

THE CORPORATION OF THE CITY OF COURTENAY
CONSOLIDATED VERSION BYLAW NO. 2790

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 may designated areas within which Temporary Use Permits may be issued and within which Development Permits are required;

AND WHEREAS the Council must by bylaw, define procedures to amend an Official Community Plan or Zoning Bylaw or issue a permit under Part 26 of the *Local Government Act*;

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

1. Title

This bylaw may be cited as “Development Application Procedures Bylaw No. 2790, 2014”.

2. Definitions

“Applicant” – means any person who makes application for development under the provisions of this bylaw as authorized by the owner(s) of the parcel(s) of land subject to the application.

“City” – means the City of Courtenay.

“Council” – means the Council of the City of Courtenay.

3. Interpretation

3.1 A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated or replaced from time to time.

3.2 A reference in this bylaw to any bylaw, policy or form of the City of Courtenay is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

4. Scope

This bylaw shall apply to the following applications for all lands within the boundaries of the City of Courtenay:

4.1 An application for amendments to:

- a) Official Community Plan;
- b) Zoning Bylaw, including the establishment of Phased Development Agreements (PDAs);
and
- c) Land Use Contract

4.2 The issuance, amendment and review of

- a) Development Permit
- b) Development Variance Permits

- c) Temporary Use Permits

4.3 An application to the City as required by the *Agricultural Land Commission Act*

4.4 Guidelines for:

- a) Architectural Submissions
- b) Landscape Submissions
- c) Notice of Application Sign Submissions

5. General Provisions

5.1 Schedules

For the purpose of this bylaw, Schedules 1 to 10 inclusive are attached hereto and form an integral part of this bylaw.

5.2 Application Fees

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.

5.3 Agent Authorization

Written authorization for an agent to act on behalf of the registered owner(s) is required. If the owner changes their agent for an application, the owner must notify the City of the change in writing.

5.4 Application Requirements and Processing Procedure

- a) An application for an amendment to an Official Community Plan Bylaw, Zoning Bylaw (including establishment of a Phased Development Agreement) or a Land Use Contract will be made and processed substantially as outlined in Schedule 1 of this bylaw.
- b) An application for a Development Permit will be made and processed substantially as outlined in Schedule 2 or Schedule 3 of this bylaw, as applicable.
- c) An application for an Environmental Development Permit will be made and processed substantially as outlined in Schedule 4 of this bylaw.
- d) An application for a Development Variance Permit will be made and processed substantially as outlined in Schedule 5 of this bylaw.
- e) An application for a Temporary Commercial or Industrial Use Permit will be made and processed substantially as outlined in Schedule 6 of this bylaw.
- f) An application in respect of land within the Agricultural Land Reserve will be made and processed substantially as outlined in Schedule 7 of this bylaw.
- g) All architectural submissions must be in accordance with Schedule 8 of this bylaw.
- h) All landscape submissions must be in accordance with Schedule 9 of this bylaw.
- i) Applications requiring a Notice of Application Sign shall be posted in accordance with Section 10 and Schedule 10 of this bylaw.

5.5 Combined Development Permits

- a) If land is subject to more than one Development Permit Area designation, the City will accept a single development permit application that combines the requirements of each Development Permit Area. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area. Additional application fees may be required in accordance with the City of Courtenay Fees and Charges Bylaw.
- b) Where a development is proposed by a single applicant for multiple adjoining properties, at the sole discretion of the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City may accept a single development permit application instead of one application per property.

6. Development Approval Information

6.1 Type of Information Requested

Pursuant to Section 920.1 of the *Local Government Act*, the City may require an applicant to provide at the applicant's expense, reports and impact studies including but not limited to the following topic areas:

- a) Environmental Impact Assessment including Environmentally Sensitive Features Inventory
- b) Construction and Environmental Management Plan
- c) Tree Assessment Study including Wind Study
- d) Geotechnical Study
- e) Transportation and Traffic Impact Study
- f) Site access and Servicing Study, including Municipal Infrastructure Impacts
- g) Demand for Local Community Service Study
- h) Visual Impact Study
- i) Acoustical Impact Study
- j) Hydrological Study including Groundwater Management Assessment
- k) Stormwater Management and Drainage Study
- l) Soil Agrology Study
- m) Greenhouse Gas Emission Profile
- n) Wildfire Hazard Assessment
- o) Archaeological Assessment
- p) Other studies as deemed necessary

6.2 Preparation of Terms of Reference

The applicant will be required to work with staff to review and confirm the Terms of Reference for the report or impact study.

6.3 Selection of Personnel

The applicant will be required to provide the reports and impact studies prepared by Qualified Registered Professionals at the applicant's expense. The City may require an independent review of the study results in certain circumstances including but not limited to: staff capacity and to ensure the timely review of the study results. The applicant will be notified if an independent review of the study results is required. Costs for independent review studies will be borne by the applicant.

6.4 Incomplete or Deficient Reports

- a) If it is deemed by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City that a report containing development approval information is incomplete or deficient, the applicant will be notified in writing of the nature of deficiencies and the timeframe to resubmit the corrected report.
- b) The City will not accept studies or reports older than one year without a covering letter from the author certifying that the conditions and findings of the study have not changed.

6.5 Presentation of Reports or Impact Studies

The City may request, at the applicant's expense, the presentation of the report or impact study to Council, the Community or Staff by the Qualified Registered Professional(s) that prepared the document.

6.6 Publication of Information

The City may distribute and publicize a report containing development approval information requested under this bylaw.

7. Requirement of Professional Services

- 7.1** Where required by the *Architects Act*, all building design submissions must be signed and sealed by an Architect licensed to work in the province of British Columbia pursuant to the requirements of the *Architects Act*.
- 7.2** All applications for residential developments in excess of seven (7) units on a property and commercial or industrial developments in excess of 470 square metres aggregate floor area require the services of a licensed Landscape Architect qualified by the British Columbia Society of Landscape Architects (BCSLA) to plan and design, prepare drawings, oversee construction and provide post development monitoring. All landscape design submissions must be signed and sealed by the Landscape Architect. The City will require BCSLA Schedules L-1 and L-2 at the time of building permit.
- 7.3** All applications for Environmental Development Permits require the services of a Registered Professional Biologist to prepare an Environmental Impact Assessment.
- 7.4** All applications for Development Permit and Development Variance permit will require a site plan prepared by a British Columbia Land Surveyor.
- 7.5** It is strongly suggested that the applicant retain the services of a building code consultant or Architect to ensure any proposed buildings, or additions/alterations to existing buildings, comply with the relevant provisions of the *British Columbia Building Code*.

8. Public Information Meetings

8.1 Applicants for Official Community Plan Amendments, Zoning Bylaw Amendments, Temporary Use Permits or Development Variance Permits are required to hold a Public Information Meeting prior to the application being considered by Council. The purpose of the meeting is to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the standard application referral, and public hearing process. The applicant is responsible for all costs associated with the meeting.

8.2 The Public Information Meeting is held by the applicant, and may be attended by City Staff at the discretion of the City.

8.3 It is the responsibility of the applicant to arrange and conduct the meeting at their expense. The venue and meeting format shall be discussed with the City prior to the meeting. The use of professional facilitation or consulting services is strongly encouraged to conduct the meeting and may be required by the City in case of sensitive applications. Applicants are required to submit a report to the City summarizing the meeting. The report must include the following information:

- a) Location and duration of the meeting;
- b) Number of attendees;
- c) How the meeting was advertised and how surrounding property owners were notified;
- d) Information provided at the meeting; and
- e) A summation of questions raised and major discussion points

8.4 The applicant must mail, or otherwise deliver, notification of the Public Information Meeting to owners and occupiers of properties within a radius of 100 m from the subject property for OCP, Zoning and Temporary Use Permits, or 30m for Development Variance Permits. The Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City is authorized at his discretion to waive the requirement to hold, or modify the notification distance required for, a Public Information Meeting based on the nature of the proposal or permit the use of the Alternative Public Information Meeting process in extenuating circumstances.

3003 **8.5** When authorized by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City the Alternative Development Information Meeting process may be used. The process requires the applicant mail, or otherwise deliver, a letter advising the owners of the properties specified within Section 8.4 of the development proposal along with the following information:

- a) A detailed description of the proposal;
- b) The web link to the City's Development Applications Website where the application submission can be viewed;
- c) The applicant's phone number and email address;
- d) A timeframe (minimum of two weeks from the date the letter is mailed) for when comments and questions can be directed to the applicant; and,
- e) The contact information for the City's Development Planning Division.

The applicant must provide the City a summary of the process documenting the information provided and questions and comments received.

- 8.6** The public input received at the Public Information Meeting will be included in a staff report for Council's consideration of a permit, or prior to consideration of 1st and 2nd reading of a bylaw amendment.

9. Agency Referral Process

- 9.1** Development Services staff may refer applications to other City departments, external agencies, organizations or levels of government (including local First Nations) for review and comment. The referral list will be prepared by staff and will vary depending on the nature of the application. Where applications are sent for review and comment, a maximum of three (3) calendar weeks are provided for return of comments or for a request of additional time. If a response is not received within this three (3) week period the City will assume the interests of that department, agency, organization or government are unaffected.
- 9.2** At the discretion of the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City development permit applications for duplexes, façade improvements, additions or amendments, in addition to sign variance and secondary suite rezoning applications are exempt from the formal referral process outlined in section 9.1.
- 9.3** Following receipt of comments or requests for additional time, the City may defer consideration of any application and request additional information from the applicant.

10. Notice of Application Sign

Applicants proposing an amendment to the Official Community Plan, Zoning Bylaw, or requesting a Temporary Use Permit are required to post a Notice of Application Sign in accordance with Schedule 10 of this bylaw.

11. Public Notification and Public Hearings

- 11.1** In accordance with the provisions of the *Local Government Act*, the City will mail or otherwise deliver individual notices to all owners and occupiers of properties within a 100m radius of the subject property for OCP, Zoning, Land Use Contract Amendment, Phased Development Agreement and Temporary Use Permits, or 30m for Development Variance Permits, advising of:
- a) A scheduled public hearing for an Official Community Plan Amendment, Zoning Bylaw Amendment, Land Use Contract Amendment, or a Phased Development Agreement;
 - b) A scheduled Council meeting for a Development Variance Permit;
 - c) A scheduled Council meeting for a Temporary Use Permit;
 - d) A scheduled public hearing for an application to exclude land from the Agricultural Land Reserve.
- 11.2** Public hearings are subject to the Fees and Charges bylaw.
- 11.3** All correspondence in response to the notifications regarding 11.1 (b) or (c) must be received by the City prior to the start of the Council meeting where final consideration of an application is to be given.

- 11.4** Correspondence in response to 11.1 (a) or (d) will be accepted until the close the Public Hearing.
- 11.5** In the case of an application to amend the Zoning Bylaw, Council may waive the requirement to hold a public hearing pursuant to Section 890(4) of the *Local Government Act* where:
- a) the proposed bylaw is consistent with the Official Community Plan; and
 - b) no significant issues or objections were received at the Public Information Meeting as determined by Council. The Public Hearing may not be waived for a Phased Development Agreement.

12. Security

12.1 Security may be required as a condition of permit issuance for the following:

- a) Landscaping (both ‘hard’ and ‘soft’) including re-vegetation works to restore degraded natural environments (“Landscape Security”). Hard landscaping includes such items as paved pathways, walls, railings, fences, retaining structures and landscape furnishings such as lighting and benches. The ‘soft’ landscape includes water features, earth contouring and vegetation such as trees, plants and grass and irrigation systems;
- b) Environmental monitoring (“Monitoring Security”), may be required for Environmental Development Permits and Sediment and Erosion Control Permits to ensure that all required mitigation measures will be completed and furthermore continue to function properly as described in the Permit;
- c) An unsafe condition or damage to the natural environment that may result as a consequence or contravention of a condition in a permit (“Remediation Security”);
- d) To guarantee the performance of the terms of a Temporary Use Permit (“Performance Security”).

12.2 Form of Security

Security will be provided in the form of an automatically renewing irrevocable letter of credit, bank draft or in a form satisfactory to the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City.

12.3 Amount of Security

The amount of security will be calculated using the following:

- a) For Landscape Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, supervision, monitoring, maintenance, irrigation, labour, hard infrastructure and planting materials. The estimate or quote must be submitted by a Landscape Architect and/or other Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City. The estimate or quote will be provided by the applicant at the applicant’s expense;
- b) Phased Landscape Plans may be approved for large-scale developments at the discretion of the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City to enable the completion of the landscape works in phases. The applicant is required to request approval of a phased landscape plan at the time of Development Permit application, clearly identifying on the submitted landscape plan the proposed phases and the related cost estimates for each phase. Security of 125%

- of the cost estimate for the entire project is required prior to issuance of the first building permit for the development;
- c) For Monitoring Security, the amount of security will be 125% of an estimate or quote of the cost of monitoring works required to ensure that the mitigation conditions of the permit are completed;
 - d) For Remediation Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, supervision, monitoring, maintenance, irrigation, labour and planting materials. The estimate must be submitted by a Qualified Environmental Professional who will be expected to undertake or supervise the works. The estimate or quote will be provided by the applicant at the applicant's expense;
 - e) Where security is required in the case of an unsafe condition that may result from a contravention of a permit condition, or in the case of damage to the natural environment, the amount of security shall reflect:
 - i. The nature of the permit condition
 - ii. The nature of the unsafe condition
 - iii. The cost to the City of entering the land to undertake the work to correct the unsafe condition, including the cost of repairing any damage to land and improvements that may have been caused by the contravention of that permit condition or work to correct the damage to the natural environment, and restore or enhance the natural environment to compensate for damage caused by the contravention of that permit;
 - f) For Performance Security, the amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures. The estimate or quote must be submitted by a Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City. The estimate or quote will be provided by the applicant at the applicant's expense;
 - g) In extraordinary circumstances, alternate methodologies to calculate the amount of security may be approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City.

12.4 General Conditions of Security

At the expense of the permit holder, the City may undertake the works, construction, monitoring or other activities required to satisfy the landscaping condition, to monitor the environmental mitigation works, to correct the unsafe condition, to correct the damage to the environment or to ensure the performance of the terms of the permit. The City may apply the security in payment of the cost of works, construction, monitoring or other activities if any of the following occur:

- a) The works are not completed within a defined time period as specified by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City or within the time period identified in an approved Permit;

- b) An unsafe condition has resulted as a consequence of a contravention of a condition in a permit;
- c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in the permit;
- d) A contravention in relation to the performance of the terms of a Temporary Use Permit.

12.5 Return of Security

- 12.5.1** If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned to the applicant at the approval of the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City;
- 12.5.2** Unless otherwise stated in this bylaw, the City will return the security (or portion thereof) when written request has been submitted by the applicant and includes a satisfactory report by the appropriately Qualified Professional depending on the nature of the permit conditions, or other Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City, or his/her designate, certifying that:
- a) The works have been completed in substantial compliance with the approved plan(s); and/or
 - b) The unsafe condition or damage to the natural environment has been corrected.
- 12.5.3** The report must be signed and sealed by a Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City and include the following at a minimum:
- a) The date and drawing number (where applicable) of the plan reviewed by the Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City;
 - b) Date(s) of supervision and inspections by the Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City;
 - c) A statement from the Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City, that the completed works substantially comply with the approved plan;
 - d) For landscape reports, identification of conformance to approved species, quantity of materials, scale and number of plants, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to BCSLA/BCLNA standards. A completed BCSLA Schedule L-3 must be included with the report when a project requires the services of a Landscape Architect;
 - e) 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);
 - f) The request of the amount of funds to be released. The City will withhold 20% of the original security deposit as a maintenance bond in accordance with Section 12.5.7.

- 12.5.4** Upon receipt of a professional report requesting release of security, the City may conduct a site inspection to verify that the works are installed in accordance with the approved plans.
- 12.5.5** Should there be any deficiencies identified in the professional 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. Any changes to the approved plans will require approval of the City prior to installation of any works. Depending on the level of non-conformance with the approved plans, and at the discretion of the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City, Council approval of the revised plan(s) may be required through an amended development permit application prior to the release of the security.
- 12.5.6** Upon completion of any items outlined in an inspection report, the applicant shall notify the City for further inspection in order to obtain a final release of the security.
- 12.5.7** For Landscape and/or Remediation Securities, upon substantial completion, as approved by the City, the City will return 80% of the original security deposit. The City will withhold the remaining 20% as a maintenance bond for up to three years to ensure that the work has been fully implemented and demonstrated to function (ecologically or as designed). A final inspection by City staff must occur before the remaining 20% of securities is released.

12.6 Partial Return of Landscape Securities

The City may return a portion of the Landscape Security upon receipt of a report from a Landscape Architect or other Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City that the remaining works cannot be completed due to seasonal considerations. The report must include the following:

- a) Evidence that the total landscaping is 50% complete and substantially complies with the approved landscape plan;
- b) Evidence that the perimeter landscaping is 100% complete as per the approved landscape plan for any portion of the subject property that includes street frontage;
- c) The date and drawing number of the landscape plan reviewed by the Landscape Architect or other Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City;
- d) Date(s) of inspection by the Landscape Architect or other Professional approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City;
- e) Evidence of conformance to approved species, quantity of materials, scale and number of plants, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to BCSLA/BCNTA standards. A completed BCSLA Schedule L-3 must be included with the report when a project requires a Landscape Architect;
- f) Identification of all deviations from the approved landscape plan;

- g) The submission of a revised landscape plan and cost estimate for the remainder of the works to be completed for the approval of the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City; and
- h) The request for the amount of the funds to be released. The City will withhold 20% of the original security deposit as a maintenance bond in accordance with Section 12.5.7.

12.6.1 When considering a request for partial release, Staff will consider the visual impact and safety of the remainder of the site as well as the public interface areas prior to approving a partial return request.

12.6.2 The partial return of the landscape security will occur only once per security deposit unless otherwise approved by the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City.

13. Application Lapses, Renewals, Extensions, and Re-applications

13.1 If staff determines that an application is incomplete during the initial review, the application will be placed on hold and the applicant will be requested to provide the required information. If an applicant does not provide the required information within three (3) months of the request, the application and fee will be returned in accordance with the City of Courtenay Fees and Charges Bylaw.

13.2 Where an application has not been considered by Council within one (1) year after a written request to submit any outstanding items, the application will be deemed to be abandoned and will be closed. No fee shall be returned in this circumstance.

13.3 In the event that an application made pursuant to this bylaw has not been given final adoption by Council within one (1) year after the date it was given third reading or one (1) year after the date of last consideration by Council:

- a) The application will be deemed to be abandoned and will be closed; and
- b) In the case of an amendment application, Staff will prepare a motion for Council's consideration to rescind all readings of the bylaw associated with the amendment application;
- c) No fee shall be returned in this circumstance.

13.4 In the case of applications that have been delegated to the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City, if final approval of the application is not granted within one (1) year after a written request from the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City to submit any outstanding items, the application will be deemed to be abandoned and will be closed. No fee shall be returned in this circumstance.

13.5 If an application has lapsed, a new application complete with fees will be required. The new application will be considered in accordance with bylaws and guidelines in effect at the time of the new application.

13.6 Upon written request from the applicant prior to the lapse of the application, 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 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 fee will be required as per the City of Courtenay Fees and Charges Bylaw.

- 13.7** Subject to Section 895 (3) of the *Local Government Act*, where an application made under this bylaw has been refused by Council, re-application for the same amendment or permit will not be accepted for a one (1) year period immediately following the date of refusal. This limit may be varied in relation to a specific reapplication by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication.

14. Changes to the Land Title Certificate

14.1 Change of Ownership

If there is a change in ownership of a parcel(s) of land that is the subject of an application under this bylaw, the City will require updated Land Title Certificate(s) for the parcel(s) of land and written authorization from the new owner(s) prior to proceeding with the application.

14.2 Other Changes

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 as required by the City.

15. Delegation of Authority

- 15.1** Council herein delegates the following to the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City:

- a) The power to require Development Approval Information;
- b) The power to require security for works described in Section 12;
- c) The power to designate the form of any permit issued under this bylaw;
- d) The power to designate the form and content of application forms;
- e) The power to issue or amend all permits created under Section 919.1(1)(f) of the Local Government Act (Form and Character of Commercial, Industrial or Multi-Family Residential Development) where variances are not requested;
- f) The power to issue or amend all development permits within Development Permit Areas created under Section 919.1(1)(a) of the Local Government Act for protection of the natural environment;
- g) The power to issue or amend all development permits within Development Permit Areas created under Section 919.1(1)(e) of the Local Government Act (Intensive Residential Development) where variances are not requested;
- h) The power to renew all Development Permits that have been issued and lapsed provided there are no variances.

- 15.2** Pursuant to Section 154(1) (b) of the Community Charter, Council herein delegates to the Mayor and the Director of Legislative Services the power to sign and deliver on behalf of the City, as the authorized signatories of the City, the following agreements related to the development of land in relation to applications under this bylaw.

- a) The power to require Development Approval Information;
- b) The power to require security for works described in Section 12;
- c) The power to designate the form of any permit issued under this bylaw;
- d) The power to designate the form and content of application forms;
- e) The power to issue or amend all permits created under Section 919.1(1)(f) of the *Local Government Act* (Form and Character of Commercial, Industrial or Multi-Family Residential Development) where variances are not requested;
- f) The power to issue or amend all development permits within Development Permit Areas created under Section 919.1(1)(a) of the *Local Government Act* for protection of the natural environment;
- g) The power to issue or amend all development permits within Development Permit Areas created under Section 919.1(1)(e) of the *Local Government Act* (Intensive Residential Development) where variances are not requested;
- h) The power to renew all Development Permits that have been issued and lapsed provided there are no variances.

16. Council Reconsideration of a Staff Decision

16.1 Within 30 days of being notified in writing of the decision of Staff under this bylaw, the applicant may, at no charge, request Council to reconsider the decision.

16.2 The applicant must give written notice to the Director of Legislative Services and include the following information:

- a) the applicant's address for receiving correspondence related to the request for reconsideration;
- b) a copy of the written specific decision;
- c) reasons why the applicant wishes the specific decision to be reconsidered by Council;
- d) the decision which the applicant requests be made by Council as a substitute to staff decision;
- 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

16.3 The Director of Legislative Services will notify the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City of the request(s) for reconsideration and the Staff will, prior to the date of the meeting at which the reconsideration will occur provide a written report to Council setting out the rationale for their decision.

16.4 The Director of Legislative Services will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.

16.5 The Director of Legislative Services will notify the applicant of the date of the meeting at which reconsideration will occur.

16.6 Council will review the information provided by the applicant and Staff, and either confirm the decision made by Staff, or substitute its own decision including Development Permit conditions.

17. Pre-application Meetings with Staff

Upon request, Development Services Staff will arrange a pre-application meeting with the applicant and staff from the Development Services and other affected City departments to conduct a preliminary review of the proposal.

The pre-application meeting will provide the applicant with the opportunity to provide staff with a brief overview of their proposal and receive preliminary feedback on conformance with bylaws, development permit guidelines, amenity requirements, and application process. Formal feedback will be provided upon receipt of a complete application in accordance with this bylaw. The City will require a preliminary concept plan one (1) week prior to the meeting. Applicants are limited to two (2) pre-application meetings per proposal.

18. Legal Fees

All legal fees incurred by the City for preparation, review and registration of legal documents including but not limited to covenants, statutory rights of way, phased development agreements, and development agreements shall be reimbursed by the applicant prior to final consideration of the associated amending bylaw or permit.

19. Severability

If any section, subsection, sentence, clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court or competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portions of the Bylaw.

20. Repeal of Previous Bylaw

The “Development Application Procedures Bylaw No. 2699, 2012” and amendments thereto is hereby repealed.

21. Adoption

This bylaw shall come into effect upon final adoption hereof.

Read a first time this 16th day of June, 2014

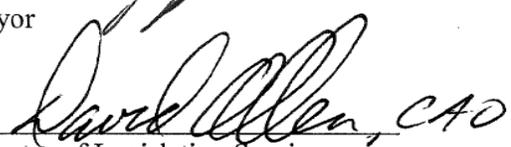
Read a second time this 16th day of June, 2014

Read a third time this 7th day of July, 2014

Finally passed and adopted this 21st day of, July, 2014



Mayor



Director of Legislative Services

for

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2790, 2014**

SCHEDULE 1

**APPLICATION TO AMEND THE CITY OF COURTENAY
OFFICIAL COMMUNITY PLAN, ZONING BYLAW (INCLUDING THE ESTABLISHMENT
OF A PHASED DEVELOPMENT AGREEMENT) OR
LAND USE CONTRACT**

This information is meant as a general guide to the processing procedure and should not be interpreted as the right to development approval if the steps indicated are followed. Final approval of all applications outlined in this section shall be at the discretion of Council.

2. Application Requirements

Application requirements are specified in the City of Courtenay Development Application Form.

3. Processing Procedure

An amendment application submitted in accordance with this bylaw will be processed in substantial accordance with the following:

- 2.1 The applicant is encouraged to arrange for a pre-application meeting pursuant to Section 17 of this bylaw.
- 2.2 Following receipt of a satisfactory application and payment of the necessary fees, a file will be created and the applicant will be issued a receipt. A letter will be sent acknowledging receipt of the application.
- 2.3 The applicant will post a Notice of Application sign in accordance with Schedule 10 of this bylaw.
- 2.4 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant and/or conduct a site visit(s) as part of the evaluation process. If there are outstanding items Staff will advise the applicant in writing.
- 2.5 Staff will refer the application to all applicable City departments, Council Committees, Senior Governments, First Nations, and external agencies and organizations in accordance with Section 9 of the Bylaw.
- 2.6 The applicant will conduct a Public Information Meeting in accordance with Section 8 of this bylaw.
- 2.7 Following the Public Information Meeting, should the applicant wish to withdraw their application prior to Council consideration, the application fees are refunded at the rates prescribed in the City of Courtenay Fee and Charges bylaw.
- 2.8 Staff may send a letter(s) to the applicant incorporating feedback from the referral process to identify preliminary development conditions/requirements that need to be addressed prior to proceeding to Council. It will be the responsibility of the applicant to:
 - a) Resolve conditions/requirements identified in the letter(s);

- b) Submit any necessary reports/studies; and
 - c) Complete any required approvals.
- 2.9 Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council committees.
 - 2.10 In the case of a Phased Development Agreement, staff will work with the applicant to prepare the terms of the agreement. The draft terms will be presented to Council for consideration with the staff report.
 - 2.11 The applicant is strongly 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.
 - 2.12 Council will receive the technical staff report, and if Council decides to proceed with the amendment application, the amending bylaw may be given first and second readings. Council may alternatively decide to postpone or deny the application. In some cases, Council may pass first reading only and then refer the proposal back to staff for amendments.
 - 2.13 In the case of a phased development agreement, following approval of 1st and 2nd reading of the amending bylaw, staff will work with the applicant to draft the agreement. The agreement will be reviewed by City solicitors at the expense of the applicant.
 - 2.14 If an application for an amendment is denied prior to public hearing, a refund as outlined in the City of Courtenay Fees and Charges Bylaw shall be returned to the applicant.
 - 2.15 Staff may include in the technical report a request to consider waiving the public hearing pursuant to Section 11.6 of this bylaw. The public hearing may not be waived if the application includes consideration of a phased development agreement.
 - 2.16 Where a public hearing is required, Council sets the date of the hearing and surrounding property owners are notified in writing by the City in accordance with Section 11.1 of this bylaw.
 - 2.17 Following the close of the public hearing, Council may proceed with third reading of the amending bylaw (including the imposition of conditions), defer the third reading or deny the application. If applicable, Council will authorise entering into the phased development agreement. The phased development agreement must be entered into prior to final consideration of the amending bylaw. Notice will be placed on the title of the properties subject to the agreement.
 - 2.18 Following third reading of the bylaw, 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.
 - 2.19 When the applicant has adequately addressed all the conditions identified at third reading (if any), Council will consider adoption of the bylaw(s) at the fourth and final reading of the proposed bylaw.
 - 2.20 If defeated, reapplication of a similar amendment will only be considered in accordance with Section 13.6 of this bylaw.
 - 2.21 When the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2790, 2014**

SCHEDULE 2

**APPLICATION FOR A DEVELOPMENT PERMIT THAT MUST BE APPROVED BY
COUNCIL**

This information is meant as a general guide to the processing procedure and should not be interpreted as the right to development approval if the steps indicated are followed. Final approval of all applications outlined in this section shall be at the discretion of Council.

1. Application Requirements

Application requirements are specified in the City of Courtenay Development Application Form.

2. Processing Procedure

A Development Permit application submitted in accordance with this bylaw will be processed in substantial accordance with the following:

- 2.1 The applicant is encouraged to arrange for a pre-application meeting pursuant to Section 17 of this bylaw.
- 2.2 Following receipt of a satisfactory application and payment of the necessary fees, a file will be created and the applicant will be issued a receipt. A letter will be sent acknowledging receipt of the application.
- 2.3 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant and/or conduct a site visit(s) as part of the evaluation process. If there are outstanding items Staff will advise the applicant in writing.
- 2.4 Staff will refer the application to all applicable City departments, Council Committees, Senior Governments, First Nations, and external agencies and organizations in accordance with Section 8 of the bylaw. If the application includes variances that are not supported by the Development Permit Guidelines outlined in the Official Community Plan a Public Information Meeting in accordance with Section 8 of the bylaw is mandatory.
- 2.5 Following the Public Information Meeting, should the applicant wish to withdraw their application prior to Council considering the application, the application fees are refunded at the rates prescribed in the City of Courtenay Fee and Charges bylaw.
- 2.6 Staff may send a letter(s) to the applicant incorporating feedback from the referral process to identify preliminary development conditions/requirements that need to be addressed prior to proceeding to Council. It will be the responsibility of the applicant to:
 - a) Resolve conditions/requirements identified in the letter(s);
 - b) Submit any necessary reports/studies; and
 - c) Complete any required approvals.
- 2.7 Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council committees.
- 2.8 The applicant is strongly 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.

- 2.9 Council will receive the technical staff report, and if Council decides to proceed with the development permit application, Council may authorize the issuance of the development permit or authorize the issuance of the development permit with conditions. Council may alternatively decide to postpone or deny the application.
- 2.10 If the development permit application includes a request for a development variance(s), the request may be considered by Council in conjunction with the development permit application pursuant to requirements of this bylaw. In this case, additional fees will be required in accordance with the City of Courtenay Fees and Charges Bylaw and public notice will be required pursuant to Section 11 of this bylaw. Final consideration will follow the public notification process.
- 2.11 Applications for permit renewal, extension or re-application will be processed in substantial accordance with the process outlined above.
- 2.12 When the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 2.13 If a Development Permit is granted, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2790, 2014**

SCHEDULE 3

**APPLICATION FOR A DEVELOPMENT PERMIT THAT MUST BE APPROVED BY THE
DIRECTOR RESPONSIBLE FOR OVERSEEING DEVELOPMENT SERVICES OR IN
THEIR ABSENCE THE CHIEF ADMINISTRATIVE OFFICER THE CITY**

This information is meant as a general guide to the processing procedure and should not be interpreted as the right to development approval if the steps indicated are followed. Final approval of all applications outlined in this section shall be at the discretion of the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City.

1. Application Requirements

Application requirements are specified in the City of Courtenay Development Application Form.

2. Processing Procedure

A Development Permit application submitted in accordance with this bylaw will be processed in substantial accordance with the following:

- 2.1 The applicant is encouraged to arrange for a pre-application meeting pursuant to Section 17 of this bylaw.
- 2.2 Following receipt of a satisfactory application and payment of the necessary fees, a file will be created and the applicant will be issued a receipt. A letter will be sent acknowledging receipt of the application.
- 2.3 Staff will review proposal for compliance with relevant City bylaws and policies, and may meet with the applicant and/or conduct a site visit(s) as part of the evaluation process. If there are outstanding items Staff will advise the applicant in writing.
- 2.4 Staff will refer the application to all applicable City departments, Council Committees, Senior Governments, First Nations, and external agencies and organizations in accordance with Section 8 of the bylaw.
- 2.5 Following the Public Information Meeting, should the applicant wish to withdraw their application prior to the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City considering the application, the application fees are refunded at the rates prescribed in the City of Courtenay Fee and Charges bylaw.
- 2.6 Staff may send a letter(s) to the applicant incorporating feedback from the referral process to identify preliminary development conditions/requirements that need to be addressed prior to proceeding to the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City for consideration. It will be the responsibility of the applicant to:
 - a) Resolve conditions/requirements identified in the letter(s);
 - b) Submit any necessary reports/studies; and
 - c) Complete any required approvals.
- 2.7 Staff will prepare a technical report for the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City consideration, incorporating feedback received from the referral process, the community and any recommendations from Council committees.

- 2.8 The Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City will receive the technical staff report, and if the Director decides to proceed with the development permit application the Director may authorize the issuance of the development permit or authorize the issuance of the development permit with conditions. The Director may alternatively decide to postpone or deny the application.
- 2.9 Application for permit renewal, extension or re-application will be processed in substantial accordance with the process outlined above.
- 2.10 If a Development Permit is granted, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2790, 2014**

SCHEDULE 4

APPLICATION FOR AN ENVIRONMENTAL DEVELOPMENT PERMIT

This information is meant as a general guide to the processing procedure and should not be interpreted as the right to development approval if the steps indicated are followed. Final approval of all applications outlined in this section shall be at the discretion of the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City.

1. Application Requirements

Application requirements are specified in the City of Courtenay Development Application Form.

2. Processing Procedure

An Environmental Development Permit application submitted in accordance with this bylaw will be processed in substantial accordance with the following:

- 2.1 The applicant is encouraged to arrange for a pre-application meeting pursuant to Section 17 of this bylaw. At this meeting the terms of reference will be set for the preparation of an Environmental Impact Assessment pursuant to Section 8.7(5)(1) of the Official Community Plan.
- 2.2 For developments of brownfield sites where there is significant existing disturbance or in cases which only involve an assessment pursuant to the *Riparian Areas Regulation*, at the discretion of staff, the application may be treated as a Minor Environmental Development Permit.
- 2.3 Following receipt of a satisfactory application and payment of the necessary fees, a file will be created and the applicant will be issued a receipt. A letter will be sent acknowledging receipt of the application.
- 2.4 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant and/or conduct a site visit(s) as part of the evaluation process. If there are outstanding items Staff will advise the applicant in writing.
- 2.5 Staff will refer the application to all applicable City departments, Council Committees, Senior Governments, First Nations, and external agencies and organizations in accordance with Section 8 of the Bylaw.
- 2.6 Staff may prepare a letter(s), incorporating feedback from the referral process to identify preliminary development conditions/requirements that need to be addressed prior to proceeding to approval. It will be the responsibility of the applicant to:
 - a) Resolve conditions/requirements identified in the letter(s);
 - b) Submit any necessary reports/studies; and
 - c) Complete any required approvals.
- 2.7 Staff will prepare a technical report to the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City who will receive and review the technical report. The Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City may authorize the issuance of the Development Permit or authorize the issuance of the Development Permit with conditions. The

Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City may alternatively decide to deny the application or refer it back to Staff for further information.

- 2.8 Where a letter has been sent to the applicant in which further requirements are outlined, Staff will prepare the technical report to the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City after receiving the required information.
- 2.9 If a Development Permit is granted, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2790, 2014**

SCHEDULE 5

APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT

This information is meant as a general guide to the processing procedure and should not be interpreted as the right to development approval if the steps indicated are followed. Final approval of all applications outlined in this section shall be at the discretion of Council.

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

1. Application Requirements

Application requirements are specified in the City of Courtenay Development Application Form.

2. Processing Procedure

Development Variance Permit applications submitted in accordance with this bylaw will be processed in substantial accordance with the following:

- 2.1 The applicant is encouraged to arrange for a pre-application meeting pursuant to Section 17 of this bylaw.
- 2.2 Following receipt of a satisfactory application and payment of the necessary fees, a file will be created and the applicant will be issued a receipt. A letter will be sent acknowledging receipt of the application.
- 2.3 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant and/or conduct a site visit(s) as part of the evaluation process. If there are outstanding items Staff will advise the applicant in writing.
- 2.4 Staff will refer the application to all applicable City departments, Council Committees, Senior Governments, First Nations, and external agencies and organizations in accordance with Section 8 of the Bylaw.
- 2.5 The applicant will conduct a Public Information Meeting in accordance with Section 8 of this bylaw.
- 2.6 Following the Public Information Meeting, should the applicant wish to withdraw their application prior to Council considering the application, the application fees are refunded at the rates prescribed in the City of Courtenay Fee and Charges bylaw.
- 2.7 Staff may send a letter(s) to the applicant incorporating feedback from the referral process to identify preliminary development conditions/requirements that need to be addressed prior to proceeding to Council. It will be the responsibility of the applicant to:
 - a) Resolve conditions/requirements identified in the letter(s);
 - b) Submit any necessary reports/studies; and
 - c) Complete any required approvals.
- 2.8 Staff will mail or otherwise deliver notices to adjacent property owners in accordance with Section 11 of this bylaw.

- 2.9 Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council committees.
- 2.10 The applicant is strongly 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.
- 2.11 Council will receive the technical staff report, and if Council decides to proceed with the development variance permit application, Council may authorize the issuance of the development variance permit or authorize the issuance of the development variance permit with conditions. Council may alternatively decide to postpone or deny the application.
- 2.12 Applications for permit renewal, extension or re-application will be processed in substantial accordance with the process outlined above.
- 2.13 When the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 2.14 If a Development Variance Permit is granted, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff and a copy is sent to the Building Inspector.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2790, 2014**

SCHEDULE 6

APPLICATION FOR A TEMPORARY USE PERMIT

This information is meant as a general guide to the processing procedure and should not be interpreted as the right to development approval if the steps indicated are followed. Final approval of all applications outlined in this section shall be at the discretion of Council.

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.

1. Application Requirements

Application requirements are specified in the City of Courtenay Development Application Form.

2. Processing Procedure

A Temporary Commercial or Industrial Use Permit application submitted in accordance with this bylaw will be processed in substantial accordance with the following:

- 2.1 The applicant is encouraged to arrange for a pre-application meeting pursuant to Section 17 of this bylaw.
- 2.2 Following receipt of a satisfactory application and payment of the necessary fees, a file will be created and the applicant will be issued a receipt. A letter will be sent acknowledging receipt of the application.
- 2.3 The applicant will post a Notice of Application sign in accordance with Schedule 10 of this bylaw.
- 2.4 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process. If there are outstanding items Staff will advise the applicant in writing.
- 2.5 Staff will refer the application to all applicable City departments, Council Committees, Senior Governments, First Nations, and external agencies and organizations in accordance with Section 9 of the Bylaw.
- 2.6 The applicant will conduct a Public Information Meeting in accordance with Section 8 of this bylaw.
- 2.7 Following the Public Information Meeting, should the applicant wish to withdraw their application prior to Council consideration, the application fees are refunded at the rates prescribed in the City of Courtenay Fees and Charges bylaw.
- 2.8 Staff may send a letter(s) to the applicant incorporating feedback from the referral process to identify preliminary development conditions/requirements that need to be addressed prior to proceeding to Council. It will be the responsibility of the applicant to:
 - a) Resolve conditions/requirements identified in the letter(s);
 - b) Submit any necessary reports/studies; and
 - c) Complete any required approvals.

- 2.9 Staff will mail or otherwise deliver notices to adjacent property owners in accordance with Section 11 of this bylaw.
- 2.10 Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council committees.
- 2.11 The applicant is strongly 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.
- 2.12 Council will receive the technical staff report and will either adopt a resolution to issue a permit, refer the proposal to the Development Services Department for further review or information, or refuse the application.
- 2.13 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.
 - c) 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.
- 2.14 Applications for permit renewal, extension or re-application will be processed in substantial accordance with the process outlined above.
- 2.15 When the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 2.16 If a Temporary Use Permit is granted, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.
- 2.17 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.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2790, 2014**

SCHEDULE 7

**APPLICATIONS TO THE AGRICULTURAL LAND RESERVE UNDER THE
AGRICULTURAL LAND COMMISSION ACT**

This information is meant as a general guide to the processing procedure and should not be interpreted as the right to development approval if the steps indicated are followed. Final approval of all applications outlined in this section shall be at the discretion of the Agricultural Land Commission.

1. Application Requirements

- 1.1 Applicants must review the Agricultural Land Commission's (ALC) 'Applicant Information Package' prior to submitting an application to the City (available at www.alc.gov.bc.ca). This package contains details on ALC application requirements as well as the ALC process for issuing approvals.
- 1.2 Application requirements are specified in the City of Courtenay Development Application Form.

2. Public Consultation

- 2.1 The applicant will give notice of the application in accordance with the requirements of the *Agricultural Land Commission Act*.

3. Processing Procedure

An application under the *Agricultural Land Commission Act* submitted in accordance with this bylaw will be processed in substantial accordance with the following:

- 3.1 The applicant is encouraged to arrange for a pre-application meeting pursuant to Section 17 of this bylaw.
- 3.2 Following receipt of a satisfactory application and payment of the necessary fees, a file will be created and the applicant will be issued a receipt. A letter will be sent acknowledging receipt of the application.
- 3.3 The applicant will post a Notice of Application sign in accordance with the requirements of the Agricultural Land Commission.
- 3.4 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant and/or conduct a site visit(s) as part of the evaluation process. If there are outstanding items Staff will advise the applicant in writing.
- 3.5 Staff will refer the application to all applicable City departments, Council Committees, Senior Governments, First Nations, and external agencies and organizations including the Agricultural Land Commission (ALC) in accordance with Section 8 of the Bylaw.
- 3.6 A Public Information Meeting to discuss the proposal may be required in accordance with Section 8 of this bylaw.
- 3.7 Following the Public Information Meeting, should the applicant wish to withdraw their application prior to Council consideration, the application fees are refunded at the rates prescribed in the City of Courtenay Fee and Charges bylaw.

- 3.8 Staff may send a letter(s) to the applicant incorporating feedback from the referral process to identify preliminary development conditions/requirements that need to be addressed prior to proceeding to the Director responsible for overseeing development services or in their absence the Chief Administrative Officer the City for consideration. It will be the responsibility of the applicant to:
 - a) Resolve conditions/requirements identified in the comprehensive letter(s);
 - b) Submit any necessary reports/studies; and
 - c) Complete any required approvals.
- 3.9 Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council committees.
- 3.10 The applicant is strongly 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.
- 3.11 In cases of application to exclude land from the ALR a public hearing is set by Council in accordance with Section 11.
- 3.12 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.
- 3.13 Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2790, 2014**

SCHEDULE 8

GUIDELINES FOR ARCHITECTURAL SUBMISSIONS

All applications as required by the *Architects Act* require the services of an Architect licensed to work in the province of British Columbia to plan, design and supervise the erection or alteration of the building(s). Architectural submissions are to be prepared in accordance with the *Architects Act* of BC and are required to be signed and sealed. The City requires printed and digital copies of all submissions. 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 prepared by a British Columbia Land Surveyor, 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 layout in accordance with City standards, including bicycle parking;
- (k) Waste and recycling storage and pick up areas, for commercial, institutional, industrial and multi-residential buildings;
- (l) Vehicle/pedestrian circulation and turning radius for delivery and emergency vehicles, including waste and recycling pick up services. Please contact the City Engineering Division for details on acceptable truck templates;
- (m) Road widening;
- (n) Fire hydrant locations;
- (o) Open space;
- (p) All watercourses, riparian areas, trees to be retained and any other sensitive environmental features including required setback areas;
- (q) For applications within a Tree Management and Protection area, location of all existing trees greater than 20cm Diameter at Breast Height (DBH) shall also be included.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2699, 2006**

SCHEDULE 9

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. For projects with eight (8) or more proposed residential units, or commercial and industrial projects with a gross floor area greater than 470m², a Landscape Architect is required to oversee, monitor and sign and seal all landscaping plans and works. The City requires printed and digital copies of all submissions. 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 (DBH) and greater. For trees that are to be retained, Root Protection Zones and proposed methods of preservation shall also be included. Smaller trees are encouraged to be retained where possible. Where smaller plants are to be retained, they shall also be included in the Plan.
- (b) All watercourses, riparian areas and any other sensitive environmental features including required setback areas.
- (c) Property lines, surrounding streets, limit of contract lines, setbacks, easements.
- (d) Existing site features, retention/preservation areas.
- (e) Vehicular and pedestrian paving, planting, fencing and other hard landscape structures.
- (f) Location of all engineering services (overhead, underground, light standards, etc.) which may affect landscaping.
- (g) Adjacent landscape/development features, where applicable, as context information.
- (h) Indication of all plant material and landscaping features at installed sizes, accurate location and spacing and dimensions of planting areas in metric.
- (i) Plant list naming all recommended plant material and size specification.
- (j) Area of site, in square metres, to be landscaped.
- (k) Include references to the most recent B.C.S.L.A./B.C.N.T.A. landscape standard for all landscape construction.
- (l) Minimum soil depths for planting.
- (m) Detailed landscape and maintenance specifications.

3. Underground Irrigation System Plan

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

4. Detailed Cost Estimate

The landscape cost estimate must provide detailed information itemizing quantities, areas, sizes, equipment, and labour costs, including supervision, monitoring and approvals, 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.

5. Security Deposit

To ensure that the proposed landscaping is undertaken and the approved landscape plan is complied with, the City requires a landscape security deposit in accordance with Section 12 of this bylaw.

**THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 2790, 2014**

SCHEDULE 10

NOTICE OF APPLICATION SIGN REQUIREMENTS

1. Installation

For applications to amend the Official Community Plan, Zoning Bylaw and for Temporary Use Permits an applicant under this bylaw must, at his/her cost, install a City of Courtenay Notice of Application Sign in accordance with this bylaw. Applications with respect of land under the Agricultural Land Reserve must consult the Agricultural Land Commission's Application Information Package for notification requirements.

2. Timing

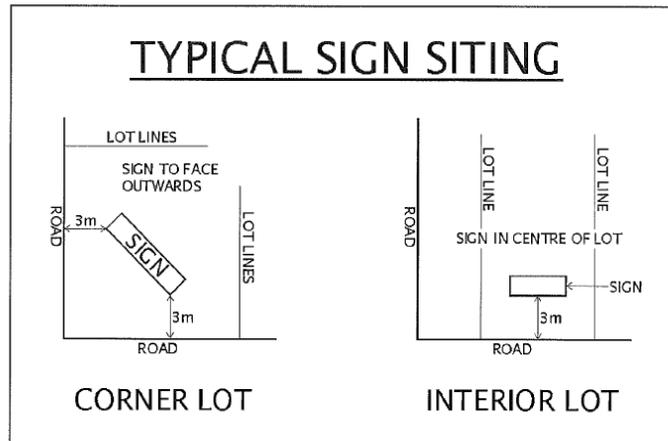
The Notice of Application sign must be posted by the applicant within 10 days of submitting a formal application to the City.

3. Preparation of Sign

The preparation and posting of the Notice of Application sign is the responsibility of the applicant and must be undertaken as specified in this bylaw. The applicant will provide a mock-up of the sign to the Development Services Department for review and approval prior to final printing. Once the sign is posted, the applicant shall demonstrate proof to the Development Services Department of the posted sign.

4. Siting of Sign

All Notice of Application Signs shall be placed on the property at a setback of three metres from the front property line as demonstrated in the below diagram. The sign must face the street and be clearly visible. All proposed sign locations must be verified by the Development Services Department prior to installation. The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard. The Notice of Application Sign must be installed in a sound workmanlike manner and must be capable of withstanding wind and weather.



5. Number of Signs

The applicant shall post a minimum of one Notice of Application Sign. For large parcels with over 200m of street frontage, one Notice of Application Sign shall be required for each 200 m of street frontage, to the maximum of three signs.

6. Maintenance of Sign

It is the responsibility of the applicant to ensure the sign(s) remain intact and visible as per the sign siting specifications until such time the sign can be removed, in accordance with Section 8 below.

7. Amendments to Application

If any significant amendments are made to the application, the applicant will be required to install new sign(s) reflecting the change in application. The applicant will provide a mock-up of the sign to the Development Services Department for review and approval prior to final printing.

8. Sign Removal

The Notice of Application Sign shall be removed by the applicant within seven days following:

- 8.1 The conclusion of the public hearing or adoption of the amending bylaw if the public hearing has been waived; or
- 8.2 The final consideration of an application by Council; or
- 8.3 The abandonment of the application.

9. Failure to Post and Maintain

Failure to post and maintain the required Notice of Application Sign(s) in accordance with this bylaw shall result in the postponement of any Council/committee meeting and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alternation of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Council/Committee meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.

10. Required Format

- (a) Minimum size: 1.8 m width, 1.2 m height.
- (b) For OCP or 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) 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.