

THE CORPORATION OF THE TOWN OF COMOX

DEVELOPMENT APPLICATION PROCEDURES
BYLAW NO. 2049

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TOWN OF COMOX

BYLAW NO. 2049

A BYLAW TO ESTABLISH PROCEDURES FOR THE PROCESSING OF DEVELOPMENT APPLICATIONS, TO ESTABLISH POLICIES FOR DEVELOPMENT APPROVAL INFORMATION TO SPECIFY DISTANCES FOR NOTIFICATION, AND TO DELEGATE POWERS, DUTIES, AND FUNCTIONS OF COUNCIL

WHEREAS under the *Community Charter* and Parts 14 and 15 of the *Local Government Act*, the Corporation of the Town of Comox may, by bylaw, delegate Council's powers and establish procedures to amend: the Official Community Plan Bylaw or the Zoning Bylaw, issue a permit, and establish or amend a Phased Development Agreement;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited as the "Development Application Procedures Bylaw No. 2049."

2.0 DEFINITIONS

2.1 In this Bylaw,

"Applicant" means the owner or an agent duly authorized to act on the owner's behalf in relation to an application(s).

"Comprehensive Development Plan" means a plan required by the Town in advance of consideration of an OCP amendment for lands which have not been thoroughly assessed for development potential, boundary expansion areas, or where significant constraints have been identified which may affect the potential development of the site (e.g., infrastructure, servicing, access, topography, visual impact, or environmentally sensitive areas).

"Council" means the Council of the Town of Comox.

"Day" means calendar day.

"Development Review Team" or "DRT" means a group of Town of Comox staff responsible for review of development applications.

"Gross Floor Area" means as defined in the Town of Comox Zoning Bylaw.

"Director" means the person appointed to be responsible for the administration of development applications at the Town and includes a delegate fulfilling an Acting Director position during the Director's absence.

"Official Community Plan" or "OCP" means the Town of Comox Official Community Plan Bylaw.

"Owner" means the registered owner(s) of property as demonstrated on the Land Title Certificate.

"Phased Development Agreement" means an agreement authorized by section 516 of the *Local Government Act*.

"Qualified Professional" means a professional engineer, geoscientist, architect, landscape architect, certified arborist, biologist, planner, forester, qualified environmental professional, or other professional licensed to practice in British Columbia with experience relevant to the applicable matter, as determined appropriate by the Director.

"Town" means the Corporation of the Town of Comox.

3.0 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. A reference in this Bylaw to any bylaw, policy, or form of the Town is a reference to the bylaw, policy, or form as amended, revised, consolidated, or replaced from time to time.

4.0 SCOPE

4.1 This Bylaw establishes procedures in relation to applications for:

- (a) an amendment to the OCP Bylaw, including the establishment of Comprehensive Development Plans;
- (b) an amendment to the Zoning Bylaw;
- (c) a Phased Development Agreement;
- (d) a Development Permit;
- (e) a Development Variance Permit AND Minor Development Variance Permit;
- (f) a Temporary Use Permit;
- (g) a Heritage Alteration Permit;
- (h) a Flood Plain Exemption;

- (i) a Section 219 Covenant and/or Statutory Right of Way Amendment;
- (j) a referral for a Liquor Licence and Cannabis Licence under the Liquor and Cannabis Regulation Branch (LCRB); and
- (k) applications made pursuant to the *Agricultural Land Commission Act*.

4.2 To the extent necessary, this Bylaw also applies to applications for other approvals, exemptions or agreements related to the development of land, buildings, or structures not specifically dealt with under other Town bylaws and may include matters under Part 14 or 15 of the *Local Government Act*, such as Housing Agreements and Heritage Revitalization Agreements. Such applications may be made by an Owner and must be accompanied by similar information requirements for processing in a similar manner as outlined in this Bylaw and in accordance with statutory requirements.

5.0 GENERAL PROVISIONS:

Application Fees

5.1 At the time of application, the applicant must pay the Town an application fee in the amount set out in any applicable Town of Comox Fees and Charges Bylaw.

Application Requirements and Processing Procedure

- 5.2 In respect of an application for an OCP Bylaw amendment, Zoning Bylaw amendment, or Comprehensive Development Plan, the applicant, at their cost, must post a Notice of Application Sign in accordance with Schedule 1 of this Bylaw.
- 5.3 Before commencing work that requires approval of an OCP Bylaw amendment, Zoning Bylaw amendment, Development Permit, Heritage Alteration Permit, and Temporary Use Permit, the applicant must submit the applicable application and receive approval for such amendment or permit from the Town.
- 5.4 An applicant must submit any application in the form required by the Director and the application will be processed substantially as outlined in the applicable Schedules to this Bylaw.

Number of Development Applications

- 5.5 Where a proposed activity or development involves more than one type of application, the applicant must comply with all of the applicable provisions of this Bylaw.
- 5.6 Where land is subject to more than one Development Permit Area designation, only one Development Permit Application is required and the application must address the

requirements of each applicable Development Permit Area, the applicant must pay the application fees for each Development Permit Area in the amount set out in Town of Comox Fees and Charges Bylaw.

Development Permit Required Prior to Development

- 5.7 In all Development Permit Areas, an applicant must obtain all required Development Permits before land is subdivided or development occurs, including but not limited to land clearing, preparation for the construction of services or roads, blasting, and construction of, addition to or alteration of a building or structure, unless otherwise exempted from requiring a Development Permit as specified in the Official Community Plan.

6.0 DEVELOPMENT APPROVAL INFORMATION

Type of Information Required

- 6.1 Pursuant to the *Local Government Act* and as set out in the OCP, the Director may require an applicant to provide information, at the applicant's expense, on the anticipated impact of a proposed activity or development on the community, including but not limited to the following:
- (a) Compliance of the activity or development with the OCP and any other relevant Town bylaw, plan, or policy in preparation or adopted by Council;
 - (b) The impact of the proposed development on the natural environment such as adjacent riparian and wetland areas, vegetation, soils and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species;
 - (c) Hazardous conditions including but not limited to mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood inundation, or other hazard (including appropriate construction elevations and setbacks);
 - (d) Transportation assessments including but not limited to transportation impacts in terms of daily and peak hour trip generation and assignments, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity, and accessibility;
 - (e) The aesthetic values of the proposed development such as visual character, landscaping, integration with public areas, view corridors and the natural environment, lighting, noise, and odour;
 - (f) The impact of the proposed development on groundwater quantity and quality, surface water generated by the proposed development, and the options for collection, storage, reuse and dispersal of such drainage;
 - (g) Hydrological and/or hydrogeological assessment including but not limited to

- infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- (h) An assessment of wildfire hazard that assures project construction activities comply with Urban Wildfire Interface management principles;
 - (i) Functional servicing assessment of local infrastructure and site servicing including but not limited to drainage, water, sewer or other utilities, to determine the impact of the development on Town infrastructure including capital, operations, and maintenance over the lifecycle of the development;
 - (j) Tree assessment and plan that promotes the retention and planting of native plant species, plant health, habitat preservation, reduce wildfire risk, minimize erosion, and ensure that the landscape retains a natural appearance;
 - (k) Impacts on the demand for local community facilities and services including but not limited to schools, parks, recreation, and emergency, protective, and health services;
 - (l) Assessments of historical, cultural, and archaeological buildings, structures, sites, or features;
 - (m) How the proposed development impacts and buffers adjacent uses;
 - (n) Energy efficiency, water efficiency, and emissions reduction;
 - (o) Air Quality Impact Assessment including but not limited to pollution, dust, fumes, smoke, and odours;
 - (p) Retail impacts of a proposed commercial development including but not limited to the effects of additional competition, traffic impacts, effects on tenancy, and potential impacts to neighbourhood;
 - (q) Socio-economic impacts affecting the day-to-day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, local services, and socio-cultural issues;
 - (r) Construction management plan outlining the staging, implementation schedule, and duration of construction for any proposed development including proposed impact mitigation; and
 - (s) Other studies to which the Director considers the proposed activity or development impacts the jurisdiction of the Town as deemed necessary.

Preparation of the Terms of Reference

- 6.2 The applicant will be required to work with staff to review and confirm the scope of the report or impact study in accordance with any relevant Terms of Reference for Professional Reports.
- 6.3 The Director may require that the applicant provide, at the applicant's expense, documents,

plans, and/or development approval information in a report that is certified by a qualified professional, which:

- (a) complies with and fully addresses the relevant assessments;
- (b) identifies and defines the context, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the methodology, assumptions, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing circumstances and risks;
- (c) provides recommendations for conditions or requirements Council or the Director may impose to mitigate or ameliorate the anticipated impacts;
- (d) provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts; and
- (e) is prepared to the satisfaction of the Director.

6.4 The Director is authorized to establish and revise the required information, documents, plans, and/or development approval information needed for each type of application pursuant to this Bylaw. The Director is authorized to establish and revise the size, form and quality of information, documents, plans, and/or development approval information needed to assist in reviewing or processing the application.

6.5 The Director is authorized to waive any of the information, documents, plans, and/or development approval information if at their discretion the information is not required to assist in reviewing or processing the application.

Selection of Personnel

6.6 The applicant will be required to provide the reports and impact studies prepared by Qualified Professionals at the applicant's expense in accordance with the Town's specifications for Terms of Reference for Professional Reports.

6.7 If required by the Director, a qualified professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Director for the purposes of reviewing the application.

6.8 The Director may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the qualified professional's design. Any errors or omissions will be the sole responsibility of the qualified professional who has certified the documents and design drawings.

Requirement for Independent Review

- 6.9 The Town may require an independent review of the study results in certain circumstances, at the applicant's expense, including but not limited to staff capacity and to ensure the timely review of the study results and application processing timelines. The applicant will be notified if an independent review is required and the additional fees associated with the peer review.

Incomplete or Deficient Reports

- 6.10 If it is determined by the Director that a report containing development approval information is outdated, incomplete or deficient, the applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report.

Presentation of Reports or Impact Studies

- 6.11 The Director may request, at the applicant's expense, the presentation of the report or impact study to Council, the community, or staff by the Qualified Professional(s) that prepared the document.

Publication of Information

- 6.12 The Town may distribute and publish a report containing development approval information requested under this Bylaw.

7.0 NOTIFICATION

- 7.1 In accordance with the *Local Government Act*, the Town will mail or otherwise deliver individual notices at least 10 days prior to Council consideration of a development application, to:
- (a) All owners and tenants of the subject property for which an application is being made;
 - (b) All owners and tenants of properties within 150.0 metres of the subject property to which an application to amend the OCP Bylaw or Zoning Bylaw pertains; and
 - (c) All owners and tenants of properties within 75.0 metres of the subject property to which an application for a Temporary Use Permit or Development Variance Permit pertains.
- 7.2 Where notification is not required by the *Local Government Act*, the Town will provide notification to owners and tenants as follows:
- (a) The Town will make reasonable efforts to notify affected residents of an applicant's request to undertake a Comprehensive Development Plan. Methods of notification may include but are not limited to direct mail outs, newsletters, advertisements in the newspaper, or notices on the Town's website or social media pages.
 - (b) The Town will make reasonable efforts to notify affected residents of an application for

a Liquor License and/or Cannabis License under the Liquor and Cannabis Regulation Branch (LCRB). Methods of notification may include but are not limited to direct mail outs, newsletters, advertisements in the newspaper, or notices on the Town's website or social media pages.

- (c) When a public information meeting is required by the Town, the applicant will provide notice of the meeting to all owners and tenants of the subject property for which an application is being made and all owners and tenants of properties within 150.0 metres of the subject application or proposed bylaw at least 10 days prior to the public information meeting.

8.0 PUBLIC INFORMATION MEETINGS

- 8.1 Council may require the applicant to conduct additional public consultation for OCP amendments and Comprehensive Development Plans to seek additional community engagement regarding the proposed application, the cost of which will be the responsibility of the applicant.
- 8.2 When a public information meeting is required, it is the responsibility of the applicant to arrange, host, and conduct the meeting at a location that is approved by staff, accessible to individuals with disabilities, and is within the Town boundary and/or on a virtual meeting platform at their expense.
- 8.3 The applicant must advertise the meeting in a local newspaper at least 10 days prior to the meeting at their expense.
- 8.4 After the meeting is held, applicants must submit a report to the Town summarizing the meeting including the following information:
 - (a) Location, time, and duration of meeting;
 - (b) Number of attendees;
 - (c) Proof of how the meeting was advertised;
 - (d) Information provided at the meeting; and
 - (e) A summation of questions raised and major discussion points.

9.0 AGENCY REFERRAL PROCESS

- 9.1 When reviewing applications, staff will develop a referral list of agencies, organizations, or levels of government that the application may be sent to for review and comment. Each agency, organization or level of government shall be given a minimum of twenty-one days from the date of the referral to provide any comments.

10.0 SECURITY

10.1 Pursuant to the *Local Government Act* and the OCP, security may be required as a condition of permit issuance for the following:

- (a) Landscaping ("Landscape Security");
- (b) An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit ("Remediation Security"); or
- (c) To guarantee the performance of the terms of a permit ("Performance Security").

Phased Landscape

10.2 Plans may be approved for large-scale developments at the discretion of the Director to enable the completion of the landscape plan in phases and the return of the related security deposit at each phase. The applicant is required to request a phased approach to the execution of the landscape plan at the time of Development Permit Application, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase.

Form of Security

10.3 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.

Amount of Security

10.4 The amount of security will be calculated and submitted by a Qualified Professional at the applicant's expense, to the satisfaction of the Director 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, monitoring, maintenance, hardscaping, fencing, retaining walls, irrigation, labour and plantings materials.
- (b) 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, monitoring, maintenance, irrigation, labour and planting materials.
 - i. Where security is required in the case of an unsafe condition or damage to the natural environment that may result from a contravention of a permit condition, the amount of security shall reflect:
 - a. the nature of the permit condition;
 - b. the nature of the unsafe condition or damage; and

- c. the cost to the Town of entering the land to undertake the work to correct the unsafe condition or restore and enhance the natural environment, including the cost of repairing any damage to land that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.
- (c) 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.

Return of Security

- 10.5 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.
- 10.6 Unless otherwise stated in this Bylaw, the Town will return the security when written request has been submitted by the applicant and includes a satisfactory Substantial Completion Report by a Qualified Professional certifying that:
 - (a) The works have been completed in substantial compliance with the approved plan(s); or
 - (b) The unsafe condition or damage to the natural environment has been corrected.
- 10.7 The Substantial Completion Report must be signed and sealed by a Qualified Professional and include the following at a minimum:
 - (a) The date and drawing number of the plan reviewed by the Qualified Professional;
 - (b) Date(s) of inspection by the Qualified Professional;
 - (c) A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
 - (d) Identification of conformance to approved species, quantity of materials, scale and number of plans, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
 - (e) Confirmation that the depth of soils and composition of soils are to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
 - (f) 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); and

- (g) The request of the amount of funds to be released.
- 10.8 Upon receipt of a Substantial Completion Report, the Town may conduct a site inspection to verify that the works are installed in accordance with the approved plans.
- 10.9 Should there be any deficiencies identified in the Substantial Completion Report or should the Town 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 Town prior to installation of any works. Depending on the level of non-conformance with the approved plans, Council approval of the revised plan(s) may be required through an amended permit application prior to the release of the security.
- 10.10 Site inspections and final acceptance by the Town of the installation of plant material, sodding or seeding, will not be carried out during the plant dormancy period between November 1st and May 31st, unless otherwise approved by the Director.
- 10.11 Upon completion of any items outlined in an inspection report, the applicant shall notify the Town for further inspection in order to obtain a final release of the security.
- 10.12 Upon substantial completion, the Town will return a portion of the security deposit. The Town will withhold 10% of the total security deposit or 25% of the value of soft landscaping, whichever is greater, as a maintenance bond for up to two growing seasons to ensure that the work has been fully implemented and demonstrated to function (ecologically or as designed).

11.0 PERMIT RENEWALS, EXTENSIONS, AND LAPSES

- 11.1 The Town only accepts complete applications. 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 months of the request, the file will be closed and the application and fee will be returned in accordance with the Town of Comox Fees and Charges Bylaw.
- 11.2 An application that has been inactive for more than six months is deemed to be abandoned and may be closed.
- 11.3 In the event that an application made pursuant to this Bylaw has not been given final adoption by Council within one year after the date it was given third reading or one year after the date of last consideration by Council the application may be deemed to be abandoned and the file closed.

- 11.4 In the case of applications that have been delegated to the Director, if final approval of the application is not granted within one year after a written request from the Director to submit any outstanding items and/or meet the conditions of approval, the application will be deemed to be abandoned and may be closed.
- 11.5 In order for an application that has lapsed under Sections 11.1 to 11.4 to proceed, a new application and fee will be required.
- 11.6 For a bylaw amendment, upon written request from the applicant received thirty days prior to the lapse of the application, Council may extend the deadline for a period of one year by passing a resolution to that effect to enable the applicant to complete the requirements for final adoption. A maximum of two, one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two, one-year time extensions and 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 Town of Comox Fees and Charges Bylaw.
- 11.7 For applications not requiring a bylaw amendment, upon written request from the applicant received thirty days prior to the lapse of the application, the Director may extend the deadline for a period of one year to enable the applicant to complete the requirements for final approval. If the Director decides to deny an extension request or the applicant has received a one-year time extension and 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 Town of Comox Fees and Charges Bylaw.

12.0 RE-APPLICATION

- 12.1 Subject to the *Local Government Act*, where an application made pursuant to this Bylaw has been refused by Council, re-application for the same amendment or permit will not be accepted for a six-month period immediately following the date of refusal.
- 12.2 Where an applicant intends to appeal to the Council to vary the time limit set in Section 12.1 pursuant to the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

13.0 CHANGE OF OWNERSHIP

- 13.1 If there is a change of ownership of a parcel(s) of land that is the subject of an application under this Bylaw, the Town 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.

14.0 DELEGATION OF AUTHORITY

14.1 The following powers, duties, and functions of Council are delegated to the Director:

- (a) The power to require security under sections 496 and 502 of the *Local Government Act*.
- (b) The power to designate the form of any permit issued under this Bylaw as per the *Local Government Act*.
- (c) The power to designate the form and content of application forms.
- (d) The authority to create, amend, and prescribe graphic design templates for development application notice signs.
- (e) The authority to require development approval information.
- (f) The power to issue, amend or renew all Development Permits provided permit is consistent with the current OCP and relevant Guidelines.
 - i. The Director may refer a delegated Development Permit to Council when the proposed Development Permit meets the criteria to be delegated to staff, but in the opinion of the Director, it would be in the public interest to instead have the application considered by Council.
- (g) The power to issue Minor Development Variance Permits in accordance with the following sub-sections:
 - i. A Development Variance Permit is considered Minor where it meets the following criteria:
 - a. The variance would have no significant negative impact on the use of immediately adjacent or nearby properties;
 - b. The proposed variance is consistent with the general purpose and intent of the zone; and
 - c. The degree or scope of the variance relative to the regulation from which a variance is sought does not exceed a maximum change of 50%.
 - ii. In deciding whether to issue a Minor Development Variance Permit the Director must consider the following guidelines:
 - a. The proposed variance addresses a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.);
 - b. There is a community or environmental benefit to the larger community in granting the variance and/or it would support a Council priority (i.e. affordable housing, environmental protection, provision of a trail SRW);

- c. The variance request must not include a reduction in the required number of off-street parking or loading spaces except in situations where an increase in required spaces is associated with a change in use resulting from a business licence application and does not propose additional floor area;
 - d. Proximity and impact of the variance to neighbouring properties is considered;
 - e. The proposed variance would unduly impact the character of the streetscape or surrounding neighbourhood; or
 - f. If strict compliance with the zoning regulation would be unreasonable.
 - iii. Despite Section 14.1(g), the Director will refer a Minor Development Variance Permit to Council when the proposed Minor Development Variance Permit meets the criteria to be delegated to staff, but in the opinion of the Director, it would be in the public interest to instead have the application considered by Council.
- (h) The power to issue and amend Heritage Alteration Permits.
- 14.2 The following powers, duties, and functions of Council are delegated to the Director, Corporate Officer, and Chief Administrative Officer when required as a condition of a development application approval:
- (a) To approve and execute or amend Section 219 Covenant or Statutory Right of Way;
 - (b) To approve and execute the discharge of a restrictive covenant which is no longer required or is to be replaced;
 - (c) To approve and execute a statutory right of way or easement or amendment to a statutory right of way or easement on behalf of the Town in connection with the operation of a sewer, water or drainage works, or for the purpose of trails or pedestrian or vehicular access; and
 - (d) To approve and execute a discharge of a statutory right of way which is no longer required by the Town or is to be replaced.

15.0 COUNCIL RECONSIDERATION OF A STAFF DECISION

- 15.1 Within fourteen days of being notified in writing of the decision of a delegate under this Bylaw, an applicant may, at no charge, request that Council reconsider the decision.
- 15.2 The applicant must give written notice to the Corporate Officer setting out the grounds on which the applicant considers the decision to be inappropriate, including the specific decision, and what decision Council should use as a substitute.

- 15.3 The Corporate Officer will notify the delegate of the request(s) for reconsideration and the delegate will, prior to the date of the meeting at which the reconsideration will occur, provide a copy of the written memo setting out for Council, the rationale for their decision.
- 15.4 The Corporate Officer will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- 15.5 The Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur.
- 15.6 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 permit conditions.

16.0 SEVERABILITY

- 16.1 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 of 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.

17.0 REPEAL AND ADOPTION

- 17.1 Comox Planning Procedures Bylaw No. 1780 together with any amendments is hereby repealed.
- 17.2 Comox Development Approval Information Bylaw No. 1530, 2007 together with any amendments is hereby repealed.

READ a FIRST, SECOND and THIRD time this

1st day of October, 2025

ADOPTED this

22nd day of October, 2025


MAYOR


CORPORATE OFFICER

Schedule 1

Notice of Application Sign Requirements

Installation

1. In respect of an application for an OCP Bylaw Amendment, Zoning Bylaw Amendment, or Comprehensive Development Plan, the applicant, at their cost, must install a Town of Comox Notice of Application Sign in accordance with this Schedule.

Timing

2. The Notice of Application sign must be posted in accordance with the Processing Procedures outlined in the applicable Schedules forming part of this Bylaw.

Design of Sign

3. The design of the sign shall be in a form prescribed by the Director ('Town Sign Format Sheet').

Preparation of Sign

4. Staff will provide the applicant with a mock-up of the Notice of Application Sign in a digital format. It is the responsibility of the applicant to print and install the sign in accordance with this Bylaw. The applicant must provide staff with proof of sign installation within ten days of receiving the approved digital mock-up of the Notice of Application Sign.

Amendments to Application

5. If any significant amendments are made to the application, the applicant may be required to install new sign(s) reflecting the change in application. Staff will provide a mock-up of the revised sign content prior to final printing.

Siting of Sign

6. All Notice of Application Signs shall be placed on the property. The sign must face the street and be clearly visible. All proposed sign locations must be verified by the Town staff 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.

Number of Signs

7. The applicant shall post a minimum of one Notice of Application Sign. For large parcels with over 200.0 metres of street frontage, one Notice of Application Sign shall be required for each 200.0 metres of street frontage, to a maximum of three signs.

Maintenance of Sign

8. It is the responsibility of the applicant to ensure the sign(s) remain intact and visible as per

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the sign siting specifications until such time the sign can be removed, in accordance with Section 9 of this Schedule.

Sign Removal

9. The Notice of Application Sign shall be removed by the applicant within seven days following:
- (a) The conclusion of the public hearing or adoption of the amending bylaw if a public hearing is not required; or
 - (b) The final consideration of an application by Council; or
 - (c) The abandonment of the application.

Failure to Post, Maintain, or Remove

10. Failure to post and maintain the required Notice of Application Sign(s) in accordance with this Bylaw may result in the postponement of any Public Information or Council meeting and any costs associated with the postponement will be borne by the applicant.
- (a) Non-compliance with this Section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Public Information or Council meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.
 - (b) Failure to remove the sign as required may result in the sign being removed at the expense of the applicant. The Town shall not be liable for any damage or loss of the sign.

Schedule 2

OCP Bylaw or Zoning Bylaw Amendments (including the establishment of a Phased Development Agreement)

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

Application Requirements

1. Application requirements are specified in the Town of Comox Development Application Form.

Consultation

2. An application for an amendment to the OCP will include one or more opportunities for consultation with persons, organizations, and authorities it considers affected by the application as per the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be outlined within staff's technical report to Council.

Processing Procedure

3. An amendment application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Town.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff will refer the application to all applicable Town departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
 - (f) The Applicant will post a Notice of Application sign as per Schedule 1 of this Bylaw.
 - (g) For an OCP amendment application, staff may prepare an Initial Staff Report to Council to introduce the application and seek preliminary direction regarding the application prior to the amendment bylaw being considered by Council. This includes the requirement for a public information meeting as per Section 8 of this Bylaw and other matters as required. Council may also choose to reject the application at this point.

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- (h) If Council provides direction to proceed with the application, staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - i. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - ii. Submit any necessary reports/studies; and
 - iii. Complete any required approvals.
- (i) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- (j) For a rezoning application where the proposed Zoning Bylaw Amendment is consistent with the OCP, staff will publish and give notice of Council's consideration of the amendment bylaw(s) advising of the date of consideration of first reading of the proposed bylaw in accordance with the *Local Government Act*.
- (k) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).
- (l) Council will receive the technical report, consider the application, and at their discretion, may:
 - i. Give first and second readings to the amendment bylaw(s) and direct staff to schedule a public hearing, if required, in accordance with the *Community Charter* and the *Local Government Act*;
 - ii. Give first, second, third reading and adoption to the amendment bylaw(s), if a public hearing is not required;
 - iii. Postpone consideration of the amendment bylaw(s) and provide staff with direction on how to proceed before returning to Council for future consideration;
 - iv. Deny the amendment bylaw(s) and close the application; or
 - v. Give first reading to the amendment bylaw(s) and provide staff with direction to work with the applicant to resolve outstanding issues before returning to Council for consideration of second and/or third reading(s).
- (m) If a public hearing is held prior to third reading to permit public comment on the application pursuant to the *Local Government Act* and as per this Bylaw, notice(s) of the amendment bylaw(s) will be published in accordance with section 94 of the *Community Charter*. A public hearing is not permissible for a rezoning application where the proposed zoning amendment bylaw if:
 - i. The amendment bylaw(s) is consistent with the OCP;
 - ii. The purpose of the amendment bylaw(s) is to permit a residential development; and

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- iii. The residential component of the proposed development accounts for at least half of the gross floor area of all building and structures proposed as part of the development.
- (n) Following a public hearing, if required, the minutes of the public hearing will be presented to Council prior to consideration of third reading of the amendment bylaw(s).
- (o) Council may proceed with third reading of the amendment bylaw(s), (including the imposition of conditions), postpone, or deny the application.
- (p) After third reading, an amendment bylaw may need to be referred to the relevant provincial minister(s) for signature before Council considers adoption.
- (q) Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the amendment bylaw(s).
- (r) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

Preparation of Phased Development Agreements

- 4. If a Phased Development Agreement is required, it may be processed concurrently with a Zoning Bylaw Amendment application, and will be substantially processed with the following additional steps:
 - (a) The applicant will be required to work with staff to develop a Terms Sheet identifying the basic conditions to be outlined in the Phased Development Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features, and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.
 - (b) The applicant will submit the draft Terms Sheet to the Town who will refer it to applicable Town departments, government ministries, agencies, organizations and the Development Review Team.
 - (c) Staff will prepare a technical report to the Director for consideration of the Terms Sheet. Once the basic conditions in the Terms Sheet have been agreed upon, the applicant will be directed to draft the Phased Development Agreement, at the applicant's expense, and submit the agreement to the Town.
 - (d) Staff will refer the draft Phased Development Agreement to all applicable Town departments, government ministries, agencies, organizations and may refer the draft Phased Development Agreement to a solicitor.
 - (e) Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process, the community and any recommendations from Development Review Team (DRT).
 - (f) Notices of the amendment bylaw(s) will be given advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.

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- (g) If Council wishes to proceed with the Phased Development Agreement, the Phased Development Agreement bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.
- (h) If a public hearing is held prior to third reading to permit public comment on the application pursuant to the *Local Government Act* and as per this Bylaw, notice(s) of the Phased Development Agreement bylaw(s) will be published in accordance with section 94 of the *Community Charter*.
- (i) Following a public hearing, if required, the minutes of the public hearing will be presented to Council prior to consideration of third reading of the amendment bylaw.
- (j) Council may proceed with third reading of the Phased Development Agreement bylaw(s) (including the imposition of conditions), postpone, or deny the application.
- (k) Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the Phased Development Agreement bylaw(s).
- (l) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- (m) If a Phased Development Agreement is entered into, a Notice of Permit will be registered against the title of the property at the Land Title Office by staff.
- (n) Amendments to an approved Phased Development Agreement may occur pursuant to the *Local Government Act*.

Schedule 3

Comprehensive Development Plans

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

Application Requirements

1. Application requirements are specified in the Town of Comox Development Application Form.

Processing Procedures

PART A: Development of Terms of Reference for a Comprehensive Development Plan

2. A request for the development of Terms of Reference for Comprehensive Development Plans submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposed Terms of Reference and application requirements for the Comprehensive Development Plan with staff prior to submitting a formal application to the Town. Staff may refer the request for a Terms of Reference to Council for direction on whether to pursue a Comprehensive Development Plan or an Area Plan. Where applicable, the Town may require collaboration/joint applications between adjoining landowners to ensure comprehensive development planning as per the OCP.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
 - (e) The applicant will post a Notice of Application sign as per Schedule 1 of this Bylaw.
 - (f) Staff will notify affected residents of the applicant's request to undertake a Comprehensive Development Plan as per Section 7 of this Bylaw.
 - (g) The Director will work with the applicant to prepare a draft Terms of Reference for the Comprehensive Development Plan.
 - (h) Staff will refer the draft Terms of Reference to applicable Town departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
 - (i) Based on feedback received through the referral process, staff may meet with the applicant and/or send the applicant a letter(s) identifying any outstanding issues to be addressed in order to finalize the draft Terms of Reference.

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- (j) Staff will prepare a technical report for Council's consideration of the draft Terms of Reference, incorporating feedback received from the referral process and the community and any recommendations from the Development Review Team (DRT).
- (k) Council will consider the technical report and may approve, approve with conditions, postpone or deny the draft Terms of Reference for the Comprehensive Development Plan.

PART B: Submission of a Comprehensive Development Plan

- 3. A Comprehensive Development Plan submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) Once the Terms of Reference have been prepared and approved by Council, the applicant will commission a Qualified Professional to prepare the draft Comprehensive Development Plan in consultation with the Town and interested parties.
 - (b) The applicant will submit the draft plan in accordance with the authorized Terms of Reference.
 - (c) Staff will review the draft plan for compliance with the Terms of Reference, relevant Town bylaws and policies and may meet with the applicant to address any outstanding issues (as required). Staff may conduct a site visit as part of the evaluation process.
 - (d) Staff will refer the draft plan to all applicable Town departments, advisory committees, Development Review Team (DRT), advisory committees, government ministries, agencies, and organizations.
 - (e) The applicant may be required and is encouraged to arrange a public information meeting at the applicant's expense, per Section 8 of this Bylaw, to present the draft plan to the community and solicit feedback. The proposed format and timing for the session must be submitted to the Director for approval a minimum of one-month prior to the consultation session.
 - (f) If a public information meeting is conducted, the applicant will be required to submit a report summarizing the session, per this Bylaw.
 - (g) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - i. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - ii. Submit any necessary reports/studies;
 - iii. Complete any required approvals; and
 - iv. The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
 - (h) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).

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- (i) The applicant is encouraged to attend the Council meeting at which the draft plan will be considered to listen to the proceedings.
- (j) Council will receive the technical report, and Council may approve the Comprehensive Development Plan or approve the Comprehensive Development Plan with conditions. Council may alternatively decide to postpone or deny the application.
- (k) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- (l) If the Terms of Reference specify that the Comprehensive Development Plan be submitted or completed in distinct phases, the procedures outlined in this schedule will be repeated for each phase as applicable.

PART C: Official Community Plan Amendment

- 4. Once Council has approved all phases of the Comprehensive Development Plan, staff will bring forward an amendment to the Official Community Plan, in accordance with Schedule 2 of this Bylaw, to ensure consistency with the Comprehensive Development Plan.

Schedule 4

Development Permits

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

Application Requirements

1. Application requirements are specified in the Town of Comox Development Application Form.

Processing Procedure

2. A Development Permit Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Town.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff will refer the application to all applicable Town departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
 - (f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - i. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - ii. Submit any necessary reports/studies;
 - iii. Complete any required approvals; and
 - iv. The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
 - (g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). In most cases the Director will have delegated authority to review the Development Permit, the application and technical report will be referred to the Director for consideration, otherwise the report will be prepared for Council's consideration.
 - (h) If the Director decides that it is in the public interest for Council to consider the application,

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Council will receive the technical 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. If the Development Permit Application includes a request for a development variance(s), the request may be considered by staff or Council in conjunction with the Development Permit Application pursuant to requirements of this Bylaw and the *Local Government Act*. Additional fees will be required as per the Town of Comox Fees and Charges Bylaw.

- (i) The applicant will be notified of the decision regarding the application.
- (j) 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.

Schedule 5

Minor Development Variance Permits AND Development Variance Permits

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

Application Requirements

1. Application requirements are specified in the Town of Comox Development Application Form.

Processing Procedure

2. A Development Variance Permit Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Town.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff may refer the application to the Development Review Team (DRT), all applicable Town departments, advisory committees, government ministries, agencies and organizations. Staff will determine whether the variance request is minor or needs to be referred to Council for a decision.
 - (f) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). If the application is deemed to be a Minor Development Variance Permit and the Director has delegated authority to approve the Permit, the application and technical report will be referred to the Director for consideration, otherwise the report will be prepared for Council's consideration.
 - (g) Staff will mail or otherwise deliver notices to adjacent property owners as per requirements of this Bylaw and the *Local Government Act*. If the Director has delegated authority to review the Development Variance Permit no notice is required as per the *Local Government Act*; however, the Director may require notification to be sent to adjacent property owners as per this Bylaw.
 - (h) The Director may authorize the issuance of a Minor Variance Permit or alternatively decide to deny the application or refer it back to staff for further information or deem that the variance is not minor and refer the application to Council for a decision. If authority has

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not been delegated or the Director denies the application, Council will receive the technical 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.

- (i) If a variance is approved, a Notice of Permit will be registered against the title of the property at the Land title Office by staff.
- (j) When a permit is to (re) considered by the Council, staff will forward a technical memo, incorporating feedback received from the referral process, advisory committees, and the community.
- (k) Council will receive the technical memo and 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.
- (l) If a Development Variance Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land title Office by staff.

Schedule 6

Temporary Use Permits

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

Application Requirements

1. Application requirements are specified in the Town of Comox Development Application Form.

Processing Procedure

2. A Temporary Use Permit application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Town.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff will refer the application to all applicable Town departments, advisory committees, Development Review Team (DRT), government ministries, agencies, and organizations.
 - (f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - i. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - ii. Submit any necessary reports/studies; and
 - iii. Complete any required approvals.
 - (g) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from the Development Review Team (DRT).
 - (h) Staff will mail or otherwise deliver notices to adjacent property owners as per this Bylaw and as per requirements of the *Local Government Act*. Notice will also be published in the newspaper pursuant to the *Local Government Act*.
 - (i) Council will receive the technical report, and Council may grant the requested permit (including the imposition of conditions) or may postpone or deny the application.

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- (j) Once the minutes of the Council resolution have been prepared, the applicant will be notified on the outcome.
- (k) If a Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land title Office by staff.

Schedule 7

Heritage Alteration Permits

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

Application Requirements

1. Application requirements are specified in the Town of Comox Development Application Form.

Processing Procedure

2. An application for a Heritage Alteration Permit submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposed amendment and application requirements with staff prior to submitting a formal application to the Town.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies and consistency with provincial guidelines. Staff may meet with the applicant as required and may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff will refer the application to all applicable Town departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
 - (f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - i. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - ii. Submit any necessary reports/studies; and
 - iii. Complete any required approvals.
 - (g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). In most cases the Director will have delegated authority to review the Development Permit, the application and technical report will be referred to the Director for consideration, otherwise the report will be prepared for Council's consideration.
 - (h) If authority has not been delegated, or the Director decides that it is in the public interest for Council to consider the application, Council will receive the technical report, and may authorize the issuance of the Heritage Alteration Permit or authorize the issuance of the

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Heritage Alteration Permit with conditions. Council may alternatively decide to postpone or deny the application.

- (i) The applicant will be notified of the decision regarding the application.
- (j) If authorized for issuance, staff will prepare the required Heritage Alteration Permit and related schedules for signature and obtain the security if required, pursuant to the *Local Government Act* and this Bylaw.

Schedule 8

Flood Plain Exemptions

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

Application Requirements

1. Application requirements are specified in the Town of Comox Development Application Form.

Processing Procedure

2. A Flood Plain Exemption Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Town.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies and consistency with provincial guidelines. Staff may meet with the applicant as required and may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff will refer the application to all applicable Town departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
 - (f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - i. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - ii. Submit any necessary reports/studies; and
 - iii. Complete any required approvals.
 - (g) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process.
 - (h) Council will receive the technical report, and Council may grant the requested floodplain exemption, may grant the floodplain exemption with terms or conditions, or may postpone or deny the application.
 - (i) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
 - (j) If an exemption is granted, a covenant under the *Land Title Act* will be prepared at the

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expense of the applicant and will be registered against the title of the subject property at the Land Title Office.

Schedule 9

Section 219 Covenants and/or Statutory Right of Way Amendments

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

Application Requirements

1. Application requirements are specified in the Town of Comox Development Application Form.

Processing Procedure

2. An application to amend a Section 219 Covenant or statutory right of way submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposed amendment and application requirements with staff prior to submitting a formal application to the Town.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies and consistency with provincial guidelines. Staff may meet with the applicant as required and may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff will refer the application to all applicable Town departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
 - (f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - i. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - ii. Submit any necessary reports/studies; and
 - iii. Complete any required approvals.
 - (g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT).
 - (h) Where the application is deemed to meet the criteria of delegated authority:
 - i. The amendment request and technical report will be referred to the Director for consideration;
 - ii. The Director will receive the technical report and may approve the request,

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may approve the requested amendment with terms or conditions, or may postpone or deny the application; and,

iii. The applicant will be notified of the outcome.

(i) Where the application is deemed not to meet the criteria of delegated authority:

i. The amendment request and technical report will be prepared for Council's consideration;

ii. Council will receive the technical report and may approve the request, may approve the requested amendment with terms or conditions, or may postpone or deny the application; and

iii. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

(j) If proposed amendment is approved, an amended covenant or statutory right of way under the *Land Title Act* or request to discharge will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office.

Schedule 10

Referrals for a Liquor License and/or Cannabis License under the Liquor and Cannabis Regulation Branch (LCRB)

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

Application Requirements

1. Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements prior to submitting a Liquor License and/or a Cannabis License application to the Town. The LCRB specifies application requirements and when local governments are required to comment on liquor license applications.
2. Application requirements are specified in the Town of Comox Development Application Form.

Processing Procedure for Liquor Licenses and Cannabis Licenses

3. A Liquor License Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Town.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (c) Upon receipt of an application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration. The LCRB may forward a summary report to the Town prior to the Town's review of the application.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff may refer the application to all applicable Town departments and Development Review Team (DRT).
 - (k) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify recommended conditions/requirements which will be sent to the applicant to:
 - i. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - ii. Submit any necessary reports/studies; and
 - iii. Complete any required approvals.
 - (f) If a Council resolution is required as per the LCRB:

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- i. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from the Development Review Team (DRT) and in accordance with the criteria local governments must consider as per guidelines specified by the LCRB;
 - ii. Council will receive the technical report, and Council will make a recommendation to the LCRB by passing a resolution to either support or not support the application; and
 - iii. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome. Staff will forward the Council resolution to the LCRB for their final review and approval.
- (g) If a Council resolution is not required per the LCRB, the Director will review the application and any feedback received from the review and provide a recommendation to the LCRB for their review and final approval.

Schedule 11

Applications made pursuant to the *Agricultural Land Commission Act*

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

Application Requirements

1. Applicants must review the Agricultural Land Commission's (ALC) 'Applicant Information Package' prior to submitting an application to the Town. The 'Applicant Information Package' contains details on ALC application requirements as well as the ALC process for issuing approvals.
2. Application requirements are specified in the Town of Comox Development Application Form.

Scope

3. This Schedule establishes procedures in relation to the following applications made pursuant to the *Agricultural Land Commission Act*:
 - (a) to include land into the Agricultural Land Reserve (ALR);
 - (b) to subdivide land within the ALR; and
 - (c) to conduct a non-farm use within the ALR.

Notification

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

Processing Procedure

5. An application made pursuant to the *Agricultural Land Commission Act* and submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Town.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, staff will open a file and issue a receipt to the applicant.
 - (d) Staff will review the proposal for compliance with relevant Town bylaws and policies and consistency with provincial guidelines. Staff may meet with the applicant as required and may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff will refer the application to all applicable Town departments, advisory committees,

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Development Review Team (DRT), government ministries, agencies and organizations.

- (f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - i. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - ii. Submit any necessary reports/studies; and
 - iii. Complete any required approvals.
- (g) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from the Development Review Team (DRT).
- (h) Council will receive the technical report. If the proposal triggers sections 25(3) or 30(4) of the *Agricultural Land Commission Act*, Council will consider the technical report and may:
 - i. Authorize the application to proceed to the Agricultural Land Commission; or;
 - ii. Not authorize the application to proceed to the Agricultural Land Commission.
- (i) If sections 25(3) or 30(4) of the *Agricultural Land Commission Act* are not triggered by the proposal, Council may make a recommendation for Agricultural Land Commission consideration.
- (j) Once the minutes of the Council resolution have been prepared, staff will:
 - i. Notify the applicant of the outcome; and
 - ii. Forward the complete application, technical report, and Council resolution to the Agricultural Land Commission for consideration.