

DISTRICT OF HOPE

APPLICATION PROCEDURES AND PUBLIC HEARING/INFORMATION MEETING PROCEDURAL BYLAW NO. 13/93

(CONSOLIDATED TO JANUARY 2012)

All persons making use of this consolidation are advised that it has no legislative sanction; that the amendments have been embodied for convenience of reference only and that the original bylaw and all amending bylaws must be consulted for all purposes of interpreting and applying the law.

Any parts of the original bylaw, or original bylaw as amended, which have been repealed have not been included in this consolidation.

SCHEDULE OF AMENDMENTS

TEXT

Amending Bylaws are identified by a Bylaw Number in the left hand margin and text type. For the exact amendment wording, refer to the amending bylaw.

Bylaw 28/93	-	Adopted May 10, 1993
Bylaw 5/95	-	Adopted April 24, 1995
Bylaw 1027	-	Adopted March 22, 1999
Bylaw 1312	-	Adopted January 23, 2012

DISTRICT OF HOPE

BYLAW NO. 13/93

A bylaw to set out application procedures and fees and procedures for a public hearing/information meeting.

In accordance with the Part 29 of the Municipal Act, The Land Title Act, and the Condominium Act, the Council of the District of Hope has established this bylaw to define the procedures under which an owner of property may apply for an amendment to the Official Community Plan, the Zoning Bylaw or the issuance of a Permit, and to establish fees for various land development applications, bylaw amendments, permits and approvals.

The Council of the District of Hope in open meeting assembled enacts as follows:

1. This bylaw may be cited as the "Application Procedures and Public Hearing/Information Meeting Procedural Bylaw No. 13/93.

2. INTERPRETATION:

"Clerk" means the Municipal Clerk of the District of Hope;

"Council" means the Council of the District of Hope;

"District" means the District of Hope;

"Owner" means the registered owner of property or the authorized representative.

3. PUBLIC RECORDS:

The District shall maintain and make available for public inspection during normal business hours a current list of:

- (1) Every Zoning Bylaw Amendment and Official Community Plan Bylaw Amendment in effect and every permit issued;
- (2) Every Zoning Bylaw and Official Community Plan Bylaw Amendment that has received first reading;
- (3) Every Development Permit, Development Variance Permit or Temporary Commercial or Industrial Permit issued;
- (4) The list shall contain a general description of each bylaw or permit including a description of the property, the name of the owner, the change or proposed change in status and the current status of each.

4. PROCEDURES TO INITIATE ZONING/OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT:

An owner may request a change in the status of the property subject to the following procedures:

- (1) The owner may make application to rezone property or amend the text of the Zoning Bylaw or redesignate or amend the text of the Official Community Plan Bylaw.
- (2) Applications for a Zoning or Official Community Plan Bylaw Amendment shall be made on the form provided by and submitted to the District of Hope.
- (3) At the time of application for a Zoning Bylaw Amendment or Official Community Plan Bylaw Amendment the applicant shall pay to the District

an application fee in the amount set out **in the District's current Fees and Charges Bylaw, as amended.**

- (a) if the application does not proceed to Council, the application fee will be refunded except for a portion which will be used to cover administrative costs, as outlined **in the District's current Fees and Charges Bylaw, as amended.**
- (4) An application to amend the Zoning Bylaw or the Official Community Plan Bylaw shall be referred to Council by the Administrator with a report and recommendation.
- (5) If the Administrator is providing a recommendation against the application or amendment, the applicant shall be notified, and advised of:
 - (a) the reasons for the recommendation, and
 - (b) the procedures if the applicant wishes to address Council as a delegation.
- (6) The Council may, upon receipt of the application proceed with an amendment bylaw or reject the application.

5. PUBLIC INFORMATION MEETINGS:

- (1) Council, at its discretion, may call a public information meeting and the following procedures may apply:
 - (a) it shall be advertised in two issues of the local newspaper preceeding the date of the public information meeting, and
 - (b) a notice shall be posted on a bulletin board in the District Municipal Office,
 - (c) or as otherwise required by the Municipal Act.

6. PUBLIC HEARINGS

A public hearing is required for a Zoning Bylaw Amendment or Official Community Plan Bylaw Amendment and the following procedures shall apply:

- (1) A public hearing will be called after first reading of the bylaw and before third reading;
- (2) A notice of public hearing will be issued stating:
 - (a) the time, date and place of the public hearing;
 - (b) in general terms, the purpose of the bylaw;
 - (c) if applicable, the land(s) that are the subject of the bylaw including a sketch of the land(s) if the area which is the subject of the bylaw amendment cannot be clearly identified in another manner; and
 - (d) a notice shall be published in two (2) consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the public hearing.

- (3) Where the bylaw alters a permitted use or density, the notice shall:
- (a) be mailed or otherwise delivered, at least 10 days prior to the public hearing, to the owners and tenants in occupation of parcels directly affected by the bylaw and of all parcels, any part of which is within 30 m of the area subject to the rezoning;
 - (b) include, where applicable, a sketch showing the area that is the subject of the bylaw including name(s) of adjoining roads;
 - (c) subsection (3) does not apply if 10 or more parcels owned by 10 or more owners are the subject of the bylaw amendment.

Bylaw 28/93 & 1312

- (4) **(a) Signs advising of the proposed rezoning and to the standards set out in Schedule "A" attached to and forming part of this bylaw, shall be posted no less than 7 days prior to the Public Hearing date on the subject lands fully visible from the highway on which the lands front.**
- (b) If the subject lands are more than 1 hectare in area, additional signs may be required, at the District's discretion, to provide adequate exposure to travelled public highways.**
- (c) The owner is required to submit to the District written confirmation by a professional sign maker that the sign has been posted in accordance with the provisions of this bylaw.**
- (d) If, after posting on the subject lands, the sign(s) is destroyed, vandalized, damaged or stolen, the Public Hearing process will not be affected.**
- (e) The sign(s) shall be removed within 5 days after conclusion of the Public Hearing.**
- (f) Signs required under this bylaw shall not require a building/siting permit, however, all costs associated with the manufacture, installation and removal, and third party liability insurance shall be the responsibility of the owner.**

(5) At a public hearing all persons who believe that their interest in property is affected by the proposed bylaw shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing.

(6) Minutes of each public hearing containing a summary of the nature of representations made at the hearing, respecting the bylaw, shall be prepared and maintained as a public record and, following adoption by Council, be certified as being fair and accurate by the Mayor and Clerk.

(7) A public hearing may be adjourned and no further notice of the hearing is necessary if the time and place for the resumption of the hearing is stated to those present at the time the hearing is adjourned.

(8) After the public hearing, Council may, without further notice of hearing;

- (a) adopt or defeat the bylaw, or
- (b) alter and then adopt the bylaw, provided that the amendment does not alter the permitted use, increase the density, or without the owners consent, decrease the density of any area from that originally specified in the Bylaw.

Bylaw 05/95

(9) Should a Rezoning Bylaw or Official Community Plan Amendment Bylaw not proceed through adoption within one year of the date of

Public Hearing for that bylaw, the application may either be cancelled or resubmitted to Public Hearing.

7. PERMITS:

- (1) The owner may make application for a permit which shall be made to the District on the forms provided.
- (2) At the time of application, the applicant shall pay the District an application fee in the amount set out in Schedule "A" to this bylaw.
- (3) An application for a Permit shall be referred to Council by the Administrator with a report and recommendation.
- (4) Council may, upon receipt of the report and recommendation and following any public hearing or public information meeting for Permits and subject to the adoption of bylaws as appropriate,
 - (a) authorize the issuance of the proposed permit;
 - (b) authorize the issuance of the proposed permit as amended by the Council; or,
 - (c) refuse to authorize the issuance of the proposed permit.
- (5) Where a Development Permit or Development Variance Permit is issued, it shall be filed at the Land Titles Office (Kamloops/New Westminster).
- (6) Before issuing a Permit, Council may require the applicant to furnish, at the applicant's expense, a report certified by a professional, engineer with experience in geotechnical engineering to assist Council in determining what condition or requirements to impose in the permit.

Bylaw 05/95

8. **NOTICE REQUIREMENTS - PERMIT APPLICATIONS**

- (1) **Prior to passing a resolution to issue a Development Variance Permit, a Development Permit that involves a variance, or a Temporary Industrial or Commercial Use Permit, Council shall give notice as outlined in Subsection (2).**
- (2) **The notice shall:**
 - (a) **state**
 - (i) **in general terms, the purpose of the permit;**
 - (ii) **the land or lands that are the subject of the permit;**
 - (iii) **the place where and the times and dates when copies of the permit may be inspected;**
 - (iv) **the date, time and place when the resolution will be considered, and**
 - (b) **be mailed or otherwise delivered at least 10 days before adoption of the resolution to issue the permit**
 - (i) **to the owners as shown on the assessment roll as at the date of application for the permit, and**
 - (ii) **to any tenants in occupation, as at the date of the mailing or delivery of the notice,****of all parcels, and part of which is**
 - (iii) **the subject of the permit, or**
 - (iv) **within a distance of 30m from that part of the land that is subject to the permit, and**
 - (c) **in the case of a Temporary Industrial or Commercial Use Permit, be published in a newspaper not less than 3 nor more than 14 days before the adoption of the resolution to issue the permit.**

9. SUBDIVISION/CONDOMINIUM AND AGRICULTURAL LAND COMMISSION APPLICATIONS:

Where the owner makes application to alter the status of the property as permitted under the Agricultural Land Commission Act, the Land Title Act and/or the Condominium Act, he shall pay the application fees as set out in Schedule "A" to this bylaw.

10. RE-APPLICATION:

(1) Subject to the provisions of Council's Procedural Bylaw No. 10/93, where a bylaw amendment or a permit application has been considered by Council and denied, re-application for the same amendment or permit shall not be considered within twelve months immediately following the date of such denial, unless by an affirmative vote of at least 2/3 of the Council members the time period is varied or waived.

11. REPEAL EXISTING BYLAWS

The Town of Hope Bylaw No. 675 and amendments thereto and the Town of Hope Bylaw No. 508 and amendments thereto, are hereby repealed in their entirety.

12. SEVERABILITY

If any section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Bylaw.

READ a first time this 25th day of January, 1993.

READ a second time this 25th day of January, 1993.

READ a third time this 25th day of January, 1993.

RECONSIDERED,
FINALLY PASSED AND

ADOPTED, this 22nd day of February, 1993.

Mayor

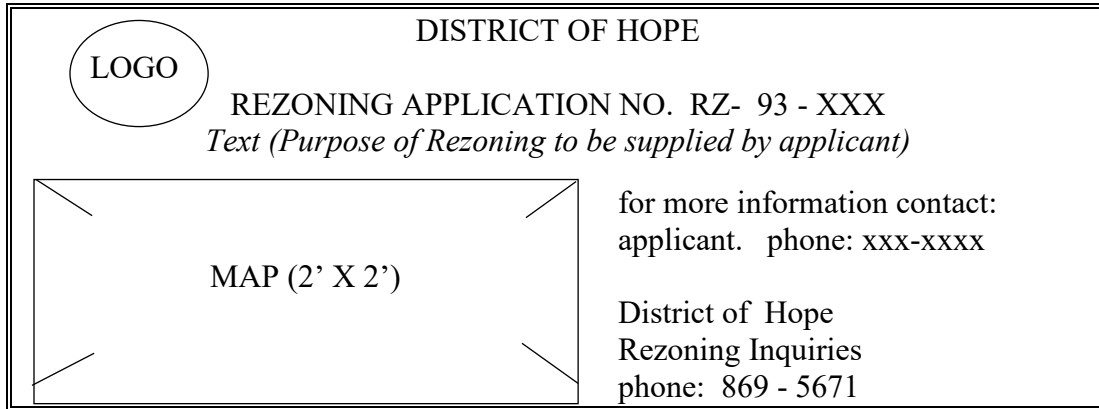
Clerk

I hereby certify that this is a true and correct copy of the "Application Procedures and Public Hearing/Information Meeting Procedural Bylaw No. 13/93"

Clerk

DISTRICT OF HOPE
Schedule "A"
(As created by Bylaw No. 28/93)

REZONING NOTIFICATION SIGN - SPECIFICATIONS



SIGN FACADE 4' x 8'

SPECIFICATIONS

- Sign shall be produced by a sign company licenced to do business within the District of Hope and shall remain property of the sign company
- Sign board to be min. 1/2" plywood good-one-side or better painted or coated with be semi-gloss white enamel or equivalent
- A 2" Red border shall be painted around perimeter of sign
- A District of Hope logo (12"), purchased from the District, shall be affixed to the upper left corner of the sign
- "District of Hope" and Rezoning Application Number (assigned by the District) to be 6" high Helvetica Medium in black.
- Map area to be 2' x 2' with 1" wide black outline, map detail to be in black, showing adjoining road(s), land involved and north arrow
- Text of "purpose of rezoning" to be 3" high black Helvetica Medium
- "For More Information....." to be 2" high black Helvetica Medium

SIGN INSTALLATION

- Sign shall be erected at the center of the property frontage 1m to 3m inside the front property line
- Sign shall be supported by 2 - 2x4 posts and shall be a minimum of 1.2 m (4') above ground level
- Sign shall be clearly visible from the road

I hereby certify that this is a true and correct copy of Schedule "B" attached to and forming part of "Application Procedures and Public Hearing/Information Meeting Procedural Bylaw Amendment Bylaw No. 28/93".

Mayor

Clerk