

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2459

A bylaw to establish procedures to amend an Official Community Plan, a Zoning Bylaw or a Land Use Contract or to issue a permit and to designate the form of permits issued pursuant to Part 26 of the Local Government Act

WHEREAS the Council has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS the Council has designated areas within which Temporary Commercial Permits may be issued and within which Development Permits are required;

AND WHEREAS pursuant to Section 895 of the *Local Government Act*, the Council shall, by bylaw, establish procedures to amend a plan or bylaw or issue a permit;

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

Title

1. This bylaw may be cited as the “Development Application Procedures Bylaw No. 2459, 2006”.

Application

2. This bylaw shall be applicable to all lands within the boundaries of the City of Courtenay.
3. This bylaw shall apply to:
 - (1) Amendments to:
 - (a) an Official Community Plan;
 - (b) a Zoning Bylaw; and
 - (c) a Land Use Contract.
 - (2) Issuance of:
 - (a) Development Permits;
 - (b) Development Variance Permits; and
 - (c) Temporary Commercial Permits; and
 - (3) Applications to the Agricultural Land Commission to:
 - (a) Include land in the ALR;
 - (b) Exclude land from the ALR;
 - (c) Subdivide land within the ALR;
 - (d) Use land in the ALR for non-farm purposes; and
 - (a) Place fill or remove soil for non-farm purposes.

Schedules

- 4. For the purpose of this bylaw, Schedules 1 to 6 inclusive are attached hereto and form an integral part of this bylaw.

Application Fees

- 5. At the time of application for an amendment or a permit, the applicant shall pay to the Corporation of the City of Courtenay, the applicable application fee in the amount set out in the City of Courtenay Fees and Charges Bylaw and all amendments thereto.

Repeal of Previous Bylaw

- 6. The “City of Courtenay Development Application Procedures Bylaw No. 2392, 2005” and amendments thereto is hereby repealed.

Adoption

- 7. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 1st day May, 2006

Read a second time this 1st day of May, 2006

Read a third time this 1st day of May, 2006

Finally passed and adopted this 8th day of May, 2006

Mayor

Manager of Corporate Administration

Schedule

Title

- | | |
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| 2 | Application for a Development Permit |
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**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 1

**APPLICATION TO AMEND THE CITY OF COURTENAY
OFFICIAL COMMUNITY PLAN, ZONING BYLAW OR
LAND USE CONTRACT**

1. Introduction

Official Community Plan (O.C.P.)

The Official Community Plan is a statement of broad objectives and policies regarding the form, character and density of existing and future land use and servicing requirements for the City of Courtenay. When land is proposed for a use or density not consistent with the plan, then an amendment to the plan is required. An amendment to the O.C.P. will require an amendment to the zoning bylaw and a concurrent amendment to the zoning bylaw can be considered.

Zoning Bylaw

The City of Courtenay is divided into designated land use categories or zones, pursuant to the City of Courtenay Zoning Bylaw. When land is proposed for a use or density not permitted in a particular zone in which the land is situated, then an application for rezoning is necessary. An application to amend the O.C.P. is required only when the proposed rezoning application would be inconsistent with the O.C.P.

Land Use Contract

Land Use Contracts exist in the City which are registered agreements between the City and a property owner, which permit specific development. If the permitted use or density in a land use contract is to be changed, then an application to amend a land use contract is required.

NOTE: Prior to submitting a formal application, you are advised to discuss the proposal and the fees required with the Planning Department of the City of Courtenay. Authorization for an agent to act on behalf of the registered owner(s) is required.

2. Application Requirements

If the application is found to be incomplete, it will be returned to the applicant. This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed. The following must be submitted with the application:

- Completed application form, being Schedule 6A of this bylaw, signed by the registered owner(s), and, if applicable, written authority for an agent to act on behalf of the registered owner(s) of the property.
- An application fee as specified in the City of Courtenay Fees and Charges Bylaw and all amendments thereto.
- A Title Search dated no more than five business days prior to the date of the application.

- Written summary, including a description of the present and intended use of the site and reasons/rationale for the proposal, including benefits to the community.
- A B.C. Land Surveyor's sketch plan in metric which shows:
 - the dimensions and area of all proposed lots, and
 - the location of all existing buildings and structures on the subject property measured from the proposed property lines to the building face (where applicable).
- Three copies of a professionally prepared Architectural Submission, one coloured as outlined in Schedule 6B of this bylaw, "Guidelines for Architectural Submissions" and "Landscape Submission" as outlined in Schedule 6C of this bylaw. (This section is for applications of three or more residential units and for all other non-residential purposes).
- Reduced plans of the proposal (Architectural and Landscape Submission) on 11" x 17" format, which are readable, must be submitted for report and document purposes.
- Site Profile for contaminated sites, where applicable.
- Existing land uses adjacent to the subject property are to be indicated on the plans.
- Pursuant to Section 920.1 of the *Local Government Act* "Development Approval Information" means professionally prepared studies on the anticipated impact of the proposed development on the community including, without limiting this information regarding impact on such matters as:
 - transportation patterns and traffic flow;
 - local infrastructure;
 - facilities including schools and parks;
 - community services;
 - the natural environment of the area affected;
 - archaeological issues;
 - hydrological and hydro-geological issues;
 - soil agrology;
 - and other matter identified by the City as required for the review of the application.
- The applicant must erect a sign as noted in Section 3.8.

3. Processing Procedure

1. Following receipt of a satisfactory application and payment of the necessary fees, the application will be acknowledged in writing.
2. The application is reviewed and the applicant is notified if additional fees or changes to the application form are required prior to the preparation of the staff report.
3. A Public Information Meeting to discuss the development application may be required. The purpose of this Public Information Meeting is to provide the general public with information on the development proposal and to provide the landowner or applicant with feedback on their application.
4. The Public Information Meeting is held by the City of Courtenay at a public venue with the meeting format to be discussed with the applicant.

5. Notification of the Public Information Meeting is delivered to owners and occupiers a minimum of 100 m of the subject property or a distance to be determined by the City and the notice is published in one issue of the local paper a minimum of 7 days prior to the Public Information Meeting.
6. Public input received at the Public Information Meeting is included in a staff report for Council's consideration prior to 1st and 2nd reading of the amendment bylaw.
7. Following the Public Information Meeting, should the applicant wish to withdraw their application prior to Council considering the application, the zoning or Official Community Plan amendment fees is refunded.
8. The applicant must erect a sign on the subject property in accordance with the specifications established in Schedule 6D and 6-D2, not more than ten days after submitting the rezoning application, to advise the public of the proposed rezoning. The public notice sign must be removed not later than seven (7) days following the public hearing.

(This section is for applications of three or more residential units and for all other non-residential purposes).
9. The Planning Department may circulate the proposal to other Municipal Departments, Committees of Council and other agencies, where necessary.
10. An inter-departmental meeting may be held to receive input from other City Departments.
11. Prior to or after receiving comments, staff may contact you to discuss any issues which arise during the review process.
12. A report is prepared by staff and a bylaw is created for the zoning amendment. If the property in question is located within 800 metres of the intersection of a controlled access highway with any other highway, Ministry of Transportation approval is required.
13. The applicant may make a presentation to Council, and should contact the Manager of Corporate Administration if they wish to do so. The application may be approved for further consideration, tabled or denied by Council.
14. First and second readings are considered by Council and passed or defeated. If an application for an amendment does not proceed to public hearing, a refund as outlined in the City of Courtenay Fees and Charges Bylaw shall be paid to the applicant.
15. If passed, a public hearing is set by Council and, as required by the *Local Government Act*, surrounding property owners are notified in writing by the City. Such notice is mailed or otherwise delivered to owners and occupiers of the property located within 100 metres of any part of the parcel that is the subject of the bylaw. The Public Hearing is also advertised in two issues of the local newspapers.
16. The applicant has an opportunity at the Public Hearing to make a presentation to Council and the public. Following the Public Hearing, Council may:
 - direct a further Public Hearing be held;
 - amend the bylaw;
 - refuse the bylaw; or
 - forward the bylaw to Step 18.

17. Third reading is considered by Council at a Council meeting following the Public Hearing. If defeated, no reapplication for a substantially similar amendment shall be considered within twelve (12) months of the date of rejection of the previous application. The time limit for a reapplication may be varied by an affirmative voice of at least $2/3$ of Council members eligible to vote on the reapplication.
18. Final reading is considered by Council at a subsequent Council meeting. If defeated, no reapplication for a substantially similar amendment shall be considered within twelve (12) months of the date of rejection of the previous application. The time limit for a reapplication may be varied by an affirmative voice of at least $2/3$ of Council members eligible to vote on the reapplication.

If adopted, the Official Community Plan, Zoning Bylaw or Land Use Contract amendment(s) take effect immediately.
19. When Council adopts the bylaw, written notice is sent to the applicant and/or registered owner.
20. The amendment application is retained as a permanent file.
21. Where an application has not been considered by Council within a 6 month period, the application shall be closed unless it is renewed and the applicable fees have been paid.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 2

APPLICATION FOR A DEVELOPMENT PERMIT

1. Introduction

1. The Official Community Plan designates areas that are subject to the issuance of Development Permits. A Development Permit must be approved by Council prior to the issuance of a building permit in these areas, or in the case of subdivision, prior to the approval of a subdivision plan by the Approving Officer.

A Development Permit cannot vary the use or density of the land from that permitted in the City of Courtenay Zoning Bylaw and all amendments thereto.

NOTE: Prior to submitting a formal application, you are advised to discuss the proposal and the fees required with the Planning Department of the City of Courtenay. Authorization for an agent to act on behalf of the registered owner(s) is required.

2. Notwithstanding the above, Council has delegated to the Director of Planning Services the power to issue a development permit under Section 920 of the *Local Government Act* for only those types of permits listed below, with all other permits to be considered by Council:

(a) for development permits within Development Permit Areas created under Section 919.1(1)(a) of the *Local Government Act*, (Protection of the Natural Environment):

- for a subdivision of less than 25 lots;
- if the gross floor area of a proposed commercial or industrial building or addition thereto is less than 465m²;
- for all changes to building facades for buildings less than 465m²;
- if the number of dwelling units in a proposed multi-residential or mixed-use building is less than 10 units;
- for any land clearing, tree removal or cutting or alteration of soils; or
- for all signs.

(b) for development permits within Development Permit Areas created under Section 919.1(1)(f) of the *Local Government Act* (Form and Character of Commercial, Industrial, or Multi-Family Residential Development):

- for a subdivision of less than 25 lots;
- if the gross floor area of a proposed commercial or industrial building or addition thereto is less than 465m²;
- for all changes to building facades for buildings less than 465m²;
- if the number of dwelling units in a proposed multi-residential or mixed-use building is less than 10 units;
- for all signs

- (c) for all development permits with Development Permit Areas created under Section 919.1(1)(e) of the *Local Government Act* (Intensive Residential Development).
3. Without limiting the generality of the delegation of authority set out in Section 2 above, the authority delegated to the Director includes the power to require an applicant for a development permit to provide security in the amount stated in Schedule 6C, Part 6 of this bylaw.
 4. An applicant may have a decision of the Director of Planning Services in relation to a development permit reconsidered by Council by submitting a request for reconsideration to the Manager of Corporate Administration, within thirty days after the decision is delivered to or made available to the applicant.
 5. The request for reconsideration must include the following:
 - (a) the applicant's address for receiving correspondence related to the request for reconsideration;
 - (b) a copy of the written decision;
 - (c) reasons why the applicant wishes the decision to be reconsidered by Council;
 - (d) the decision which the applicant requests be made by Council;
 - (e) reasons in support of the decision requested from Council; and
 - (f) a copy of any documents which support the applicant's request for reconsideration by Council
 6. The Manager of Corporate Administration must, upon receiving an application for reconsideration:
 - (a) place the request for reconsideration on the agenda for a regular meeting of Council within 30 days after the date on which the request for reconsideration is delivered to the Manager of Corporate Administration;
 - (b) notify the applicant of the date for reconsideration.
 - (c) Council may make a decision on the application and follow the steps contained in Part 3, "Processing Procedure" of Schedule 2.

2. **Application Requirements**

If the application is found to be incomplete, it will be returned to the applicant. This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed. The following must be submitted with the application:

- Completed application form, being Schedule 6A of this bylaw, signed by the registered owner(s), and, if applicable, written authority for an agent to act on behalf of the registered owner(s) of the property.
- An application fee as specified in the City of Courtenay Fees and Charges Bylaw and all amendments thereto.
- A Title Search dated no more than five business days prior to the date of the application.
- Written summary, including a description of the present and intended use of the site and

reasons/rationale for the proposal, including benefits to the community.

- A B.C. Land Surveyor's sketch plan in metric which shows:
 - the dimensions and area of all proposed lots, and
 - the location of all existing buildings and structures on the subject property measured from the proposed property lines to the building face (where applicable).
- Three copies of a professionally prepared Architectural Submission, one coloured as outlined in Schedule 6B of this bylaw, "Guidelines for Architectural Submissions" and "Landscape Submission" as outlined in Schedule 6C of this bylaw.
- Reduced plans of the proposal (Architectural and Landscape Submission) on 11 x 17" format, which are readable, must be submitted for report and document purposes.
- Site profile for contaminated sites, where applicable.
- Existing land uses adjacent to the subject property are to be indicated on the plans.
- Pursuant to Section 920.1 of the *Local Government Act* "Development Approval Information" means professionally prepared studies on the anticipated impact of the proposed development on the community including, without limiting this information regarding impact on such matters as:
 - transportation patterns and traffic flow;
 - local infrastructure;
 - facilities including schools and parks;
 - community services;
 - the natural environment of the area affected;
 - archaeological issues;
 - hydrological and hydro-geological issues;
 - soil agrology;
 - and other matter identified by the City as required for the review of the application.

3. Processing Procedure

1. Following receipt of a satisfactory application and payment of the necessary fees, the application will be acknowledged in writing.
2. The application is reviewed and the applicant is notified if additional fees or changes to the application form are required prior to the preparation of the staff report.
3. A Public Information Meeting to discuss the development may be required. The purpose of the Public Information Meeting is to provide the general public with information on the development proposal and to provide the applicant with feedback on their application.
4. The Public Information Meeting is held by the City of Courtenay at a public venue with the meeting format to be discussed with the applicant.
5. Notification of the Public Information Meeting is delivered to owners and occupiers a minimum of 100 metres of the subject property or a distance to be determined by the City and the notice is published in one issue of the local paper a minimum of 7 days prior to the Public Information Meeting.

6. An inter-departmental meeting may be held to receive input from other City Departments.
7. Prior to, or after, receiving comments staff may contact you to discuss any issues which arise during the review process.
8. A report is prepared by staff and presented to Council.
9. The applicant may make a presentation to Council, and should contact the Manager of Corporate Administration if they wish to do so.
10. Council, in considering the application, may:
 - (a) authorize the issuance of the permit;
 - (b) authorize the issuance of the permit as amended by Council in its resolution;
 - (c) state the proposed security to be posted by the applicant;
 - (d) table and refer the application for further information; or
 - (e) refuse to authorize issuance of the permit.

If the permit application is not authorized, no reapplication for a substantially similar amendment shall be considered within (12) months. The time limit for reapplication may be varied by an affirmation vote of at least 2/3 of the Council members eligible to vote on the reapplication.

11. Where an application requires a variance to the Zoning Bylaw, Council, in considering the application, may:
 - (a) Consider the application if the property in question does not require that notice be given to adjacent property owners (i.e. adjacent properties owned by applicant or City);
 - (b) Pass a resolution giving notice that the Development Permit with Variances will be considered at a future Council Meeting (to provide time for notice of the variance to be circulated to adjacent property owners). The approval of the Ministry of Transportation (MOT) may be required prior to approval of a Development Permit with Variances that would place or permit to be placed any building fronting any highway with MOT jurisdiction; or
 - (c) request additional information.

12. Where Council gives notice that the variance will be considered at a future meeting, notification in writing is sent to all owners and occupiers of property within thirty metres of any part of the parcel that is subject of the bylaw.

All correspondence in response to the notification must be received by the City at least two working days prior to the Council meeting where final consideration an application is to be given.

If the permit application is not authorized, no reapplication for a substantially similar amendment shall be considered within twelve (12) months. The time limit for reapplication may be varied by an affirmative vote of at least 2/3 of the Council members eligible to vote on the reapplication.

13. When Council adopts a resolution to issue a development permit, the following steps are taken:

- (a) written notice of Council's decision and a copy of the development permit is sent to the applicant and/or the registered owner; the Building Inspector and/or the Approving Officer.
 - (b) the development permit is registered on the Land Title at Land Registry.
 - (c) the development permit is retained as a permanent file.
14. Where as application has not been considered by Council within a 6 month period, the application shall be closed unless it is renewed and the applicable fees have been paid.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 3

APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT

1. Introduction

A Development Variance Permit is a permit issued by Council that provides for a variation of the zoning, sign or subdivision bylaw requirements. It cannot vary the use, density, or floodplain specification as set out in the City of Courtenay Zoning Bylaw and all amendments thereto and the City of Courtenay Floodplain Management Bylaw and all amendments thereto.

If compliance with a zoning or subdivision bylaw provision such as setback or building height would cause undue hardship, the applicant could consider applying to the Board of Variance, instead of applying for a Development Variance Permit.

NOTE: Prior to submitting a formal application, you are advised to discuss the proposal and the fees required with the Planning Department of the City of Courtenay. Authorization for an agent to act on behalf of the registered owner(s) is required.

2. Application Requirements

If the application is found to be incomplete, it will be returned to the applicant. This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed. The following must be submitted with the application:

- Completed application form, being Schedule 6A of this bylaw, signed by the registered owner(s), and, if applicable, written authority for an agent to act on behalf of the registered owner(s) of the property.
- An application fee as specified in the City of Courtenay Fees and Charges Bylaw and all amendments thereto.
- A Title Search dated no more than five business days prior to the date of the application.
- Written summary, including a description of the variance requested and reasons/ rationale for the proposal.
- A B.C. Land Surveyor's sketch plan in metric which shows:
 - the dimensions and area of all proposed lots, and
 - the location of all existing buildings and structures on the subject property measured from the proposed property lines to the building face and the variance requested (where applicable).
- Reduced plans of the proposal on 11 x 17" format, which are readable, must be submitted for report and document purposes.
- Site profile for contaminated sites, where applicable.
- Existing land uses adjacent to the subject property are to be indicated on the plans.

3. Processing Procedure

1. Following receipt of a satisfactory application and payment of the necessary fees, the application is acknowledged in writing.
2. The application is reviewed and the applicant is notified if additional fees or changes to the application form are required prior to the preparation of the staff report.
3. An inter-departmental meeting may be held to receive input from other City Departments.
4. Prior to, or after, receiving comments staff may contact you to discuss any issues which arise during the review process.
5. A report is prepared by staff and presented to Council.
6. The applicant may make a presentation to Council, and should contact the Manager of Corporate Administration if they wish to do so.
7. Council, in considering the application, may:
 - (a) Consider the application if the property in question does not require that notice be given to adjacent property owners (ie. adjacent properties owned by applicant or City);
 - (b) Pass a resolution giving notice that the Development Permit with Variances will be considered at a future Council Meeting (to provide time for notice of the variance to be circulated to adjacent property owners). The approval of the Ministry of Transportation (MOT) may be required prior to approval of a Development Permit with Variances that would place or permit to be placed any building fronting any highway with MOT jurisdiction; or
 - (c) request additional information.
8. Where Council gives notice that the variance will be considered at a future meeting, notification in writing is sent to all owners and occupiers of property within thirty metres of any part of the parcel that is subject of the bylaw.

All correspondence in response to the notification must be received by the City at least two working days prior to the Council meeting where final consideration an application is to be given.

A letter is also sent to the applicant advising of Council's action and inviting the applicant to make a presentation to Council, should they wish to do so.

If the permit application is not authorized, no reapplication for a substantially similar amendment shall be considered within twelve (12) months. The time limit for reapplication may be varied by an affirmative vote of at least 2/3 of the Council members eligible to vote on the reapplication.

9. The application is considered by Council and Council may:
 - (a) authorize the issuance of the permit;
 - (b) authorize the issuance of the permit as amended by Council in its resolution;
 - (c) table and refer the application for further information; or

- (d) refuse to authorize issuance of the permit.
10. When Council adopts a resolution to issue a Development Variance Permit, the following steps are taken:
 - (a) written notice of Council's decision and a copy of the Development Variance Permit is sent to the applicant and/or the registered owner, with a copy to Building Inspector;
 - (b) the Development Variance Permit is registered on the title at Land Registry.
 11. The Development Variance Permit file is retained as a permanent file.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 4

APPLICATION FOR A TEMPORARY USE PERMIT

1. Introduction

Council may consider the issuance of a Temporary Commercial/Industrial Use Permit for land where designated in the Official Community Plan. If the Official Community Plans does not designate an area for temporary uses, then an Official Community Plan amendment must be adopted prior to issuance of a Temporary Use Permit, although both processes may proceed concurrently. A temporary use permit has a maximum term of two years and may be reviewed only once for up to a maximum of an additional two years. The temporary use permit will contain guarantees that the use will be discontinued on the expiry date.

NOTE: Prior to submitting a formal Temporary Use Permit Application, you are advised to discuss the proposal and the fees required with the Planning Department. Authorization for an agent to act on behalf of the registered owner(s) is required.

2. Application Requirements

If the application is found to be incomplete, it will be returned to the applicant. This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed. The following must be submitted with the application:

- Completed application form, being Schedule 6A of this bylaw, signed by the registered owner(s), and, if applicable, written authority for an agent to act on behalf of the registered owner(s) of the property.
- An application fee as specified in the City of Courtenay Fees and Charges Bylaw and all amendments thereto.
- A Title Search dated no more than five business days prior to the date of the application.
- Written summary, including a description of the variance requested and reasons/ rationale for the proposal.
- A B.C. Land Surveyor's sketch plan in metric which shows:
 - the dimensions and area of all proposed lots, and
 - the location of all existing buildings and structures on the subject property measured from the proposed property lines to the building face and the variance requested (where applicable).
- Reduced plans of the proposal on 11 x 17" format, which are readable, must be submitted for report and document purposes.
- Site Profile for contaminated sites, where applicable.
- Existing land uses adjacent to the subject property are to be indicated on the plans.

- Pursuant to Section 920.1 of the *Local Government Act* “Development Approval Information” means professionally prepared studies on the anticipated impact of the proposed development on the community including, without limiting this information regarding impact on such matters as:
 - transportation patterns and traffic flow;
 - local infrastructure;
 - facilities including schools and parks;
 - community services;
 - the natural environment of the area affected;
 - archaeological issues;
 - hydrological and hydro-geological issues;
 - soil agrology;
 - and other matter identified by the City as required for the review of the application.
- The applicant must erect a sign as noted in Section 3.3.

3. Processing Procedure

1. Following receipt of a satisfactory application and payment of the necessary fees, the application is acknowledged in writing.
2. The application is reviewed and the applicant is notified if additional fees or changes to the application form are required prior to the preparation of the staff report.
3. The applicant must erect a sign on the subject property in accordance with the specifications established in Schedule 6D, not more than ten days after submitting the rezoning application, to advise the public of the proposed rezoning.
The public notice sign must be removed no later than seven (7) days following the public hearing.
4. The Planning Department may circulate the proposal to other Municipal Departments and other agencies, where necessary.
5. An inter-departmental meeting may be held to receive input from other City Departments.
6. Prior to, or after receiving comments, staff may contact you to discuss any issues which arise during the review process.
7. A report is prepared by staff and presented to Council.
8. The applicant may make a presentation to Council, and should contact the Manager of Corporate Administration if they wish to do so. The application may be approved for further consideration, tabled, denied or referred as a public meeting.
9. Council authorizes staff to advertise proposal in local newspapers as required in the *Local Government Act*. Council may also notify adjoining property owners. This must occur prior to the actual Council resolution to issue a permit.

10. Following the required notification, Council will either adopt a resolution to issue a permit in the form, refer the proposal to the Planning Department for further review or information, or refuse the application.
11. The City may, as a condition precedent to the issue of the permit, require that the owner of the land give an undertaking as part of the permit to:
 - (a) demolish or remove a building or structure; and
 - (b) restore land described in the permit to a condition specified in the permit by a date specified in the permit.
12. 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.
13. The owner of land in respect of which a temporary commercial or industrial use permit has been issued shall have the right to put the land to the use described in the permit until:
 - (a) the date that the permit expires, or
 - (b) two years after the permit was issued, which ever first occurs.
14. The City may, as a condition of the issue of the Temporary Use Permit, require that the applicant for the permit provide security by the irrevocable letter of credit or the deposit of securities in a form satisfactory to the City in an amount stated in the permit to guarantee the performance of the terms of the permit.
15. When the City issues a Temporary Use Permit, it shall file in the Land Titles Office a notice that the land described in the notice is subject to the permit.
16. Where an application has not been considered by Council within a 6 month period, the application shall be closed unless it is renewed and the applicable fees have been paid.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 5

APPLICATION TO THE AGRICULTURAL LAND RESERVE

1. Introduction

The Agricultural Land Reserve (ALR) is a provincial designation on land in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are controlled. In cases where a proposed development is in the ALR land owners are required to apply to the Agricultural Land Commission (ALC) for development approval. Under the *Agricultural Land Commission Act*, land owners can apply to:

- (a) Include land in the ALR
- (b) Exclude land from the ALR
- (c) Subdivide land within the ALR
- (d) Use land in the ALR for non-farm purposes
- (e) Place fill or remove soil for non-farm purposes

Each type of application requires a land owner to complete an Agricultural Land Commission application which is reviewed by the City of Courtenay before review by the ALC. In all cases, the ALC makes the final decision.

NOTE: Prior to submitting a formal application, you are advised to discuss the proposal and the required fees and/or required Official Community Plan or Zoning Bylaw Amendments with the Planning Department of the City of Courtenay. Authorization for an agent to act on behalf of the registered owner(s) is required.

2. Application Requirements

Please review the ALC “Applicant Information Package” (available at www.alc.gov.bc.ca) before submitting your application. This package contains details on ALC application requirements as well as the ALC process for issuing approvals.

All application materials and fees are to be submitted to the City of Courtenay. If the application is found to be incomplete, it will be returned to the applicant. This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed. The following must be submitted with the application:

- Completed ALC form “Application by Land Owner” or, in case of placing fill or removing soil completed “Application for Non-farm Use to Place Fill or Remove Soil,” including, if applicable, written authority for an agent to act on behalf of the registered owner(s) of the property. Both forms are available from the City of Courtenay or from the ALC at www.alc.gov.bc.ca.
- An application fee, payable to the City of Courtenay, as specified in the City of Courtenay Fees and Charges Bylaw and all amendments thereto.

- A title search dated no more than five business days prior to the date of application.
- A B.C. Land Surveyor's sketch plan in metric which shows:
 - The dimensions and areas of all proposed lots and uses,
 - The location and use of all existing buildings and structures on the subject property and the main physical features,
 - If applicable, the location of photograph(s) taken and submitted as part of proof of Notification of Application,
 - The location of buildings and uses on lands adjacent to the subject property, and
 - Any proposed measures to reduce impact on agricultural lands.
- In the case of an application to exclude land from the ALR the applicant must erect a sign on the subject property in accordance with the specifications established in Schedule 6D and 6D-2, not more than ten days after submitting the application to the City of Courtenay, to advise the public of the proposed application.
- In the case of an application to exclude land from the ALR proof of Notice of Application including:
 - An original copy of each notice advertisement in the local newspaper with the date of publication clearly noted,
 - A copy of the letter distributed to adjacent properties and distribution list used by the City, including the date of service and method of delivery.
 - A photograph which clearly shows the sign posted on the property, and
 - Copies of all responses the applicant has received from the Notice of Application.

3. Processing Procedure

1. Following the receipt of a satisfactory application and payment of necessary fees, the application will be acknowledged in writing.
2. The application is reviewed and the applicant is notified if additional fees or changes to the application form are required prior to the preparation of the staff report.
3. Following receipt of a complete application, a Public Information Meeting to discuss the development application may be required. The purpose of this Public Information Meeting is to provide the general public with information on the development proposal and to provide the landowner or applicant with feedback on their application.
4. The Public Information Meeting is held by the City of Courtenay at a public venue with the meeting format to be discussed with the applicant.
5. Notification of the Public Information Meeting will be delivered to owners and occupiers a minimum of 100 m of the subject property or a distance to be determined by the City and the notice will be published in one issue of the local paper a minimum of 7 days prior to the Public Information Meeting.
6. Public input received at the Public Information Meeting and any responses received by the applicant's Notice of Application will be included in a staff report prepared by staff for Council's consideration.

7. Following the Public Information Meeting, should the applicant wish to withdraw their application prior to Council considering the application, a portion of the Application to the Agricultural Land Commission fee will be refunded.
8. The Planning Department may circulate the application to other Municipal Departments, Committees of Council and other agencies, where necessary.
9. An inter-departmental meeting may be held to receive input from other City Departments and the Planning Department may meet with the ALC.
10. Prior to or after receiving comments, staff may contact you to discuss any issues that arise during the review process.
11. A report is prepared by staff and presented to Council.
12. The applicant may make a presentation to Council, and should contact the Manager of Corporate Administration if they wish to do so. The application may be approved for further consideration by the ALC, tabled or denied by Council.
13. In cases of application to exclude land from the ARL a public hearing is set by Council and surrounding property owners are notified in writing by the City. Such notice shall be mailed or otherwise delivered to owners and occupiers of the property located within 100 metres of any part of the subject property. The public hearing is also advertised in two issues of the local paper.
14. The applicant has an opportunity at the Public Hearing to make a presentation to Council and the public. Following the hearing, Council may:
 - (a) direct a further Public Hearing be held;
 - (b) amend the application;
 - (c) approve the application; or
 - (d) refuse the application.

If Council approves the application, a recommendation is sent to the ALC and the ALC makes the final decision

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 6A

DEVELOPMENT APPLICATION

NOTE: All applications are required to complete Parts 1, 3 and 4 and the applicable section of Part 2. Drawings and technical information are required for all applications.

PART 1 - to be completed for all applications

| APPLICANT INFORMATION | DESCRIPTION OF PROPERTY |
|-----------------------|-------------------------|
|-----------------------|-------------------------|

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Name(s): _____ Address: _____ _____ City: _____ Postal Code: _____ Phone: _____ Fax: _____ E-mail: _____ | Civic address: _____ _____ Legal Description: _____ _____ _____ |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|

If applicant is NOT the owner of property:

Owners Name: _____ Owner's phone/e-mail: _____
 Owner's Address: _____

PART 2 – complete applicable section

| OFFICIAL COMMUNITY PLAN AMENDMENT | ZONING AMENDMENT |
|-------------------------------------------------------------------|-----------------------------------------------------|
| Current OCP Designation: _____ Proposed Designation: _____ | Current Zoning: _____ Proposed Zoning: _____ |

| DEVELOPMENT PERMIT | <input type="checkbox"/> Downtown <input type="checkbox"/> Commercial <input type="checkbox"/> Shopping Centre <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Res <input type="checkbox"/> Environmental |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Describe project: _____ _____ _____ | |

| DEVELOPMENT VARIANCE PERMIT | <input type="checkbox"/> Zoning <input type="checkbox"/> Sign <input type="checkbox"/> Other |
|-----------------------------------------|----------------------------------------------------------------------------------------------|
| (and development permit with variances) | |

| Bylaw & Section | Requirement | Proposed | Difference |
|-----------------|-------------|----------|------------|
| | | | |
| | | | |
| | | | |

PART 3 - to be completed for all applications

SITE & BUILDING INFORMATION

Current OCP Designation: _____ Current Zoning: _____
Proposed Gross Floor Area: _____ Site Coverage (including building coverage): _____

SITE REQUIREMENTS

| | Required: | Proposed: | | Required: | Proposed: |
|-----------------------|------------------|------------------|---------------------|------------------|------------------|
| Front setback: | _____ | _____ | Parking spaces: | _____ | _____ |
| Rear setback: | _____ | _____ | Loading spaces: | _____ | _____ |
| Side setback: | _____ | _____ | Handicapped spaces: | _____ | _____ |
| Side flanking street: | _____ | _____ | Landscaped area: | _____ | _____ |
| Building height: | _____ | _____ | Useable open space: | _____ | _____ |

PART 4

APPLICANT/AGENT AUTHORIZATION - Complete ONE of the following:

1. If the owners is applying personally:

- (i) I am the owner of the real property, legally described as: _____ and that I am registered as such in the Land Registry Office in Victoria, BC; and that
- (ii) I hereby agree to indemnify and keep harmless the City of Courtenay and its employees against all claims, liabilities, judgments, costs and expenses of whatsoever which may in any way occur against the said City and its employees in consequence and of incidental to, the consideration of the application

Signature of Registered Owner

Date

2. If an agent is applying on behalf of the owner:

- (i) I am the authorized agent of _____ who is the registered owner of the real property, legally described as: _____

- (ii) I hereby agree to indemnify and keep harmless the City of Courtenay and its employees against all claims, liabilities, judgments, costs and expenses of whatsoever which may in any way occur against the said City and its employees in consequence and of incidental to, the consideration of the application;

It is understood that until the City of Courtenay is advised in writing that I am no longer acting on behalf of the undersigned registered owner, the City of Courtenay shall deal exclusively with me with respect to all matters pertaining to the proposed application;

I hereby declare that the foregoing information is true and proper and I make this declaration knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Signature of Agent

Date

Signature of Registered Owner

Date

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 6B

GUIDELINES FOR ARCHITECTURAL SUBMISSIONS

Architectural submissions are to be prepared in accordance with the Architects Act of BC and are required to be signed and sealed. The minimum acceptable scale for all submission is 1: 200 and all plans are required to include the following information:

- (a) Location Map
- (b) Site plan, including any existing buildings on the property in relation to legal property boundaries
- (c) Elevations, sections, floor plans (and roof plans where requested)
- (d) North arrow and drawing scales
- (e) Dimensions, in metric or metric conversions, for all elevations and site plans
- (f) Geodetic elevation
- (g) Comprehensive building site layout
- (h) Exterior building materials and colours (where requested)
- (i) Zoning bylaw compliance
- (j) Parking lot layouts in accordance with ICBC Parking Manual and City standards
- (k) Vehicle/pedestrian circulation and turning radius for delivery and emergency vehicles
- (l) Road widenings
- (m) Fire hydrant locations
- (n) Open space
- (o) All watercourses and riparian areas and required setback areas

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 6C

GUIDELINES FOR LANDSCAPE SUBMISSIONS

Landscape submissions are to be prepared in accordance with the most recent B.C.S.L.A./B.C.N.T.A standards and are required to be signed and sealed. All plans are required to include the following information:

1. Grading Plan

The grading plan is to show both existing and proposed grades.

2. Landscape Plan

The landscape plan is to include:

- (a) Location of existing trees 20cm calliper and greater, and proposed methods of preservation.
- (b) Property lines, surrounding streets, limit of contract lines, setbacks, easements.
- (c) Existing site features, retention/preservation areas.
- (d) Vehicular and pedestrian paving, planting, fencing, landscape structures.
- (e) Location of all engineering services (overhead, underground, light standards, etc.) which may affect landscaping.
- (f) Adjacent landscape/development features, where applicable.
- (g) Indication of all plant material and landscaping features at installed sizes, accurate location and spacing and dimensions of planting areas in metric.
- (h) Plant list naming all recommended plant material and size specification.
- (i) Area of site to be landscaped.

3. Landscape Plan Specifications

- (a) Include references to the most recent B.C.S.L.A./B.C.N.T.A. landscape standard for all landscape construction.
- (b) In keeping with landscaping installation best practice and the City's stormwater management "Water Balance Model", the landscaping detail to include soil depths as follows:
 - Planting Beds - 450 mm topsoil or amended organic soils
 - Lawn Areas - 300 mm topsoil or amended organic soils
 - Trees - 300 mm topsoil or amended organic soils around and below root ball.
- (c) All vegetation removal and replacement shall adhere to the "Land Development Guidelines for the Protection of Aquatic Habitat" prepared by the Department of Fisheries and

Oceans and the Ministry of Environment, Lands and Parks where applicable.

4. Underground Irrigation System Plan

Plan showing water source, type of system, details of system.

5. Detailed Cost Estimate

The landscape cost estimate must provide detailed information itemizing quantities, areas, sizes, equipment, and labour costs required for the total cost of the construction of the plan, including fencing, sidewalks, decorative paving areas, retaining walls, recreation equipment, and irrigation system where applicable. For phased projects, a detailed landscape cost estimate which indicates the area and work to be undertaken for each phase must be provided.

6. Security Deposit

- (a) To ensure that the proposed landscaping is undertaken and the approved landscape plan is complied with, the City requires a landscape security deposit.
- (b) Developers must deposit with the City a security of 125% of the cost estimate for the approved landscape plan at the time of securing a building permit.
- (c) Upon receipt of written certification that the installed landscaping substantially complies with the provincial landscape standard and with the approved landscape plan, the City will release the security less 20% of the cost estimate.
- (d) For phased developments, a phased landscape plan detailing the cost estimate and area of each phase is required. A security of 125% of the cost estimate for the entire project is required at the time of securing a building permit. Upon receipt of written certification that the installed landscaping for each phase substantially complies with the provincial landscape standard and with the approved landscape plan, the City will release the security less 20% of the cost estimate per phase.
- (e) For all projects, the 20% security will be released after five years guarantee period, dated from substantial completion, upon final acceptance by the City of the installed landscaping.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 6D

PUBLIC NOTICE SIGN GUIDELINES

Required Public Notice Sign Erected on the Subject Property

1. Instructions

- (a) Signs are to be erected on the site not more than ten days after submitting rezoning application.
- (b) Sign(s) must be erected on a property line which faces onto a public street.
- (c) Layout of sign should be reviewed with Planning Department prior to its being drawn.

2. Example

As per example on Schedule 6D-2.

3. Required Format

- (a) Minimum size: 1.8 m width, 1.2 m height.
- (b) For OCP, Zoning Amendments and Temporary Use Permits, signs should have dark blue background with white lettering and maps should have a white background with dark blue highlights.
- (c) For Applications to the ALC, signs should have a red background with white lettering and maps should have a white background with dark red highlights.
- (d) Lettering: block capitals, with:
 - headings not less than 20 cm in height;
 - notice copy not less than 13 cm in height;
 - map lettering not less than 8 cm in height.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2459, 2006**

SCHEDULE 6D-2

PUBLIC NOTICE SIGN EXAMPLE

City of Courtenay

Proposed O.C.P. Amendment, Zoning Amendment, Temporary Use Permit or Application to the ALC

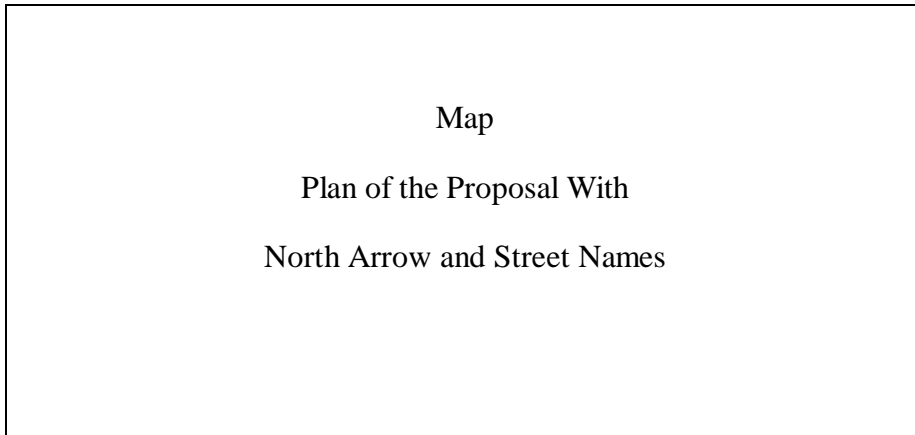
Application Number: _____

Applicant Name and Address: _____

Telephone Number: _____

This property is presently designated and zoned:

An application has been made to rezone this property to:



For further information, contact:

**PLANNING DEPARTMENT
CITY OF COURTENAY**

830 Cliffe Avenue

Courtenay, B.C., V9N 2J7

Telephone: 334-4441

Fax: 334-4241

Date: _____