

Village of Clinton

BYLAW NO. 510, 2014

A BYLAW TO ESTABLISH PROCEDURES for the DEVELOPMENT of LANDS and PREMISES within the VILLAGE OF CLINTON

- WHEREAS** The Village of Clinton 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 or permits related to such Plans or Bylaws;
- NOW THEREFORE:** the Council of the Village of Clinton, in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited as "Village of Clinton Development Procedures Bylaw No. 510, 2014".

2. REPEAL

All previous Village of Clinton Development Procedures related to this Bylaw is hereby repealed.

3. PROCEDURES:

Procedures are hereby established for the Village of Clinton'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 one (1) through six (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

Schedules "A" through "J" form an integral part of this bylaw;

Schedule "A" Development Permit Application

Schedule "B" Development Variance 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

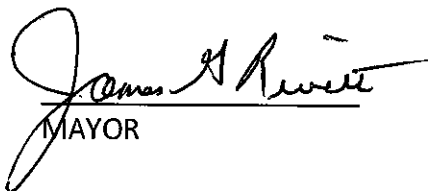
Schedule "I" Cancellation of Notice to Registrar

Schedule "J" Irrevocable Letter of Credit

5. SEVERABILITY

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	26 th day of March, 2014
READ A SECOND TIME this	26 th day of March, 2014
READ A THIRD TIME this	26 th day of March, 2014
RECONSIDERED AND ADOPTED this	9 th day of April, 2014


MAYOR


CORPORATE OFFICER

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 pro-forma 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 Village of Clinton 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 Village staff.

SCOPE:

A Development Permit is required prior to:

1. Any subdivision of land located within a designated Development Permit Area;
2. 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 Village of Clinton 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:

1. Protection of the natural environment;
2. Protection and development from hazardous conditions;
3. Revitalization of an area in which a commercial use is permitted, if the area has been designated for that purpose by the Minister; or
4. Establishment of objectives and the provision of guidelines for the form and character of commercial, industrial or multi-family residential development.

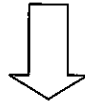
Development Permit Applications cannot vary the use or density of land or flood plain specifications, pursuant to Section 920 of the Local Government Act, as amended from time to time.

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

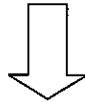
1. Zoning Bylaw Amendments; and
2. Official Community Plan Amendments.

FLOWCHART
Procedures for Development Permit Applications

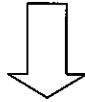
Applicant submits application to Chief Administrative Officer



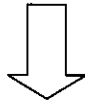
Village staff and government agencies review application



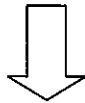
Application submitted to Council Meeting for Review
(Owner/developer may be asked to attend meeting)



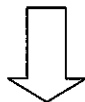
Council approves or denies application



Upon Approval, applicant submits required security



Chief Administrative Officer prepares final permit, issues permit and prepares record for
applicant and Village 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 Village of Clinton 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 Village'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, Schedule "A", to the Chief Administrative Officer with the following:

- a. The application fee is as indicated in the Village of Clinton Fees and Charges Bylaw.
- 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 on 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. Proposed locations of water, sewer and hydro for the buildings
 - viii. Any proposed elevations, cross sections or detailed drawings which may be relevant; and
 - ix. 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 the other Village departments and prepares a technical report assessing the application according to criteria set out in the Development Permit section of the Village of Clinton Official Community Plan.

The technical report should be submitted to the Village Council as background information. It must address the appropriateness of the application with respect to the Development Permit Area criteria within the Village of Clinton Official Community Plan and with respect to

regulations set out in the Village of Clinton 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. Interior Health (e.g.: impacts on water and sewer installations)
- f. Thompson- Nicola Regional District (e.g.: impacts on lands within Regional District).

3. Village Council Review Application with Developer/Owner

When all the necessary information has been received, the following must be submitted to the Village 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. Village 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 application 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, Schedule "E". The Permit is issued and a record is prepared of the Development Permit for the Owner and the Village's files. A building permit may be issued at this time.

7. Chief Administrative Officer Files Notice with the Appropriate Lands Title Office

Pursuant to Section 927 of the *Local Government Act*, as amended from time to time, when the Village issues a Development Permit, the Chief Administrative Officer must file notice (Schedule "H"), 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 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 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.

SCOPE:

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

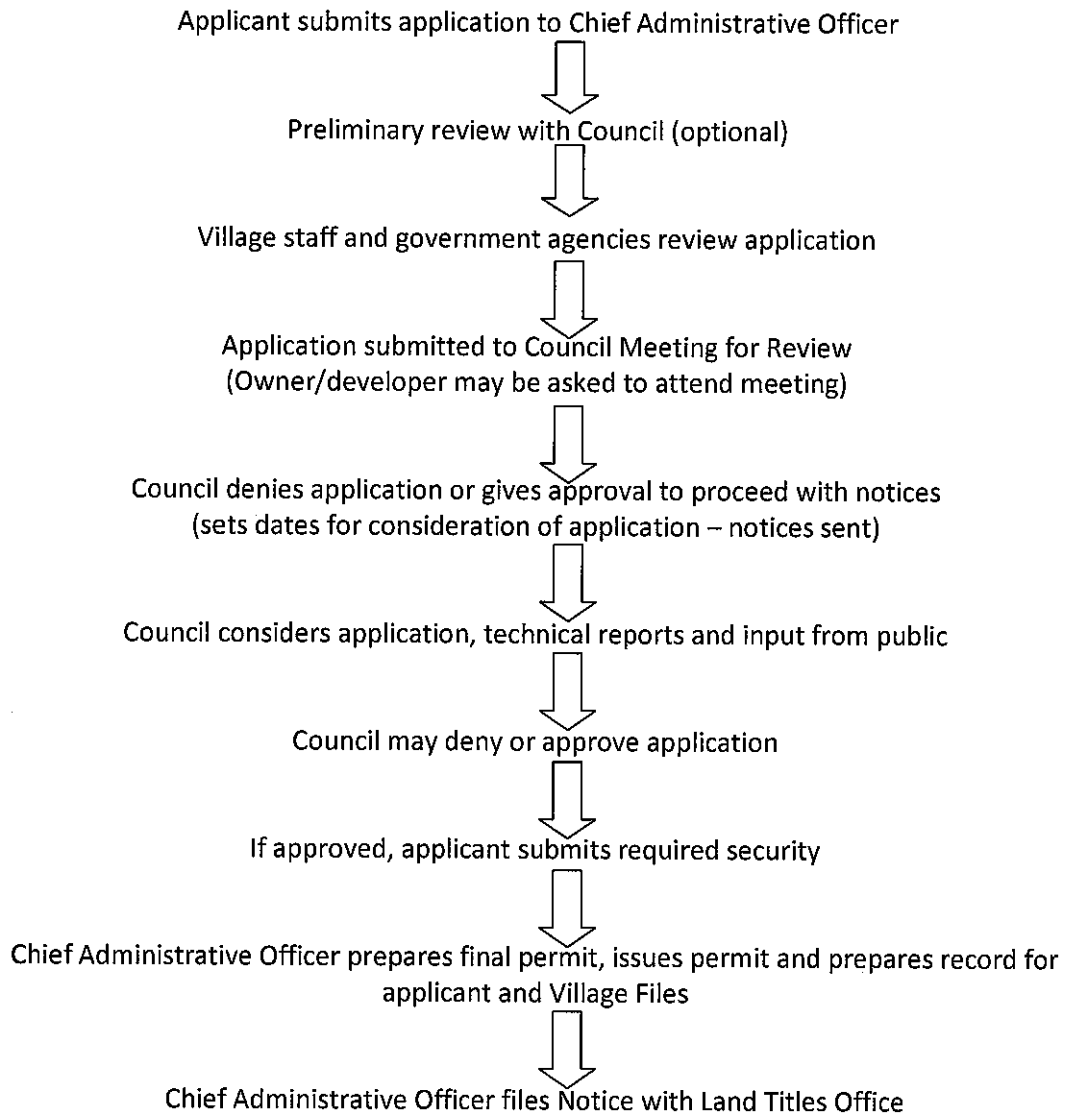
- a. Zoning (e.g.: setback and height restrictions);
- b. Parking (e.g.: number of spaces required);
- c. Signage (e.g.: size, materials);
- d. Subdivision servicing (e.g.: services required, pipe size);
- e. Mobile home parks (e.g.: setback and separation regulations);
- f. Other regulatory bylaws.

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



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 Village's bylaws and policies. If the application is consistent with those requirements, the applicant may complete the form, "Application for a Development Variance Permit" (Schedule "B").

The applicant must submit the application with the following:

- a. The application fee is as indicated in the Village of Clinton Fees and Charges Bylaw.
- 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 Proposed locations of water, sewer and hydro for the buildings
 - viii Any proposed elevations, cross sections or detailed drawings which may be relevant; and
 - ix 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 Village departments and prepares a technical report assessing the application according to the criteria set out in the Development Variance Permit section of the Village of Clinton's 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 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 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 #97 and Kelly Lake Road if variance to zoning regulation);
- 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. Interior Health (e.g.: impacts on water and sewer installations);
- f. Thompson-Nicola Regional District (e.g.: impacts on lands within Regional District).

4. Village Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to the Village 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. Village 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 a 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 to at least 10 days before adoption of the resolution to:

- a. The owners as shown on the assessment role on the date of the 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 paper, not less than ten (10) days before the date upon which the Development Variance Permit will be considered by the Council.

7. Village 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 a 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. Village 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 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, (Schedule "F").

The permit is issued and a record is prepared of the Development Variance Permit for the Owner and the Village'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 Village issues a Development Variance Permit, the Chief Administrative Officer must file notice (Schedule "H"), 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 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.

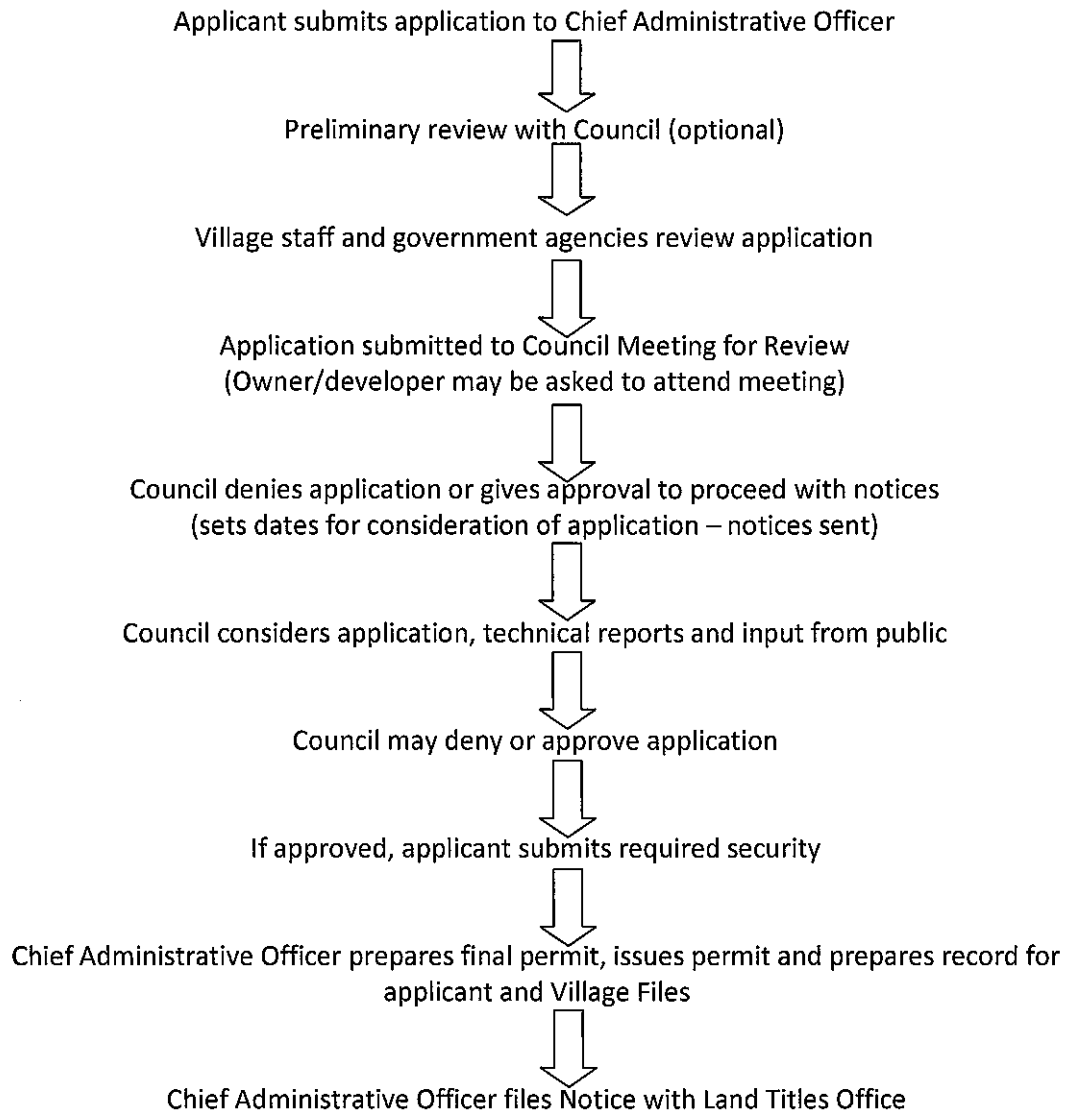
Pursuant to Section 922 of the *Local Government Act*, as amended from time to time, Council may specify other conditions under which the development variance permit may be carried on.

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 Permit Applications



Temporary Commercial and Industrial Permit Procedures

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 the site is located within a Temporary Commercial and Industrial Permit area by referring to the Village of Clinton 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 the application is consistent with the requirements set out above, the applicant may complete the form, "Application for a Temporary Commercial and Industrial Permit" (Schedule "C"),.

The applicant must submit the application with the following:

- a. The application fee is as indicated in the Village of Clinton Fees and Charges Bylaw;
- b. State of Title Certificate. A State of Title 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 Outer perimeter of buildings and structures;
 - vi Significant topographic features or water courses;
 - vii Proposed locations of water, sewer and hydro for the buildings
 - viii Any elevations cross sections or detailed drawings which may be relevant; and
 - ix 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 is being requested.

3. Chief Administrative Officer and Government Agencies Review

Once the completed application package is received, the Chief Administrative Officer consults with other Village 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 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 interest 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 97 and Kelly Lake Road);
- 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. Thompson-Nicola Regional District (e.g.: impact on lands within the Regional District).

4. Village Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to Village 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 to the permit; or
- b. If necessary, requesting additional information from the applicant; or
- c. If the application is unacceptable, denying the application.

5. Village 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 the affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the *Local Government Act*.

6. Village Advertises Notice in Newspaper

When Council proposes to pass a resolution to issue a Temporary Commercial and Industrial Permit (Schedule "G"), 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 adoption of the resolution to issue the Temporary Commercial and Industrial Permit.

7. Village 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 final 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. If Approved 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 Village's files. A building permit may be issued at this time.

11. Chief Administrative Officer Files Notice with the Appropriate Lands Title Office

Pursuant to Section 927 of the *Local Government Act*, as amended from time to time, when the Village issues a Temporary Commercial and Industrial Permit, the Chief Administrative Officer must file notice with the appropriate Land Title Office (Schedule "H"), that the land described in the notice is subject to the Temporary Commercial and Industrial Permit. On filing, the Registrar will make 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 conditions, 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.

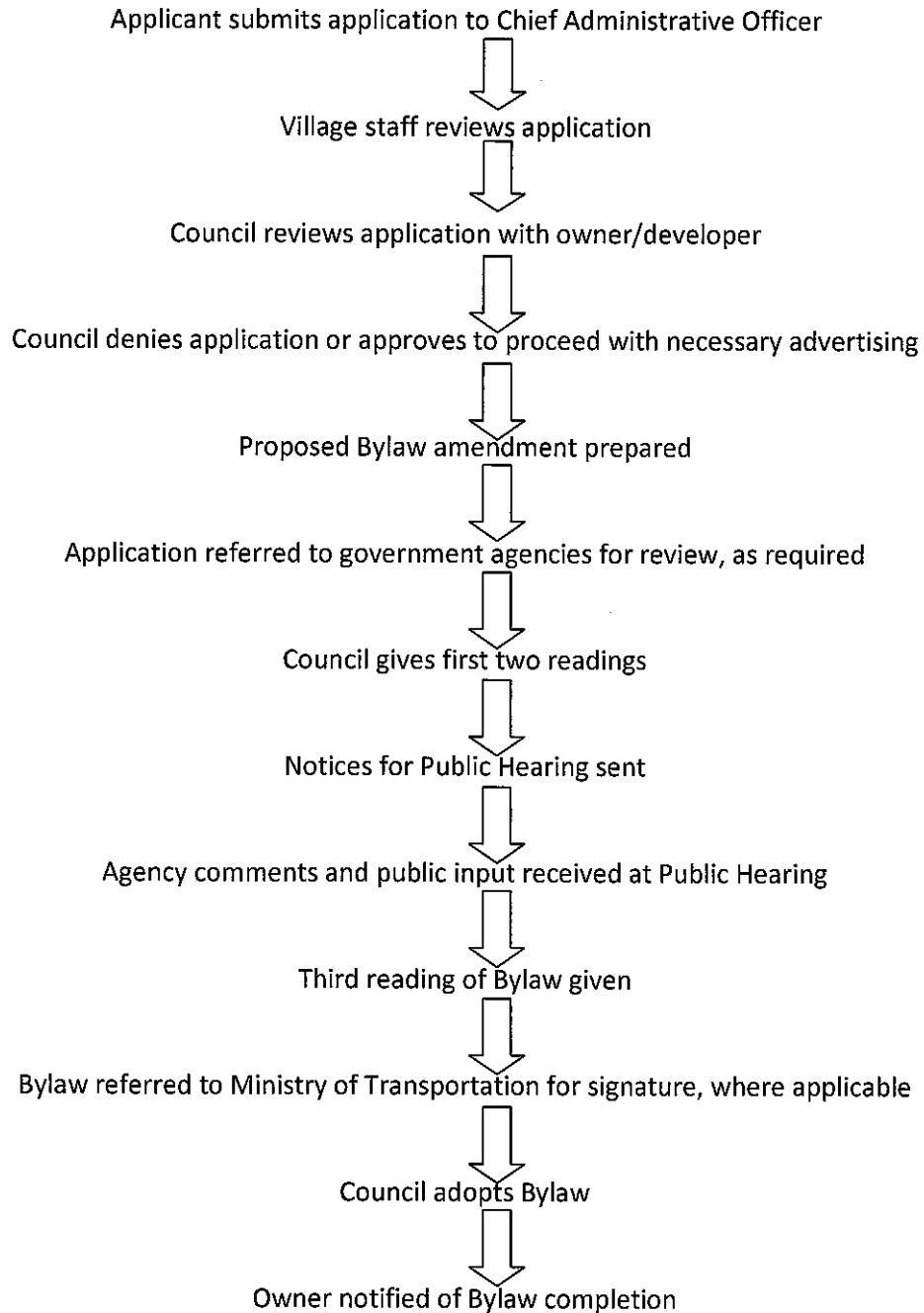
Pursuant to Section 921 of the *Local Government Act*, as amended from time to time, Council may specify other conditions under which the temporary commercial or industrial use may be carried on.

SCOPE:

The Village may amend any provision of its Zoning Bylaw. However, prior to initiating any change, it is important to determine how the Village of Clinton 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 Village'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



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

Zoning Amendments Bylaw Procedures

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 the applicant requires a Zoning Bylaw amendment, the applicant may complete the form, "Application for a Zoning Bylaw Amendment" (Schedule "D").

The applicant must submit the application with the following:

- a. The application fee is as indicated in the Village of Clinton Fees and Charges Bylaw. (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 drawing 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 Village 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 further or more detailed information is required from the applicant. If so, the application may be delayed until the required information is submitted.

3. Village Council Reviews Application with Developer/Owner

When all the necessary information has been received, the following must be submitted to Village 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. Village 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 97 and Kelly Lake Road);
- 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. Interior Health (e.g.: water and sewer services where not attached to Village distributions system);
- f. Thompson-Nicola Regional District (e.g.: impacts on lands within the Regional District).

6. Chief Administrative Officer Submits Amending Bylaw to Village 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 Reading

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

- a. Giving the Bylaw First and Second Reading; 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 the 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 Public Hearing in not less than two 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 Public Hearing;
- b. The place of the Public 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 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 Village'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 opportunity to speak before Council. Once this occurs, Council must officially adjourn the Public Hearing before convening again to address the application. Council may reconvene on the same day of the Public Hearing.

11. Council gives Third Reading of Bylaw

Village 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 Village 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 97 and Kelly Lake Road), it must be referred to the Regional Approving Officer at the Ministry of Transportation and Infrastructure for approval, pursuant to Section 52 of the *Transportation 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 Village's Official Community Plan

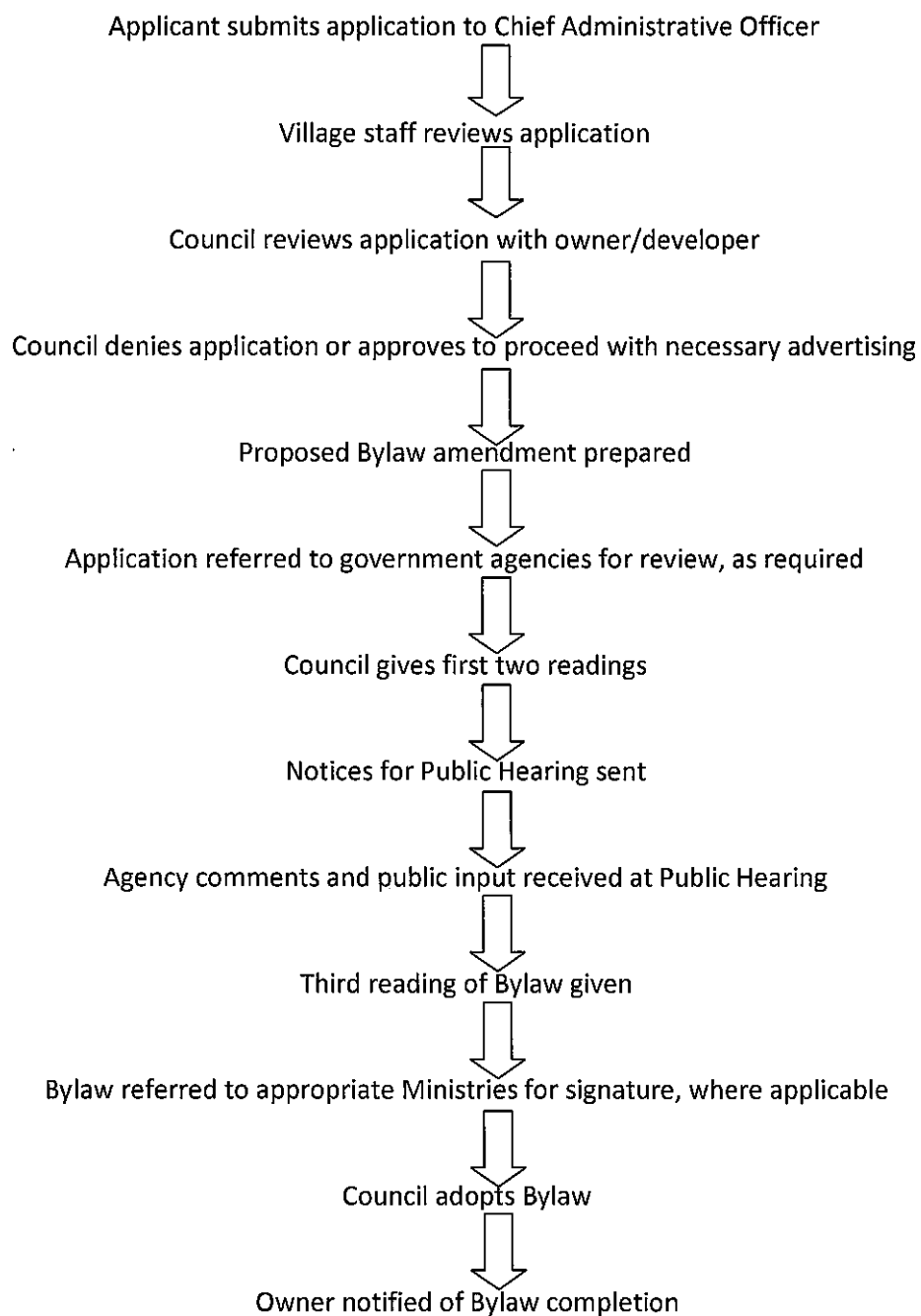
Where an application is made for an amendment to the Village's Official Community Plan at the same time as an amendment to the Zoning Bylaw, a fee will be charged as per the Village of Clinton Fees and Charges Bylaw.

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 application to amend provisions of the OCP.

FLOWCHART
Procedures for Official Community Plan Amendment Applications



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 Village'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 the applicant requires an OCP amendment, the applicant may complete the form, "Application for an Official Community Plan Amendment" (Schedule "D").

The Applicant must submit the application with the following:

- a. The application fee is as indicated in the Village of Clinton Fees and Charges Bylaw. (see Section 15)
- b. State of Title Certificate. A State of Certificate indicates property information such as 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 and watercourses;
 - vii Any elevations, cross sections or detailed drawings which may be relevant; and 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 the Village 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 Village'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 further or more detailed information is required from the applicant. If so, the application may be delayed until the required information is submitted.

3. Village 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. Village 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 (e.g.: Highway access required, subject to property within 800m of Highway 97 and Kelly Lake Road)
- b. Ministry of Environment (e.g.: Air or water emissions)
- c. Ministry of Energy, Mines and Petroleum Resources (e.g.: gravel pit)
- d. Agriculture Land Commission (e.g.: agricultural land involved);
- e. Thompson-Nicola Regional District (e.g.: impacts on lands within the Regional District).

6. Chief Administrative Officer Submits Amending Bylaw to Village Council

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

- a. The Amending Bylaw; and
- b. Recommendations/comments from the government agencies

7. Village 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 First Reading and examines the amended OCP Bylaw in conjunction with the Village's most recent capital expenditure program and any waste management and/or economic strategy plan. Council may then give the amending OCP Bylaw Second Reading and shall authorize the calling of a Public Hearing.

8. Village Council Denies 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 Public Hearing;
- b. The place of the Public 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 day 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. Village 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 Public Hearing before convening again to address the application. Council may reconvene on the same day of the Public Hearing.

11. Village 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 Village 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 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 Denies 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

If the amending OCP is given Third Reading and it applies to an area within eight hundred metres of a controlled highway (Highway 97 and Kelly Lake Road), it must be referred to the Regional Approving Officer at the Ministry of Transportation and Infrastructure for approval, pursuant to Section 52 of the *Transportation Act*.

14. Upon Adoption, Chief Administrative Officer Notifies the Applicant

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

15. Amendment to the Village's Zoning Bylaw

Where an application is made for an amendment to the Village's Zoning Bylaw at the same time an amendment to the Official Community Plan, a fee will be charged as per the Village of Clinton Fees and Charges Bylaw.

**VILLAGE OF CLINTON
DEVELOPMENT PROCEDURES BYLAW NO. 510, 2014**

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 \$____.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. The flood plain specification
2. Prior to the issuance of a Development Permit, the Village may require, as a condition of issuing the Permit, security to guarantee the performance of obligations under the Permit.

**VILLAGE OF CLINTON
DEVELOPMENT PROCEDURES BYLAW NO. 510, 2014**

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 Village Bylaws:

Village Bylaw	Variance Requested	Applicable Sections
Zoning	_____	_____
Subdivision Control and Servicing	_____	_____

13. 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.

14. The following items are attached:

☐

Application Fee of \$____.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. The flood plain specification
2. Prior to the issuance of a Development Permit, the Village may require, as a condition of issuing the Permit, security to guarantee the performance of obligations under the Permit.

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 \$_____.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. Prior to the issuance of a Temporary Commercial and Industrial Permit, the Village may require, as a condition of issuing the permit, security to guarantee the performance of obligations under the permit.

**VILLAGE OF CLINTON
DEVELOPMENT PROCEDURES BYLAW NO. 510, 2014**

SCHEDULE "D"

APPLICATION FOR AN OCP AND/OR ZONING BYLAW AMENDMENT

I/We hereby make application to amend: ☐ OCP ☐ Zoning ☐ 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. The following items are attached:

☐ Application Fee of \$_____.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

**VILLAGE OF CLINTON
DEVELOPMENT PROCEDURES BYLAW NO. 510, 2014**

SCHEDULE "E"

DEVELOPMENT PERMIT

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

This Development Permit is hereby issued by the Council for the Village of Clinton 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 Village of Clinton applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to, and only to, those lands within the Village 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 Village is holding 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 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 Village 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 \$ _____: and/or
☐ Cash in the amount of \$ _____

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

The Village will:

- 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 thereof.
- 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 COUNCIL THIS ____ DAY OF _____, 20__

APPROVED BY THE MINISTRY OF TRANSPORTATION ON THE ____ DAY OF _____, 20__

ISSUED THIS ____ DAY OF _____, 20__

Chief Administrative Officer

**VILLAGE OF CLINTON
DEVELOPMENT PROCEDURES BYLAW NO. 510, 2014**

SCHEDULE "F"

DEVELOPMENT VARIANCE PERMIT

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

This Development Variance Permit is hereby issued by the Council for the Village of Clinton 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 Village of Clinton 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 Village described below, and to any and all buildings, structures and other development thereon:

Legal Description: _____

Municipal P.I.D.: _____

Address: _____

To permit construction of _____

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

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

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

5. Detailed Description of Variance:

Attached are two (2) Site Plans. Site plans illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings which form part of this Permit.

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 Village is holding 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 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 Village 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 \$ _____: and/or
- ☐ Cash in the amount of \$ _____

8. As per Section 925 of the *Local Government Act*, if the Village considers that:
- a. A condition in the permit respecting landscaping and including paving has not been satisfied;
 - b. An unsafe condition has resulted as a consequence of the 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 Village 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 thereof.
10. This Permit is not a Building Permit.
11. 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 COUNCIL THIS ____ DAY OF _____, 20__

APPROVED BY THE MINISTRY OF TRANSPORTATION ON THE ____ DAY OF _____, 20__

ISSUED THIS ____ DAY OF _____, 20__

Chief Administrative Officer

**VILLAGE OF CLINTON
DEVELOPMENT PROCEDURES BYLAW NO. 510, 2014**

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 Village of Clinton 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 Village of Clinton 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 Village described below, and to any and all buildings, structures and other development thereon:

Legal Description: _____

Municipal P.I.D.: _____

Address: _____

To permit construction of _____

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

3. Detailed Description of Variance:

Attached are two (2) Site Plans. Site plans illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings which form part of this Permit.

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, as per Section 925 of the *Local Government Act*, the Village is holding 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 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 Village 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 \$_____: and/or
☐ Cash in the amount of \$_____

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

The Village 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.
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 thereof.
 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 issuance 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 Village 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 extended) the security outlined in clause 5 shall be forfeited.

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

APPROVED BY THE MINISTRY OF TRANSPORTATION ON THE ____ DAY OF _____, 20__

ISSUED THIS ____ DAY OF _____, 20__

Chief Administrative Officer

Schedule H

Folio _____

Village of Clinton
PO Box 309
Clinton, BC
V0J 1K0

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 Village of Clinton.

PARTICULARS OF PERMIT

Permit Description			
Type of permit:	Development Permit Development Variance Permit Temporary Commercial & Industrial Permit		
Statutory Authority	<input type="checkbox"/> Section 920	<input type="checkbox"/> Section 922	<input type="checkbox"/> Section 921
	(Specify section of Local Government authorizing permit)		
<input type="checkbox"/>	Legal Description of Land Affected: _____		
P.I.D: _____	Issue Date: _____		
Expiry Date (if any): _____ (For Temporary Commercial or Industrial Permit Only)			
FURTHER PARTICULARS OF THE PERMIT MAY BE OBTAINED FROM ISSUING AUTHORITY – VILLAGE OF CLINTON 1423 CARIBOO HIGHWAY CLINTON, BC DURING REGULAR BUSINESS OFFICE HOURS.			

AND FURTHER TAKE NOTICE that in the 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.

VILLAGE OF CLINTON

Chief Administrative Officer

DATED: _____

Schedule "I"

VILLAGE OF CLINTON
PO BOX 309
Clinton, BC
V0K 1K0

NOTICE OF CANCELLATION OF REPORT

TO: Registrar of Titles

Whereas the Council of the Village of Clinton has issued a:

Development Permit

Development Variance Permit

In respect of _____

P.I.D. _____ Land 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 hereby given as to the cancellation of _____

Village of Clinton

Chief Administrative Officer

Dated: _____

Schedule "J"

(Name and address of Bank)

No. _____

Date _____

To: Village of Clinton
PO Box 309
Clinton, BC
V0K 1K0

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 of _____ available in drafts at site for 100% of value.
(Amount)

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 no 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 Letter of Credit are to be endorsed hereon and shall state on their face that they are drawn under.

(Name of Bank)

(Address of Bank)

(Letter of Credit No.)

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.