



The Corporation of the City of Courtenay

# Bylaw No. 3202

**A bylaw to establish procedures for the processing of land development Applications.**

**WHEREAS** Council wishes to establish clear and transparent procedures for processing land development Applications and related permits;

**WHEREAS** under section 460 of the *Local Government Act*, the Council must, by bylaw, establish procedures under which an owner of land may apply for an amendment to an Official Community Plan or Zoning Bylaw, or for the issuance of a permit under Part 14 of that Act;

**AND WHEREAS** under section 154 of the *Community Charter*, the Council may Delegate to officers and employees certain powers, duties and functions relating to these procedures;

**AND WHEREAS** under section 94.2 of the *Community Charter*, the Council may provide alternative means of publishing public notices;

**NOW THEREFORE** the Council of the City of Courtenay, in open meeting assembled, enacts as follows:

## PART 1: GENERAL PROVISIONS

### 1.1. Citation

This Bylaw shall be cited for all purposes as “City of Courtenay Development Procedures Bylaw No. 3202, 2025”.

### 1.2. Definitions

(a) In this Bylaw:

“Agent”	means the person(s) given authority by the Owner(s) to act on their behalf for the purposes of making and dealing with an Application to the City.
“Applicant”	means the Owner(s), or the authorized Agent, to make an Application to the City’s Development Services Department.
“Application”	means a written submission by an Applicant in relation to any of the matters set out in Section 1.5 of this Bylaw.
“Approving Officer”	means the person appointed by Council to that position and includes their lawful deputy or a person designated by Council to act in their place.
“Certificate of Title”	means the document issued from the BC Land Title and Survey Authority identifying the owner, legal description of land, and any charges registered against the title.
“City”	means the City of Courtenay.
“Community Information Meeting” or “CIM”	means an information session held in accordance with Part 7 of this Bylaw.

“Complete Application”	means a submission that fulfills all requirements for Application in accordance with part 3 of this Bylaw.
“Corporate Officer”	means the Corporate Officer for the City of Courtenay.
“Council”	means the Council of the City of Courtenay.
“Development Approval Information” or “DAI”	means information required to support the approval of development Applications as set out in the Official Community Plan Bylaw and this Bylaw.
“Development Permit”	means a Development Permit issued pursuant to the <i>Local Government Act</i> . [Refers to the authorization of a permit issued under Section 490 of the Act, allowing certain forms of development or land use based on guidelines and conditions set by local government regulations.]
“Development Variance Permit”	means a Development Variance Permit issued pursuant to the <i>Local Government Act</i> . [Refers to a permit issued under Section 498 of the Act, permitting specified deviations from established land-use regulations, within set parameters, without altering the land’s actual zoning designation.]
“Minor Development Variance Permit”	means a Development Variance Permit that has been determined to be minor by the Delegate in accordance with the criteria set out in this Bylaw.
“Delegate”	means the person holding the position of the City’s Director of Development Services or Manager of Development Planning, or a person Delegated the authority to act in the place of either person.
“Encroachment Agreement”	means a legally binding real-estate document signed between affected parties when a property encroachment is found to exist.
“Fees and Charges Bylaw”	means the City of Courtenay’s Fees and Charges Bylaw, as amended or replaced from time to time.
“Latecomer Agreement”	means a legally binding document that establishes the terms by which developers can recover costs for excess capacity beyond what is required for the initial development.
“Local Government Act”	means the <i>Local Government Act</i> , RSBC 2015, c. 1.
“Official Community Plan” or “OCP”	means the City’s Official Community Plan Bylaw, as amended or replaced from time to time.
“Owner”	means the person(s) listed in the Land Title Office as the Owner.
“Phased Development Agreement”	means a land-use agreement entered into under Part 14 of the <i>Local Government Act</i> between the City and a <i>Owner</i> to set out a framework for multi-phase development within a defined area and timeframe. The agreement may include provisions for zoning and subdivision servicing, community amenities, timing and phasing of

	development, latecomer recovery, housing agreements, and other related terms and conditions.
“Planner”	means a planning professional employed by the City to administer the provisions of this Bylaw.
“Pre-Acceptance Review”	means a brief informal review, by a City Planner or Delegate, of a development proposal to provide applicable regulatory and policy information to help the Applicant inform their project design for a Pre-Application Consultation Meeting and/or future planning application.
“Pre-Application Consultation Meeting”	means a formal meeting for Applicants to present their development proposal to Development Services Staff and obtain feedback prior to making a submission of a Complete Application.
“Preliminary Lot Review”	means a review of a proposed subdivision by the City’s Approving Officer, which is not a final decision on approval of the subdivision within the meaning of the <i>Land Title Act</i> , RSBC 1996, c. 250.
“Qualified Professional”	means a person holding professional accreditation, acceptable to the Delegate, with an organization that sets and enforces standards for the activities carried out by its members. This may include, but is not limited to, a professional engineer, geoscientist, architect, landscape architect, surveyor, certified arborist, biologist, agrologist, Planner, forester, or other professional licensed to practise in British Columbia with experience relevant to the applicable matter, as determined by the Delegate. A Qualified Professional must be independent of the Applicant unless otherwise approved by the Delegate.
“Sign Bylaw”	means the City of Courtenay’s Sign Bylaw, as amended or replaced from time to time.
“Site Plan”	means a plan prepared by a Qualified Professional showing, at a minimum, all existing lot lines, proposed buildings, required setbacks, and: <ul style="list-style-type: none"> <li>• for subdivision Applications, all proposed lots and watercourses demonstrating that each parcel includes a buildable area compliant with all applicable bylaws; and</li> <li>• for Applications requiring environmental assessment, all setbacks from environmental features required under applicable bylaws and regulations.</li> </ul>
“Substantial Completion Report”	means a Report prepared by a Qualified Professional in accordance with Section 5.6 of this Bylaw.
“Report”	means any opinion, written document, study, or other information that provides details on a proposed development and verifies compliance with one or more enactments or City requirements.
“Zoning Bylaw”	means the City’s Zoning Bylaw, as amended or replaced from time to time.

- (a) Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Local Government Act*, *Community Charter*, or *Land Title Act*, as the context and circumstances may require.
- (b) Any enactment referred to herein is a reference to an enactment of British Columbia and its regulations, as amended or replaced from time to time.
- (c) Unless otherwise stated, a reference in this Bylaw to another City of Courtenay bylaw includes that bylaw as amended, revised, consolidated, or replaced from time to time.

### **1.3. INTERPRETATION**

In this Bylaw

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) headings given to sections are for convenience of reference only and do not form part of this Bylaw;
- (c) unless expressly stated otherwise, a reference to a “section” is a reference to a section in this Bylaw and a reference to a “part” is a reference to a part in this Bylaw; and
- (d) a reference to the current title of a job position includes the position as it may be renamed from time to time, or to any successor position that is most closely connected to the position if it is modified or eliminated from time to time.

**1.4.** In the event of a conflict between this Bylaw and the Housing Statutes (Residential Development) Amendment Act, 2023, or any successor provincial enactment governing residential development, the provincial enactment shall prevail.

**1.5.** This Bylaw applies to the following Applications related to land within the boundaries of the City:

- (a) an amendment to the City’s “Official Community Plan Bylaw”;
- (b) an amendment to the City’s “Zoning Bylaw”;
- (c) the establishment of Phased Development Agreements;
- (d) the preparation of a Housing Agreement;
- (e) a permit issued pursuant to Part 14 of the *Local Government Act*; including:
  - i. Development Permits and any amendments to a Development Permit;
  - ii. Development Variance Permits, including Minor Development Variance Permits;
  - iii. Temporary Use Permits;
- (f) Floodplain Exemptions; and
- (g) Section 219 Covenant and or Statutory Right of Way Amendments.

## **PART 2: DELEGATION OF AUTHORITY**

### **2.1. General**

Council Delegates certain powers, duties, and functions under section 154 of the *Community Charter* and section 460 of the *Local Government Act* to City officers and employees, as set out in this Part.

#### **(a) Delegated decision-making powers**

The Delegate is authorized to:

- i. Issue, amend, extend, or refuse the following permits in accordance with this Bylaw and applicable legislation:
  - A. Development Permits, including amendments;
  - B. Development Variance Permits, including Minor Development Variance Permits;
  - C. Temporary Use Permits; and
  - D. Floodplain Exemptions.
- ii. Determine whether a variance Application qualifies as a Minor Development Variance Permit under this Bylaw.
- iii. Approve and execute development-related agreements and covenants authorized by Council, including but not limited to:
  - A. Phased Development Agreements;
  - B. Statutory Rights of Way;
  - C. Section 219 Covenants;
  - D. Housing Agreements; and
  - E. Encroachment Agreements.
- iv. Determine whether a development Application is complete or incomplete under Part 3 of this Bylaw.
- v. Require, review, or waive the submission of Development Approval Information (DAI) under Part 4 of this Bylaw.
- vi. Authorize the collection and release of security deposits as described in Part 5 of this Bylaw.
- vii. Make determinations or interpretations necessary to administer this Bylaw, including confirming compliance with conditions of approval.

#### **(b) Administrative functions**

The Delegate may also:

- i. Establish, revise, and publish administrative procedures, forms, and templates to implement this Bylaw.
- ii. Coordinate pre-Application meetings, Pre-Acceptance Reviews, and other internal review processes.
- iii. Determine fees and refund eligibility in accordance with the City's "Fees and Charges Bylaw", as amended.

- iv. Request or provide technical information from other departments, agencies, or professionals as necessary.
- v. Perform any other non-statutory duties incidental to the administration of this Bylaw.

## **2.2 Shared authority**

Council Delegates to both the Delegate and a Planner the authority to:

- (a) Receive, review and require Development Approval Information to administer Part 14 of the *Local Government Act*, this Bylaw, or other bylaws of the City related to land use planning, development or building;
- (b) Conduct Pre-Acceptance Reviews and require Applicants to participate in Pre-Application Consultation Meetings, unless waived by the Delegate; and
- (c) Require an Applicant to provide a Site Plan, or confirmation by a British Columbia Land Surveyor that a Site Plan conforms to the *Zoning Bylaw* or other applicable City bylaws.

Where both the Delegate and a Planner are authorized to exercise a power under this Bylaw, the Delegate retains final authority unless otherwise Delegated in writing.

## **2.3 Delegated Minor Development Variance Permit**

An Application for a Development Variance Permit may be considered a Minor Development Variance Permit by the Delegate if the requested variance(s) meets the following criteria:

- (a) Varies the requirement of the Zoning Bylaw no greater than 40% in relation to:
  - i. Minimum parking space provision for vehicles, loading and bicycles;
  - ii. Off street parking and loading area design standards, including dimensions, siting and access;
  - iii. Dimension and siting of garbage and recycling storage facilities
  - iv. Building setbacks, lot frontage and lot depth and useable open space;
  - v. Dimension of patios and decks;
  - vi. Landscaping and screening, except fence height;
  - vii. In relation to the Sign Bylaw, size, number and/or placement; and
- (b) Varies the requirement of the Zoning Bylaw no greater than 25% in relation to:
  - i. Lot coverage, permeable surfaces and building height, provided there is no increase in density;
  - ii. Projections into a required setback; and
  - iii. Fence height.
- (c) the variance does not vary land or density; and
- (d) the variance is consistent with the Official Community Plan Bylaw.

## **2.4 Encroachment Agreements**

- (a) All development is strongly urged to ensure development occurs on the property where the Application applies. Where a building or structure encroaches onto City lands, an Encroachment Agreement is required.

- (b) Once it is determined that there is an encroachment onto City land, the owner/Applicant will complete the following steps to make an Application to allow the encroachment:
  - i. Apply and pay the appropriate fee; and
  - ii. Provide access to the site for a City inspection;
- (c) City will provide an assessment of the encroachment, considering safety, maintenance, future development potential and interference with utilities and public use.
- (d) If the City supports the encroachment, the Applicant will enter into a legally binding Encroachment Agreement with the City, specifying conditions, responsibilities, terms, and insurance, non-compliance enforcement and any related fees.

If the City does not support the encroachment for reasons of safety, maintenance, future development potential and interference with utilities and public use, the Applicant may be required to remove the buildings and/or structures to comply with property lines and setbacks.

### **PART 3: APPLICATION REQUIREMENTS**

#### **3.1. Complete Applications**

- (a) The City will only process Complete Applications.
- (b) If an Applicant submits a Complete Application, the Delegate or a Planner shall process the Application in accordance with this Bylaw unless otherwise directed.

#### **3.2. Minimum Application requirements**

The minimum Application requirements for all Applications are:

- (a) Payment of all associated Application fees in accordance with the City's "Fees and Charges Bylaw";
- (b) Complete Application form(s) prescribed by the Delegate, including written authorization from registered *owner(s)* of the land involved in the Application;
- (c) Certificate of Title dated not more than 30 days before submission;
- (d) Site Plan, unless waived by the Delegate; and
- (e) All Reports and Development Approval Information (DAI) required under Part 4 of this Bylaw, which have been identified by in either the Pre-Acceptance Review and/or Pre-Application Consultation Meeting, along with any Report(s) identified during or after circulation.

#### **3.3. Additional information**

The Delegate or a Planner may require the following additional information to support an Application:

- (a) Review of a previously submitted Report or DAI;
- (b) Copies of covenants registered on Title;
- (c) Site disclosure statement in accordance with the *Environmental Management Act*;
- (d) Confirmation that other required permits, approvals or authorizations have been obtained; and
- (e) Payment of security in accordance with Part 5 of this Bylaw.

**3.4. Incomplete Applications**

- (a) If staff determine that an Application is missing one or more of the required items in section 3.2 it is deemed to be incomplete.
- (b) The Application will be placed on hold and the Applicant will receive a written request to provide the required information.
- (c) An Application that remains inactive for more than six (6) months without substantive Applicant action is deemed inactive and is subject to the applicable provisions in Part 6: Validity of Applicants.

**3.5. Authorization by owner**

All Applications must be submitted by or on behalf of all the owner(s) of land involved. Where an Agent acts on behalf of an owner, written authorization from the owner(s) must be provided, and any change in Agent must be promptly reported to the City in writing.

**3.6. Change of ownership**

If ownership of land, subject to an active Application changes, the new Owner(s) must, as soon as practical, provide the City with an updated Certificate of Title and written authorization confirming continuation of the Application.

**3.7. Update Land Title Certificates**

For all other changes to the Land Title Certificate(s) for the parcel(s) of land that is subject to an Application under this bylaw, the City will require updated Land Title Certificate(s) for the parcel(s) of land and copies of any encumbrances.

**3.8. Referral and review**

Depending on the nature of an Application, the Delegate or Planner may refer the submission to other City departments and external agencies for review and comment.

**3.9. Reports to Council**

Where an Application requires a Council decision, the Delegate or a Planner will prepare a staff report for Council’s consideration, incorporating feedback received through the referral and review process described in section 4.1.

**3.10. Application-specific processes**

In addition to the Application requirements established in this Bylaw, the following specific Application types will generally follow the process set out as follows:

<b>Application type</b>	<b>Schedule</b>
Official Community Plan or Zoning Bylaw amendment (including Phased Development Agreement)	Schedule A
Preparation of Housing Agreement	Schedule B
Delegated Development Permit	Schedule C
Development Variance Permit (Approval by Council)	Schedule D
Delegated Minor Development Variance Permit	Schedule E
Temporary Use Permit	Schedule F
Floodplain Exemptions	Schedule G
Section 219 Covenant and or Statutory Right of Way Amendments	Schedule H

### **3.11. Concurrent Applications**

Concurrent Applications are encouraged. Where a proposed activity or development requires more than one approval by the City, concurrent Application may be submitted that addresses the requirements of each applicable Application type and the Applicant must pay the fees for each Application type in the amount set out in the City's "Fees and Charges Bylaw".

### **3.12 Multiple sites**

Where a proposal involves multiple adjoining sites, the Planner or Delegate may accept a single Application if the configuration or consolidation that is acceptable to the City.

### **3.13 Subdivision coordination**

Where an amendment to the Zoning Bylaw is made to support a subdivision Application, a subdivision Application must be made, and a Preliminary Lot Review (PLR) letter issued, before adoption of the zoning amendment bylaw.

## **PART 4: DEVELOPMENT APPROVAL INFORMATION (DAI)**

### **4.1. Purpose and applicability**

The purpose of this Part is to establish procedures and requirements for Development Approval Information (DAI) required under section 484 of the *Local Government Act* and the *Official Community Plan*. Depending on the nature of an Application, the Delegate or Planner may:

- (a) Refer the Application to City departments or external agencies for review and comment;
- (b) Require Reports prepared and certified by Qualified Professionals; and
- (c) Require submission of DAI to support evaluation of the Application.

### **4.2. Responsibility and cost**

Any Reports or DAI required under this Bylaw must be prepared and signed by Qualified Professionals acceptable to the Delegate, at the Applicant's sole cost.

### **4.3. Request for additional information**

Where a Planner or the Delegate determines that further information is required to evaluate an Application, including DAI identified in the OCP, the requirement must be communicated to the Applicant in writing following the Pre-Acceptance Review and/or Pre-Application Consultation Meeting.

### **4.4. Terms of Reference**

City Staff or Delegate will provide an Applicant with Terms of Reference (ToR) Guidelines where available or be available to review and comment on an Applicant's draft ToR for each study that is required to complete the DAI. The level of information required will correspond to the magnitude or complexity of the proposed development. The Applicant may suggest modifications to the ToR, which will be reviewed, considered and approved by City staff and/or the Delegate.

### **4.5. Certification of documents**

Where required by the Planner or Delegate, all documents, drawings, Reports, security estimates, technical letters, and other documentation must be certified by a Qualified Professional and submitted to the Planner or Delegate for the purposes of reviewing the Application.

#### **4.6. Report contents**

A Report required under this Part must include, at minimum:

- (a) the legal description and property identifier (PID) for the land that is the subject of the Application;
- (b) a copy of the Certificate of Title and all relevant land use covenants, easements, statutory rights of way or other charges on the title, provided to the City, no more than 30 days prior to submission to the City;
- (c) a location and context map for the land that is the subject of the Application;
- (d) a description of the methodology and assumptions used to undertake the Report or sufficient detail regarding assessment and the methodology to facilitate a professional peer review, if required under Part 4 this Bylaw;
- (e) identification and definition of the context, interaction, scope, magnitude and significance of the anticipated impacts of the proposed activity or development on both adjacent properties and the City as a whole, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats; and
- (f) professional conditions or requirements that City staff may recommend to Council to mitigate anticipated negative impacts of development.

#### **4.7. Expiry and renewal of DAI or Reports**

DAI or Reports older than 12 months require written confirmation from the author that the information remains accurate and conditions have not substantially changed with respect to the proposed development previously assessed.

#### **4.8. Outdated DAI or Reports**

Notwithstanding Section 4.7, if the Planner or Delegate determines that a Report or DAI is outdated, they will:

- (a) Notify the Application in writing, that information is outdated, incomplete or deficient, and the nature of deficiencies and the timeframe to resubmit the corrected Report; or
- (b) Notify the Applicant that the current Report or DAI remains valid despite being older than 12 months and a new Report will not be required.

#### **4.9. Incomplete or deficient Reports**

If a Report is found incomplete or deficient, the Delegate may, by written notice, require the Applicant to:

- (a) Revise and re-submit the Report or DIA at their own expense; or
- (b) Retain an independent Qualified Professional to conduct a peer review of the Report or DAI, at the cost of the Applicant

#### **4.10. Additional costs**

In addition to any Application fees contained in the Fee and Charges Bylaw, an Applicant shall be responsible for the City's actual costs of any third-party professional review required under this Part, including but not limited to legal, engineering, environmental, geotechnical, biologists, architectural and other Qualified Professionals. The Applicant shall pay the invoiced actual cost prior to final consideration of the Application by the authorized decision-maker.

**4.11. Qualified Professional accountability**

The Planner or Delegate will review all documents and design drawings to verify general compliance with the requirements but is not responsible for verifying technical accuracy. Any errors or omissions remain the sole responsibility of the Qualified Professional who certified the submission documents.

**4.12. Presentation of findings**

The Delegate may request, at the Applicant's expense, the author of the Report or DAI make a presentation to Council, the community, or staff.

**4.13. Authority of Delegate**

The Delegate is authorized to:

- (a) Establish and revise the required information, documents, plans, and/or other information requirements for each type of Application pursuant to this Bylaw;
- (b) Establish and revise the size, form and quality of information, documents, plans, and/or information needed to assist in reviewing or processing the Application; and
- (c) Waive any of the information, documents, plans, and/or *DAI* if at their discretion the information is not required to assist in reviewing or processing the Application.

**4.14. Retention and public access**

All DAI and related Reports submitted to the City become City records and may be used or shared in accordance with applicable privacy and records legislation.

**PART 5: SECURITY DEPOSIT**

**5.1. Purpose and authority**

Pursuant to the *Local Government Act* and the Official Community Plan (OCP), the City may require security as a condition of land use permit issuance to ensure completion of works or compliance with permit conditions, including but not limited to:

- (a) Development Permit conditions;
- (b) Landscaping and site restoration (Landscape Security);
- (c) Environmental remediation or restoration (Remediation Security); and
- (d) Performance of the terms of a temporary use permit (Performance Security).

**5.2. Phased landscaping plans and securities**

For large-scale developments, the Delegate may approve phased landscape plans to allow for completion and partial release of security deposits in stages. The Applicant must request a phased approach at the time of Development Permit Application, clearly identifying the proposed phases and related cost estimates prepared by a Qualified Professional.

**5.3. Amount of security**

The amount of the security deposit shall be based on the cost estimate provided by a Qualified Professional, at the expense of an Applicant, to address:

- (a) Landscape Security - The amount of security will be 125% of an estimate or quote of the cost of works, prepared by a Qualified Professional, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials. Hardscaping

elements such as fences, decorative pavements, playground equipment, public art and benches shall be distinguished from soft landscaping elements such as vegetation, soil and amendments in the cost estimate to support staged releases of landscape securities as described in section 5.6 below.

- (b) Remediation Security - The amount of security will be 125% of an estimate cost of works from the length of the maintenance period, as recommended by a Qualified Professional.
- (c) Performance security - As a condition of a Temporary Use Permit. The amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not limited to inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures.

#### **5.4. Changes to approved plans**

Any changes to the approved plans must be approved of the before installation of works and may result in adjustments to the required security amount. The Delegate will determine whether additional security payment or an amended permit is required before the amended works proceed.

#### **5.5. Form of security**

The form of the security deposit shall be an automatically renewing irrevocable letter of credit, bank draft or other form satisfactory to the Delegate. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled and shall be redeemable locally.

#### **5.6. Release procedure**

The procedures for the release of the security deposit shall be:

- (a) If an issued Permit is cancelled by the Applicant and no work has occurred related to the security deposit, the security deposit will be returned to the Applicant at the approval of the Delegate.
- (b) Unless otherwise stated in this bylaw, the City will return the security when written request has been submitted by the Applicant and includes a satisfactory Substantial Completion Report.
- (c) The Substantial Completion Report must be certified by a Qualified Professional and include the following at a minimum:
  - i. The date and drawing number of the plan reviewed by the Qualified Professional;
  - ii. Date(s) of inspection by the Qualified Professional;
  - iii. A statement from the Qualified Professional that the completed works substantially comply with the approved plan(s);
  - iv. The unsafe condition or damage to the natural environment has been corrected.
  - v. A description of all deviations from the approved species, quantity of materials, scale, irrigation systems and features (including hard landscaping) as shown of the approved plan(s) with a rationale for changes and whether the changes meet the intent of the approved plan(s); and
  - vi. The request for amount of security recommended for released presented as an itemized list align with the original cost estimated submitted.

## 5.7. Release of securities

Upon receipt of a Substantial Completion Report, the City may conduct a site inspection to verify compliance in accordance with the approved plans.

- (a) If deficiencies are identified in the Substantial Completion Report or should the City find any discrepancies or deficiencies during an inspection, written notification will be provided to the Applicant and the security will be retained until the deficiencies have been addressed;
- (b) Once completion is confirmed to the satisfaction of the Delegate:
  - i. **Soft landscape security deposits:** up to a maximum 80% may be released based on the findings of the Substantial Completion Report. The remaining 20% may be held for up to three years to ensure plant survival and replacement of failed materials;
  - ii. **Hardscape landscape security deposits:** up to a maximum of 100% (after one year) may be released to ensure damage is not experienced due to construction or weather and any applicable repairs/ replacements are made; and
  - iii. **Environmental restoration:** securities will be released in accordance with Qualified Professional Report(s) forming part of an issued environmental Development Permit.

## 5.8. Default and use of security

Where, in the opinion of the Delegate, an Applicant has failed to satisfy the security requirements of the Permit, or has created an unsafe condition, the City may:

- (a) Carry out the necessary works or corrections at the Applicant's cost; and
- (b) Draw upon the security deposit to cover the cost of such works, returning any balance to the Applicant once costs are reconciled.

## 5.9. Temporary Use Permit security

Council may require, as a condition of issuing a temporary use permit, a security deposit to guarantee the performance of the terms of the permit. Where a temporary use permit provides for such a security deposit, the procedures for the release of the security deposit shall be:

- (a) The Applicant must confirm in writing that buildings or structures have been removed and land restored as specified in the Permit, and request release of the performance security.
- (b) Upon verification of completion, the Delegate will authorize the release the security deposit; and
- (c) If the Applicant fails to undertake such restoration works or defaults on the terms of the temporary use permit, the performance security deposit will be forfeited to the City of Courtenay.

## PART 6: VALIDITY OF APPLICATIONS

### 6.1. Date of issuance

The date of issuance for Development Permit, Development Variance Permit, or Temporary Use Permit is the date on which the permit is approved by Council or a Delegate.

## **6.2. Permit renewal or extension**

Applications to renew or extend a Development Permit, Minor Development Variance Permit, Development Variance Permit, or Temporary Use Permit must be submitted before the permit lapses.

## **6.3. Inactive Application(s)**

- (a) If the Delegate determines that an Application has been inactive for six (6) months or more, the Applicant will be given 30 days' written notice to:
  - i. provide viable explanation of the delay; or
  - ii. submit any outstanding Development Application Information (DAI) or fulfill any outstanding requirements.
- (b) If no response is received or the Applicant does not has demonstrated how compliance is being sought than the Application will be closed.
- (c) The Delegate may grant one (1) six-month extension, upon written request by the Applicant, before closing the file.

## **6.4. Withdrawn Applications – refunds**

If an Application is withdrawn in writing by the Applicant prior to referral, the Applicant may request in writing a refund of the refundable portion of the Application fees in accordance with the Fees and Charges Bylaw.

## **6.5. Closed Applications – reapplication required**

If an Application has been closed due to inactivity as defined in Part 3 and Part 6, the Applicant must begin the Application process again in accordance with this Bylaw and submit a new, Complete Application.

## **6.6. Re-application following denial**

Where an Application has been denied by Council, a substantially similar re-application will not be considered for twelve (12) month period immediately following the date of denial.

## **6.7. Early replication exception**

Despite Section 6.6 of this Bylaw, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply in less than one year from the denial date.

## **6.8. New fees for withdrawn, closed or denied Applications**

If an Application is withdrawn, closed or denied, fees pursuant to the Fees and Charges Bylaw are applicable to any new Application.

## **6.9. Permit amendments**

The process to amend a permit is the same as the process for a new permit.

## **6.10. Abandonment of OCP/Zoning Bylaw amendments**

If an Application to amend the Official Community Plan or Zoning Bylaw has not received final adoption within twelve (12) months of the date of third reading; or the date of the last Council consideration, the Applicant shall be notified in writing and if no response is received within 60 days, the Planner may:

- record the response and consider the Application abandoned; and/or

- the Planner will prepare a motion for Council’s consideration to rescind all readings of the bylaw associated with the amendment Application.

**6.11. Time extension requests – OCP/Zoning amendments**

Upon written request by the Applicant prior to the lapse of the Application for an amendment to the Official Community Plan or Zoning Bylaw, Council may approve a twelve (12) month extension by passing a resolution, to allow the Applicant to complete the requirements for final adoption.

A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the Applicant has received two (2) one-year time extensions, or there have been changes to the policies, bylaws or Development Permit guidelines affecting the Application and the Applicant still has not met the requirements for final adoption and wishes to proceed with the Application, a new Application and fees will be required in accordance with the Fees and Charges Bylaw.

**PART 7: COMMUNITY INFORMATION MEETING**

- 7.1.** The purpose of a Community Information Meeting (CIM) is to give the public an opportunity to learn more about a development Application, ask questions, and share input beyond what is available through Application referral, statutory notification, or the public hearing process.
- 7.2.** If the Application is for a proposed OCP Amendments, Zoning Bylaw Amendments, Temporary Use Permits or Development Variance Permits, the Delegate may determine if the Application will be required to hold a CIM at their own expense prior to the Application being considered by Council.
- 7.3.** The Delegate will determine whether a CIM is required by evaluating:
- (a) the potential impact of the development on the surrounding neighbourhood due to the scale;
  - (b) whether the proposal aligns and is consistent with the OCP; and
  - (c) the complexity of the Application.
- 7.4** If it is determined that a CIM is required, the following conditions will apply:
- a) A CIM will be scheduled a minimum of three (3) weeks before the Application is considered by Council;
  - b) The CIM may be held at the City of Courtenay offices, or another location approved by the Delegate;
  - c) The Applicant must work with City staff to:
    - i. Prepare advertising and notices;
    - ii. Mail notices property owners within
      - A. 100 m for OCP, Zoning Bylaw Amendments, Phased Development Agreements and Temporary Use Permits; and
      - B. 30 m for Development Variance Permits;
    - iii. Ensure notices are sent a minimum of 10 days before to the meeting;
  - d) The CIM will be held in person, with options for virtual viewing and participation; and
  - e) A CIM format may include an open house, presentation, display, small group discussion, and/or a question-and-answer period and may include a combination thereof, as directed by the Delegate.

- 7.5. Council or the Delegate may require the Applicant to hold more than one (1) CIM for an Application if the first CIM generated substantive public comments or concerns to warrant a second meeting.
- 7.6. The Delegate is authorized at their discretion to modify the meeting location, meeting time, meeting format, and staff attendance at the meeting.
- 7.7. After a CIM is held, the Planner will prepare a summary Report outlining the number of attendees, the materials displayed, and a summary of the comments and concerns expressed at the meeting.
- 7.8. The input received at the CIM as well as the Applicant's and staff's responses will be included in a staff Report for consideration by the Delegate and/or Council.
- 7.9. Where an Applicant has given notice or engaged with the community prior to an Application being reviewed by the City, the Applicant shall provide copies of these written materials to the City, and identify whether they meet the advertising, format and content requirements provided above, prior to consideration of an Application by Council.

## **PART 8: PUBLIC NOTICE REQUIREMENTS**

### **8.1. General requirements**

The public notice requirements for Applications are prescribed in the *Local Government Act* and the *Community Charter*.

### **8.2. Methods of providing notice**

Where notice is required under Part 14 of the *Local Government Act*, it may be provided using at least two (2) of the following methods:

- (a) by posting the notice prominently on the City's official website for two (2) consecutive weeks;
- (b) by posting the notice prominently on any of the City's official social media platforms for two (2) consecutive weeks; or
- (c) by publishing the notice once per week for two (2) consecutive weeks (not including the date of the Council meeting) in a newspaper or other publication circulating within the City.

### **8.3. Notice of Public Hearing or proposed bylaw**

- (a) Where a public hearing is held or where Council proposes to pass a resolution to enter into a Phased Development Agreement or issue a Temporary Use Permit a notice shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within 100 metres from the parcel(s) that is subject to the proposed bylaw.
- (b) Where a public hearing is prohibited or is not held under s.467 of the *Local Government Act* notification shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within 100 metres from the parcel(s) that is subject to the proposed bylaw.

### **8.4. Notice of Permits or Agreements**

- (a) Notices pursuant to Section 499 of the *Local Government Act* (where Council proposes to pass a resolution to issue a Development Variance Permit) shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within a distance of 30

metres from the parcel(s) that is subject to the proposed permit.

**8.5. Additional notice requirements**

- (a) The content of all public notices shall comply with the applicable provisions of the *Local Government Act*.
- (b) Any correspondence submitted in response to public notices must be provided in writing and received by the City prior to the Council meeting as specified in the notice.
- (c) Additional notifications or public hearings beyond those required by legislation are subject to the applicable fees under the Fees and Charges Bylaw.

**8.6.** Notwithstanding 8.3b, in the event of a Canada Postal service disruption, the requirement to send notice by mail is suspended. In such cases, all open Applications available for public comment shall be made available on the City's official website and/or in-person at City Hall during regular operating hours.

**PART 9: RECONSIDERATION OF APPLICATIONS**

**9.1.** An Applicant may request that Council reconsider a decision made by the Delegate under this Bylaw by submitting a written Application for reconsideration to the Corporate Officer within thirty (30) days of receiving written notice of the decision.

**9.2.** An Application for reconsideration must include the following:

- (a) Applicant's address for receiving correspondence related to the request for reconsideration;
- (b) copy of the written decision made by the Delegate;
- (c) Any supporting documents or evidence the Applicant wishes Council to consider; and
- (d) Written statement outlining the reasons for requesting reconsideration of the Delegate's decision and the decision the Applicant is seeking from Council.

**9.3.** The Corporate Officer shall place the reconsideration request on the next available Council meeting agenda and provide the Applicant with written notice of the meeting date.

**9.4.** When reconsidering the decision, Council may:

- (a) Hear from the Applicant and any other person interested in the matter, and
- (b) Either confirm the original decision of the Delegate or substitute its own decision.

**PART 10: EFFECTIVE DATE, SEVERABILITY AND REPEAL**

**10.1.** This Bylaw comes into effect on adoption.

**10.2.** If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed valid.

**10.3.** “City of Courtenay Development Procedures Bylaw No. 3106, 2023”, as amended, is hereby repealed.

Read a first time this [day] day of [month], [year]

Read a second time this [day] day of [month], [year]

Read a third time this [day] day of [month], [year]

Adopted this [day] day of [month], [year]

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Mayor Bob Wells

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Corporate Officer Adriana Proton

## SCHEDULES OVERVIEW

The following Schedules form part of the City of Courtenay Development Procedures Bylaw No. 3202. These schedules are incorporated to provide procedural clarity for City Staff, Applicants, and Council.

### SCHEDULE A OFFICIAL COMMUNITY PLAN (OCP) OR ZONING BYLAW AMENDMENT (INCLUDING PHASED DEVELOPMENT AGREEMENT)

Schedule 'A' outlines the standard process for an Applications involving amendments to the Official Community Plan (OCP) and Zoning Bylaw, including Applications that incorporate a Phased Development Agreement. Includes details on pre-Application meetings, Application intake, consultation, staff review, Council consideration, and bylaw adoption steps.

- 1.1. The Applicant shall hold a Pre-Application Consultation Meeting to discuss the proposal and Application requirements with the Delegate or Planner prior to submitting a formal Application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual Site Plan be submitted in advance. The Delegate or Planner will advise the Applicant of *DAI* required, if any.
- 1.2. After receiving a Complete Application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required Application information is received and fees paid.
- 1.3. An Application for an amendment to the "Official Community Plan" will include one or more opportunities for consultation with persons, organizations and authorities that the City considers affected by the Application as outlined in the *Local Government Act*. The opportunity for consultation will be considered for each amendment Application and will be summarized in the staff's Report to Council.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. The Applicant may be required to post a Notice of Application sign, as determined by the Delegate.
- 1.6. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.7. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the Application and prepare the Report to Council.
- 1.8. The Applicant may be required to hold a CIM at their own expense prior to the amending bylaw being considered by Council.
- 1.9. The City encourages Applicants to inform adjacent landowners and residents of the proposed development plans and address concerns where feasible. In doing so provide this information to inform the Application.
- 1.10. For a "Zoning Bylaw" Amendment for only residential uses, that is consistent with the *OCP*, and meets the requirements of the *Local Government Act*, no public hearing is required.
- 1.11. Planning staff will prepare a planning Report for Council to summarize referral responses, present bylaw, recommend first and second readings of the bylaw, (and set public hearing date where one is required); or recommend Council deny the Application. First, second, and third readings of the bylaw may take place where a public hearing is not held, and at the discretion of the Delegate.

- 1.12. The Applicant is encouraged to attend the Council meeting at which the Application will be considered to answer any questions Council may have and to listen to the proceedings.
- 1.13. Council may, upon receipt of a Report completed by staff:
  - (a) Give first reading to the bylaw amendment pursuant to the Application; or
  - (b) Refer the Application back to staff to make changes as directed; or
  - (c) Defer or postpone the Application; or
  - (d) Reject the Application.
- 1.14. If Council does not give first reading, the Applicant is notified in writing. That portion of the Application fees taken for a public hearing are refunded as per the "Fees and Charges Bylaw" and the Application is closed.
- 1.15. In the case of a *phased development agreement*, following approval of first and second readings of the amending bylaw(s), the Delegate will work with the Applicant to draft the agreement.
- 1.16. Where the Delegate has provided notice not to hold a public hearing, and Council decides that a public hearing be held prior to third reading to permit the public to comment on the Application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the public hearing for the amending bylaw(s) will be published pursuant to the *Local Government Act*. For a rezoning Application where the proposed "Zoning Bylaw" is consistent with the *OCP*, a public hearing is not a default requirement of the *Local Government Act*.
- 1.17. If a public hearing is held, the minutes of the public hearing will be presented to Council prior to consideration of third reading of the amending bylaw.
- 1.18. Following third reading of the bylaw(s), where applicable, any legal documents such as covenants and statutory rights of way shall be registered on title, and if applicable subdivision agreements completed, and final technical documents submitted for review and consideration.
- 1.19. Once all the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the bylaw(s).
- 1.20. If defeated, reapplication of a similar amendment will only be considered in accordance with this bylaw.
- 1.21. Once the minutes of the Council resolution have been prepared, the Applicant will be notified of the outcome.

#### **Preparation of *Phased Development Agreements***

If a *phased development agreement* is required, it may be processed concurrently with a Zoning Bylaw Amendment Application. The *phased development agreement* must be adopted by a separate bylaw prior to adoption of the amending land use bylaw. A *phased development agreement* and concurrent Zoning Bylaw amendment Applications includes the following steps:

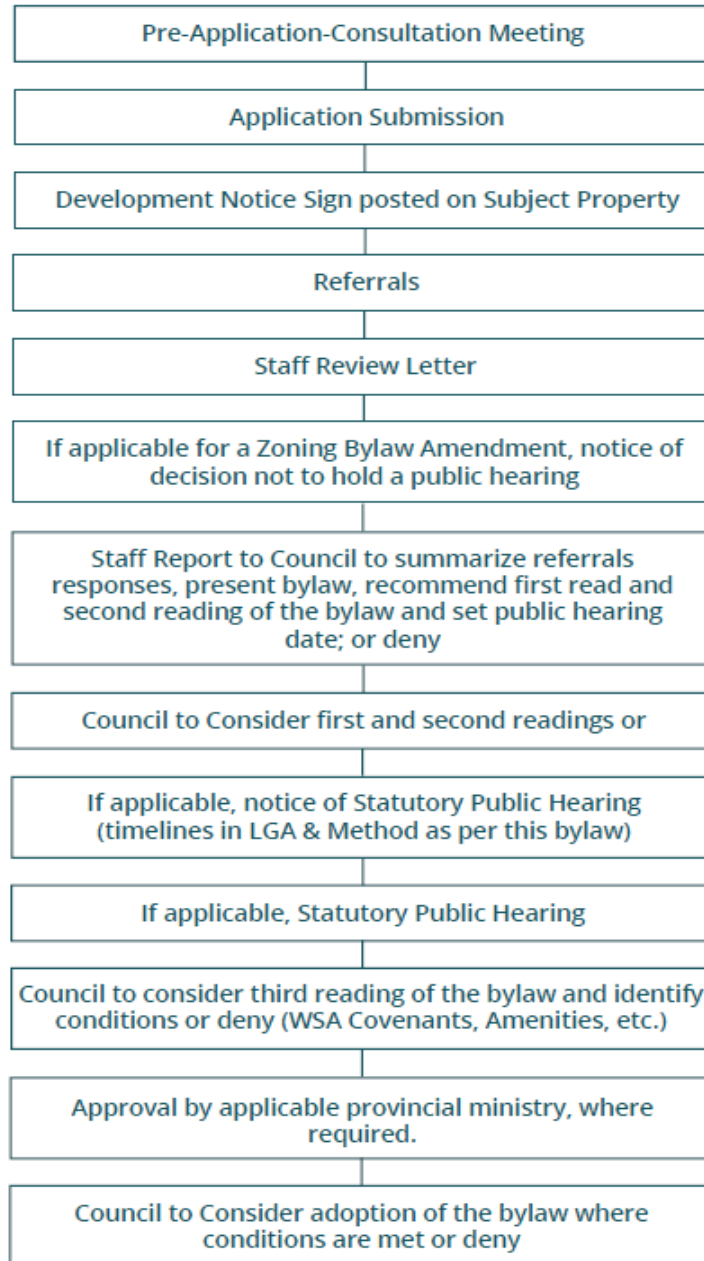
- a) The Applicant will be required to work with the Delegate to develop a Terms of Reference identifying the basic conditions to be outlined in the *phased development agreement*. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.
- b) The Applicant will submit the draft Terms of Reference to the City who may refer it to other City staff and applicable external agencies by for review and comment.
- c) Once the basic conditions in the Terms of Reference have been agreed upon, the Applicant will be directed to draft the *phased development agreement*, at the Applicant's expense, and submit

the agreement to the City.

- d) Staff may refer the draft *phased development agreement* to all applicable City staff and applicable external agencies by for review and comment and may refer the draft *phased development agreement* to the City's solicitor.
- e) Staff will prepare a technical Report for Council's consideration on the draft *phased development agreement*, incorporating feedback received from the referral process and amending land use bylaw(s) (e.g. *OCP*, Zoning Amendment Bylaw Application(s)).
- f) If Council wishes to proceed with the *phased development agreement*, the *phased development agreement* bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the Application.
- g) Should the *phased development agreement* Bylaw receive first and second readings a public hearing will be held pursuant to the *Local Government Act* and this Bylaw.
- h) Following the close of the public hearing, Council may proceed with third reading of the *phased development agreement* and the amending land use bylaw(s) (e.g. *OCP*, "Zoning Bylaw" Application(s)) (including the imposition of conditions), postpone or deny the Application.
- i) Once the Applicant has adequately addressed the conditions identified at third reading (if any), Council will consider adoption of the *phased development agreement* bylaw(s) and the amending land use bylaw(s) (e.g. *OCP*, "Zoning Bylaw" Application(s)).
- j) If a *phased development agreement* is entered into, a Notice will be registered against the title of the property at the Land Title Office by Staff.
- k) Amendments to an approved *phased development agreement* may occur pursuant to the *Local Government Act*.

**Figure 1: OCP and Zoning Bylaw Application Process**

**OFFICIAL COMMUNITY PLAN (OCP) OR ZONING BYLAW AMENDMENT (INCLUDING THE ESTABLISHMENT OF A PHASED DEVELOPMENT AGREEMENT)**



**SCHEDULE B**  
**PREPARATION OF HOUSING AGREEMENTS**

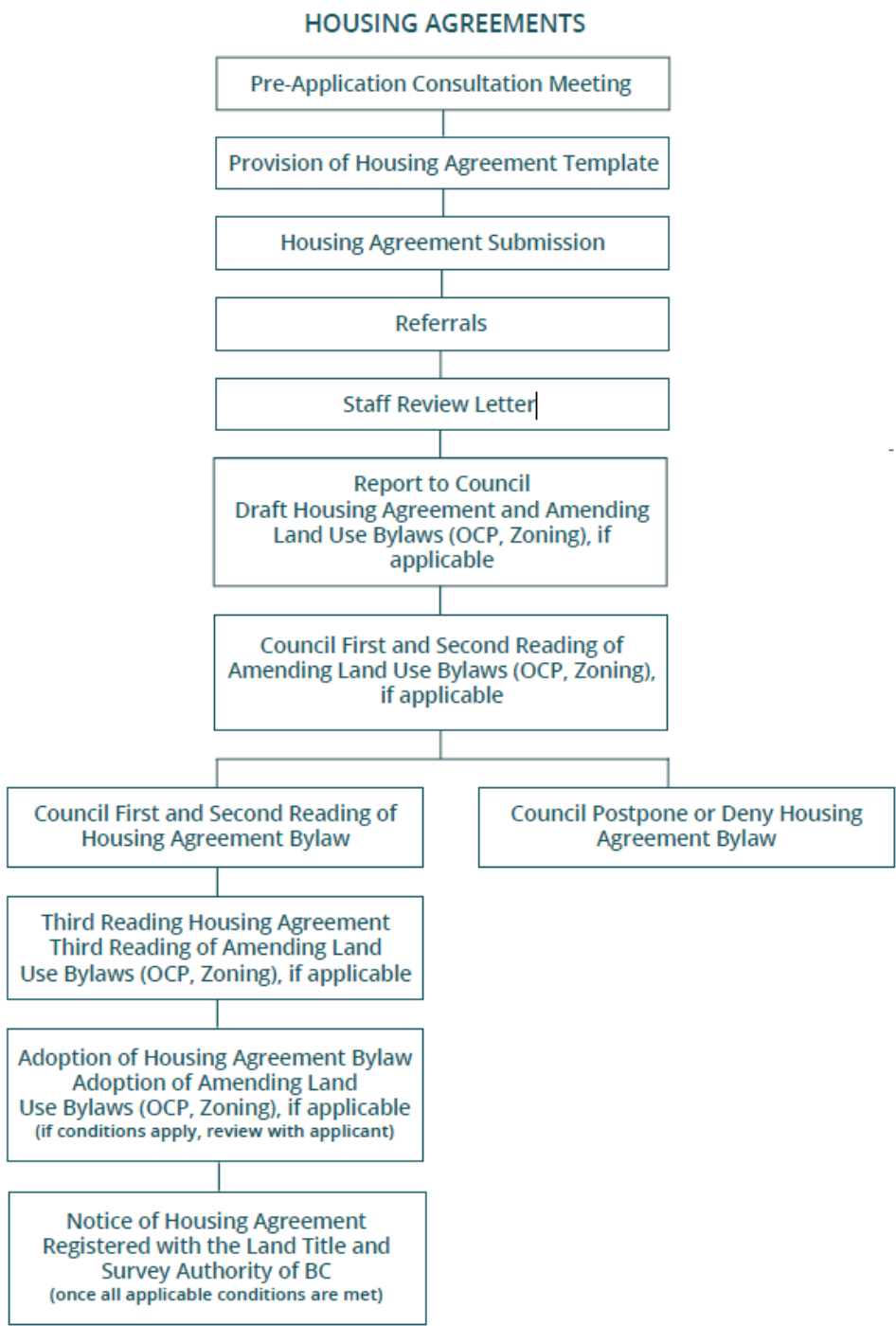
Housing Agreements are used to ensure affordability for current and future renters and owners. While terms and conditions of the agreement vary between properties, a housing agreement usually serves to limit rental rates or sale prices, and may also stipulate who may reside at, or purchase, the property. Administrative requirements, property management, and an allowance for monitoring to ensure compliance may also be included.

Housing Agreements may be required as a condition of a Zoning Amendment Application or it may occur in the absence of a Zoning Amendment Application process. When in conjunction with a Zoning Amendment Application, the Housing Agreement must be adopted by a separate bylaw prior to adoption of the amending land use bylaw.

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and Application requirements with the Delegate or Planner prior to submitting a formal Application to the City. Where a “Zoning Bylaw” amendment is required to accommodate the proposed Housing Agreement, the meeting will include discussion of “Zoning Bylaw” amendment as well. The Delegate or Planner will advise the Applicant of Reports and *DAI* required, if any.
- 1.2. Prior to Application, staff will provide a standard City of Courtenay Housing Agreement template.
- 1.3. The Applicant will complete the Housing Agreement and shall include at minimum:
  - (a) *owner* and / or Society sponsoring or championing the housing development,
  - (b) Site Specific Information – Information specific to the owner or management information, as well as project details such as number and type of units etc.
  - (c) Fees and Charges – Clearly outline fees, such as rent amounts, strata or leasehold fees, additional charges (such as meal, medical, laundry etc.), and specific information regarding rate increases (limits to amount and frequency).
  - (d) Qualified Occupants – A fair practice and clear definition for determining who is a qualified occupant.
  - (e) Roles and Responsibilities – Define the roles and responsibilities of each party, including external funding sources if applicable.
  - (f) Terms and Conditions – These may be standard or specific to the proposal and will be discussed with the Delegate or Planner.
  - (g) Monitoring and Management – Clearly outline how the housing will be managed and maintained and how the management and maintenance will be monitored.
- 1.4. After receiving a Complete Application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant.
- 1.5. Planning staff will review the proposal for compliance with relevant City bylaws. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.6. Staff may refer the draft Housing Agreement to all applicable other City staff and applicable external agencies by for review and comment and may refer the draft Housing Agreement to a solicitor.

- 1.7. Staff will prepare a Report for Council's consideration on the draft Housing Agreement, incorporating feedback received from the referral process and amending land use bylaw(s) where applicable (e.g. *OCP*, or Zoning Amendment Bylaw Application(s)).
- 1.8. Where the Housing Agreement is considered in relation to a Zoning Amendment bylaw, the Housing Agreement Bylaw will be considered following First and Second Readings of the Zoning Amendment Bylaw.
- 1.9. If Council wishes to proceed with the Housing Agreement, the Housing Agreement bylaw will be given first reading and second reading. Council may alternatively decide to postpone or deny the Application.
- 1.10. Where a Housing Agreement Bylaw has received First and Second readings, Council may proceed with third reading of the Housing Agreement and the amending land use bylaw(s) together (including an *OCP* or "Zoning Bylaw" amendment Application(s)), including the imposition of conditions), postpone or deny the Application(s).
- 1.11. Once the Applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Housing Agreement bylaw and the amending "Zoning Bylaw" and *OCP* Bylaw if applicable. If a Housing Agreement Bylaw is adopted, a Notice of Housing Agreement will be registered by staff against the title of the property at the Land Title Office.
- 1.12. Monitoring and enforcement are common conditions of Housing Agreements and will be followed in accordance with the Agreement.

**Figure 2: Housing Agreement Process**



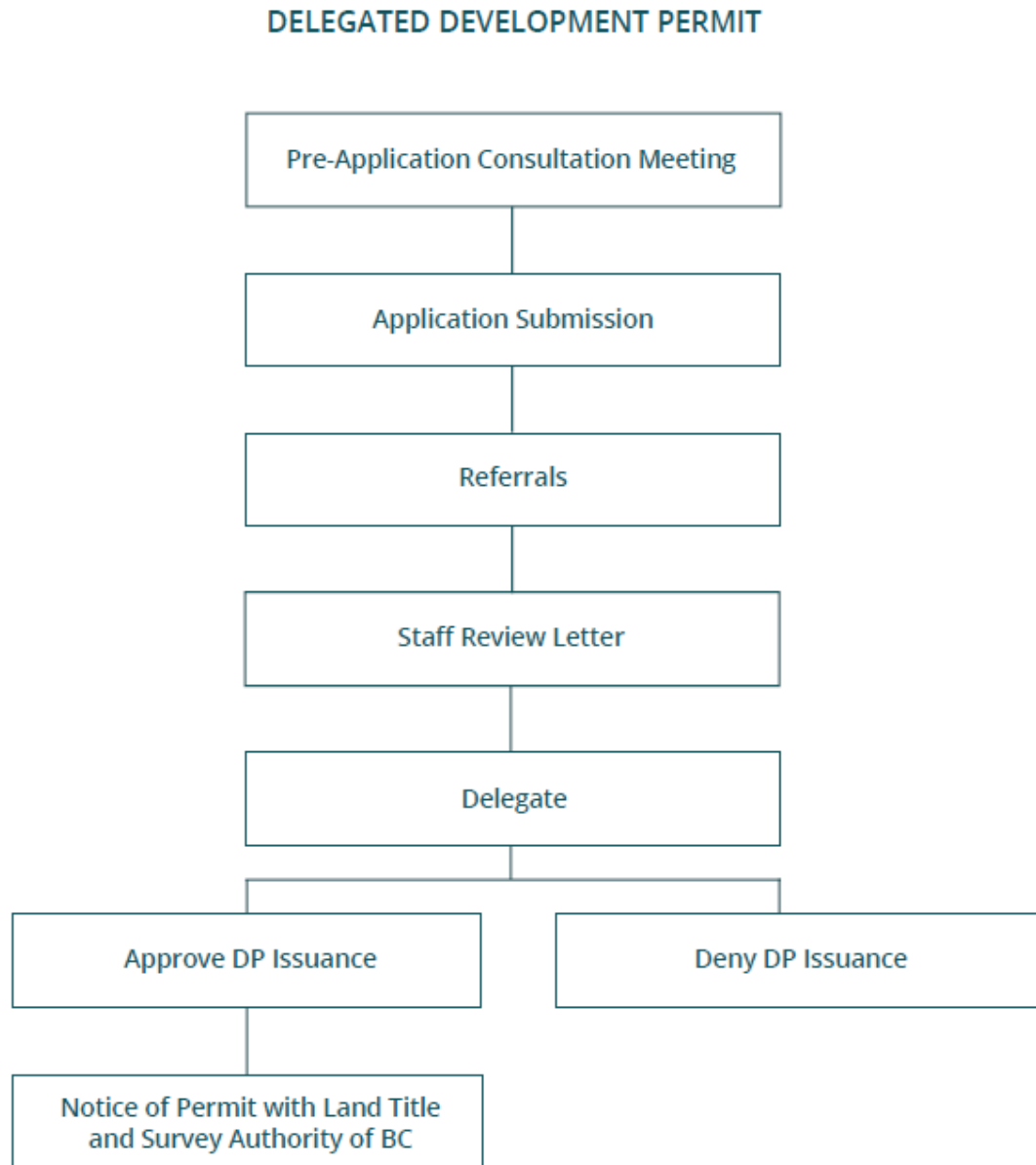
## SCHEDULE C

### DELEGATED DEVELOPMENT PERMIT

A Development Permit allows the Delegate to approve a Development Permit in compliance with the OCP and Zoning Bylaw. Development Permit Applications are not subject to Public Hearing requirements or formal notification. This process arises because the Delegate's discretion to approve, amend or deny a Development Permit is limited to the scope of the Development Permit Area Guidelines in the Zoning Bylaw.

- 1.1. This schedule applies to permits that have been Delegated by Council to the Delegate and where the Development Permit does not include a variance.
- 1.2. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and Application requirements with the Delegate or Planner prior to submitting a formal Application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual Site Plan is submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.3. After receiving a Complete Application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required Application information, including Reports, is received and fees paid.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.6. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the Application and prepare the Report to the Delegate.
- 1.7. Planning staff will prepare a planning Report for the Delegate to summarize how the Application meets the Development Permit Area guidelines and recommend whether to approve or deny.
- 1.8. The Delegate may issue the Development Permit, issue the Development Permit with conditions or where the Application does not conform to the Development Permit Area Guidelines in the "Zoning Bylaw", refuse to issue the Development Permit. Alternatively, the Delegate may refer the Application to Council for reconsideration in accordance with this bylaw.
- 1.9. Development Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
- 1.10. If a Development Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office
- 1.11. Applications for permit renewals, extension, or re-Application will be processed in substantial accordance with the process outlined above.

Figure 3: Delegated Development Permit Application Process



The following permits are delegated to the Director of Development Services:

- DPA-1: Commercial, Industrial, Mixed-Use Developments, and Multi-Residential Dwellings with Three or More Units
- DPA-2: Intensive Residential Form and Character DPA for Duplexes, Detached Secondary Residences, Heritage Neighbourhoods, Bare Land Stratas, and Mobile Home Parks
- DPA-3: Farm Protection
- DPA-4: Environmental
- DPA-5: Hazardous Conditions - Steep Slopes

## SCHEDULE D

### DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATION (APPROVAL BY COUNCIL)

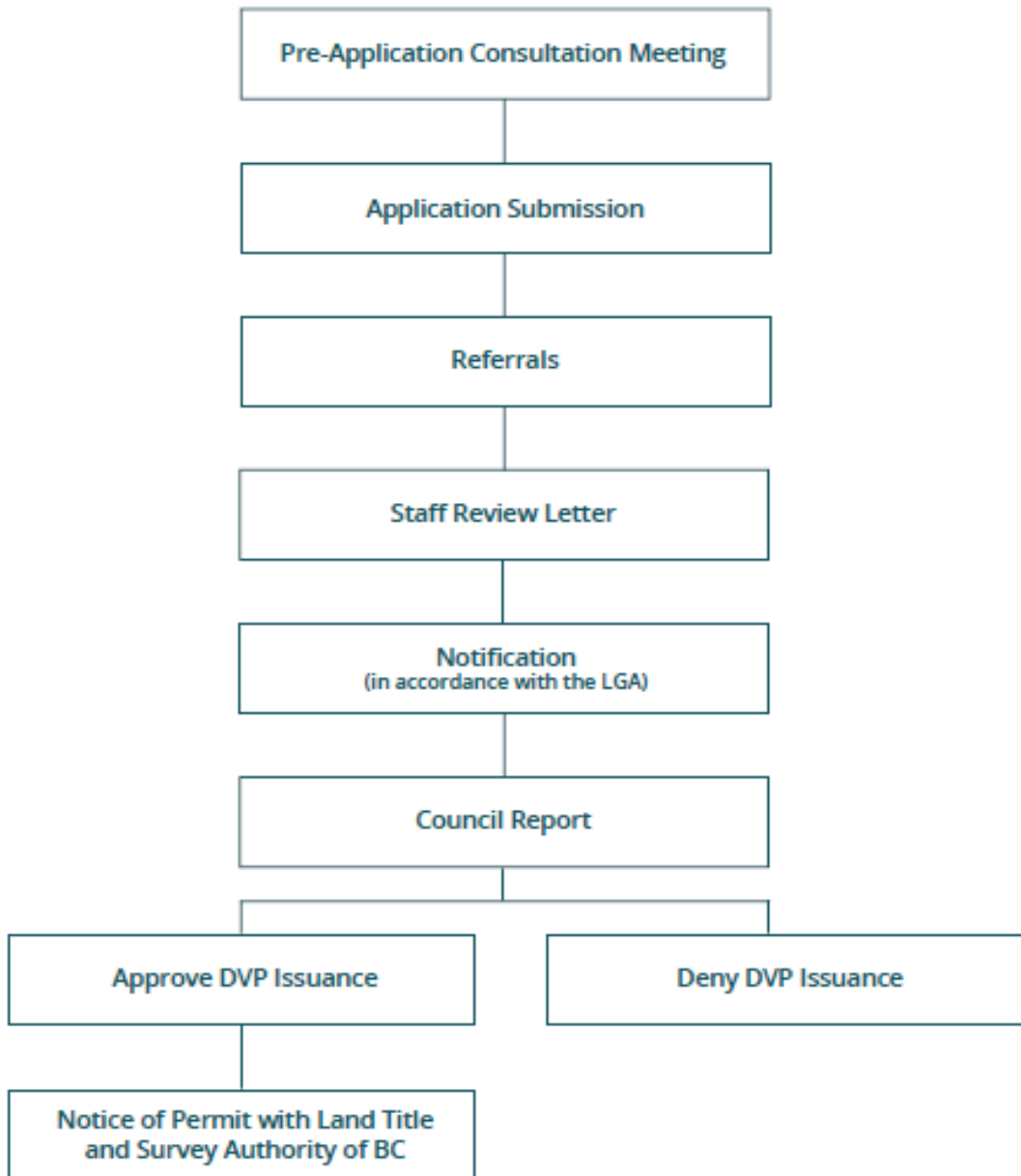
Schedule 'D' outlines the standard processing procedure for Council approved development variance permit Applications and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. Any variance that falls within the definition of *minor* Development Variance in Section 1.2 of this Bylaw are exempt from Council approval.
- 1.2. The Applicant for a major development variance shall arrange a Pre-Application Consultation Meeting to discuss the proposal and Application requirements with the Delegate or Planner prior to submitting a formal Application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information, such as project summary and conceptual Site Plan, are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.3. After receiving a Complete Application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant.
- 1.4. Depending on the particulars of an Application, an Application may be referred to City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.5. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the Application and prepare the Report to the Delegate.
- 1.6. Planning staff will prepare a planning Report to Council relating any information received through internal referral, and the notification process and advising on the extent of the requested variance and whether the variance is necessary or beneficial. The Report will consider the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated, whether there is a community or environmental benefit to the larger community in granting the variance, and whether there is hardship other than the business aspects of the development, such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).
- 1.7. Where an Application for a DVP is made concurrent with a Development Permit, the Report to Council will include in general terms the nature of the Development Permit. The Development Permit is a separate permit and is reviewed and issued by the Delegate.
- 1.8. Staff will mail or otherwise deliver notices to adjacent property owners in accordance with this bylaw.
- 1.9. The Applicant is encouraged to attend the Council meeting at which the Application will be considered to answer any questions Council may have and to listen to the proceedings.

- 1.12. Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
- 1.13. If a DVP is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
- 1.14. Applications for permit renewals, extension, or re-Application will be processed in substantial accordance with the process outlined above.

**Figure 4: Development Variance Permit Application Process**

**DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATION (APPROVAL BY COUNCIL)**



## SCHEDULE E

### DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT

Section. 498.1 of the *Local Government Act* enables local governments to delegate Development Variance Permit decisions to staff, if the proposed variance to a Zoning Bylaw is minor and pertains to matters specified in legislation. Minor Development Variance Permits Applications are not subject to statutory notice. This information outlines the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

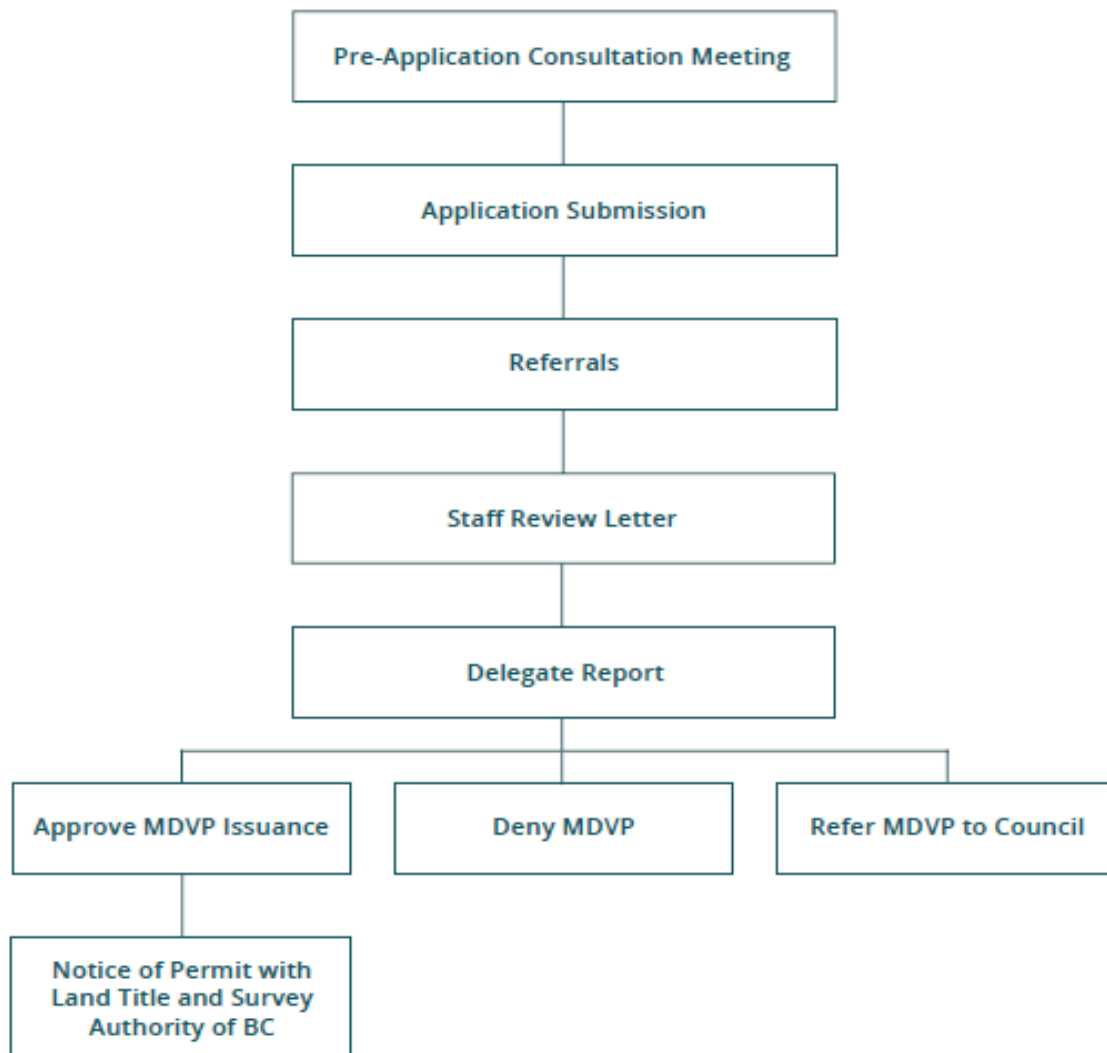
- 1.1. This schedule applies to Minor Development Variance Permits. These decisions are subject to reconsideration by Council.
- 1.2. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and Application requirements with the Delegate or Planner prior to submitting a formal Application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual Site Plan is submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.3. After receiving a Complete Application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required Application information, including Reports, is received and fees paid.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.6. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the Application and prepare the Report to the Delegate.
- 1.7. Planning staff will prepare a planning Report for the Delegate to summarize the Application and how it meets the Minor Development Variance Permit guidelines.
- 1.8. Where an Application for a Minor Development Variance Permit is made concurrent with a Development Permit, the Report to Delegate will also address the Development Permit and how it meets Development Permit area guidelines. The Development Permit is a separate permit and is reviewed and issued by the Delegate.
- 1.9. In considering whether to approve a *minor* variance, the Delegate will consider the following guidelines:
  - (a) the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated;
  - (b) in the case of multiple *minor* development variances, the Delegate will consider the cumulative impact and may determine the Application is a not a *minor* Development Permit variance Application and may refer the Application to the Council approval process;
  - (c) whether there is a community or environmental benefit to the larger community in granting the variance, and
  - (d) whether there is hardship other than the business aspects of the development, such as

location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).

- 1.10. The Delegate may issue the Minor Development Variance Permit, issue the Minor Development Variance Permit with conditions or where the variance is not supported by the considerations above, refuse the Minor Development Variance Permit. Alternatively, the Delegate may refer the Application to Council for reconsideration in accordance with this bylaw.
- 1.11. Minor Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
- 1.12. If a Minor Development Variance Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
- 1.13. Applications for permit renewals, extension, or re-Application will be processed in substantial accordance with the process outlined above.

**Figure 5: Delegated Minor Development Variance Permit Application Process**

**DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT (MDVP)**



## SCHEDULE F

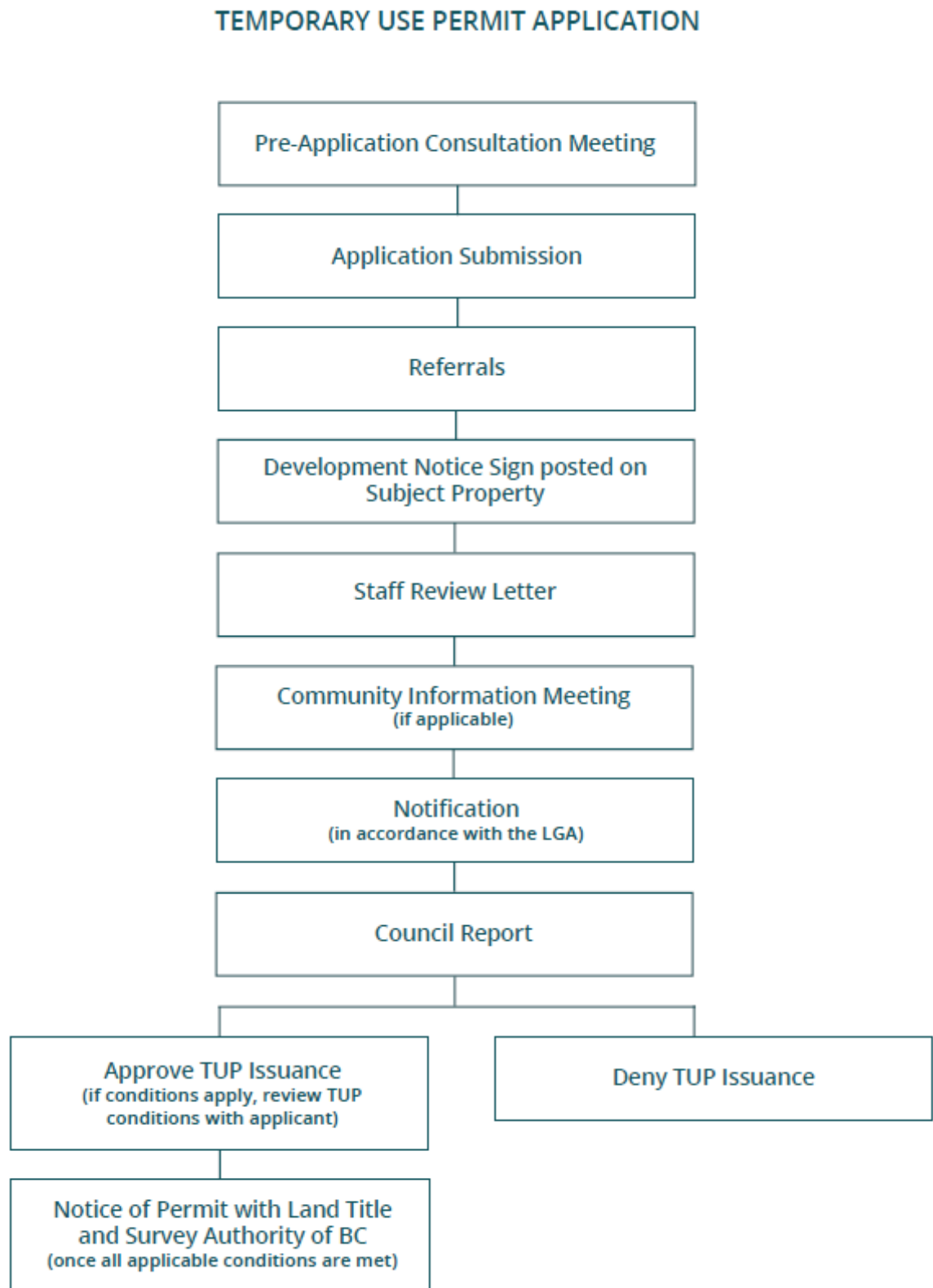
### TEMPORARY USE PERMIT APPLICATION

This process is only available where the OCP or Zoning Bylaw designate the area as a place where temporary uses may be allowed. All Applications for Temporary Use Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and Application requirements with the Delegate or Planner prior to submitting a formal Application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual Site Plan are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a Complete Application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required Application information is received and fees paid.
- 1.3. The Applicant may be requested to post a Notice of Application sign and be provide with the applicable design guidelines for the creation and placement of such sign.
- 1.4. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.5. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.6. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the Application and prepare the Report to Council.
- 1.7. The Applicant may be required, and is encouraged, to hold a CIM at their own expense prior to the Permit being considered by Council. If required, the Applicant is to conduct the CIM.
- 1.8. Temporary use permits are subject to statutory notification requirements as outlined in the *Local Government Act* and the alternative methods of notice set out in this Bylaw and shall include opportunity for the public to make comment to Council on the proposal in the form of a public input opportunity.
- 1.9. Staff will prepare a planning Report for Council relating any information received through internal referral, and the notification process. The Report should consider the extent to which the temporary use relates with the intent and policies of the OCP and potential impact of the use on surrounding properties.
- 1.10. The Applicant is encouraged to attend the Council meeting at which the Application will be considered to answer any questions Council may have and to listen to the proceedings.
- 1.11. Council may require an Applicant provide performance security for a temporary use permit and may impose additional conditions, including those that were not imposed in the original Temporary Use Permit.
- 1.12. Once the minutes of the Council resolution have been prepared, the Applicant will be notified of the outcome.

- 1.13. If a Temporary Use Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
- 1.14. The owner of the land in respect to which the temporary use permit has been issued has the right to use the land as authorized through the permit until the date that the permit expires, for a term not to exceed three (3) years.
- 1.15. An Applicant to whom a temporary use permit has been issued may apply in writing to have the permit renewed for the same use for a specified term not exceeding 3 years. Renewal may only be granted once.
- 1.16. The renewal should be applied for and granted within the term of the original temporary use permit.
- 1.17. When the owner of land fails to comply with all the undertakings given under the permit, the City may enter on the land and carry out the demolition, removal or restoration at the expense of the owner.

Figure 6: Typical Temporary Use Permit Application Process

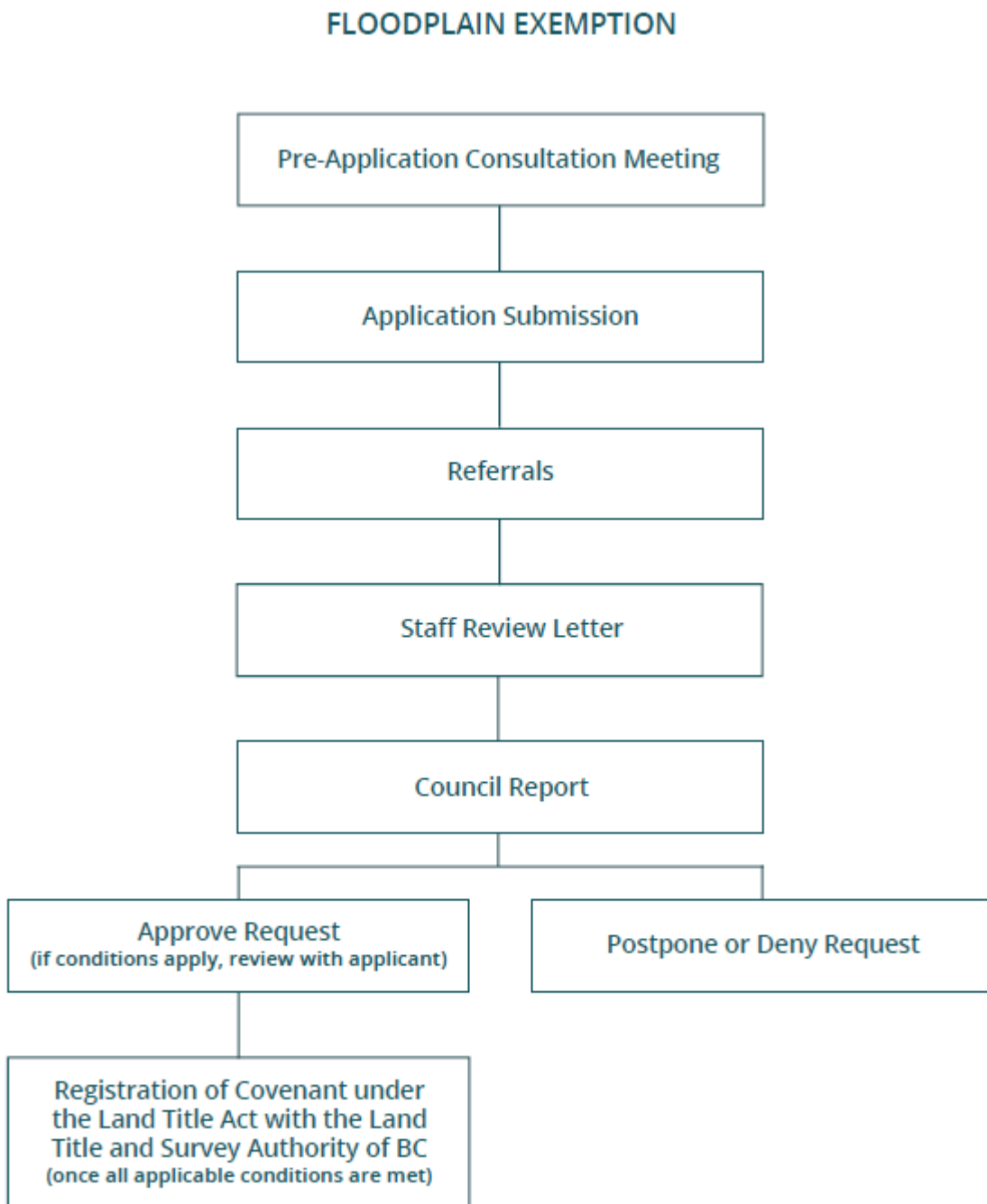


**SCHEDULE G  
FLOODPLAIN EXEMPTIONS**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. All requirements for Development Permit, Development Variance Permit and Temporary Use Permit shall be followed in lands considered to be impacted by floodplain, with the addition of the following:
- a. The Applicant shall arrange a Pre-Application Consultation Meeting to review the potential floodplain proximity and impact on the development, considering available floodplain mapping and mapping provided by the Applicant. The Delegate or Planner will advise the Applicant of Reports required, if any.
  - b. After receiving a Complete Application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant.
  - c. Planning staff will review the proposal for compliance with relevant City bylaws and policies and may require a third-party Qualified Professional to review the Floodplain implications, at the sole cost of the Applicant. Staff may conduct a site visit(s) as part of the evaluation process.
  - d. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
  - e. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the Application and prepare the Report to the Delegate.
  - f. Staff will prepare a Report for the Delegates consideration, incorporating feedback received from the referral process and the third-party professional opinion.
  - g. The Delegate may grant a floodplain exemption, with terms or conditions, or may postpone or deny the Application.
  - h. If an exemption is granted, a covenant under the *Land Title Act* will be prepared at the expense of the Applicant and will be registered against the title of the subject property at the Land Title Office.

Figure 7: Floodplain Exemption Application Process



**SCHEDULE H**  
**SECTION 219 COVENANT AND/OR STATUTORY RIGHT OF WAY**  
**AMENDMENTS**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. An Application to amend a Section 219 Covenant or statutory right of way submitted in accordance with this bylaw will be substantially processed as processed as outlined below.

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and Application requirements with the Delegate or Planner prior to submitting a formal Application to the City. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a Complete Application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required Application information is received and fees paid.
- 1.3. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. The Applicant will be advised, in writing, of feedback received through the referral process and will be advised of any additional information required to evaluate the Application.
- 1.6. Staff will prepare a technical Report for consideration, incorporating feedback received from the referral process and any recommendations. If the Application is deemed to meet the criteria of Delegated authority, the amendment request and technical Report will be referred to the Delegate for consideration otherwise the Report will be prepared for Council's consideration.
- 1.7. Where approved by Council, the Applicant is encouraged to attend the Council meeting at which the Application will be considered to answer any questions Council may have and to listen to the proceedings.
- 1.8. If proposed amendment is approved, an amended covenant or statutory right of way under the *Land Title Act* or request to discharge will be prepared at the expense of the Applicant and will be registered against the title of the subject property at the Land Title Office. If approved, Notice of Permit will be registered by staff against the title of the property at the Land Title Office.

Figure 8: Typical Section 219 Covenant and/or Statutory Right of Way Amendments Application Process

### SECTION 219 AND/OR STATUTORY RIGHT OF WAY AMENDMENTS

