CONSOLIDATED
JULY 5, 2006

CITY OF KIMBERLEY

BYLAW NO. 1849

A BYLAW TO DEFINE DEVELOPMENT APPROVAL PROCEDURES.

The Municipal Council of the City of Kimberley in open meeting assembled, enacts as follows:

Division 1 - Administration

1. In this bylaw:

   (a) "application" means a completed written request on the application form provided by the City of Kimberley to

      (i) issue a permit under *Part 26 (Bylaw 2042)* of the Municipal Act that requires a resolution of Council; or,
      (ii) amend an Official Community Plan or a Zoning Bylaw of the City.

   (b) "designation" means a land use designation pursuant to provisions of the City's Official Community Plan *and Kimberley Alpine Village Official Community Plan. (Bylaw 2042).*

   (c) *"Zone" means a land use zone pursuant to provisions of City of Kimberley Zoning Bylaw No. 1850, 1994 and Alpine Reosrt Zoning Bylaw No. 2016, 1999, as amended or substituted from time to time(2042).*

2. The City Clerk is responsible for administration of this Bylaw.

Division 2 - Development Approval Procedures

3. An application to amend the Official Community Plan *and Kimberley Alpine Village Official Community Plan (2042)* or to amend the designation or zone of a parcel of land shall be made to the City Clerk. The form attached as Schedule "A" of this Bylaw shall be used for applications to amend *the City of Kimberley Zoning Bylaw No. 1850 and Kimberley Alpine Resort Zoning Bylaw No. 2016, 1999 (2042)*. The form attached as Schedule "B" of this Bylaw shall be used for applications to amend the

Official Community Plan *and Kimberley Alpine Village Official Community Plan (2042)* All applications shall specify and include:

(a) the street address and legal description of the parcel;

(b) the name and address of the applicant;

(c) where the application is made by an agent:

(i) the name and address of the owner;
(ii) a Letter of Authorization to make the application, signed by the owner;

(d) additional information as may be required.

4. Where an application has been made in conformance with Section 3 of this Bylaw and the required fees have been paid,

(1) the applicant shall prepare a notification sign(s), the design of which is prescribed by the City and post such signs on the lands involved, and shall

(a) prepare and erect one sign on each street frontage of the proposed development within two weeks of the application being submitted;

(b) verify to the Manager, Planning and Development, in the form set out in Schedule "H" attached hereto and forming part of this Bylaw, that the signs have been erected;

(c) maintain and/or replace the signs as necessary;

(d) remove the signs within one week of the application being denied or approved by the City of Kimberley or within one week of the application being withdrawn by the applicant;

(2) the Chief Corporate Administration Officer shall have the application placed on an agenda of a meeting of Council. (Amnd.4 Bylaw 2288)

5. Where an application is refused by Council, no subsequent application for the same amendment may be submitted for a period of six months, subject to *Section 895 (2042)* of the Municipal Act.

6. (a) Before an amendment bylaw is adopted by the Council, it must be given three readings by the Council with a public hearing to be held after first reading of the bylaw and before third reading.

(b) Where the amendment bylaw alters the permitted use or density of any area, the notice of the Public Hearing shall be mailed or otherwise delivered at least 10 days before the Public Hearing to the owners and tenants in occupation of all real property within the area that is subject to the rezoning and to the owners and tenants in occupation of all real property within a distance of 50m (164 ft.) from the area that is subject to the rezoning. This clause shall not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.

(c) The Council may adopt an amendment bylaw at the same meeting at which the bylaw passed third reading.

(d) Nothing in this Section nor any action taken by the Council hereunder requires the Council to adopt any proposed bylaw.

Division 3 - Permits

7. *An application for:*

(a) a Development Permit For Revitalization or an amendment to a Development Permit For Revitalization; and
(b) A Development Permit or an amendment to a Development Permit for land designated as a Development Permit Area in the Kimberley Alpine Village Official Community Plan

shall be made to the City Clerk on the Application Form attached as Schedule "C" to this Bylaw. (2042.

8. An application for a Development Variance Permit or an amendment to a Development Variance Permit shall be made to the City Clerk on an Application Form attached as Schedule "D" to this Bylaw.

9. (a) A Development Permit For Revitalization shall be in the form of permit attached as Schedule "E" to this Bylaw.

(b) A Development Variance Permit shall be in the form of permit attached as Schedule "F" to this Bylaw.

(c) A Development Permit for land designated as a Development Permit Area in the Kimberley Alpine Village Official Community Plan shall be in the form of permit attached hereto as Schedule "E" to this Bylaw. (2042)

10. Delegation of Powers

a) Subject to section 11.(3)(b), the Council delegates to the Manager, Planning & Development Services, the powers of the Council under section 920(12) of the Local Government Act to issue development permits in respect of Development Permits for Revitalization established by the City of Kimberley Official Community Plan Bylaw No. 2233, 2005. (Bylaw 2265, Amnd No. 3, 2005) (Bylaw 2288, Amnd No. 4, 2006)

11. Where an application has been made in conformance with Section 7(b), excepting an amendment to a Development Permit for land designated as a Development Permit area in the Kimberley Alpine Resort Village of "City of Kimberley Official Community Plan Bylaw No. 2233, 2005", or Section 8 and the required fees been have been paid and the application has been reviewed by such City staff, committee or Council members as appropriate:

(1) the applicant for a Development Permit shall prepare a notification sign(s), the design of which is prescribed by the City and post such signs on the lands involved, and shall

(a) prepare and erect one sign on each street frontage of the proposed development within two weeks of the application being submitted;

(b) verify to the Manager, Planning and Development, in the form set out in Schedule "H" attached hereto and forming part of this Bylaw, that the signs have been erected;

(c) maintain and/or replace the signs as necessary;

(d) remove the signs within one week of the application being denied or approved by the City of Kimberley or within one week of the application being withdrawn by the applicant;

(2) *the Chief Corporate Administration Officer shall have the application placed on an agenda of a meeting of Council; and*

(3) *the Council shall:*

(a) *refuse the application; or*

(b) *approve the preparation and issuance of a Development Permit subject to requirements and conditions as per Section 920 and 922 of the Local Government Act; or*

(c) *instruct the Chief Corporate Administration Officer to give the notice pertaining to a Development Variance Permit required as per Section 922 of the Local Government Act; such notice shall be given in respect to all parcels within 50 m. (164 ft.) from that part of the land that is subject to the permit application. (Bylaw 2288, Amnd. No. 4, 2006)*

12. Where an application is refused by Council, no subsequent application for the same Permit may be submitted for a period of six months, subject to *Section 895(3) (2042)* of the Municipal Act.

13. If any section, subsection, clause, phrase or word of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, the invalid section, subsection, clause, phrase or word shall be severed, and the severance shall not affect the validity of the remainder.

14. This Bylaw may be cited for all purposes as the "Development Approval Procedures Bylaw No. 1849, 1994".

15. Bylaw No. 1806 "Development Variance Permit Procedure Bylaw No. 1806, 1993" is hereby repealed.

_____
MAYOR

_____
CLERK

Read a first second and third time on the 21st day of March, 1994.
Adopted on the 28th day of March, 1994.

SCHEDULE "A"

APPLICATION / FILE NO. _____

APPLICATION FOR ZONING AMENDMENT

I/We hereby apply for:

_____ an amendment to the text of Zoning Bylaw No. 1850

_____ an amendment to the text of Alpine Resort Zoning Bylaw No. 2016

the rezoning of the property located at _____
(street address or general location)

and legally described as:

_____

_____

_____

from _____ zone, to _____ zone.

Required application fee of $_____ and the completed Rezoning Information Form are attached.

_____ _____
(Date) (Applicants Signature)

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT

_____ _____
(Date) (Registered Owner's Signature)

Where the Applicant is NOT the REGISTERED OWNER the Application must be signed by the REGISTERED OWNER or his SOLICITOR.

==========

FOR OFFICE USE ONLY

APPLICATION FEE $_____ RECEIVED.

_____ _____
(Date) (Signature of Official)

ZONING AMENDMENT INFORMATION FORM

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION.

This form is to be completed in full and submitted with all requested information, Zoning Amendment Application, Application Fee and Certificate of State of Title or of Indefeasible Title for the subject property.

Applicant and Registered Owner

Applicant's
Name:_____

Address:_____Postal Code:_____

Telephone: Business: _____ Home: _____

Registered Owner's
Name**:**_____

Address:_____Postal Code: _____

Telephone: Business:_____ Home: _____

A copy of a State of Title Certificate, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application must accompany the application as a proof of ownership.

Application Fee

The application fee shall be made payable to the City of Kimberley and shall accompany the Application.

Text Amendment

Describe the Proposed Text Amendment:_____

_____ _____

_____ _____

Rezoning - Property to be Rezoned

Legal Description in Full: _____

_____

Location (Street address of property, general description or map):_____

_____

Size of Property (Area, number of parcels):_____

Present Zoning:_____

Proposed Zoning:_____

Description of the Existing Use/Development: _____

Description of the Proposed Use/Development:_____

_____

Reasons in Support of Application

Reasons and comments in support of the application (use separate sheet if necessary).

_____

_____

_____

_____

Amendment to Official Community Plan required? Yes ___ No

_____ _____

(Date) (Applicant's Signature)

==========

FOR OFFICE USE ONLY

Forms duly completed, received.

_____ _____

(Date) (Signature of Officer)

SCHEDULE "B"

APPLICATION / FILE NO. _____

APPLICATION FOR OFFICIAL COMMUNITY PLAN AMENDMENT

I/We hereby apply for: (check where applicable)

_____ an amendment to the text of Official Community Plan Bylaw No. 1846.

_____ an amendment to the text of the Kimberley Alpine Village Official Community Plan Bylaw No. 2007

_____ the change in Land Use Designation of the property located at

_____
(Street address or general location)

and legally described as:_____

from _____ to _____ .
(current designation) (proposed designation)

Required application fee of $_____ and the completed Official Community Plan Amendment Information Form are attached.

_____ _____
(Date) (Applicant's Signature)

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT

_____ _____
(Date) (Registered Owner's Signature)

Where the Applicant is NOT the REGISTERED OWNER the Application must be signed by the REGISTERED OWNER or his SOLICITOR.

==========

FOR OFFICE USE ONLY

APPLICATION FEE $_____ RECEIVED.

_____ _____
(Date) (Signature of Official)

OFFICIAL COMMUNITY PLAN AMENDMENT INFORMATION FORM

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION.

This form is to be completed in full and submitted with all requested information, Zoning amendment Application, Application Fee and Certificate of State of Title or of Indefeasible Title for the subject property.

Applicant and Registered Owner

Applicant's
Name: _____

Address: _____Postal Code: _____

Telephone: Business:_____ Home: _____

Registered Owner's
Name**:** _____

Address:_____Postal Code: _____

Telephone: Business:_____ Home: _____

A copy of a State of Title Certificate, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application must accompany the application as a proof of ownership.

Application Fee

The application fee shall be made payable to the City of Kimberley and shall accompany the Application.

Text Amendment

Describe the Proposed Text Amendment: _____

_____

_____

Rezoning - Property to be Rezoned

Legal Description in Full: _____

Location (Street address of property, general description or map): _____

_____

Size of Property (Area, number of parcels):_____

Present Zoning:_____

Proposed Zoning:_____

Description of the Existing Use/Development:_____

Description of the Proposed Use/Development: _____

_____

_____

Reasons in Support of Application

Reasons and comments in support of the application (use separate sheet if necessary).

_____

_____

_____

_____

_____

_____

_____

_____

_____ _____
(Date) (Applicant's Signature)

==========

FOR OFFICE USE ONLY

Forms duly completed, received.

_____ _____
(Date) (Signature of Officer)

SCHEDULE "C"

APPLICATION FOR DEVELOPMENT PERMIT

___ for revitalization of an area in which a commercial use is permitted (Kimberley Official Community Plan Bylaw No. 1846)
___ for a Development Permit (Kimberley Alpine Village)

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Folio File No. _____

TO BE COMPLETED BY APPLICANT - Please Print Clearly

Applicant's Name _____ Registered Owner _____

Address _____ Address _____

_____ _____
(include postal code) (include postal code)

Phone Number _____ Phone Number _____

==========

Legal Description of Property _____

_____

Civic Description of Property _____

Proposed Development for the Property _____

_____
(Describe New Construction Planned)

Size of Property _____

==========

I/We declare that our interest in the property described above is as follows:

Initials

_____ - Registered Owner or Purchaser under Registered Agreement for Sale

_____ - Holder of a Registered Option to Purchase

_____ - Holder of _____

_____ - I am the agent of _____ who holds the interest I have indicated above (proof required).

_____ _____
(Date) (Signature)

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TO BE COMPLETED BY OFFICE:

Fee Paid: $_____

SCHEDULE "D"

APPLICATION FOR DEVELOPMENT VARIANCE PERMIT

==========

Folio File No. _____

TO BE COMPLETED BY APPLICANT - Please Print Clearly

I/WE _____
Name of Owner

of _____
(Address)
hereby make application under the provisions of Section 922 of the Municipal Act for a Development Variance Permit to permit the development described below upon:(legal description of property)

_____

_____

_____

Full description of Proposed Development:

_____

_____

_____

_____

_____

1. In order to develop the property I require the variation of or supplement to:

   (a) The "City of Kimberley Zoning Bylaw No. 1850, 1994", as from time to time amended or substituted, specifically:

   Section(s)_____, _____, _____

   (b) The "Alpine Resort Zoning Bylaw No. 2016, 1999" as from time to time amended or substituted, specifically:

   Section(s) _____, _____. _____.

   (c) Other Bylaws:

   _____

2. A full description of the proposed development, including, if necessary, plans and specifications, are attached to this Application.

Schedule "D"

3. The owner of the land is: _____
Name

_____
Address

4. The present zoning of the property is: _____

_____

I HEREBY DECLARE that all the above statements and the information contained in the material submitted in support of this application are to the best of my belief true and correct in all respects.

I understand that under the bylaws of the City I may be required to obtain a building permit in addition to this Development Variance Permit.

_____
APPLICANT'S SIGNATURE

_____
TELEPHONE NUMBER

I/We consent to the making of this application:

_____
OWNER'S SIGNATURE

_____
TELEPHONE NUMBER

TO BE COMPLETED BY THE CITY OF KIMBERLEY

Date of Application: _____

Building Permit Required: Yes _____ No _____

Fee Paid: Yes _____ No _____

GS/nab

SCHEDULE "E" TO BYLAW NO. 1849

DEVELOPMENT PERMIT FOR REVITALIZATION

No. _____

Issued to: _____
(Owner as defined in the Municipal Act, hereinafter referred to as the Permittee)

Address: _____

1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable hereto, except as specifically varied by this permit.

2. This Development Permit applies to and only to those lands within the Municipality described below, and any and all buildings, structure and other development thereon:

(Legal Description of Property)

3. The above property has been designated as being within Development Permit Area in the "City of Kimberley Official Community Plan, Bylaw No. 1846, 1994".

4. "City of Kimberley Zoning Bylaw No. 1850, 1994"; as amended.
"Other Bylaws"

is/are varied or supplemented as follows:

SCHEDULE "F" TO BYLAW NO. 1849

DEVELOPMENT VARIANCE PERMIT

No. _____

Date of Issuance: _____

Issued To: _____
(Owner as defined in the Municipal Act, hereinafter referred to as the Permittee)

Address: _____

_____

_____

1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this permit.

2. This Development Variance Permit applies to and only to those lands within the Municipality described below, and any and all buildings, structure and other development thereon:
(Legal Description of the Property)

_____

_____

_____

3. a) The Zoning Bylaw _____

_____

b) Other Bylaws: _____

_____

is/are varied as follows:

_____

_____

_____

_____

GS/nab

SCHEDULE "G" TO BYLAW NO. 1849

DP.
(DPA.)

DEVELOPMENT PERMIT NO.

To: _____

_____

_____
"the Permitee"

1. This Development Permit is issued by the City of Kimberley subject to compliance with all of the bylaws of the City applicable thereto, except as specifically varied or supplemented by this permit.

2. This Development Permit applies to and only to those lands within the City described below, and any and all buildings, structures and other development thereon (except as otherwise provided herein):

   Lot:
   PID:
   District Lot:
   Group 1, N.W.D.
   "the land"

3. The land has been designated as a Development Permit Area in Official Community Plan Bylaw No. , 19___.

4. The City of Kimberley Zoning and Parking Bylaw No. , , is varied and supplemented as follows:

   (a) The development shall be constructed in accordance with Architectural Plans *numbers of actual plans* (name of architect, date of plans) attached to this permit as Schedule A.

   (b) The landscaping shall be completed in accordance with landscape architectural plans *numbers of actual plans* (Name of landscape architect, date of plans) attached to this permit as Schedule B.

5. This permit shall automatically lapse, and the City may file a notice of cancellation of this permit with the registrar of the Land Title Office if the Permittee does not substantially commence construction permitted by this permit within two (2) years of the date of the Council resolution approving this permit.

6. As a condition of the issuance of this permit, the city is holding the security set out below to ensure that the hard and soft landscaping works are carried out in accordance with the terms and conditions of this permit, and to ensure that unsafe conditions resulting from contravention of this permit will be corrected. 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 landscaping works, according to the terms and conditions of this permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over the permittee, or should the Permittee carry out the landscaping works within the time set out above, the security shall be returned to the Permittee, provided that a sum of ten percent (10%) of the original security shall be withheld by the city for one year following the date of construction. Should the Permittee fail to remedy any aspect of the landscaping works not in accordance with the approved plan, as determined by year-end inspection, the City may deduct the cost of remedying the defect from the said deposit and recoup additional costs from the Permittee. In the event that the deposit is

insufficient to cover the costs of the City completing the landscaping works provided for in the permit, the Permittee shall reimburse the City for all the additional costs within thirty (30) days of being invoiced for same. There is filed accordingly:

(a) an irrevocable Letter of Credit in the amount of $_____ to cover 135 percent of the estimated soft landscaping costs on the land.

(b) an irrevocable Letter of Credit in the amount of $ _____ to cover 135 percent of the estimated hard landscaping costs on the land.

7. the land 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 which shall form a part hereof.

8. The terms of this permit, or any amendment to it, are binding on all persons who acquire an interest in the land affected by this permit.

9. This permit **is not** a Building permit. A Building Permit is required for buildings and structures regulated by the City of Kimberley building regulation bylaw, in addition to this Development Permit.

Authorizing resolution passed by the Council the _____day of _____, 1999.

Issued this _____ day of _____, 199__.

_____
GEORGE STRATTON

SCHEDULE “H” TO BYLAW NO. 1849

CITY OF KIMBERLEY
NOTIFICATION OF SIGN PLACEMENT
BYLAW NO. 1849

DATE: _____

PROJECT LOCATION: _____

_____

APPLICANT NAME: _____

(PLACE PHOTOGRAPH(S) HERE)

The photograph(s) should clearly indicate:

(a) the sign placement, and

(b) the text on the sign

I hereby certify that the sign(s) depicted in the above photograph(s) has (have) been placed on the site of our application, with one sign for each principal street frontage.

Applicants’ Signature _____

A change of intent will require you to amend your sign.
This form should be completed and returned immediately after placement of the sign(s) to the City of Kimberley, Office of the Manager, Planning and Development, 340 Spokane Street, Kimberley, BC, V1A 2E8.

(Bylaw 2288, Amnd. No. 4, 2006)