

## CITY OF COURTENAY

### Development Procedures Bylaw No. 3106, 2023

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

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**WHEREAS** the Council has adopted an official community plan and a zoning bylaw;

**AND WHEREAS** Section 460 of the *Local Government Act* requires the Council to define, by bylaw, the procedures under which an owner of land may apply for amendment to an official community plan, zoning bylaw, and for the issuance of a permit under Part 14 of the *Local Government Act*;

**AND WHEREAS** Section 154 of the *Community Charter* allows Council to delegate certain authorities to officers and employees of the City;

**AND WHEREAS** Section 94.2 of the *Community Charter* allows to provide for alternative means of publishing notices;

**AND WHEREAS** the Legislature of the Province of British Columbia is proposing to implement new regulations applicable to housing through the *Housing Statutes (Residential Development) Amendment Act, 2023*, and nothing in this bylaw is intended to operate in contravention of these new regulations;

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

#### **PART 1: GENERAL PROVISIONS**

##### **1.1. TITLE**

This Bylaw may be cited for all purposes as “City of Courtenay Development Procedures Bylaw No. 3106, 2023”.

##### **1.2. DEFINITIONS**

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 or the Agent making an Application.
Application	means a written request by an Applicant in relation to any of the matters set out in section 1.5.
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	means an information session held in accordance with Part 7.
Corporate Officer	means the officer for the City of Courtenay.
Council	means the council of the City of Courtenay.
DAI	means development approval information set out in the OCP.
Delegate	means the person holding the position as the City's Director of Development Services or Manager of Development Services, or a person delegated the authority to act in the place of either person.
Fees and Charges Bylaw	means the Fees and Charges Bylaw, Bylaw No. 3107, 2023 as amended or re-enacted from time to time.
<i>Local Government Act</i>	means the <i>Local Government Act</i> , RSBC 2015, c 1, as amended or re-enacted from time to time.
Minor Development Variance Permit	<p>means a development variance permit for a variance to the Zoning Bylaw that meets one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>(a) 25% for minimum parking space provision for vehicles, loading and bicycles;</li> <li>(b) 25% variance related to parking and loading design standards, such as dimensions, siting and access;</li> <li>(c) 25% variance related to dimensions and siting of garbage and recycling storage facilities;</li> <li>(d) 25% variance for building setbacks, lot frontage and useable open space, and permeable surfaces;</li> <li>(e) 25% variance related to dimensions of patios and decks;</li> <li>(f) 25% variance related to projections into a required setback; and</li> <li>(g) 25% variance for lot coverage and building height, provided that the variance does not allow for an increase in density.</li> </ul>
Official Community Plan or OCP	means Official Community Plan, Bylaw No. 3070, 2022, as amended or re-enacted from time to time.

Owner	means the person listed in the Land Title Office as the Owner in fee simple of a parcel.
Planner	means any planning professional employed by the City to administer the provisions of this Bylaw.
Pre-Acceptance Review	means an informal review by a Planner or Delegate of a development proposal or planning application. The review may identify the requirements and materials to assist an applicant in their submission of a complete planning application. Based on the location, scale, complexity or other factors of the project, the review may lead to the need for a Pre- Application Consultation Meeting.
Pre-Application Consultation Meeting	means a meeting between an applicant and the Delegate to identify the requirements and materials to assist the Applicant in their submission of a complete Application. The meeting may involve identifying issues to be addressed by the Applicant, sharing information that needs to be considered and identifying additional required reports or information.
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, as amended from time to time.
Professional	includes a Qualified Professional or other person holding accreditation, acceptable to the Delegate, with an organization setting standards for the activities carried out by members of their organization.
Site Plan	means a site plan prepared by a Professional, including at a minimum all existing lot lines, proposed buildings and development with all required setbacks, and <ul style="list-style-type: none"> <li>(a) for an application for subdivision, showing all proposed lots and all watercourses and must illustrate there is a buildable area on each parcel that is compliant with all applicable bylaws;</li> <li>(b) where an environmental assessment is required for any Application, showing all setbacks from the environmental features required under the applicable bylaws and regulations.</li> </ul>
Substantial Completion Report	means a report from a Qualified Professional in accordance with section 5.6.
Report	means any opinion, written document, study or other information that provides information on a proposed development and that is intended to verify compliance with one or more enactment or requirement of the City.

Qualified Professional	includes a person carrying on a profession regulated by the <i>Professional Governance Act</i> , SBC 2018, c 47, as amended from time to time, or a person who is a qualified environmental professional within the meaning of the <i>Riparian Areas Protection Regulation</i> , BC Reg 178/2019, provided that person working within their field of expertise and is in good standing with any applicable professional organization.
Zoning Bylaw	means Zoning Bylaw, Bylaw No. 2500, 2007, as amended or re-enacted 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) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a City bylaw or policy, as amended, revised, consolidated, or replaced from time to time; and
- (e) a reference to the current title of a 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. Notwithstanding any provision of this Bylaw, on adoption of the *Housing Statutes (Residential Development) Amendment Act, 2023*, in the event of a conflict between the processes and procedures set out in this Bylaw and the new processes and procedures arising from the *Housing Statutes (Residential Development) Amendment Act, 2023*, the regulations in the *Housing Statutes (Residential Development) Amendment Act, 2023* 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 Official Community Plan;
- (b) an amendment to the Zoning Bylaw;
- (c) the establishment of Phased Development Agreement;
- (d) the preparation of a Housing Agreement;
- (e) a permit issued pursuant to Part 14 of the *Local Government Act*; including:

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- i. Development Permits;
  - 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. Council delegates to the Delegate the authority to:**

- (a) create, amend, publish and prescribe the form and content of Applications;
- (b) create, amend, publish and prescribe policies, guidance documents, or procedures that are convenient for the administration of this Bylaw;
- (c) require Reports or DAI, or both, including the authority to prescribe an acceptable Professional to author the Reports or DAI;
- (d) require security in accordance with Part 5, or any other bylaws of the City;
- (e) determine the form and content of permits issued under this Bylaw;
- (f) create, amend, public and prescribe templates and procedures for development notice signs required by section 7.19;
- (g) decide to process an incomplete Application in accordance with section 3.5;
- (h) grant an extension to an Application in accordance with section 6.6;
- (i) elect not to hold a public hearing for an Application to amend the Zoning Bylaw where the Application is consistent with the Official Community Plan in accordance with section 464 (2) of the *Local Government Act* and to give notice of the decision not to held a public hearing in accordance with section 467 of the *Local Government Act*;
- (j) issue or amend a Minor Development Variance Permit;
- (k) issue or amend all development permits within Development Permit Areas created under section 488 (1) where no variances are requested;
- (l) renew any permits delegated to the Delegate that have been issued and lapsed, provided that the Permit is consistent with the current OCP and relevant guidelines;
- (m) grant an exemption from a flood plain specification pursuant to section 524 (7) of the *Local Government Act* where an Applicant has provided a certified report from a person identified in section 524 (7) (b) of the *Local Government Act*;
- (n) sign any permits authorized by Part 14 of the *Local Government Act* that have been issued either by Council or by the Delegate; and

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- (o) exercise any other authority which is incidental to the administration of the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building.
- 2.2. Council delegates to the Delegate and to a Planner the authority to:
- (a) receive, review and require development approval information in order to administer the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building;
  - (b) receive and consider an Application as part of a Pre-Acceptance Review, and where the location, scale, complexity or other factors of the project so warrant, to require the Applicant participate in a Pre-Application Consultation Meeting with the Delegate; and
  - (c) to require an Applicant provide a Site Plan or to have a British Columbia Land Surveyor confirm that the Site Plan conforms to the requirements of the Zoning Bylaw or to any other bylaws of the City.

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

- 3.1. If an Applicant submits a complete application, the Delegate or a Planner shall process the application in accordance with this Bylaw.
- 3.2. The minimum application requirements for all applications are:
- (a) all associated application fees in accordance with the Fees and Charges Bylaw;
  - (b) complete application form prescribed by the Delegate, including written authorization from all the Owner(s) of the land involved in the Application;
  - (c) a Certificate of Title; and
  - (d) all Reports and DAI required under Part 4 of this Bylaw, which have been identified by the Planner in a Pre-Acceptance Review or Pre-Application Consultation Meeting.
- 3.3. The Delegate or a Planner may require the following additional information to support an Application:
- (a) a Site Plan;
  - (b) DAI or a Report;
  - (c) review of a previously submitted Report or DAI;
  - (d) site disclosure statement in accordance with the *Environmental Management Act*;
  - (e) confirmation that other required permits, approvals or authorizations have been obtained with respect to the development; and
  - (f) the payment of security in accordance with Part 5.
- 3.4. Applications that are deficient of any of the application requirements in section 3.2 are deemed to be incomplete and will not be opened or reviewed. On receipt of an

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incomplete application, the Delegate may:

- (a) advise the Applicant in writing or verbally with the deficiencies in the application; or
  - (b) open and begin to review the Application despite the deficiency in the minimum application requirements in which case the Delegate or Planner will inform the Applicant that the Application will be held as “pending” for 90 days from receipt of the Application.
- 3.5. Any Applications that are not completed within the deadlines set out in section 3.4 or Part 6 will be closed in accordance with the provisions of that Part.
- 3.6. All Applications shall be submitted by or on behalf of all the Owner(s) of land involved and, where the Application has been submitted by an Agent, the Application must include written authorization from the Owner(s) for the Agent to act on their behalf.
- 3.7. If there is a change of ownership of a parcel of land that is the subject of an Application, the Applicant will, as soon as practical, provide the City with an updated Certificate of Title and written authorization from the new Owner to proceed with the Application.
- 3.8. 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.
- 3.9. 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.
- 3.10. Where an Application requires a decision from Council, the Delegate or a Planner will prepare a planning report for Council's consideration, incorporating feedback received through the referral and review process described in section 4.1.
- 3.11. In addition to the application requirements established in this Bylaw, the following specific application types will generally follow the process set out as follows:

Official Community Plan Amendment (OCP) or Zoning Bylaw Amendment (including the establishment of 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

- 3.12 Concurrent Applications are encouraged. Where a proposed activity or development involves requires more than one approval by the City, a single 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 Fees and

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Charges Bylaw.

- 3.13 Where a proposed activity or development includes multiple adjoining sites, the Planner or Delegate may accept a single Application provided that the proposal contemplates a configuration that is acceptable to the Planner.
- 3.14 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 letter issued, prior to adoption of the zoning amendment bylaw.

#### **PART 4: DEVELOPMENT APPROVAL INFORMATION**

- 4.1. Depending on the particulars of an Application, it may be:
  - (a) referred to other City Staff and applicable external agencies by the Planner or Delegate for review and comment;
  - (b) supported by a Report prepared by a Professional; and
  - (c) accompanied by Development Approval Information.
- 4.2. Any Reports or DAI shall be prepared at the Applicant's expense by Professionals acceptable to a Planner or Delegate.
- 4.3. Where a Planner or the Delegate requires further information in order to review an Application, including DAI specified in the OCP, this requirement will be conveyed to an Applicant in writing after Pre-Acceptance Review or Pre-Application Consultation Meeting.
- 4.4. An Applicant will be required to work with City Staff and/or Delegate to review and confirm the scope of the Report or the DAI, which may include acceptance of the proposed Terms of Reference for the preparation of the Report of the DAI.
- 4.5. If required by the Planner or Delegate, a Professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Planner or Delegate for the purposes of reviewing the application.
- 4.6. A Report required under this Part will include:
  - (a) the legal description and property identifier (PID) for the land that is the subject of the Application;
  - (b) a description of all relevant land use covenants, easements, statutory rights of way or other charges that affect the use and development of land that are shown on a Certificate of Title;
  - (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



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Report or sufficient detail regarding assessment and the methodology to facilitate a professional peer review, if required under section 4.7 of this Bylaw;

- (e) identification and definition of the context, interaction, scope, magnitude and significance of the anticipated impacts of the proposed activity or development, 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) recommendations for conditions or requirements that Council, the Director of Development Services, Director of Engineering and Public Works, Director of Parks, Recreation and Culture or the Approving Officer may impose to mitigate the anticipated impacts.

- 4.7. The City will generally not accept Reports or DAI older than one year without a covering letter from the author certifying that the conditions and findings of the document have not changed.
- 4.8. Notwithstanding Section 4.7, if the Planner or Delegate determines that a Report or DAI is:
  - (a) outdated, incomplete or deficient, the Applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report; or
  - (b) remains valid despite being older than one year, a new report will not be required.
- 4.9. If the Delegate determines that a Report or DAI is incomplete or otherwise deficient, the Delegate may require, on written notice to the Applicant, that the Applicant:
  - (a) revise or amend and re-submit, at its own expense, a previously submitted a Report or DAI;
  - (b) retain a second Professional, unrelated to and independent of the Professional who prepared the initial Report or DAI, to conduct a peer review of the Report or DAI at the cost of the Applicant.
- 4.10. In addition to any application fee contained in the Fees and Charges Bylaw, an Applicant shall be responsible for the City's costs necessary to facilitate a review of any Report or DAI required under this Part, as deemed necessary by the Delegate, including but not limited to legal, engineering, environmental, geotechnical, biologists, architectural and other professionals. The Applicant shall pay as a fee, the City's actual cost of such third-party professional review costs prior to final consideration of the Application by the authorized decision-maker.
- 4.11. The Planner or Delegate may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the Qualified Professional's design. Any errors or omissions will be the sole responsibility of the Qualified Professional who has certified the documents and design drawings.

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- 4.12. 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. The Delegate is authorized to:
- (a) establish and revise the required information, documents, plans, and/or other information needed 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 development approval information if at their discretion the information is not required to assist in reviewing or processing the application.
- 4.14. The City may distribute and publicize a Report or DAI requested under this bylaw.

## **PART 5: SECURITY DEPOSIT**

- 5.1. The Delegate may require an Applicant provide a security deposit for the following:
- (a) Landscaping (Landscape Security);
  - (b) Remediation/Restoration of the natural environment; and
  - (c) to guarantee the performance of the terms of a temporary use permit (Performance Security).
- 5.2. Phased landscaping plans and securities: Landscape Plans may be approved for large-scale developments at the discretion of the Delegate to enable the completion of the landscape plan in phases and allow for the submission and return of the related security deposit at each phase. The Applicant is required to request a phased approach to the execution of the landscape plan at the time of the Application for a Development Permit, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase as prepared by a Professional. Phased landscape plans will be formalized by means of a Works and Services Agreement.
- 5.3. The amount of the security deposit shall be based on the cost estimate as provided by a Professional, at the expense of an Applicant, to address:
- (a) Landscape improvements. The amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials. Hardscaping elements such as fences, decorative pavements, public art and benches shall be distinguished from soft landscaping elements such as vegetation, soil and amendments in the cost estimate in order to support staged releases of landscape securities as described in section 5.6 below.
  - (b) 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

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limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures.

- 5.4. Any changes to the approved plans will require approval of the City prior to installation of any works, and may include changes to the security requirement.
- 5.5. The form of the security deposit shall be an irrevocable letter of credit 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. The procedures for the release of the security deposit shall be:
  - (a) Upon completion of the works, a Qualified Professional shall certify that the works are in compliance with the recommendations of the Report or the DAI included in the permit;
  - (b) The compliance report must be signed and sealed 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; and
    - iii. A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
    - iv. A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s);
    - v. The request of the amount of funds to be released.
- 5.7. Upon receipt of a Substantial Completion Report:
  - (a) The City may conduct a site inspection to verify that the works are installed in accordance with the approved plans;
  - (b) Should there be any deficiencies identified in the compliance report or should the City find any discrepancies and/or deficiencies during an inspection, an inspection report will be issued to the applicant and the security will be retained until the deficiencies have been addressed;
  - (c) Upon confirmation that the works are in compliance by the Professional to the satisfaction of the Delegate:
    - i. soft landscape security deposits will be released to a maximum 80%. The remaining 20% security deposit may be held for up to three years where deficiencies are identified
    - ii. Hardscape landscape security deposits will be released in full.
- 5.8. Where, in the opinion of the Delegate, an applicant has failed to satisfy the landscaping requirements of the Permit, or failed to comply with the conditions of the Permit, or has created an unsafe condition, the City may undertake and complete the landscaping requirements, or carry out any construction required to comply with the conditions of the

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permit or correct an unsafe condition or correct the damage to the environment, at the full cost of Applicant, and may apply the landscape security or the remediation security to the cost of the work, with any excess to be returned to the Applicant.

- 5.9. 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 confirms in writing to the Delegate that buildings or structures have been demolished and removed, and the land restored to a condition specified in the permit, and requests in writing that the performance security deposit be released;
  - (b) Once the Delegate has received confirmation that buildings or structures have been demolished and removed, and land restored to a condition specified in the permit, 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. The date of issuance for a development permit, a development variance permit, or a temporary use permit is the date of approval of the permit by Council or a Delegate.
- 6.2. An Application to renew or extend a development permit, a minor development variance permit, a development variance permit, or a temporary use permit under this Bylaw must be made prior to the lapse of the permit.
- 6.3. Other than subdivision, if the Delegate determines that an Application has been inactive for period of 6 months or longer, the Applicant will be given 30 days written notice to provide outstanding development approval information or meet outstanding requirements after which time the Application will be closed. The Delegate may consider a written request from the Applicant for extension deadline imposed by this section which shall not be longer than one period of 6 months.
- 6.4. If an Application is withdrawn in writing by the Applicant prior to a council report, 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. If an Application has been closed due to inactivity, the Applicant must, even if the new Application is substantially the same as the closed Application, begin the Application process again in accordance with this Bylaw and submit a new, complete Application.
- 6.6. Where an Application has been denied by Council, no reapplication for a substantially similar application shall be considered within one year of denial date of the previous application. Despite this section 6.6, 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 within the one year period.
- 6.7. If an Application is closed, withdrawn or denied, fees pursuant to the Fees and Charges

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Bylaw are applicable to any new Application.

- 6.8. The process to amend a permit will be the same as the process for a new permit.
- 6.9. In the event that an Application made pursuant to this Bylaw for an amendment to the Official Community Plan or Zoning Bylaw has not been given final adoption by Council within one year after the date it was given third reading or one year after the date of last consideration by Council, the Applicant shall be notified in writing and if no response is received within 60 days:
  - (a) the Planner will record the response and consider the Application abandoned; and
  - (b) a Planner will prepare a motion for Council's consideration to rescind all readings of the bylaw associated with the amendment application;
- 6.10. 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 extend the deadline for a period of one (1) year by passing a resolution to that effect to enable 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 as per the Fees and Charges Bylaw.

## **PART 7: COMMUNITY INFORMATION MEETING**

- 7.1 Applicants for Official Community Plan Amendments, Zoning Bylaw Amendments, Temporary Use Permits or Development Variance Permits may be required to hold a Community Information Meeting at their own expense prior to the application being considered by Council.
- 7.2. The Delegate will determine whether a Community Information Meeting is required by evaluating:
  - (a) the potential impact of the development on the surrounding neighborhood due to the scale of the development;
  - (b) whether the proposal aligns and is consistent with the OCP; and
  - (c) the complexity of the Application.
- 7.3. The purpose of the Community Information Meeting is to provide an opportunity for the public to access information and to inquire about a development application beyond what is available through the application referral process, notification process and public hearing process.
- 7.4. The Community Information Meeting will be held following the review of the application by staff.
- 7.5. When a Community Information Meeting is held, it will be arranged by City staff, with staffing, venue and advertising fees paid by the Applicant.

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- 7.6. The Community Information Meeting may be held at City of Courtenay Offices or at an alternative venue in the community approved by the Planner or Delegate. If requested, the Planner or Delegate will provide a list of appropriate venues to the applicant.
  - 7.7. Community Information Meetings will be held in person and all information provided at the in-person meeting is also required to be mailed to adjacent property owners and occupiers at least ten (10) days prior to the date of the meeting.
  - 7.8. For the in-person Community Information Meeting, it may take the form of an open house, presentation, display, small group discussion, and/or a question and answer period and may include a combination of meeting formats, as directed by the Delegate.
  - 7.9. The City will provide notice of the meeting to properties within 100m for OCP and Zoning Amendments; including the establishment of a Phased Development Agreement and Temporary Use Permits and 30m for Development Variance Permits.
  - 7.10. The Delegate is authorized at their discretion to modify the notification distance required for a Community Information Meeting based on the nature of the proposal.
  - 7.11. The Delegate may require the applicant to hold more than one (1) Community Information Meeting for an application based on the following considerations: if the first Community Information Meeting generated substantive public comments or concerns to warrant a second meeting, if the proposal presented at the first meeting is subsequently substantially changed, and significance and/or complexity of the application.
  - 7.12. Council may require the applicant to hold more than one (1) Community Information Meeting to facilitate additional community and public engagement on any application.
  - 7.13. The Delegate is authorized at their discretion to modify the meeting location, meeting time, meeting format, and staff attendance at the meeting.
  - 7.14. After a Community Information Meeting is held, the Planner will prepare a summary report including:
    - (a) Location, time, and duration of meeting;
    - (b) Number of attendees;
    - (c) Proof of how the meeting was advertised;
    - (d) All meeting materials displayed and information provided at the meeting;
    - (e) A summation of questions raised, comments provided by attendees and major discussion points;
    - (f) A summary of community concerns raised at the meeting and how the applicant will be addressing the concerns;
  - 7.15. The input received at the Community Information Meeting 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.
  - 7.16. Where an Applicant has given notice or engaged with the community prior to an Application, the Applicant shall provide copies of these written materials to the City prior to consideration of an Application by Council.

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

- 8.1. The public notice requirements for Applications are prescribed in the *Local Government Act*.
- 8.2. Any notice that is required to be advertised under the Part 14 of the *Local Government Act* may be given by no less than two of the following methods:
- (a) electronically by posting the notice prominently for two consecutive weeks on City's official website;
  - (b) electronically by posting the notice prominently for two weeks on any of City's official social media sites; or
  - (c) by publishing at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the City.
- 8.3. Additional Notice Requirements
- (a) Any notice that is required to be mailed under the will be given to all properties with 100 m, measured from the boundaries of the subject land.
  - (b) The Applicant may be required by the City to erect or cause to be erected at the Applicant's expense a development notice sign on the subject land. The development notice sign must be consistent with the template and procedures prescribed by the Delegate.
  - (c) For notices that are required to be mailed under the *Local Government Act*, the City will mail or otherwise deliver individual notices to all owners and occupiers of properties within a 100 m radius of the subject property for OCP, Zoning, Phased Development Agreement and Temporary Use Permits, or 30 m for Development Variance Permits, advising of:
    - i. A scheduled public hearing for an Official Community Plan Amendment, Zoning Bylaw Amendment, or a Phased Development Agreement;
    - ii. Notification for when a public hearing will not be held;
    - iii. A scheduled Council meeting for a Major Development Variance Permit; and
    - iv. A scheduled Council meeting for a Temporary Use Permit.
  - (d) All correspondence in response to the notifications must be received by the City prior to the start of the Council meeting where final consideration of an Application is to be given or until close of the Public Hearing.
  - (e) Additional Public Hearings are subject to the Fees and Charges bylaw.

## **PART 9: RECONSIDERATION**

- 9.1. An Applicant may apply to Council for the reconsideration of a decision by the Delegate under this Bylaw by delivering to the City's corporate officer a written application for reconsideration within 30 days after the decision is communicated in writing to the Applicant.

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- 9.2. An application for reconsideration must set out:
- (a) The Applicant's address for receiving correspondence related to the request for reconsideration;
  - (b) a copy of the Delegate's written decision;
  - (c) a copy of any documents which support the Applicant's request for reconsideration by Council;
  - (d) reasons why the Applicant wishes the specific decision to be reconsidered by Council; and
  - (e) what, if any, decision the Applicant considers the Council ought to substitute, and must include a copy of any materials considered by the Applicant to be relevant to the reconsideration by Council.
- 9.3. The corporate officer will place each application for reconsideration on the agenda of a regular meeting of Council as soon as reasonable after delivery of the application for reconsideration, and will notify the Applicant of the date of the meeting at which the reconsideration will occur.
- 9.4. When reconsidering the decision of the Delegate, Council may hear from the Applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the decision 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 section, clause, sub-clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- 10.3. The following bylaws and any amendments to those bylaws thereto are hereby repealed:
- (a) Development Applications Bylaw No. 2740, 2014

READ a first time this 22<sup>nd</sup> day of November, 2023.

READ a second time this 22<sup>nd</sup> day of November, 2023.

READ a third time this 22<sup>nd</sup> day of November, 2023.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Mayor Bob Wells

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Adriana Proton, Corporate Officer



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## SCHEDULE A

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

*All applications for an amendment to the Official Community Plan and Zoning Bylaw 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 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 are 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 addressed 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 post a Notice of Application sign.
- 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 Community Information Meeting at their own expense prior to the amending bylaw being considered by Council. If required, the Applicant is to conduct the Community Information Meeting.
- 1.9. The City encourages applicants to inform their neighbours on their 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 that is consistent with the OCP, the Delegate may elect not to hold a public hearing and provide notice of this decision in accordance with the *Local Government Act*, prior to first reading. In considering whether to hold a public hearing or not, the Delegate will consider:
  - (a) If the bylaw is consistent with the Official Community Plan;
  - (b) Whether community engagement has occurred according to this Bylaw.
  - (c) The bylaw has a supporting recommendation from staff; and
  - (d) The bylaw is not expected to generate substantive public input based on correspondence received at the time of writing of the Council report.

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- 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 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*; however, may be required by Council.
  - 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 of 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, and will be substantially processed with the following additional steps. The Phased Development Agreement must be adopted by separate bylaw prior to adoption of the amending land use bylaw:

- 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

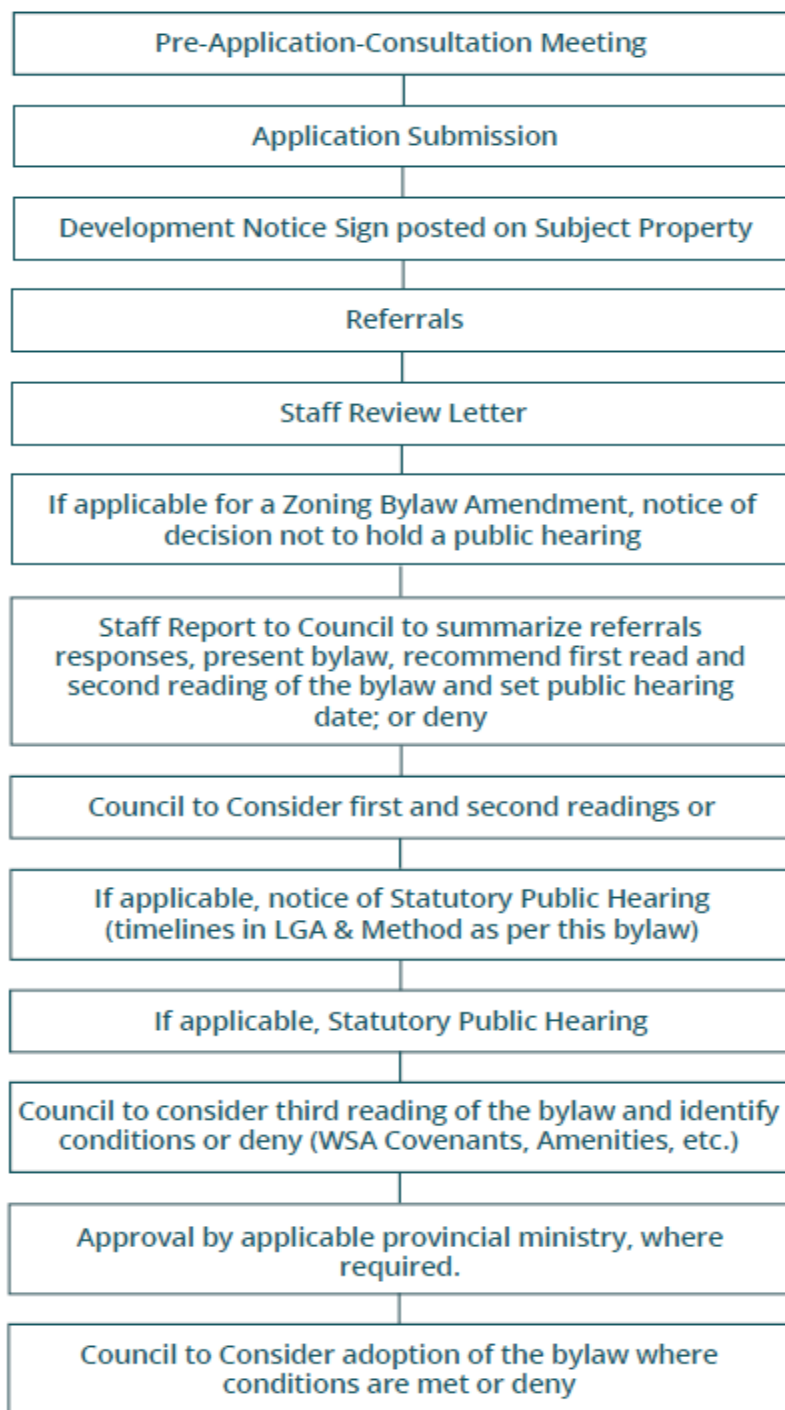
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Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.

- 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 other City staff and applicable external agencies by for review and comment, and may refer the draft Phased Development Agreement to a 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 all of 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*.

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- 1.22. An OCP or zoning bylaw amendment application, with or without Phased Development Agreement, submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

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



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## 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. A Housing Agreement may also 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 separate bylaw prior to adoption of the amending land use bylaw.*

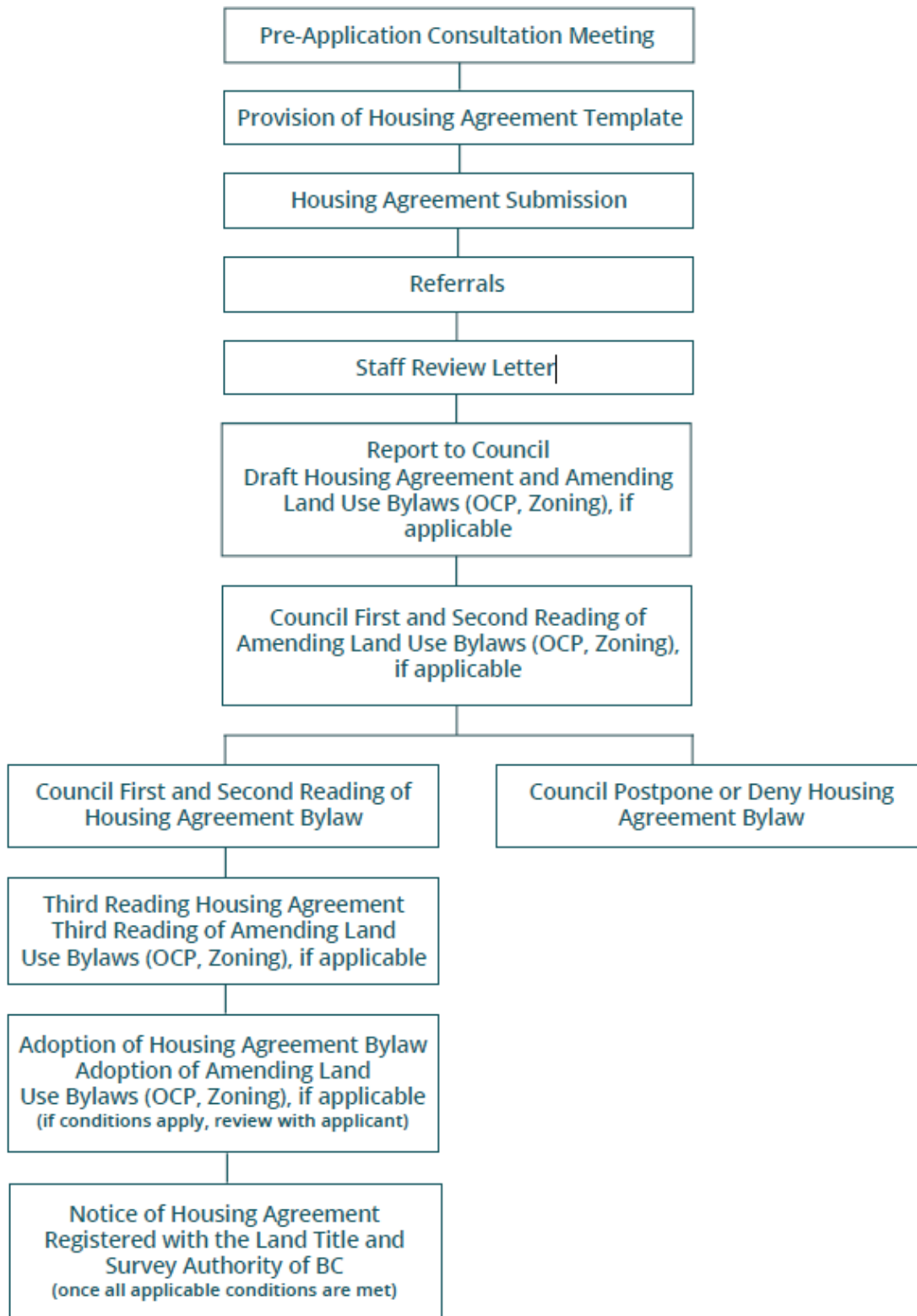
- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Where a Zoning Bylaw amendment is considered in relation to the proposed Housing Agreement, 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 Housing Agreement template. This document contains the standard terms and wording for City of Courtenay housing agreements and shall include at minimum:
  - (a) Owner/Society and Site Specific Information – Information specific to the owner or management information, as well as site-specifics such as number and type of units etc.
  - (b) Fees and Charges – Clearly outlines fees, such as rent amounts, strata or leasehold fees, and additional charges, and specific information regarding rate increases.
  - (c) Qualified Occupants – A fair practice and clear definition for determining who is a qualified occupant.
  - (d) Roles and Responsibilities – Define the roles and responsibilities of each party, including external funding sources if applicable.
  - (e) Terms and Conditions – These may be standard or specific to the proposal and will be discussed with the Delegate or Planner.
- 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. 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.
- 1.5. 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.
- 1.6. Staff will prepare a technical 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)).
- 1.7. Where the Housing Agreement is considered in relation to a Zoning Amendment bylaw,

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the Housing Agreement Bylaw will be considered following First and Second Readings of the Zoning Amendment Bylaw.

- 1.8. 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.
- 1.9. 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 (e.g. OCP, Zoning Bylaw application(s)) (including the imposition of conditions), postpone or deny the application(s).
- 1.10. 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 land use bylaw(s) where applicable (e.g. OCP, Zoning Bylaw application(s)). 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.
- 1.11. Monitoring and enforcement are common conditions of Housing Agreements and will be followed in accordance with the Agreement.
- 1.12. A Housing Agreement application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

## HOUSING AGREEMENTS



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## SCHEDULE C

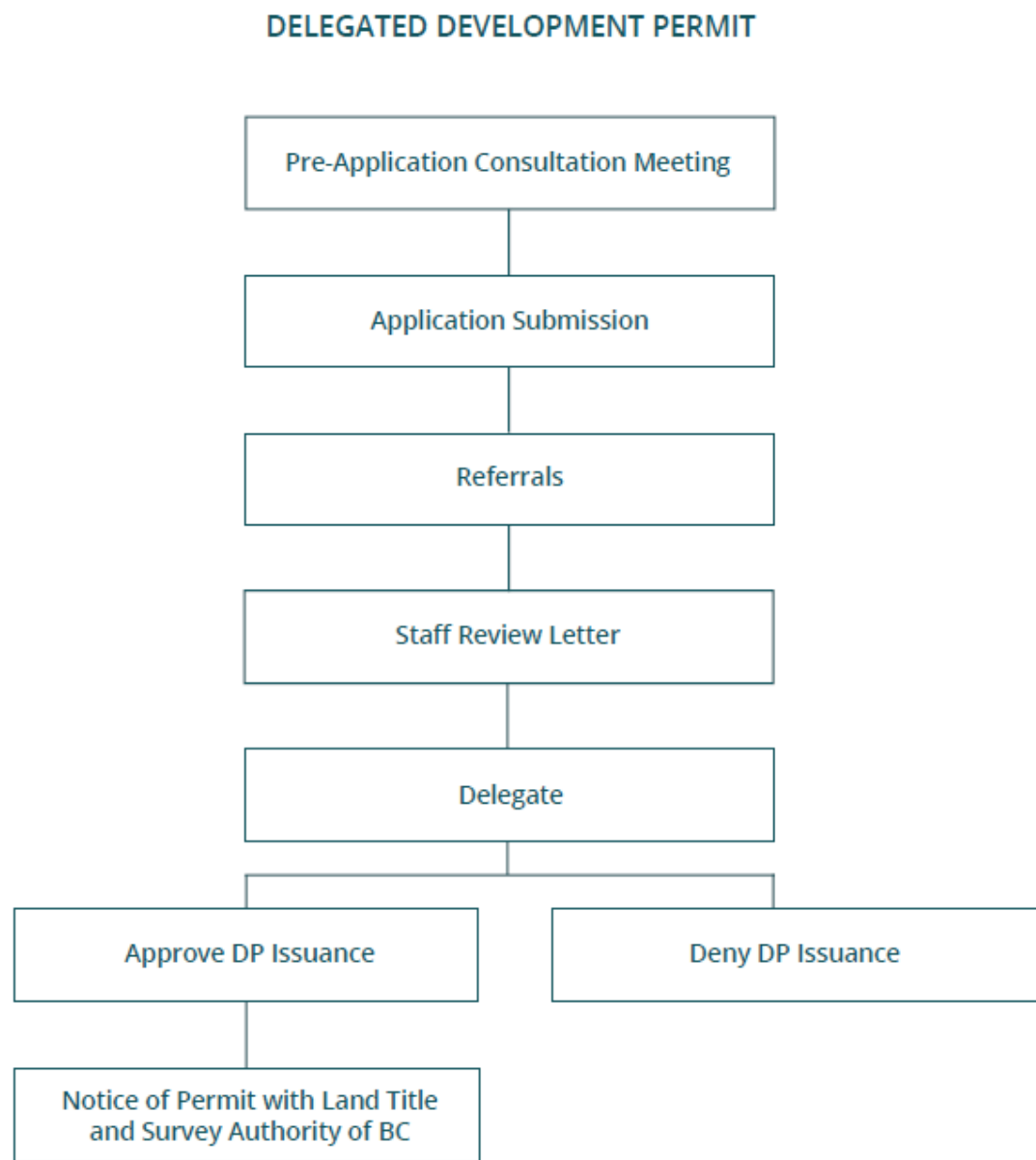
### DELEGATED DEVELOPMENT PERMIT

*All applications for Development Permit 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. A Development Permit allows the Delegate to approve a development permit in compliance with the Official Community Plan 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 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. 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.



1.12. A development permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



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

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## SCHEDULE D

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

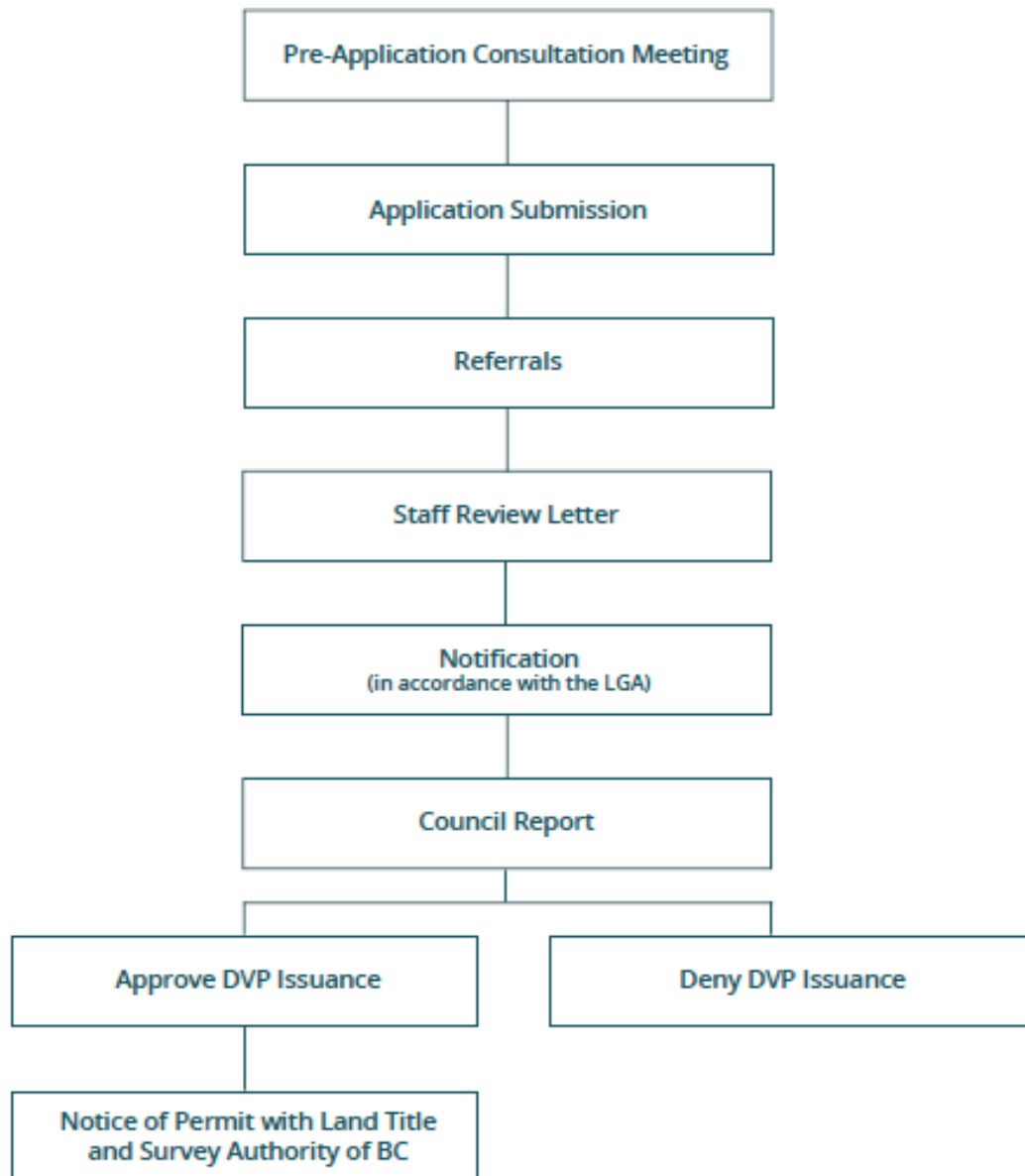
*All applications for development variance permits, other than for a Minor Development Variance Permit, will be submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the 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.
- 1.3. Planning staff will review the proposal for compliance with relevant City bylaws and to confirm whether the requested variance can be approved as a Minor Development Variance Permit and, if not, will process the Application in accordance with this schedule. Staff may conduct a site visit(s) as part of the evaluation process.
- 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. 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 Development Variance Permit 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.

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- 1.13. Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
  - 1.14. If a 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.
  - 1.15. Applications for permit renewals, extension, or re-application will be processed in substantial accordance with the process outlined above.
  - 1.10. A DVP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

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



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## SCHEDULE E

### DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT

*All applications for Minor Development Permit 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. A Minor Development Permit allows a person to whom Council has delegated authority to review proposed variances against detailed regulations in the Zoning Bylaw. Minor Development Variance Permits applications are not subject to statutory notice provisions in the Local Government Act (see s. 499 (1.1)).*

- 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 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. 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 DVP 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) whether there is a community or environmental benefit to the larger community in granting the variance, and
  - (c) whether there is hardship other than the business aspects of the development,

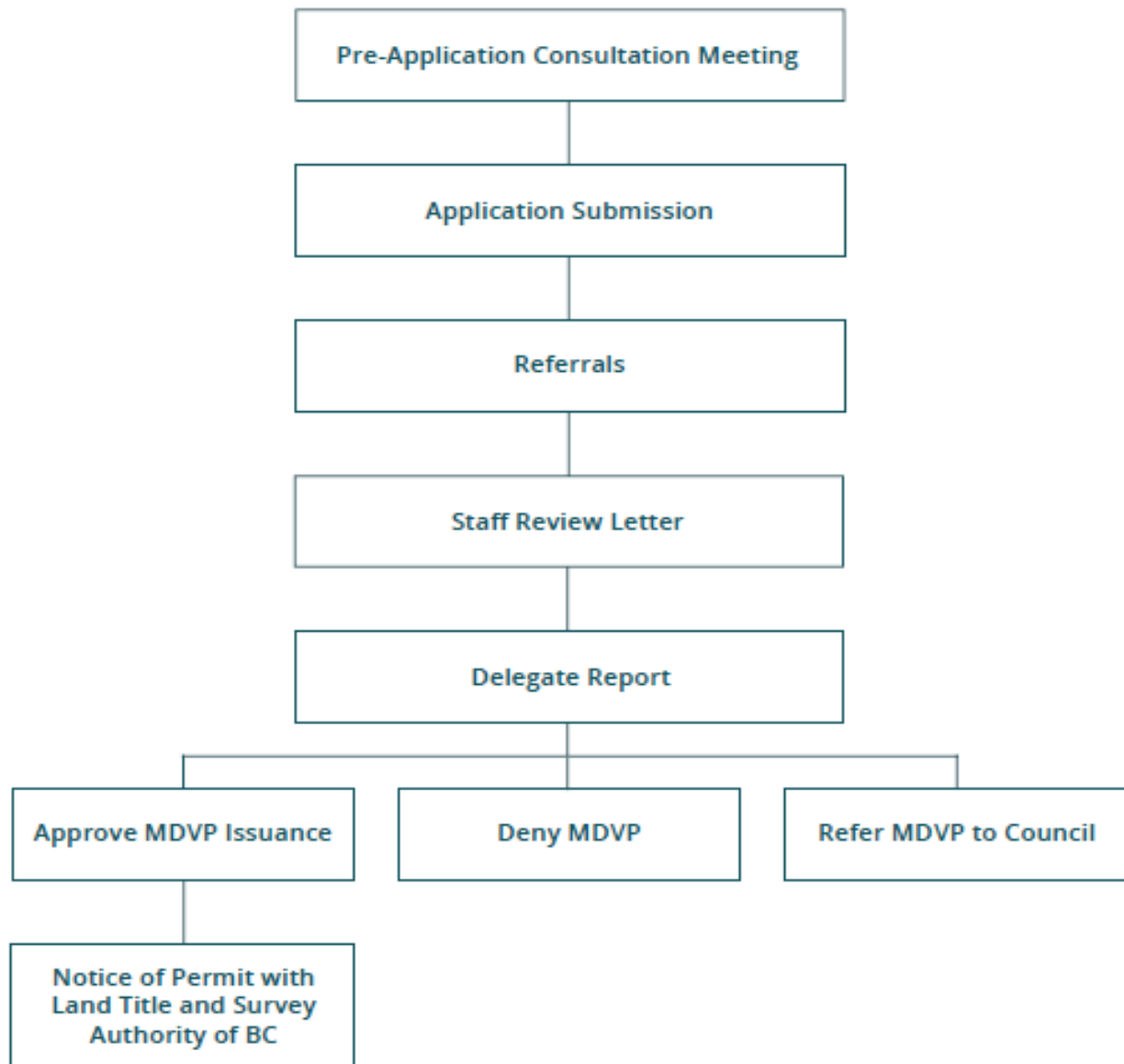
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such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).

- 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.
- 1.14. A Minor Development Variance Permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

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## DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT (MDVP)



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## SCHEDULE F

### TEMPORARY USE PERMIT (TUP) APPLICATION

*This process is only available where the OCP or Zoning Bylaw designate the area as a places 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 will post a Notice of Application sign as per Schedule X of this bylaw.
- 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 Community Information Meeting at their own expense prior to the Permit being considered by Council. If required, the Applicant is to conduct the Community Information Meeting.
- 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 Official Community Plan 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 TUP.
- 1.12. Once the minutes of the Council resolution have been prepared, the applicant will be



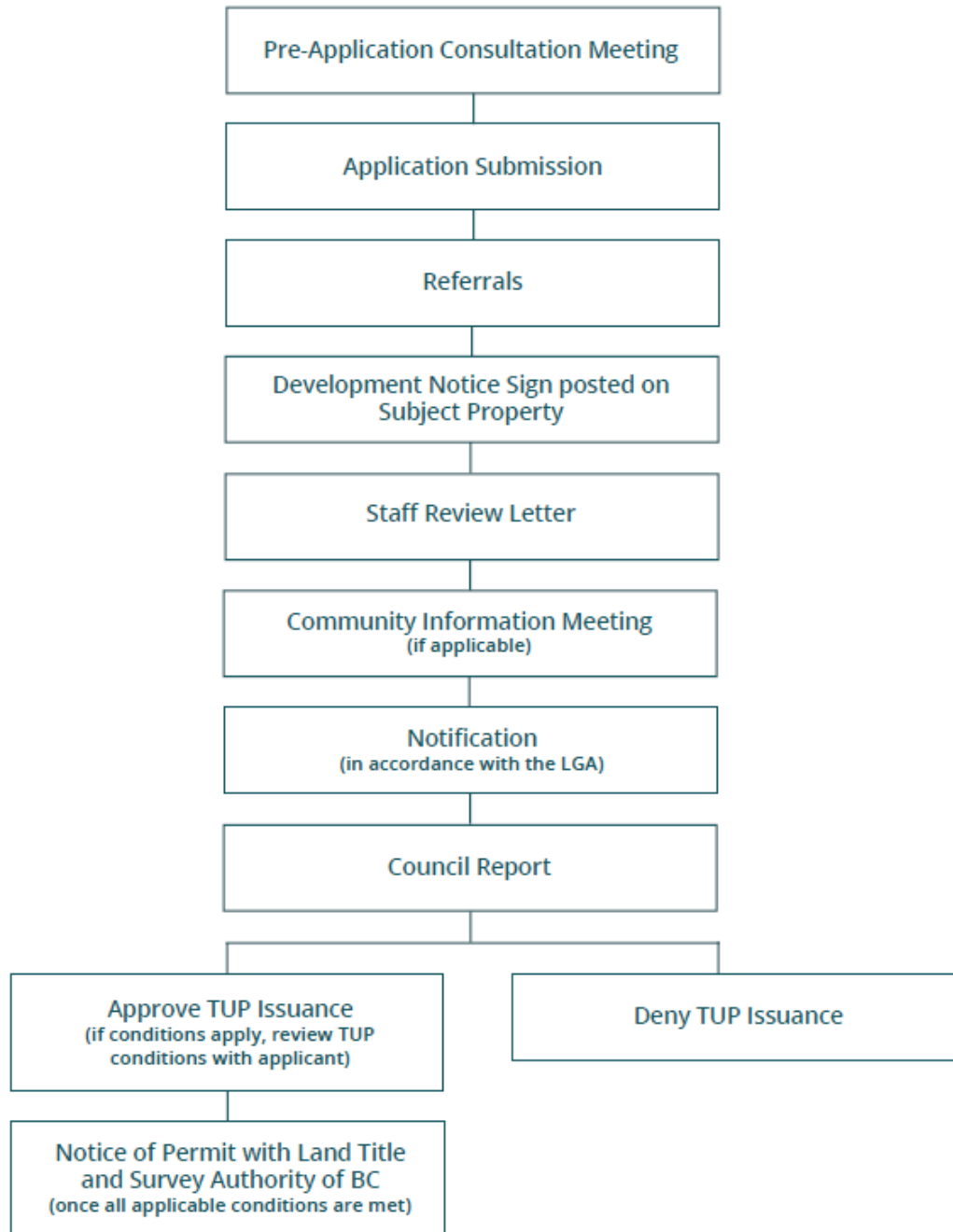
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notified of the outcome.

- 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.

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- 1.18. A TUP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

#### TEMPORARY USE PERMIT APPLICATION



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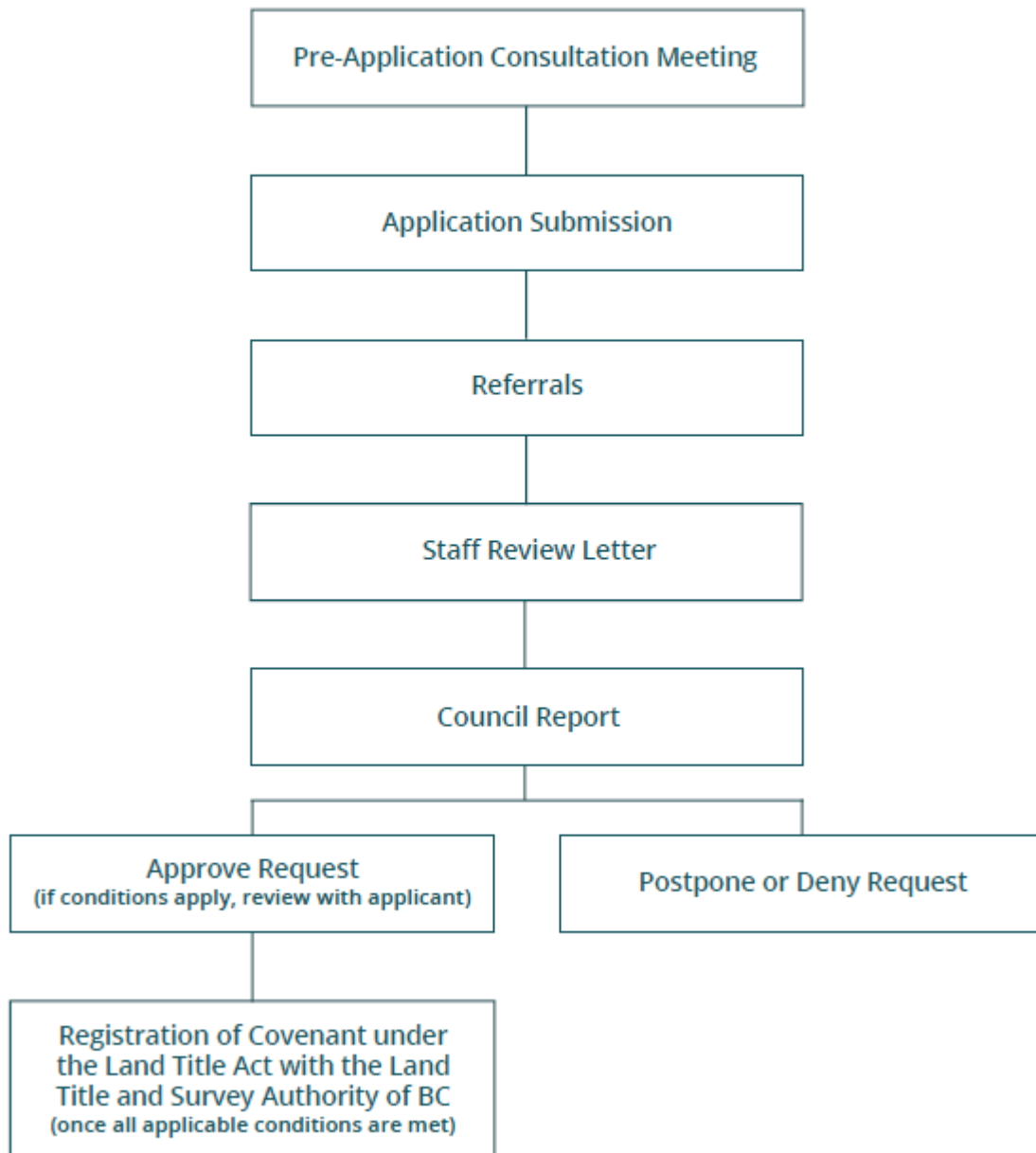
## SCHEDULE G FLOOD PLAIN EXEMPTIONS

*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. 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.
- 1.3. 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.
- 1.4. 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. 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. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process.
- 1.7. Council will receive the technical report, and Council may grant the requested floodplain exemption, may grant the floodplain exemption with terms or conditions, or may postpone or deny the application.
- 1.8. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 1.9. 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.
- 1.10. A Floodplain Bylaw exemption application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

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## FLOODPLAIN EXEMPTION



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**SCHEDULE I**  
**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 follows:*

- 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.
- 1.9. A Section 219 Covenant and Statutory Right of Way Amendment submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

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

