, the District may use the security to carry out the work by its employees, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the times set out above, the security shall be returned to the Permittee.

There is filed accordingly:

- An Irrevocable Letter of Credit in the amount of \$_____; or
 Cash in the amount of \$_____.

8. As per Section 925 of the *Local Government Act*, if the District considers that:
- (a) A condition in a permit respecting landscaping and including paving has not been satisfied;
 - (b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
 - (c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

the District will:

- (a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment;
 - (b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit; and
 - (c) Consider any shortfall in funds to complete the works, construction or other activities as an amount due and payable by the holder of the permit.
9. The land described within shall be developed strictly in accordance with the terms and conditions and provisions of this permit and any plans and specifications attached to this Permit shall form part hereof.
10. This permit is not a Building Permit.

11. If the Permittee does not commence the development permitted by this within one (1) year of the date of issuance of this Permit, this permit shall lapse.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL THIS _____ DAY OF _____, 20__.

APPROVED BY THE MINISTRY OF TRANSPORTATION ON THE _____ DAY OF _____, 20__ . (If Applicable)

ISSUED THIS _____ DAY OF _____, 20__.

Chief Administrative Officer

**DISTRICT OF CHETWYND
DEVELOPMENT PROCEDURES BYLAW NO. 917, 2010**

SCHEDULE "G"

TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMIT

DATE: _____ **TEMPORARY USE PERMIT NO.** _____

This Temporary Use Permit is hereby issued by the Council for the District of Chetwynd to:

(Permittee)

for the development of: _____

(Describe Proposal)

Subject to the following conditions:

1. This Temporary Use Permit is issued subject to compliance with all of the Bylaws of the District of Chetwynd applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Use Permit applies to, and only to, those lands within the District described below, and to any and all buildings, structures and other development thereon:

Legal Description: _____

Municipal P.I.D.: _____

Address: _____

To permit construction of or use of: _____

3. Detailed description of Temporary Permit:

Attach two (2) Site Plans. Site plan should illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings.

4. This Temporary Use Permit is issued subject to the Permittee providing the following services which are applicable to temporary uses:

Approved Water Supply: _____

Approved Sewage Supply: _____

Solid Waste Disposal: _____

Approved Access & Parking: _____

5. As a condition of the issuance of this Permit, pursuant to Section 921 and 925 of the *Local Government Act*, the District is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit.

Security Deposit Amount: \$_____

Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that, should the Permittee fail to carry out the development hereby authorized according to the terms and conditions of this Permit within the time provided, the District may use the security to carry out the work by its employees, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the times set out above, the security shall be returned to the Permittee.

There is filed accordingly:

- An Irrevocable Letter of Credit in the amount of \$_____; or
 Cash in the amount of \$_____.

6. Pursuant to Section 921 (12) and Section 925 of the Local Government Act, if the District considers that:

- (a) A condition in a permit respecting landscaping and including paving has not been satisfied;
- (b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit;
- (c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit; or
- (d) Any provision in a permit relating to performance of a condition has not been met;

the District will:

- (a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the performance of a condition, correct the unsafe condition or correct the damage to the environment;
- (b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit; and
- (c) Consider any shortfall in funds to complete the works, construction or other activities as an amount due and payable by the holder of the permit.

7. The land described within shall be developed strictly in accordance with the terms and conditions and provisions of this permit and any plans and specifications attached to this permit shall form part hereof.

8. This permit is not a Building Permit.

9. If the Permittee does not commence the development permitted by this permit within one (1) year of the date of this permit, this permit shall lapse.
10. When a Permittee fails to comply with any of the conditions of this Temporary Use Permit, the District may enter on the land and carry out the demolition, removal, or restoration at the expense of the owner.
11. This Temporary Use Permit shall expire on _____. The applicant may apply to have the Temporary Use Permit renewed one (1) time only.
12. If the temporary commercial or industrial use is not discontinued as of the date specified in clause 11 (or as extended) the security outlined in clause 5 shall be forfeited.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL THIS _____ DAY
OF _____, 20__.

APPROVED BY THE MINISTRY OF TRANSPORTATION ON THE _____ DAY
OF _____, 20__. (if applicable)

ISSUED THIS _____ DAY OF _____, 20__.

Chief Administrative Officer

DISTRICT OF CHETWYND
P.O. Box 357
Chetwynd, BC
V0C 1J0

Local Government Act
Part 29

NOTICE OF PERMIT

To: **Registrar of Titles**

TAKE NOTICE that the land described below is subject to a permit issued by the District of Chetwynd.

PARTICULARS OF PERMIT

| | |
|---|---|
| Permit Description | |
| Type of permit: | <input type="checkbox"/> Development Permit <input type="checkbox"/> Development Variance Permit <input type="checkbox"/> Temporary Commercial & Industrial Permit |
| Statutory Authority: | <input type="checkbox"/> Section 920 <input type="checkbox"/> Section 922 <input type="checkbox"/> Section 921 <i>(Specify section of Local Government Act authorizing permit)</i> |
| Legal Description of Land Affected: | _____ |
| P.I.D. | _____ |
| Issue Date: | _____ |
| Expiry Date (if any): | _____ |
| | <i>(For Temporary Commercial or Industrial Permit Only)</i> |
| FURTHER PARTICULARS OF THE PERMIT MAY BE OBTAINED FROM ISSUING AUTHORITY – DISTRICT OF CHETWYND 5400 NORTH ACCESS ROAD, CHETWYND, BC DURING REGULAR OFFICE HOURS | |
| _____ | |
| _____ | |
| _____ | |

AND FURTHER TAKE NOTICE that in case of a Temporary Commercial or Industrial Permit you are hereby authorized to cancel the notation of the filing of this notice against the title to the land affected by it on or after the expiry date specified above without further application from us and we consent to a cancellation of the notation on the basis of passage of time.

DISTRICT OF CHETWYND

SEAL

Chief Administrative Officer

DATED: _____

**DISTRICT OF CHETWYND
P.O. 357
CHETWYND, BC
V0C 1J0**

NOTICE OF CANCELLATION OF REPORT

TO: Registrar of Titles

Whereas the Council of the District of Chetwynd has issued a:

- Development Permit
- Development Variance Permit

in respect of _____
P.I.D. _____
Land Title Registration # _____

and the Owner:

- Has not commenced construction within the time period allotted in the Permit; or
- Has requested cancellation of the Permit; or
- Other: _____

Notice is herewith give as to the cancellation of _____.

District of Chetwynd:

(SEAL)

Chief Administrative Officer

Dated: _____

FORM OF IRREVOCABLE LETTER OF CREDIT

(Name and Address of Bank)

No. _____

Date: _____

To: DISTRICT OF CHETWYND
P.O. Box 357
CHETWYND, BC
V0C1J0

Dear Sirs:

IRREVOCABLE LETTER OF CREDIT

We hereby authorize you to draw on _____
(Name of Bank)

_____ for the account of
(Address of Bank)

_____ (Name of Applicant, Address, Telephone No.)

up to an aggregate amount _____ available by drafts at sight
(Amount)

for 100% of value.

Purpose: _____

1. Drawings are to be made in writing to:

(Name of Bank)

(Address of Bank)

2. Partial drawings may be made.

3. The bank will not inquire as to whether or not the Municipality has a right to make demand on the Letter of Credit.

4. This Letter of Credit is irrevocable up to the expiry date.

DRAFTS MUST BE DRAWN AND NEGOTIATED NO LATER THAN

(Expiry Date)

The drafts drawn under this Credit are to be endorsed hereon and shall state on their face that they are drawn under.

(Name of Bank)

(Address of Bank)

(Bank's Letter of Credit Ref. No.)
(If one is required)

Dated: _____

Yours truly,

Bank Officer

Bank Officer

Notes to Applicant:

1. The Municipality will draw upon this Letter of Credit unless the works have been completed to the satisfaction of the Municipality or an extension of the Letter of Credit, where permitted, has been received by the Finance Department.
2. This form is a sample only. Irrevocable Letters of Credit must be produced on the stationary of the issuing Bank or Credit Union.
3. The Irrevocable Letter of Credit must bear the signature of two authorized signing authorities of the issuing financial institution.