

TOWN OF COMOX

CONSOLIDATED BYLAW 1780

A BYLAW TO DEFINE PROCEDURES UNDER WHICH AN OWNER OF LAND MAY APPLY FOR AN OFFICIAL COMMUNITY PLAN OR ZONING BYLAW AMENDMENT OR PERMIT UNDER PART 14 OR 15 OF THE *LOCAL GOVERNMENT ACT*; TO IMPOSE FEES FOR SUCH APPLICATIONS; TO SPECIFY DISTANCES FOR THE PURPOSE OF NOTIFICATION REGARDING CERTAIN APPLICATIONS; TO PROVIDE FOR THE REQUIREMENT OF DEVELOPMENT APPROVAL INFORMATION; AND TO DELEGATE THE COUNCIL'S AUTHORITY IN CERTAIN MATTERS (Rep #1842 Jun 1/16)

Please note: This is a consolidated bylaw prepared for Convenience only and is not a certified copy.

Consolidated to include the following bylaws:

Bylaw No.	Adopted	Name	Purpose
1785	Jun 18, 2014	Comox Planning Procedures Bylaw Amendment No. 1785	To establish development application fees under the Downtown Vitalization Program
1795	Jan 7, 2015	Comox Planning Procedures Bylaw Amendment No. 1795	To require general public notification of neighborhood consultation events.
1811	Jun 17, 2015	Comox Planning Procedures Bylaw Amendment No. 1811	To extend the Downtown Vitalization Program into 2020
1828	Apr 20, 2016	Comox Planning Procedures Amendment Bylaw No.1828	To add public notification for strata conversion proposals; clarify reduced DVP fee is for one SF or two-family dwelling; and some housekeeping amendments.
1842	Jun 1, 2016	Comox Planning Procedures Amendment Bylaw No 1842	To extend the Downtown Vitalization Program into 2021 and to update LGA section references
1858	Jun 7, 2017	Comox Planning Procedures Amendment Bylaw No 1858	To extend the Downtown Vitalization Program into 2022

THIS CONSOLIDATED BYLAW IS FOR CONVENIENCE PURPOSES ONLY AND SHOULD NOT BE USED FOR LEGAL OR INTERPRETIVE PURPOSES WITHOUT REFERENCE TO THE ORIGINAL BYLAW AND AMENDING BYLAWS.

1870	Feb 7, 2018	Comox Planning Procedures Amendment Bylaw 1870	Application procedures for rezoning to permit B&B in addition to either a secondary suite or a coach house: new fee level; no Development Sign; mail notifications only to adjacent properties.
1884	Jun 6, 2018	Comox Planning Procedures Amendment Bylaw 1884	To extend the Downtown Vitalization Program into 2023; and Revise Sec 14(5)
1891	Aug 1, 2018	Comox Planning Procedures Amendment Bylaw 1891	Add Cannabis Retail Licence review procedures
1910	May 1, 2019	Comox Planning Procedures Amendment Bylaw 1910	Removal of coach house rezoning requirement and associated amendments.
1915	Jul 3, 2019	Comox Planning Procedures Amendment Bylaw 1915	To extend the Downtown Vitalization Program into 2024; and Revision of Application Fee Schedule
1947	June 17, 2020	Comox Planning Procedures Amendment Bylaw 1947	To extend the Downtown Vitalization Program into 2025
1966	Feb 17, 2021	Comox Planning Procedures Amendment Bylaw 1966	To add Site Disclosure Form Review to Schedule A, Development Application Fees
2018	May 17, 2023	Comox Planning Procedures Amendment Bylaw 2018	Add Subdivision – Preliminary Layout Review Renewal to Development Application Fees Table
1780.15	March 6, 2024	Comox Planning Procedures Amendment Bylaw No 1780.15	Delegate issuance of Minor DVPs to the Director of Development Services; update job titles for Muni Engineer, Planner, and Parks Super.
1780.16	May 8, 2024	Comox Planning Procedures Amendment Bylaw No 1780.16	Permit the Director of Development Services to authorize alternate staff members to perform the powers and duties of the Director of Development Services under this bylaw.

Amendment Stamps, denoting an amending bylaw number and date of adoption, have been inserted into this consolidated bylaw for convenience purposes only, written typically in the following format and generally positioned following the change in the bylaw

(Add #1847 Jun 7/17)	for addition of text or figures to the bylaw
(Rep #1847 Jun 7/17)	for replacement of text or figures in the bylaw

(Del #1847 Jun 7/17)	marking a location or approximate location where text or figures have been deleted from the bylaw
Some amendments may involve multiple actions (addition, deletion or replacement of portions of the bylaw). Refer to the amending bylaw for more detailed tracking of changes.	

WHEREAS a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for a permit under Part 14 or 15 of the *Local Government Act*, and the Council has adopted an official community plan and a zoning bylaw; and (Rep #1842 Jun 1/16)

WHEREAS a local government may, by bylaw, impose application fees for an application to initiate changes to an official community plan or zoning bylaw, and the issuance of a permit under Part 14 or Part 15; and (Rep #1842 Jun 1/16)

WHEREAS a local government, having provided in an official community plan for the provision of Development Approval Information to assist in exercising its land use control authority, must, by bylaw establish procedures and policies on the process for requiring development approval information and the substance of the information; and

WHEREAS a local government may by bylaw specify a distance from affected land for the purpose of notifying owners and tenants in occupation of proposed bylaw amendments and permit applications; and

WHEREAS Section 154 of the Community Charter empowers Council to delegate its powers, duties and functions to its officers, employees and others, including the power to issue a development permit and the power to require security in relation to a development permit;

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

1. Title

This bylaw may be cited as “Comox Planning Procedures Bylaw 1780”. (Rep #1870 Feb 7/18)

2. Definitions in this Bylaw:

- (1) “Administrator” means the person appointed to the position of Chief Administrative Officer by the Council
- (2) “Applicant” means any person submitting an Application under this bylaw.
- (3) “Application” means the information required by this bylaw to be submitted for the consideration of:
 - a. amendment to an official community plan bylaw or zoning bylaw
 - b. issuance of a development permit or amendment of an existing development permit
 - c. issuance of a development variance permit
 - d. a flood plain bylaw exemption
 - e. an application for a liquor license under the *Liquor Control and Licensing Act*
 - f. an application for a cannabis sales licence under Part 4 of the *Cannabis Control and Licensing Act*. (Add #1891 Aug 1/18)
 - g. a modification or discharge of a *Land Title Act* Section 219 Covenant
 - h. a bylaw to repeal a Heritage Designation

- i. issuance of a heritage alteration permit
 - j. a highway frontage exemption
 - k. a strata conversion
- (4) “Approving Officer” means the person appointed to that position by the Council under the *Land Title Act*;
- (5) “Director of Development Services” means the person appointed to that position by the Council. (Rep #1780.15 Mar 6/24)
- (6) “Director of Operations” means the person appointed to that position by the Council (Rep #1780.15 Mar 6/24)
- (7) “Council” means the Council of the Town of Comox;
- (8) “general manager” means the general manager under the *Cannabis Control and Licensing Act*. (Add #1891 Aug 1/18)
- (9) “Parks Manager” means the person appointed to that position by the Council.
- (10) “Minor Development Variance Permit” means a variance to one or more of the following regulations in Comox Zoning Bylaw 1850:
- a. setbacks to a maximum change of 50%
 - b. gross floor area to a maximum change of 10%
 - c. screening
 - d. projections into required setbacks to a maximum change of 30%
 - e. vertical distance from top of sidewalk or established grade at lot line to ground floor level of residential unit to a maximum change of 50%
 - f. off-street parking and loading limited to the following:
 - i. required off-street parking spaces only if:
 - 1. the application includes a change of use in an existing building;
 - 2. the bicycle parking in lieu of vehicle parking spaces allowance has been maximized; and,
 - 3. the change is less than 50%.
 - ii. location and siting; or,
 - iii. development and maintenance standards. (Add #1780.15 Mar 6/24)
- (11) “Public Information Meeting” means a meeting conducted by Town staff to provide information about an Application under this bylaw and to obtain comments from the public prior to any statutory Public Hearing on the Application.
- (12) “Town” means the Town of Comox.

3. Interpretation

- (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.
- (2) A reference in this bylaw to any bylaw, policy or form of the Town of Comox is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

4. Severance

- (1) If any section or phrase of this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

5. Application

- (1) This bylaw shall be applicable to all lands within the Town of Comox.

6. General

- (1) An Application may be submitted by:
 - a. the owner of land;
 - b. a person authorized by the owner to act for the owner as evidenced by a written authorization forming part of the Application; or
 - c. a strata corporation, in respect of land that is common property in a strata plan.
- (2) The Director of Development Services may require an Applicant for multi-family residential; mixed use; or commercial or industrial development involving 200 m² or more in aggregate of new or altered gross floor area or parcel area:
 - a. at the Applicant's expense and prior to making an Application, to consult with residents or commercial or industrial occupiers within a minimum 75 m radius of the development property for the purpose of identifying neighbourhood impacts and determining if any impacts can be eliminated or mitigated, such consultation shall be open to and include notification of the general public; and **(Rep #1795 Jan 7/15)**
 - b. to conduct such consultation in accordance with any guidelines for such consultation issued from time to time by the Director of Development Services. **(Rep #1828 Apr 20/16)(Rep #1780.15 Mar 6/24)**
- (3) Information submitted for all development applications shall be in the form specified by the Director of Development Services, or the Approving Officer in the case of a highway frontage exemption, and:
 - a. shall include completed application forms, any drawings and specifications required by the Director of Development Services or Approving Officer to enable the Town to evaluate the Application in relation to all applicable bylaws and any requirements imposed under section 8 of this bylaw; and:
 - b. in the case of an Application described in section 2(3)f, an Application will not be considered complete and processing of the Application shall not begin until the Town has received notification from the general manager that the general manager has received an application for the subject property. **(Rep #1891 Aug 1/18) (Rep #1780.15 Mar 6/24)**
- (4) A Landscape Architect, registered in the province of British Columbia, or another professional with experience and qualifications acceptable to the Director of Development Services, must prepare all landscape drawings for multi-family residential development proposing more than 7 dwelling units; or commercial or industrial development proposals involving 470 m² or more of new or replacement aggregate floor area. **(Rep #1780.15 Mar 6/24)**
- (5) Based on the nature or complexity of an Application for a Major Zoning Bylaw Amendment, Council may require that a Public Information Meeting in relation to a development proposal be conducted by Town staff.
- (6) Subject to the *Local Government Act* Sec 460(3) a reapplication for an amendment to a bylaw, for a development permit, or for a development variance permit that has been refused may not be made within 6 months of the date on which the Applicant was notified of the refusal. **(Rep #1842 Jun 1/16)**
- (7) Where land is subject to more than one development permit area designation, the highest of any applicable development permit application fees, as set out in Schedule A, and only one development permit application is required if applications are combined. An Application must address the requirements of each applicable development permit area in accordance with the Town's Official Community Plan.
- (8) The Director of Development Services may prescribe application forms for the purposes of this bylaw other than applications for highway frontage exemptions, and in so doing may

prescribe different forms for different categories of applications based on the nature or complexity of the proposed development. (Rep #1780.15 Mar 6/24)

- (9) The Approving Officer may prescribe application forms for the purposes of this bylaw for highway frontage exemptions, and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the proposed development.
- (10) Excepting statutory notifications, and unless email is specifically excluded, wherever a notice is required or permitted in this bylaw, at the Town's discretion, delivery of a notice may include delivery by email or postal mail.
- (11) A notice delivered by the Town, other than a notice required by statute, is deemed to have been received 8 days after being sent by email or postal mail.
- (12) The Council authorizes the Mayor, Administrator, Corporate Officer, Director of Development Services, Director of Operations, and Director of Finance to execute on behalf of the Town covenants and other documents related to any Application provided that two persons execute the document. (Rep #1780.15 Mar 6/24)
- (13) The Director of Development Services may designate an alternate Town staff member to act as the Director of Development Services for the purposes of the bylaw excluding the power to execute covenants and other documents under section 6(12). (Add #1780.16 May 8/24)

7. Application Fees

- (1) Applications under this bylaw must be accompanied by the fees set out in Schedule A.
- (2) If, upon initial receipt of an Application, the Town determines that an Application is incomplete, the Application may be returned to the Applicant for completion with the balance of the application fee, less \$250 for preliminary review. The full application fee will be required to accompany the resubmission of the Application.
- (3) In the case of Applications for new buildings of 3 or more stories in height located within the area shown shaded on the map in Schedule "D" of this bylaw, 50% of an Application fee paid under this bylaw shall be refunded, subject to the issuance by the Town of a Building Occupancy Permit in relation to the Application on the earlier of the fourth anniversary of the development approval, or October 31, 2025.

(Add #1785 Jun 18/14) (Rep #1811 Jun 17/15) (Rep #1842 Jun 1/16) (Rep #1858 Jun 7/17) (Rep #1884 Jun 6/18) (Rep #1915 Jul 3/19) (Rep #1947 Jun 17/20)

8. Development Approval Information (DAI)

- (1) The Director of Development Services is authorized to require an Applicant to provide to the Town, at the Applicant's expense, Development Approval Information in accordance with this bylaw. (Rep #1780.15 Mar 6/24)
- (2) The requirement to provide Development Approval Information only applies:
 - a. to areas of the Town designated in the Official Community Plan in which Development Approval Information may be required; and
 - b. in circumstances in which the Official Community Plan specifies that Development Approval Information may be required.
- (3) The Director of Development Services may review all Applications for an amendment to a zoning bylaw or a development permit to identify anticipated impacts on the community that might arise from the Applicant's proposed development or activity. After consultation with the

- Applicant, the Director of Development Services may, in their discretion, determine whether and what Development Approval Information will be required to be provided at any time during the Council's, or any delegate of Council's, consideration of an Application, but not so as to require the provision of any information later than two weeks in advance of any required public hearing. An Applicant may request that preliminary requirements be issued under section 8(5) in advance of the submission of an Application and the Director of Development Services may issue such requirements provided that the requirements may be modified or additional information requirements may be issued once the Application has been submitted and reviewed. **(Rep #1780.15 Mar 6/24)**
- (4) In exercising the discretion in Section 8(3), the Director of Development Services may take into account the impact on the Town and the community of the development or activity that might reasonably be expected to arise from such an Application in respect of:
- a. transportation patterns and the nature and quantity of traffic flows and parking including, without limitation, site access;
 - b. existing local infrastructure, public facilities and community services, including, without limitation, water; sewage and drainage systems; fire and police services; hospitals; schools; recreation facilities; parks; libraries; solid waste disposal; sewage treatment; and other public utilities;
 - c. demand for future local infrastructure, public facilities, and community services, including, without limitation, water, sewage and drainage systems, fire and police services, hospitals, schools, recreation facilities, parks, libraries, solid waste disposal, sewage treatment, and other public utilities;
 - d. the economy including, without limitation, direct and indirect person years of employment generated, economic multiplier, generation of demand for business services, business and employment displacement, business marginalization and local government tax revenue;
 - e. human physical, mental and social health including, without limitation, housing availability and affordability, public safety, demand and supply of social services including, without limitation, child care, day care and addiction services, cultural and heritage resources and the effects of noise, light, and visual aspects of the development including, without limitation, impacts on views;
 - f. the natural environment including, without limitation, air, soil, surface water, groundwater, animal habitat, riparian and littoral areas, wetlands, forests, trees, slopes, biodiversity, plant habitat, potentially unstable lands, lands subject to erosion, lands subject to flooding, lands subject to wildfire hazard and ecologically sensitive lands;
 - g. hazardous material use and generation including, without limitation, pesticides; herbicides; toxic and flammable or explosive materials; and
 - h. any other matter in relation to which the proposed development might reasonably be expected to have an impact and that is within the scope of generally accepted community planning practice.
(Rep #1780.15 Mar 6/24)
- (5) A requirement to provide Development Approval Information shall be in writing, be dated and signed by the Director of Development Services . **(Rep #1780.15 Mar 6/24)**
- (6) A requirement issued under section 8(5) must identify the nature, substance, and extent of the Development Approval Information required and may also:
- a. delineate the areas of contemplated impact and require the Development Approval Information to focus on those areas;

- b. require the Applicant to identify relevant baseline information for the matters in section 8(4) to describe the nature, characteristics, and elements of the matter on which the Applicant's development or proposed activity may have an impact, which may include mapping and a detailed inventory of environmentally sensitive areas;
 - c. require the Applicant to define and describe the potential impacts of the development or proposed activity on the matters in section 8(4) including cumulative effects of concurrent and of subsequent development contemplated by the Town's Official Community Plan and impacts on greenhouse gas emissions, and to illustrate the impacts of proposed buildings by means of a three-dimensional building model;
 - d. require the Applicant to measure the contemplated impacts in terms of their significance on the matters in section 8(4), and identify measures to ensure mitigation and reduction of potential impacts including the use of passive solar heating and cooling to mitigate greenhouse gas emission impacts;
 - e. stipulate the qualifications and accreditation of professionals ("Qualified Professionals") who are to prepare the Development Approval Information; and
 - f. require Qualified Professionals to disclose the source of all information and describe and explain the methodology used to compile and to test the accuracy and reliability of the Development Approval Information.
- (7) If it is determined by the Director of Development Services that a report containing Development Approval Information is incomplete or deficient, the Applicant may be notified in writing as to the nature of deficiencies and the timeframe to resubmit the corrected report. **(Rep #1780.15 Mar 6/24)**
- (8) The Town may require, at the Applicant's expense, the presentation of the report or impact study to Council, the community or Town staff by the Qualified Professional who prepared the document.
- (9) Where a requirement issued under section 8(5) includes stipulations as to the qualifications and accreditation of the Qualified Professionals who are to prepare the Development Approval Information, each Qualified Professional must certify that the Development Approval Information was prepared by them and is true and accurate to the best of their knowledge, that he or she is qualified to carry out the work and is a member in good standing of a professional association described in the certification, and that the requirements issued under section 8(5) were followed.
- (10) Where Development Approval Information is provided, the Director of Development Services may require the Applicant at the Applicant's expense to have the Development Approval Information, or any part of it, reviewed by a second Qualified Professional unrelated to and independent of the Qualified Professional who prepared the initial Development Approval Information. Sections 8(11) and 8(12) of this bylaw apply to a requirement made pursuant to this section. Such review may be required to address the substance, process or methodology employed in the Development Approval Information under review. **(Rep #1780.15 Mar 6/24)**
- (11) Development Approval Information provided by the Applicant must be bound in one or more volumes or binders. Each volume or binder must have a prefacing "Declaration" page in the form as set out in Schedule B, and be dated and executed by the Applicant and by all Qualified Professionals who prepared Development Approval Information contained in it.
- (12) The Town may publish and disseminate all or any portions of Development Approval Information for any purpose related to the Application to which it pertains.

9. Development Application Sign

- (1) In circumstances where, under the *Local Government Act*, the delivery of notice of an Application to owners and tenants in occupation of land affected by an Application for an official community plan or a zoning bylaw amendment is required, except for a zoning bylaw amendment to permit a Bed and Breakfast Accommodation in addition to a Secondary Suite or Coach House on the same parcel,:
 - a. the Applicant must, within 21 days of making the Application, post a Development Application Sign on the land that is the subject of the Application; and
 - b. where a Development Application Sign is required, within 21 days of making the Application, the Applicant must provide to the Director of Development Services a site plan showing the location of the sign or signs and a legible photograph of each sign posted at its location. (Rep #1870 Feb 7/18) (Rep #1910 May 1/19) (Rep #1780.15 Mar 6/24)

- (2) The Development Application Sign, excluding development described in section 2(3)e and f, must conform generally to specifications issued by the Director of Development Services for such signs and must state:
 - a. the legal description and civic address of the property that is the subject of the Application;
 - b. the type of application and application number;
 - c. a brief description of the proposal including, as applicable, the number of dwelling units and for commercial or industrial development, the gross floor area in square metres;
 - d. the Applicant's name; and
 - e. the phone number of a contact other than a Town official who can provide more detailed information on behalf of the Applicant. (Rep #1891 Aug 1/18) (Rep #1780.15 Mar 6/24)

- (3) The Director of Development Services may require an Applicant for development described in section 2(3)e to post a Development Application Sign conforming generally to specifications issued by the Director of Development Services and stating:
 - a. the legal description and civic address of the property that is the subject of the Application;
 - b. the date of any scheduled Council meeting for consideration of an Application for a provincial liquor license;
 - c. the type of application and application number;
 - d. the person capacity of the premises that are the subject of the Application;
 - e. the type of entertainment if the Application is for patron participation entertainment in a food primary licensed business; and
 - f. the proposed hours of liquor service.

The sign must remain posted until after the Council's comments on the Application have been provided to the Liquor Control and Licensing Branch and the Applicant, after which it must be removed within 7 days. (Rep #1780.15 Mar 6/24)

- (4) The Director of Development Services may require an Applicant for development described in section 2(3)f to post a Development Application Sign conforming generally to specifications issued by the Director of Development Services and stating:

- a. the legal description and civic address of the property that is the subject of the Application;
- b. the date of any scheduled Council meeting for consideration of an Application for a cannabis retail license;
- c. the type of application and application number; and
- d. the proposed hours of cannabis retail sales.

The sign must remain posted until after the Council's comments on the Application have been provided to the general manager and the Applicant, after which it must be removed within 7 days. (Add #1891 Aug 1/18) (Rep #1780.15 Mar 6/24)

- (5) In the case of an Application involving multiple contiguous parcels, the Applicant must post the sign on the parcel or parcels specified by the Director of Development Services. (Rep #1780.15 Mar 6/24)
- (6) The Applicant must keep each sign posted and in good repair until the third reading of a proposed bylaw amendment.
- (7) Development Application Signs must be placed in a conspicuous location on each property line abutting a public street, be clearly legible from the abutting street, and not be obstructed by vegetation or structures on the land. For Applications dealing with non-contiguous parcels each parcel requires at least one sign.
- (8) If any changes are made to the Application that affects the information on the Development Application Sign, the Applicant must update the sign or install a new sign reflecting the change in Application.
- (9) Failure to post or maintain a required Development Application Sign in accordance with this bylaw may result in the postponement of any Council or other meeting or hearing at which the Application would have been considered and any costs associated with the postponement must be borne by the Applicant.

10. Notification

- (1) Where an Application requires delivery of an individual notice in respect of all or part of any strata plan including any individual strata lot the entire strata plan is deemed to be the subject of the Application and the owners and tenants in occupation of each strata lot in the strata plan must be notified.
- (2) All written notification requirements pertaining to section 10 of this bylaw shall be limited to owners and tenants in occupation of parcels of land that are located within the Town of Comox.
- (3) At least 13 days in advance:
 - a. of a scheduled public hearing on an official community plan or zoning bylaw amendment except as described in Section 10(3)(b) of this bylaw, the adoption of a phased development agreement bylaw, or the date of third reading of a bylaw in respect of which the Council has waived a public hearing, in accordance with *Local Government Act* sections 466 or 467 except as described in Section 10(3)(b) of this bylaw, the Town will mail or otherwise deliver individual notices advising of a public hearing or waiving of a public hearing to the owners and tenants in occupation of the property in respect of which an Application is made and all parcels of land any portion of which is within a distance of 75 metres measured from the boundaries of any property to which the Application pertains. (Rep #1842 Jun 1/16)

- b. of a scheduled public hearing on a zoning bylaw amendment to permit a Bed and Breakfast Accommodation in addition to a Secondary Suite or Coach House on the same parcel, or the date of third reading of a zoning bylaw amendment to permit a Bed and Breakfast Accommodation in addition to a Secondary Suite or Coach House on the same parcel in respect of which Council has waived a public hearing, in accordance with *Local Government Act* sections 466 or 467, the Town will mail or otherwise deliver individual notices advising of a public hearing or waiving of a public hearing to the owners and tenants in occupation of the property in respect of which an Application is made and all parcels of land abutting the property that is the subject of the Application; and for the purpose of this subsection “abutting” means sharing a boundary with, or separated by a highway from and having any portion directly opposite, the property that is the subject of the Application. (Add #1870 Feb 20/17) (Rep #1910 May 1/19)

- c. of a scheduled Council meeting to consider a proposal to issue a development variance permit, in accordance with *Local Government Act* section 499, the Town will mail or otherwise deliver individual notices advising of a scheduled Council Meeting for consideration of the development variance permit to the owners and tenants in occupation of the property in respect of which an Application is made and all parcels of land abutting the property that is the subject of the Application; and for the purpose of this subsection “abutting” means sharing a boundary with, or separated by a highway from and having any portion directly opposite, the property that is the subject of the Application. (Rep #1842 Jun 1/16)

- d. of a scheduled Council meeting to consider an Application for a provincial liquor license, except where the Director of Development Services determines that a written notification would not materially enhance public knowledge of an Application, in addition to placing two newspaper advertisements in accordance with the *Local Government Act* publication schedule for notification of a public hearing, the Town will mail or otherwise deliver individual notices to all owners and tenants in occupation of the property in respect of which an Application is made and all parcels of land any portion of which is within a distance of 75 metres measured from the boundaries of any property to which the Application pertains, advising of:
 - i. the legal description and civic address of the property that is the subject of the Application;
 - ii. the time, date and place of the scheduled Council meeting for consideration of the Application;
 - iii. the type of Liquor License to which the Application pertains;
 - iv. the proposed person capacity of the premises;
 - v. the type of entertainment if the Application is for patron participation entertainment in a food primary licensed business;
 - vi. the proposed hours of liquor service in the premises. (Rep #1870 Feb 20/17)

- e. of a scheduled Council meeting to consider an Application for a cannabis retail license, except where the Director of Development Services determines that a written notification would not materially enhance public knowledge of an Application, in addition to placing two newspaper advertisements in accordance with the *Local Government Act* publication schedule for notification of a public hearing, the Town will mail or otherwise deliver

individual notices to all owners and tenants in occupation of the property in respect of which an Application is made and all parcels of land any portion of which is within a distance of 75 metres measured from the boundaries of any property to which the Application pertains, advising of:

- i. the legal description and civic address of the property that is the subject of the Application;
 - ii. the time, date and place of the scheduled Council meeting for consideration of the Application;
 - iii. the type of cannabis retail license to which the Application pertains;
 - iv. the proposed hours of cannabis sales in the premises. (Add #1891 Aug 1/18) (Rep #1780.15 Mar 6/24)
- f. of a scheduled Public Information Meeting, in addition to placing two newspaper advertisements in accordance with the Local Government Act publication schedule for notification of a public hearing, the Town will mail or otherwise deliver individual notices of a Public Information Meeting to the owners and tenants in occupation of the property for which an Application is being made, and all parcels of land any portion of which is within a distance of 75 metres measured from the boundaries of any property to which the Application pertains.
- g. of a scheduled Council Meeting to consider, or of the Director of Development Services' consideration of, an Application for the strata conversion of a previously occupied residential building under section 242 of the *Strata Property Act*, the Town will mail or otherwise deliver individual notices to all tenants in occupation of the property in respect of which an Application is made. (Add #1828 Apr 20/16) (Sec 10 in whole Rep #1870 Feb 7/18) (Rep #1780.15 Mar 6/24)

11. Permits

- (1) The form of development permits and development variance permits is as set out in Schedule C.

12. Delegation of Authority

- (1) Council delegates to the Director of Development Services, or any other individual as designated by the Director of Development Services:
 - a. the exercise of all of the powers, duties and functions of Council in respect of the issuance of development permits under sections 490 and 491 of the *Local Government Act*;
 - b. the exercise of all of the powers, duties and functions of Council in respect of the issuance of heritage alteration permits under section 617 of the *Local Government Act*;
 - c. the exercise of all of the powers, duties and functions of Council in respect of strata conversions under section 242 of the *Strata Property Act* in the case of conversions of commercial and industrial buildings, and residential buildings containing not more than two residential units neither of which is a secondary suite in a single family dwelling or a coach house; and
 - d. the exercise of all of the powers of Council in respect of the exemption of development from floodplain regulations enacted under section 524 of the *Local Government Act*. (Rep #1842 Jun 1/16) (Rep #1780.15 Mar 6/24)

- e. the exercise of all of the powers, duties and functions of Council in respect of the issuance of Minor Development Variance Permits under section 498.1 of the *Local Government Act*. (Add #1780.15 Mar 6/24)
- (2) Council delegates to the Approving Officer the exercise of all of the powers of Council in respect of the exemption of parcels from the minimum highway frontage for subdivision specified in the zoning bylaw or section 512 of the *Local Government Act*, as applicable. (Rep #1842 Jun 1/16)
- (3) In exercising the delegated authority under section 12(1)(e), the Director of Development Services shall take into account only the following factors:
 - a. If the proposed variance is to addresses any of the following:
 - i. irregular lot shape or size;
 - ii. topographic features including a significant change in grade;
 - iii. the presence of a statutory right of way;
 - iv. alterations or additions to an existing building necessary to allow access to a building by a person using a wheelchair or other mobility aid;
 - v. tree protection in accordance with Council's tree protection policies;
 - vi. reduction of green house gas emissions or energy use beyond the requirements in the BC Building Code or Comox Building Bylaw 1472;
 - vii. alterations to an existing building to allow additional dwelling units which are permitted under the zone; or,
 - b. the purpose of the regulation that is proposed to be varied in context of existing zoning and future land use set out in the Official Community Plan.
 - c. The variance must not:
 - i. impose additional costs on the Town such as additional costs to provide services;
 - ii. create or exacerbate any risk to public safety; or,
 - iii. require significant consultation with external agencies.
 - d. For clarity, the following shall not be considered:
 - i. personal preference of the applicant or property owner; or
 - ii. cost, if it is in keeping with the general cost of compliance.
- (4) The Director of Development Services may decide, in their sole discretion, not to exercise any delegated authority pursuant to this bylaw where the Director of Development Services considers that, for reasons of complexity, visibility or any other circumstance, the decision ought to be made by Council and where the Director of Development Services makes that determination, the Council shall consider the issue. This decision by the Director of Development Services is not subject to reconsideration by Council. (Rep #1780.15 Mar 6/24)
- (5) The Director of Development Services may decide, in their sole discretion, not to exercise any delegated authority pursuant to this bylaw where the Director of Development Services considers that, for reasons of complexity, visibility or any other circumstance, the decision

- ought to be made by Council and where the Director of Development Services makes that determination, the Council shall consider the issue. This decision by the Director of Development Services is not subject to reconsideration by Council. (Rep #1842 Jun 1/16) (Rep #1780.15 Mar 6/24)
- (6) For certainty, the delegation to the Director of Development Services of the power to issue permits and exemptions within the scope of this bylaw includes all the powers of Council in relation to those permits and exemptions, including the power to vary or supplement a land use regulation bylaw or a bylaw under Divisions 11 of Part 14 or a bylaw or permit under Part 15 of the *Local Government Act* and the power to impose conditions and requirements and set standards on the issuance of a permit or exemption. (Rep #1842 Jun 1/16) (Rep #1780.15 Mar 6/24)
- (7) The authority delegated in section 12(1) includes the authority to sign and issue permits and to amend those permits and to cancel permits if an owner fails to comply with a term or condition of the permit; and in section 12(2) includes the authority to authorize an exemption or cancel an exemption if an owner fails to comply with a term or condition of an authorization.
- (8) The Director of Development Services and Approving Officer must provide a notice of any exercise of delegated authority in writing to the Applicant. (Rep #1780.15 Mar 6/24)
- (9) Reconsideration of a Delegated Decision
- a. An Applicant who is notified of a decision of the Director of Development Services under section 12(1) or of the Approving Officer under 12(2), or who is required to provide Development Approval Information under section 8(5) or a review under section 8(10), is entitled to have Council reconsider such decision without charge.
- b. An Applicant may initiate a Council reconsideration by providing to the Administrator notice in writing, objecting either to the whole of the decision or requirement, or to specifically identified terms or conditions or requirements for provision of Development Approval Information. The notice must specifically state the Applicant's reasons for each objection. The notice must be received by the Administrator within:
- i. 30 days of the date that the notice of decision is deemed by this bylaw to have been received by the Applicant; or
- ii. within 60 days of the issuance of the requirement under subsection 8(5) or 8(10).
- c. Upon receipt of a notice under this section 12(7), the Administrator must
- i. provide a copy of the notice requesting reconsideration to the Director of Development Services or Approving Officer, as applicable; and
- ii. refer the matter to Council to reconsider the decision or requirement to provide information.
- d. Council may, on reconsideration, either confirm the decision or requirement or modify the decision or requirement in whole or in part, or set aside the decision or requirement and substitute the decision or requirement of Council. (Rep #1780.15 Mar 6/24)

13. Permit Security

- (1) The Director of Development Services may require security for the purposes of sections or 502(3) or 618 of the *Local Government Act*, and for the purposes of section 502(3)
- a. in the case of a condition in a permit respecting landscaping, the amount of the security shall be equal to 125% of an estimate signed by a Landscape Architect, or another professional with experience and qualifications acceptable to the Director of Development Services, and approved by the Parks Manager of the cost to the Town of entering on the

land and installing the landscaping including the cost of grading the landscape area, irrigation works, and hard landscape elements such as retaining walls, fountains, ponds, arbours and benches. Landscape security may be provided on a phase-by-phase basis in accordance with a landscape phasing plan and phase-by-phase landscape budget approved by the Parks Manager.

- b. in the case of an unsafe condition that might result from a contravention of a permit condition, the Director of Development Services must consider the nature of the permit condition and the nature of the unsafe condition, and the amount of the security shall be equal to 125% of an estimate approved by the Director of Operations of the cost to the Town of entering on the land and undertaking work to correct the unsafe condition, including the cost of repairing any damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.
 - c. in the case of damage to the natural environment that might result from a contravention of a permit condition, the Director of Development Services must consider the nature of the permit condition and the nature of the damage, and the amount of the security shall be equal to 125% of an estimate prepared by a Registered Professional Biologist registered in the Province of British Columbia, and approved by the Director of Development Services, of the cost to the Town of entering on the land, correcting the damage to the environment, and restoring or enhancing the natural environment to compensate for the damage that has been caused by the contravention of the permit condition. **(Rep #1842 Jun 1/16) (Rep #1780.15 Mar 6/24)**
- (2) At the expense of the permit holder, the Town may undertake the works, construction or other activities required to satisfy the landscaping condition, to correct the unsafe condition, to correct the damage to the environment or to otherwise ensure the performance of the terms of a permit. The Town may apply the security in payment of the cost of works, construction or other activities if any of the following occur:
- a. The works are not completed prior to the Applicant's request for an Occupancy Permit;
 - b. The works are not completed within a time period identified in the permit or specified by the Director of Development Services following the expiry of the time period identified in the permit;
 - c. An unsafe condition has resulted as a consequence of a contravention of a condition in the permit; or
 - d. Damage to the natural environment has resulted as a consequence of a contravention of a condition in the permit. **(Rep #1780.15 Mar 6/24)**
- (3) In the case of security provided in the form of a letter of credit that is not automatically renewing, the Town may draw on the letter of credit and hold the cash as security if the permit holder's obligations have not been fully satisfied by the expiry date of the letter of credit.
- (4) Return of Security
- a. If a permit is cancelled by the Applicant and no work has occurred related to the security, the security will be returned to the person who provided the security.
 - b. In the case of a condition in a permit respecting landscaping, upon substantial completion of landscaping work, subject to inspection of the works and approval by the Parks Manager, the Town will return 90% of the security. The Town will hold the remaining 10% for up to two growing seasons, or, three growing seasons in the case of a storm water retention or detention pond to ensure that the work has been fully implemented and demonstrated to function as designed. If the works are deficient at the end of the relevant period, the Town may complete the works and retain the security, or permit the Applicant to complete the works and return the security to the permit holder.

- c. In the case of security provided in relation to unsafe conditions or damage to the environment, the Town will return the security when the unsafe condition has been remedied or the possibility of damage to the environment from a contravention of a permit condition has passed.

14. Application Abandonment, Suspension and Extension

- (1) Where additional information has been required after an Application has been accepted, the Application will be held for up to 90 days, pending submission of the required information. If the required information has not been submitted by that time, the Applicant will be notified that the Application is deemed to have been abandoned and the application fee will not be refunded.
- (2) Except for an Application under section 2(3)e and f, an Applicant may request in writing that processing of a submitted Application be suspended for a period not exceeding 240 days from the date of the request, and, only one suspension of processing will be granted, whether for Applications being processed singly or concurrently on a subject property, prior to:
 - a. first reading of a bylaw for an official community plan amendment, a zoning amendment, establishment of a Phased Development Agreement, or the repeal of a Heritage Designation;
 - b. Council or the Director of Development Services making a decision to approve, with or without conditions, or reject a:
 - i. development permit Application;
 - ii. flood plain exemption Application;
 - iii. heritage alteration permit Application; or
 - iv. strata conversion Application;
 - c. Council making a decision to approve, with or without conditions, or reject:
 - i. a development variance permit Application; or
 - ii. an Application to modify or discharge a *Land Title Act* Section 219 Covenant; or
 - d. Council or the Approving Officer making a decision to approve, with or without conditions, or reject a highway frontage exemption Application. (Rep #1828 Apr 20/16) (Rep #1891 Aug 1/18) (Rep #1780.15 Mar 6/24)
- (3) In the event that:
 - a. a bylaw amendment requested pursuant to this bylaw has not been adopted by Council within 90 days of the date it was given third reading; or
 - b. subject to completion of outstanding items, a conditionally approved:
 - i. development permit;
 - ii. flood plain exemption;
 - iii. heritage alteration permit;
 - iv. strata conversion strata plan;
 - v. development variance permit;
 - vi. modification or discharge of a *Land Title Act* Section 219 Covenant; or
 - vii. a highway frontage exemption

has not been issued within 90 days of the Applicant being notified of the conditional approval, the Application is deemed to have been abandoned and section 6(6) applies. (Rep #1828 Apr 20/16)

- (4) Section 14(3) does not apply if in:
- a. giving third reading; or
 - b. subject to completion of outstanding items, conditionally approving a:
 - i. development permit;
 - ii. flood plain exemption;
 - iii. heritage alteration permit;
 - iv. strata conversion;
 - v. development variance permit;
 - vi. modification or discharge of a *Land Title Act* Section 219 Covenant; or
 - vii. highway frontage exemption;

the Council, the Director of Development Services, or Approving Officer has specified a period of time in excess of 90 days for the purposes of section 14(3), and, in that event, the Application is deemed to have been abandoned if the bylaw is not adopted; or the permit, exemption, strata conversion, or modification or discharge of a *Land Title Act* Section 219 Covenant is not issued within that greater period of time. (Rep #1828 Apr 20/16) (Rep #1780.15 Mar 6/24)

- (5) Upon written request for an extension made prior to the expiry of an applicable period of time specified in section 14(1) or 14(3) or under section 14(4), the Council, the Director of Development Services, or the Approving Officer may extend the period, but not more than two such extensions may be granted and the Director of Development Services or the Approving Officer shall not, without the approval of the Council, extend the period for issuance of a permit, flood plain exemption, strata conversion, or highway frontage exemption to more than 180 days following:
- a. the date information was requested;
 - b. the bylaw amendment was given third reading;
 - c. the date the permit, flood plain exemption, strata conversion, or highway frontage exemption application was conditionally approved. (Rep #1828 Apr 20/16) (Rep #1884 Jun 6/18) (Rep #1780.15 Mar 6/24)

15. Discharge or Modification of Covenant

- (1) Where a restrictive covenant has been granted to the Town in connection with an Application for an official community plan or zoning bylaw amendment, the owner requests modification or discharge of the covenant, and the modification or discharge requires a public hearing, the owner shall pay the fee specified in Schedule A.

16. Repeal

- (1) The following bylaws are repealed:
- a. Bylaw No.1206, Town of Comox Development Application Procedures Bylaw, 1996.
 - b. Bylaw No. 1416, Town of Comox, Liquor License Application Fees Bylaw 1416.
 - c. Bylaw No. 1466, Comox Advisory Planning Commission Bylaw, 2005.

SCHEDULE “A”

(Rep #1828 Apr 20/16) (Rep #1870 Feb 7/18) (Rep #1891 Aug 1/18) (Rep #1910 May 1/19) (Rep #1915 Jul 3/19)

Table 1. Development Application Fees¹

Item	Application Type	Fee
1	Official Community Plan (OCP) Bylaw	
1.1	OCP Bylaw Amendment	\$2,020
1.2	Combined OPC and Zoning Bylaw Amendments	Rezoning application fee + \$870
2	Major Rezoning	
2.1	Major Zoning Bylaw Amendment	\$5,270
3	Minor Rezoning	
3.1	Zoning Bylaw Amendment to permit the creation of 4 or fewer additional residential units	\$2,520
3.2	Zoning Bylaw Amendment to permit a Coach House	\$270
3.3	Zoning Bylaw Amendment to permit a Bed and Breakfast Accommodation and Secondary Suite or Coach House	\$1020
3.4	Zoning Bylaw Text Amendment to add one permitted use in a commercial or industrial zone.	\$1,020
3.5	Zoning Bylaw Text Amendment to add one home occupation	\$520
4	Development Permits	
4.1	Development Permit Area #7 Riparian Area not combined with any other Development Permit Area	\$270
4.2	All other Development Permit Areas	\$870
4.3	Each amendment to a Development Permit for which the development that is the subject of the amendment has not commenced . ²	\$620
4.4	Each amendment to a Development Permit for which the development that is the subject of the amendment has been partially or wholly completed.	\$2,020
5	Development Variance Permits	
5.1	Minor Development Variance Permit (Rep #1780.15 Mar 6/23)	\$520
5.2	All other Development Variance Permit applications	\$1,095
6	Flood Plain Exemption	
6.1	Flood Plain Exemption –pertaining to Single or Two Family Dwellings	\$1,020
6.2	Flood Plain Exemption – all other applications	\$1,620
7	Miscellaneous	
7.1	Board of Variance - All Application	\$320
7.2	Strata Conversion	\$845
7.3	Minimum highway frontage exemption	\$520
7.4	Modification or Discharge of Restrictive Covenant where a public hearing is required	\$1,020
7.5	Heritage Designation Repeal Bylaw	1,770
7.6	Heritage Alteration Permit – Single or Two-Family Dwellings	\$520
7.7	Heritage Alteration Permit – all other applications	\$1,095
7.8	Site Disclosure Form Review	\$100
8	Liquor or Cannabis Licence Review	
8.1	Issuance of new Liquor Primary Licence	\$2,520
8.2	Amendment to or transfer of an existing Liquor Primary Licence	\$2,020
8.3	Issuance of amendment of Food Primary with Patron Participation Entertainment Licence or with Liquor Service Past Midnight Licence	\$2,020
8.4	Endorsement to a Liquor Manufacturer Licence	\$2,520
8.5	Amendment to existing Endorsement to a Liquor Manufacturer Licence	\$2,020
8.6	A Liquor Licence Review Application in conjunction with a Major Zoning Bylaw Amendment Application	Rezoning application fee +\$845
8.7	Issuance, Renewal, Amendment or Transfer of a Cannabis Sales Licence	\$2,520
9	Subdivision	
9.1	Subdivision- Preliminary Layout Review Issuance	\$825
9.2	Subdivision – Preliminary Layout Review Renewal (Add #2018 May 17/23)	\$500
9.3	Subdivision Approval – per additional parcel created	\$165
9.4	Subdivision - Phased Strata Plan Declaration	\$825

1. All fees include GST.

- 2. Does not apply where the amendment is to a permit issued for Development Permit Area #7 which is not combined with any other development permit area.

SCHEDULE "B"

DEVELOPMENT APPROVAL INFORMATION

DECLARATION

The undersigned acknowledge that the Development Approval Information herein is not provided to the Town with any expectation of confidentiality, constitutes a record of the Town of Comox under the *Freedom of Information and Protection of Privacy Act*, and may be made available for public use in connection with the development application to which it pertains, including by posting on the Town's website.

DATED: _____

The Qualified Professionals executing below are the only Qualified Professionals who participated in the preparation of the Development Approval Information.

Applicant:

Name: _____

Address: _____

Signature

Qualified Professionals:

Name: _____

Address: _____

Signature

Name: _____

Address: _____

Signature

SCHEDULE "C"

(Rep #2018 May 17/23)



DEVELOPMENT PERMIT

Permit Number:

Resolution of Council/

Decision of Director of Development Services dated: _____

Development Permit issued to:

Name: _____

Address: _____

Property to which permit refers (PID) _____

(Legal and Civic): _____

Conditions of Permit:

Time Schedule of Development: N/A

Security Required:

Lapse of Permit: Subject to the conditions as stated under conditions of permit, if the permit has not substantially commenced any construction with respect to which the permit was issued within two years after the date it was issued, the permit lapses.

Permit Issuance Date

Signature of Director of
Development Services

THIS IS NOT A BUILDING PERMIT

(Rep #1780.16 May 8/24)



DEVELOPMENT VARIANCE PERMIT

Permit Number: _____

Resolution of Council/ Decision of Director of Development Services dated: _____

Development Variance Permit issued to:

Name: _____

Address: _____

Property to which permit refers (PID): _____

(Legal and Civic): _____

Conditions of Permit:

- 1. This Development Variance Permit is to facilitate

Time Schedule of Development:

Security Required:

Lapse of Permit: Subject to the conditions as stated under conditions of permit, if the permit has not substantially commenced any construction with respect to which the permit was issued within ____ after the date it was issued, the permit lapses.

Permit Issuance Date

Signature of Director of
Development Services

THIS IS NOT A BUILDING PERMIT



HERITAGE ALTERATION PERMIT

Permit Number:

Resolution of Council/

Decision of Director of Development Services dated: _____

Heritage Alteration Permit issued to:

Name: _____

Address: _____

Property to which permit refers (PID) _____

(Legal and Civic): _____

Conditions of Permit:

Time Schedule of Development:

Security Required:

Lapse of Permit:

Permit Issuance Date

Signature of Director of
Development Services

THIS IS NOT A BUILDING PERMIT

THIS CONSOLIDATED BYLAW IS FOR CONVENIENCE PURPOSES ONLY AND SHOULD NOT BE USED FOR LEGAL OR INTERPRETIVE PURPOSES WITHOUT REFERENCE TO THE ORIGINAL BYLAW AND AMENDING BYLAWS.

SCHEDULE "D"

(Add #1785 Jun 18/14)

