



TOWN OF LAKE COWICHAN

Bylaw No. 1125-2026

Development Application Procedures Bylaw

**TOWN OF LAKE COWICHAN
BYLAW NO. 1125**

A Bylaw to establish procedures for the processing of development applications and to delegate powers, duties, and functions of Council

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

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

NOW THEREFORE the Council of the Town of Lake Cowichan, in open meeting assembled, hereby enacts as follows:

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1. PURPOSE

The purpose of this Bylaw is to establish development approval procedures; align the procedures with the *Local Government Act*; and delegate the authority to approve some land use applications, including Development Variance Permits containing Minor Variances.

2. TITLE

This Bylaw may be cited as the “Development Application Procedures Bylaw No. 1125, 2026.”

3. DEFINITIONS

“**Applicant**” means the Owner of land subject to an Application or an agent duly authorized to act on the Owner’s behalf in relation to an Application.

“**Application**” means an application for:

an amendment to the Official Community Plan or Zoning Bylaw; or

a Permit;

“**Alternative Publication Bylaw**” means the Town of Lake Cowichan *Alternative Publication Bylaw No. 1129-2026*.

“**Bylaw**” means this bylaw.

“**Chief Administrative Officer**” means the municipal officer appointed under section 147 of the Community Charter.

“**Community Charter**” means the *Community Charter*, SBC 2003, c 26.

“**Council**” means the Council of the Town.

“**Development Permit**” means a permit issued under section 490 of the Local Government Act.

“**Development Permit Area**” means a development permit area designated as such in the OCP.

“**Development Variance Permit**” means a permit issued under section 498 of the *Local Government Act*.

“**Director**” means the Director of Bylaws and Development Services or their designate so appointed by the Chief Administrative Officer, or, if no Director of Bylaws and Development Services is currently appointed, the Chief Administrative Officer.

“**Fees and Charges for Services Bylaw**” means the Town of Lake Cowichan Fees and Charges for Services Bylaw No. 1111-2024.

“**Landscape Report**” has the meaning assigned to it in section 8.16.

“**Landscaping Security**” has the meaning assigned to in section 8.1 (a).

“**Landscaping Substantial Completion Report**” has the meaning assigned to it in section 8.11.

“**Local Government Act**” means the *Local Government Act*, RSBC 2015, c 1.

“**Lot**” means a parcel of land, including crown land, which is legally described either by registered plan or description.

“**Minor Variance**” has the meaning assigned to it in Schedule 2.

“**Official Community Plan**” or “**OCP**” means Town of Lake Cowichan *Official Community Plan Bylaw No. 1097-2023*.

“**Owner**” means the registered owner or owners of a Lot as identified on a title search issued by the Land Title Survey Authority.

“**Permit**” means a Development Permit, Temporary Use Permit, Development Variance Permit, and any other permit Council is entitled to issue pursuant to the *Local Government Act*.

“**PIM**” has the meaning assigned to it in section 7.1.

“**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, registered with a regulatory body (if applicable), and with experience relevant to the applicable matter, that is acceptable to the Director.

“**Staff**” means an employee of the Town.

“**Substantial Completion Report**” has the meaning assigned to in section 8.5.

“**Temporary Use Permit**” means a permit authorized by section 493 of the *Local Government Act*.

“**Town**” means the Town of Lake Cowichan *Zoning Bylaw No. 1055-2021*.

“**Zoning Bylaw**” means a Zoning Bylaw under the *Local Government Act*.

4. INTERPRETATION

- 4.1. 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.
- 4.2. 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.
- 4.3. Where this Bylaw delegates a power, duty or function of Council to a named position, the delegation is to the person who holds the position, and to any person who is the deputy of, or who is authorized to act for, that person.
- 4.4. Unless a power, duty or function of Council has been expressly delegated by this Bylaw or another municipal bylaw, the powers, duties and functions of Council remain with Council.
- 4.5. A person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated to them by this Bylaw.

5. GENERAL PROVISIONS

Scope

- 5.1. This Bylaw applies to an Application for:
 - (a) an amendment to the Official Community Plan;
 - (b) an amendment to the Zoning Bylaw;
 - (c) the issuance of a Development Permit;
 - (d) the issuance of a Development Variance Permit; and
 - (e) the issuance of a Temporary Use Permit.

Application Requirements and Processing Procedures

- 5.2. An Application made under this Bylaw must be submitted:

- (a) by the Owner or an individual that the Owner has designated as their agent in writing to the Town;
 - (b) to the Town in accordance with the provisions of this Bylaw;
 - (c) as one complete package, with all required information, attachments, supplementary information;
 - (d) in the form required by the Town; and
 - (e) along with the relevant Application fee or fees set out in the Fees and Charges for Services Bylaw.
- 5.3. The Chief Administrative Officer may prescribe the form and content of Application forms related to this Bylaw, and in so doing may prescribe different forms for different categories of Applications based on the nature or complexity of the Application.
- 5.4. If Staff determines that:
- (a) an Application is incomplete, or
 - (b) additional information is needed in order to allow for the proper consideration of an Application
- the Application will be placed on hold and Staff will ask the Applicant to provide the required missing or additional information. If an Applicant does not provide the required information within three months of the Staff request, the Application will lapse and the Town will return the Application and fee to the Applicant in accordance with the Fees and Charges for Services Bylaw.

Number of Development Applications

- 5.5. Where a Lot is subject to more than one Development Permit Area designation, only one Development Permit Application is required. The Development Permit Application must address each applicable Development Permit Area requirement, and the Applicant must pay the Application fee in the amount set out in the Fees and Charges for Services Bylaw.

Development Permit Required Prior to Development

- 5.6. Pursuant to *Local Government Act*, the following activities are prohibited in Development Permit Areas unless the Owner obtains a Development Permit or the Official Community Plan exempts the Owner from obtaining a Development Permit:

- (a) **Subdivision:** land within the Development Permit Area cannot be subdivided;
- (b) **Construction:** no building or structure can be constructed, added to, or altered;
- (c) **Land Alteration in Natural Environment or Hazard Areas:** land within areas designated for natural environment or hazardous conditions cannot be altered; and
- (d) **Land or Building Alteration in Specific Designated Areas:** land or buildings within areas designated for revitalization, energy conservation, water conservation, or greenhouse gas reduction cannot be altered.

6. SIGNAGE AND NOTIFICATION

Signage

- 6.1. In respect of an Application for an OCP Bylaw amendment, Zoning Bylaw amendment, and Temporary Use Permit, the Applicant, at their cost, must post a “Notification Sign” in accordance with Schedule 1 of this Bylaw and the following timelines:
- (a) within 15 days after submitting an Application; and
 - (b) at least 15 days before the scheduled date of the public information meeting related to the Application if such meeting is required.

Notification

- 6.2. The distance specified for the purpose of notification in relation to an Application to amend a bylaw under section 466(4) of the *Local Government Act* or to amend a land use contract under section 546(5) of the *Local Government Act* is 50 metres, measured from the boundaries of any Lot to which the Application pertains, subject to section 466(7) of the *Local Government Act*.
- 6.3. The Town will mail or otherwise deliver a notice to the owners and tenants in occupation of all Lots within a distance of 50 metres of the boundaries of a Lot that is subject to an Application for a OCP or Zoning Bylaw amendment or Temporary Use Permit at least 10 days prior to the date that a Public Information Meeting is being held
- 6.4. The distance specified for the purpose of notification in relation to an Application for a Development Variance Permit under section 499(3) of the *Local Government Act* or

a Temporary Use Permit under section 494(4) is 50 metres, measured from the boundaries of any Lot to which the Application pertains.

- 6.5. If Council directs, the Town will mail or otherwise deliver to the owners and tenants in occupation of all Lots within a distance of 50 metres of the boundaries of a Lot that is subject to an Application for a Development Variance Permit that will be considered by a delegate at least 10 days prior to the consideration of the Application by the delegate.
- 6.6. The Town will provide notice of a public hearing held pursuant to section 464 of the Local Government Act in the following ways:
 - (a) by posting the notice in the public notice posting places in accordance with section 94(1)(b) of the Community Charter; and
 - (b) by publishing the notice in accordance with the Town's Alternative Publication Bylaw.
- 6.7. As an exception to section 6.6, if the Official Community Plan includes a schedule pursuant to section 614(3)(b) (*designation of heritage conservation area*) of the Local Government Act, the Town will provide notice of a public hearing related to an Application for an amendment of the Official Community Plan in accordance with section 592 of the Local Government Act.

7. PUBLIC INFORMATION MEETINGS

- 7.1. To provide an opportunity for the public to access information and to inquire about an Application, an Applicant must hold a public information meeting (a "**PIM**") prior to:
 - (a) an Application for a OCP Bylaw amendment or Zoning Bylaw amendment being considered by Council for first reading; and
 - (b) an Application for a Temporary Use Permit being considered by Council
- 7.2. Prior to holding a PIM, an Applicant must receive approval of its proposed meeting location from Staff in writing. The meeting location must be accessible to individuals with disabilities and located within the Town or held virtually.
- 7.3. At least 10 days prior to the PIM, the Applicant must advertise in a newspaper that is distributed at least weekly in the area affected by the Application.
- 7.4. Within 14 days after the date of the PIM, the Applicant must submit a report to the Town summarizing the PIM, and such report will include the following information:
 - (a) location, time, and duration of PIM;

- (b) number of attendees;
- (c) proof of how the PIM was advertised;
- (d) a summary of the information provided at the PIM; and
- (e) a list of all questions asked to the Applicant and a summary of all discussion that took place.

The report required by this section will include a certification by the Applicant that the information included in the report is correct.

- 7.5. Council may require the Applicant to conduct additional public consultation to seek additional community engagement regarding the proposed Application, the cost of which will be the responsibility of the Applicant.

8. SECURITY

- 8.1. Council may require security as a condition of Permit issuance for the purposes of section 502(1) and 496(1) of the Local Government Act, and in doing so must consider the following guidelines as to how the amount of security is to be determined:
- (a) In the case of a condition in a Permit respecting landscaping, the amount of security will be up to 125% of an estimate or quote of the cost of the Town entering the land and completing the landscaping works, including, without limitation, by doing any of the following: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials (“**Landscaping Security**”).
 - (b) In the case of an unsafe condition that might result from a contravention of a Permit condition:
 - i. the nature of the Permit condition,
 - ii. the nature of the potential unsafe condition, and
 - iii. the cost to the Town of entering on the land, 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:
- i. the nature of the Permit condition,
 - ii. the nature of the potential damage, and
 - iii. 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.
- (d) In the case of a condition in a Temporary Use Permit that the owner give an undertaking to demolish or remove a building or other structure and restore the land:
- i. the nature of the Permit condition, and
 - ii. the cost to the Town of entering on the land and carrying out the demolition, removal or restoration if the owner of the land fails to comply with the undertaking.

Form of Security

- 8.2. Provision of security is required prior to issuance of a Permit and will be provided by the Applicant in the form of cash, a certified cheque, or an unconditional, irrevocable, standby letter of credit, effective for a period determined by the Director.
- 8.3. Irrevocable letters of credit must be issued by a Canadian chartered bank, with partial draws allowed, not require any documentation for draws, be cashable at a branch acceptable to the Director, and otherwise on terms acceptable to the Director.

Return of Security

- 8.4. If a Permit is cancelled by the Applicant and no work has occurred related to the security, the security will be returned to the Applicant.
- 8.5. An Applicant may request return of non-Landscaping Security by submitting a substantial completion report prepared by a Qualified Professional (a “**Substantial Completion Report**”) certifying that:
- (a) the works subject to the permit have been completed strictly in compliance with the requirements of the permit; and

- (b) in relation to unsafe conditions or damage to the natural environment, that either:
- i. no unsafe condition exists on the lands subject to the permit exists, nor has any damage to the natural environment occurred; or
 - ii. if an unsafe condition existed on the lands, or any damage to the natural environment occurred, the unsafe condition or damage to the natural environment has been eliminated or corrected.
- 8.6. The Substantial Completion Report must be signed and sealed by a Qualified Professional and provide sufficient detail for the Town to confirm that the certifications provided therein are accurate.
- 8.7. Upon receipt of a Substantial Completion Report, the Town may conduct a site inspection to verify that the certifications provided in the Substantial Completion Report are accurate.
- 8.8. Should the Town:
- (a) identify any deficiencies in the works subject to the permit not identified in the Substantial Completion Report; or
 - (b) determine that the certifications provided under section 8.5 are inaccurate, the Town will issue an inspection report to the Applicant and the related security will be retained until the deficiencies have been addressed.
- 8.9. Upon rectification of any items outlined in the Town’s inspection report, the Applicant shall re-submit a revised Substantial Completion Report to the Town in accordance with section 8.5.
- 8.10. The Town will return the security to the Applicant once it has determined that the Substantial Completion Report, or the revised Substantial Completion Report, is acceptable.

Landscaping Security

- 8.11. An Applicant may request a certificate of completion in relation to Landscaping Works from the Town by submitting a Substantial Completion Report that complies with the requirements of section 8.6 and 8.7 (the “**Landscaping Substantial Completion Report**”).

- 8.12. Upon receipt of a Landscaping Substantial Completion Report, the Town may conduct a site inspection to verify that the certifications provided in the Landscaping Substantial Completion Report are accurate.
- 8.13. Should the Town:
- (a) identify any deficiencies in the works subject to the permit not identified in the Landscaping Substantial Completion Report, or
 - (b) determine that the certifications provided therein are inaccurate
- the Town will issue an inspection report to the Applicant and it will not issue a certificate of completion.
- 8.14. Upon rectification of any items outlined in the Town's inspection report, the Applicant shall re-submit a revised Landscaping Substantial Completion Report to the Town in accordance with section 8.11.
- 8.15. The Town will issue a certificate of completion to the Applicant once it has determined that the Substantial Completion Report, or the revised Substantial Completion Report, is acceptable.
- 8.16. On the date that is one year after the date the Town issues a certificate of completion, an Applicant may request return of the Landscaping Security by submitting a report by a Qualified Professional certifying that the landscaping works are successfully established, meaning that no less than 75% of all planted specimens are alive, in good health, and exhibiting growth consistent with their species and the season, with any dead or dying specimens having been replaced prior to certification (the "**Landscape Report**").
- 8.17. Upon receipt of a Landscape Report, the Town may conduct a site inspection to verify that the certifications provided in the Landscape Report are accurate.
- 8.18. Should the Town:
- (a) identify any deficiencies in the works subject to the permit not identified in the Landscape Report; or
 - (b) determine that the certifications provided in the Landscape Report are inaccurate
- the Town will issue an inspection report to the Applicant and the Landscape Security will be retained until the deficiencies have been addressed.

- 8.19. Upon rectification of any items outlined in the Town's inspection report, the Applicant shall re-submit a revised Landscape Report to the Town in accordance with section 8.16.
- 8.20. The Town will return the Landscape Security to the Applicant once it has determined that the Landscape Report, or the revised Landscape Report, is acceptable.

9. PERMIT ISSUANCE, AMENDMENT, RENEWAL, AND EXTENSION

Issuance

- 9.1. The date of issuance for a Permit is the date of approval of the Permit by Council or the Director, unless otherwise specified in the Permit.
- 9.2. An Application for an amendment to an issued Permit will be considered by Council or the Director according to the Application type. Approval of any amendment does not constitute a renewal or extension to a Permit, and a revised Permit may be issued without change to the expiry date.

Extension

- 9.3. A Permit-holder may apply to extend the term of a Permit by submitting a request to the entity that originally issued the Permit. The term of a Permit may only be extended once.

Re-Application

- 9.4. Where an Application has been denied, the Town may refuse a separate Application that it determines is the same or substantially similar to the Application that was denied for a period six months from the date of the denial.

10. CHANGE OF OWNERSHIP

- 10.1. If registered ownership of a Lot that is the subject of an Application changes, the Application will be held in abeyance until the Applicant provides the Town with:
 - (a) an updated title search from the Land Title Survey Authority reflecting such change; and
 - (b) written authorization for the Application from the new Owner in a form acceptable to the Town.

If an Applicant does not provide the documents required under this section within three months of registered ownership changing, the Application will lapse and the Town will return the Application and fee to the Applicant in accordance with the Fees and Charges for Services Bylaw.

11. DELEGATION OF AUTHORITY

11.1. Council delegates the authority to the Director to:

- (a) subject to section 11.4, issue or amend a Development Permit and impose conditions in relation thereto;
- (b) without limiting the generality of the delegation of authority 12.1(f), pursuant to section 491(4) and (5) of the *Local Government Act*, require an Applicant for a Development Permit to provide a report to assist the Director in determining what conditions or requirements it may impose;
- (c) issue a Development Variance Permit in respect of a Minor Variance and impose conditions in relation thereto;
- (d) amend a Development Variance Permit in respect of a Minor Variance provided that the combined variances do not exceed the criteria set out in Schedule 2;
- (e) require security under section 496 and 502 of the *Local Government Act*;
- (f) designate the form of any Permit issued under this Bylaw;
- (g) designate the form and content of Application forms;
- (h) designate the required form and content of notification signs;
- (i) negotiate and execute section 219 covenant or covenants that an Applicant is required to enter into as a condition of the issuance of a Permit;
- (j) execute the discharge of a covenant or statutory right of way which the Director determines, due to the issuance of a Permit, is no longer required; and

- (k) 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.
- 11.2. The criteria for determining whether a proposed variance is a Minor Variance is outlined in Schedule 2.
- 11.3. The guidelines a delegate must consider in deciding whether to issue a Development Variance Permit are outlined in Schedule 2.
- 11.4. Despite section 11.1(c), the Director:
- (a) will refer an Application for a Development Variance Permit containing a Minor Variance to Council if the proposed variance is in conjunction with a Development Permit Application that is not delegated; and
 - (b) may refer any an Application for a Development Variance Permit containing a Minor Variance to Council for any reason.
- 11.5. The delegation of authority by Council under section 11.1(a) does not include the authority to issue or amend a Development Permit within a Development Permit Area designated for the establishment of objectives for the form and character of commercial, industrial or multi-family residential development in accordance with section 488(1)(f) of the *Local Government Act* where one or more of the following is applicable:
- (a) the number of dwelling units proposed in the Application exceeds 20 units;
 - (b) the development proposed in the Application will unduly impact the character of the surrounding streetscape or neighbourhood.

12. RECONSIDERATION

- 12.1. An Applicant that is subject to the decision of the delegate regarding:
- (a) the issuance or amendment of a Development Permit or the imposition conditions in relation thereto;
 - (b) the issuance or amendment of Development Variance Permit in respect of a Minor Variance or the imposition of conditions in relation thereto;
- is entitled to have Council reconsider the matter.
- 12.2. An Applicant may apply for reconsideration under section 12.1 as follows:

- (a) The Applicant, within 30 days of receiving notice of the Director's decision, will apply in writing to the Corporate Officer and provide the following information:
- i. a description of the decision for which the Applicant seeks reconsideration;
 - ii. the date of the decision;
 - iii. the name of the delegate who made the decision;
 - iv. the grounds on which reconsideration is being requested; and
 - v. a copy of any materials that the Applicant wants Council to take into account when reconsidering the decision.
- (b) Council must reconsider the decision at a regular meeting of Council or a statutory public hearing held within a reasonable period of time after the date on which the Applicant delivers the application for reconsideration to the Corporate Officer.
- (c) After receiving the application for reconsideration, the Corporate Officer must:
- i. place the reconsideration of the decision on the agenda for a regular meeting of Council or statutory public hearing;
 - ii. give notice of reconsideration of the decision in accordance with any notice requirements applicable to the original decision; and
 - iii. before the reconsideration of the decision by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the original decision, and a copy of all materials submitted by the Applicant to the Corporate Officer as part of the application for reconsideration.
- (d) In reconsidering the decision, Council must consider all the material before it.

- (e) At the meeting at which Council reconsiders the decision, Council will first hear from Staff in relation to the subject matter of the decision and in relation to the decision itself, and will then hear from the Applicant. Council may then hear from Staff in relation to any new information raised by the Applicant in its submissions to Council.
- (f) Council is entitled to adjourn the reconsideration of the decision.
- (g) After hearing from Staff and the owner, Council will reconsider the decision and may either confirm the decision, amend the decision, or set aside the decision and substitute the decision of Council.

13. STATUTORY CONDITIONS AND RESTRICTIONS

A person to whom powers, duties or functions are delegated under this Bylaw may only exercise those powers, duties or functions subject to any applicable conditions and restrictions established by statute in relation to them.

14. SEVERABILITY

If any 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.

15. LEGISLATIVE PROCEDURE

15.1. This bylaw shall take effect on **July 2, 2026**.

15.2. Upon adoption of this bylaw, the “Development Approval Procedures and Notification Bylaw No. 1109-2024” and amendments are repealed” is hereby repealed effective XXXX.

READ A FIRST TIME on the 28th day of April, 2026.

READ A SECOND TIME on the 28th day of April, 2026.

READ A THIRD TIME on the 28th day of April, 2026.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the _th day of _____, 2026.

X

Tim McGonigle
Mayor

X

John Thomas
Corporate Officer

SCHEDULE 1

NOTICE OF APPLICATION SIGN REQUIREMENTS

1. Design of Sign

A notification sign shall be in a form prescribed by the Director.

2. Preparation of Sign

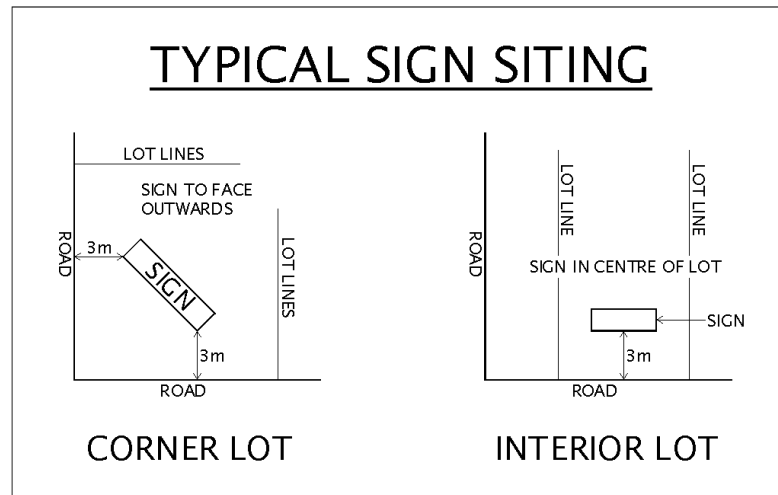
- 2.1. The Applicant will provide a mock-up of the required notification sign and proposed siting location(s) with their Application for review and approval prior to final printing.
- 2.2. The Applicant will provide evidence satisfactory to Staff, acting reasonably, that the notification sign has been posted in accordance with the requirements of this bylaw within 10 days of the posting of thereof.

3. Siting of Sign

A notification sign must:

- (a) be placed on the Lot subject to the Application at a setback of three metres from the front parcel line (as shown in the “Typical Sign Siting” diagram below) ;
- (b) be in the siting location(s) approved by Staff;
- (c) face the highway and be clearly visible;
- (d) not interfere with pedestrian or vehicular traffic;
- (e) not obstruct visibility from highways, lanes, walkways or driveways; and

- (f) be installed in a sound workmanlike manner and must be capable of withstanding wind and weather.



4. Number of Signs

The number of notification signs posted on a Lot will be as follows:

- (a) For a Lot with 0 – 200 metres of frontage, the Applicant will post at least one notification sign.
- (b) For a Lot with 201 – 400 metres of frontage, the Applicant will post at least two notification signs.
- (c) For a Lot with 401 or more metres of frontage, the Applicant will post at least three notification signs.

5. Maintenance of Sign

The Applicant will ensure that the notification sign(s) remain visible at all times and in a good condition, such that all the required information thereon is readable.

6. Amendments to Application

If Applicants amends an Application such that the notification sign is no longer accurate or does not include any required information, the Applicant will install new sign(s) reflecting the change in the Application. The Applicant will not post such new sign(s) until it has received approval from Staff in accordance with section 2.2 of this Schedule 1.

7. Sign Removal

The Applicant will remove all notification signs within seven days of any of the following occurring:

- (a) in relation to an Application for an OCP or Zoning Bylaw amendment:
 - i. the conclusion of the public hearing for an Application;
 - ii. if a public hearing is not required, approval or refusal of the Application by Council;
- (b) in relation to an Application for a Development Permit, Development Variance Permit, approval or refusal of the Application; or
- (c) the Application lapses or is withdrawn by the Applicant.

If the Applicant fails to remove a sign in accordance with the above, and the Applicant has been given notice of such non-compliance, the Town may, within seven days of providing such notice to the Applicant and through its employees or other persons, remove all signs at the expense of the Applicant, and the Town shall not be liable for any damage or loss of the sign(s).

8. Failure to Post, Maintain or Remove

Failure to post and maintain a notification sign required by this bylaw may result in a delay of the Application, and any costs associated with the postponement will be borne by the applicant.

SCHEDULE 2**MINOR VARIANCE CRITERIA AND DELEGATE GUIDELINES**

1. The criteria for determining whether a proposed variance is minor are set in this Schedule. Any variance not indicated below is not considered a minor variance.
2. For a variance relating to:
 - (a) bylaws respecting siting, size and dimensions of buildings, structures and permitted uses;
 - (b) bylaws respecting off-street parking and loading space requirements; or
 - (c) bylaws respecting screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment,

A variance is a “Minor Variance” if, when calculated as a percentage of the relevant requirement, the proposed change does not exceed the “Maximum Degree of Variance” and meets all other requirements outlined in the table below:

Type of Variance	Maximum Degree of Variance
Yard setback	25%
Lot coverage	25% and no increase in density
Projections into a required setback	25%
Building height	10%
Minimum number of parking spaces	25%
Any other provisions pertaining to off-street parking	Any variance to standards
Minimum number of bike parking spaces	10%
Off-street loading	Any variance to the number and standards
Fence heights	25%
Landscaping and Screening	25%

3. For a variance relating to bylaws respecting the regulation of signs, a variance is a “Minor Variance” if, when calculated as a percentage of the relevant requirement, the proposed change does not exceed the “Maximum Degree of Variance” set out in the table below:

Type of Variance	Maximum Degree of Variance
Sign dimensions, height or setback	25%

-
4. The Director must consider the following guidelines in deciding whether to issue a Development Variance Permit:
- (a) The anticipated impact of the proposed variance on neighbouring properties.
 - (b) The anticipated impact of the proposed variance on Town infrastructure.
 - (c) The anticipated impact of the proposed variance on the natural environment, ecosystems or biodiversity.
 - (d) How the proposed variance addresses a physical or legal constraint associated with the Lot subject to the variance application (for example, if the variance is necessary to address unusual parcel shape, topographical features, or an existing statutory right of way).
 - (e) If the proposed variance provides a community or environmental benefit to the community.