

Schedule 1



Suite 101, 310 Ward Street, Nelson, BC V1L 5S4
Phone: (250) 352-5511 Fax: (250) 352-2131
Website: <http://www.nelson.ca/>

DEVELOPMENT APPLICATION

Applicants are advised to consult with Planning Services staff before submitting an application.

Please note that applicants for a Development Permit and/or a Temporary Commercial or Industrial Use Permits may be required to provide security by an irrevocable letter of credit as a condition of the issue of the permit.

***Please note that anything in italics is for information purposes only.*

****This application will not be accepted unless it is complete and the required fee and plans are attached****

APPLICATION TYPE

Check appropriate box(s)

- | | |
|--|---|
| <input type="checkbox"/> Development Permit (Major > 50 m ²) | <input type="checkbox"/> Development Permit (Minor <50 m ²) |
| <input type="checkbox"/> Development Permit (Downtown-Façade/Signage) | <input type="checkbox"/> Official Community Plan Bylaw Amendment* |
| <input type="checkbox"/> Development Variance Permit | <input type="checkbox"/> Zoning/Land Use Bylaw Amendment* |
| <input type="checkbox"/> Temporary Commercial or Industrial Use Permit* | <input type="checkbox"/> Liquor License* |
| <input type="checkbox"/> Road Closure | <input type="checkbox"/> Board of Variance |
| <input type="checkbox"/> Subdivision | |

* See Sign Notification requirements, Schedule 2.

PROPERTY INFORMATION

Legal Description of Property(s): _____

Site Address: _____

Size of Property(s): _____ BC Assessment Roll No.: 219 _____

Current Zoning: _____ Current OCP Designation: _____

Proposed Zoning: _____ Proposed OCP Designation: _____

Water Course or Body: _____ Proposed Number of Lots/Strata Units: _____

LTO PID(s) _____

DESCRIPTION OF EXISTING LAND USE:

DESCRIPTION OF PROPOSED DEVELOPMENT/USE/BYLAW:

FOR OFFICE USE ONLY

Application Fee Paid: \$

Receipt Number:

Received by:

APPLICANT: Name (Company): _____ Mailing Address: _____ (including Postal code) _____ _____ Phone Numbers: _____ (Fax): _____ E-mail: _____	OWNER(S): Name (Company): _____ Mailing Address: _____ (including Postal code) _____ _____ Phone Numbers: _____ (Fax): _____ E-mail: _____
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If the applicant is not the registered owner, complete the owner information and attach a letter of authorization from the property owner(s) or have the owner sign the following authorization:

As owner(s) of the land described in this application, I/we hereby authorize _____ to act as applicant in regard to this land development application.

Signature: _____ Date: _____	Signature: _____ Date: _____
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I have attached the required documentation, as noted on the Development Application Submission Checklist, along with the required application fee and hereby agree to submit further information deemed necessary for processing this application. Furthermore, I hereby acknowledge that any fees paid are non-refundable except as noted on any applicable City of Nelson Fees and Charges Bylaw.

Signature: _____ **Date:** _____

DEVELOPMENT APPLICATION SUBMISSION CHECKLIST

DEVELOPMENT APPLICATION TYPE	REQUIRED ATTACHMENTS*
Official Community Plan Amendment	A, B, C, F, I
Zoning/Land Use Bylaw Amendment	A, B, C, D, E, F, G, I
Development Permit (Major)	A, B, C, D, E, F, G, H, K*
Development Permit (Minor)	A, B, C, E, F, G, K*
Development Permit (Downtown – Façade/Signage)	B, C, F, K*
Development Variance Permit	A, B, C, D, E, F, G
Temporary Commercial or Industrial Permit	A, B, C, D, E, F, G, H, I
Board of Variance	A, B, C, D, E, F, G
Liquor Licensing	A, B, C, E, F, G, I
Road Closure	C, E, F, G,
Subdivision	A,B,C,D,E,F,H,K

Required attachments as described in the Development Application Attachment Information Table that forms part of this application form.

NOTE: All applications may be subject to Attachment J
 *All Development Permits for Form and Character throughout the City shall be required to include information as described on Attachment K

DEVELOPMENT APPLICATION ATTACHMENT INFORMATION

ATTACHMENT	DETAILS
A. STATE OF TITLE CERTIFICATE	A copy of the title, issued not more than 30 days prior to the application date, for any parcel of land subject to the application and a copy of all non-financial charges (i.e. restrictive covenants, easements and right-of-ways, etc.) registered on the subject property(s). A copy of the title and the related documents can be obtained directly from the Land Title Office or through a Government Agent's Office, a notary, lawyer or search company.
B. AGENT AUTHORIZATION	Written consent of all property owners, with one or more owners appointing an applicant to act as agent for all purposes associated with the application.
C. APPLICATION FEE	An application fee as set out in any applicable City of Nelson Fees and Charges Bylaw shall accompany the application.
D. PROVINCIAL SITE PROFILE	As per current Contaminated Sites Legislation
E. SITE PLAN	<p>Site plan of the proposed development drawn to scale and showing dimensions. The site plan must include:</p> <ul style="list-style-type: none"> ○ The civic address and full legal description of the property; ○ Lot dimensions ○ Existing or required rights-of-way or easements; the name and extent of roads and lanes adjacent to the property, showing the traveled portion of the roads and lanes scaled from the property line to the edge of pavement; ○ Location and dimensions (including setbacks) of existing and proposed buildings and structures on the site (a recent survey plan is preferable) ○ Location of existing wells or other water sources on property ○ Location of any existing or proposed septic fields ○ Location of any watercourses, steep banks or slopes on or adjacent to the property ○ Location of any existing community services of sanitary sewer, water, storm drainage and rights-of-way on the site or adjacent to the site ○ Location of ditches, fire hydrants, fire department connections, gas lines, kiosks, hydro and telecommunications poles <p>Submission must include one small scale letter sized copy of the proposed site plan and one pdf file of the proposed development.</p>
F. PROPOSAL SUMMARY	<p>An outline of the type of development or land use proposed including:</p> <ul style="list-style-type: none"> ○ the number of units, lots and/or gross floor area if applicable ○ Explanation of compliance with current zoning and proposed deviation or change, if applicable ○ Explanation of community/neighbourhood benefit and impact of proposal

DEVELOPMENT APPLICATION ATTACHMENT INFORMATION CONT'D

ATTACHMENT	DETAILS
G. DEVELOPMENT PLANS	<ul style="list-style-type: none"> ○ Detailed drawings of the proposed development, including building sections, elevations and floor plans proposed for the site. Development Permit applications must include information regarding building form and character (i.e. exterior finish) ○ A project summary sheet outlining gross site area, density and number of dwelling units, site coverage, heights, setbacks, off-street parking (required and actual), off-street loading (required and actual) and other relevant data ○ Location and width of existing or proposed access(es) to the property, driveways, maneuvering aisles and parking layout
H. LANDSCAPE PLAN	<ul style="list-style-type: none"> ○ Site plan draw to scale and showing dimensions, including any existing or proposed screening, landscaping and fencing ○ Cost estimate prepared by a Landscape Architect or other persons approved by Planning Services including a breakdown of plant cost, site preparation, material and labour costs.
I. NOTICE OF DEVELOPMENT SIGN	In accordance with the specifications outlined in Schedule 2 of the Development Applications Procedures Bylaw 3124, 2009 as amended.
J. ADDITIONAL INFORMATION THAT MAY BE REQUIRED	<ul style="list-style-type: none"> ○ Contour plan showing land contours before and after lot grading for the subject property and the adjacent properties ○ Geotechnical analysis ○ Survey certificate to identify the location of existing buildings/structures or watercourses, top of banks of other physical features ○ Location of existing or proposed refuse enclosures, refuse and recycling bins ○ Architectural rendering drawing which depicts the design, finish and colour of proposed buildings, landscaping detail and signage location. Renderings must not be embellished with unrelated details such as vehicles, wildlife, mountain, etc. ○ Signage plans for free standing and fascia, canopy or projecting signs, including the location, dimensions, height, materials and total sign area for each sign
K. Development Permits for Form & Character	<ul style="list-style-type: none"> ○ Colour renderings of proposed facades and/or signage ○ Colour Photographs ○ Description of Construction Materials for the Design of the Development

*****All signage, awnings or fixtures projecting beyond the property line require an encroachment agreement registered on property and \$5 million liability insurance naming the City as an additional named insured.***

SCHEDULE 2

NOTICE OF DEVELOPMENT SIGN REQUIREMENTS

These requirements apply to applications for amendments to the Official Community Plan, Zoning/Land Use Bylaw, to applications for Commercial or Temporary Industrial Permits and to Liquor Licensing applications where required.

Where an application as referenced above is submitted the applicant shall prepare and post notification sign(s) on the subject property(s), and shall:

1. Erect one sign on each street frontage of the site to inform the public about the nature and purpose of the application(s). The sign(s) shall be located within six metres of the street frontage and approximately the mid point of the subject property. The sign shall be clearly visible from the street and be securely fixed to the ground. The sign shall be located a minimum 1.2 metres above the ground. Note: Small corner sites may be permitted to have only one sign at the discretion of Planning Services staff.
2. Prepare and post the notification sign in accordance with the sign specifications within 10 days of making the application to the City and verify to Planning Services staff that the sign(s) have been erected.
3. It is the responsibility of the applicant to make, buy, or rent the sign(s) and to post the same. Failure to install the sign(s) according to these requirements will result in a postponement in the processing of the application.
4. Remove the sign(s) within one week of the application being refused or approved by Council or within one week of the application being withdrawn by the applicant.
5. The Notice of Development sign(s) shall be a minimum of 1.2 m X 1.2 m in size and constructed of 1.3 cm plywood or other durable material with a white background and black letters. The Format Sheet specifies the requirements regarding the materials and format of the Notice of Development sign(s).

NOTICE OF DEVELOPMENT SIGN FORMAT SHEET

NOTICE OF DEVELOPMENT

SITE DESCRIPTION:

FROM:

TO:

IN ORDER TO DEVELOP:

**FOR FURTHER INFORMATION PLEASE CONTACT:
PLANNING SERVICES
CITY OF NELSON**

352-5511

NOTICE OF DEVELOPMENT SIGN SPECIFICATIONS

Sign Material: 1.3 cm plywood or durable material

Sign Size: 122 cm x 122 cm

Sign Lettering: Black enamel paint or
Black vinyl block lettering
(i.e., Helvetica, Switzerland Black)

“NOTICE OF DEVELOPMENT”

- 7.6 cm black letters

“SITE DESCRIPTION” (and all wording therein)

“FROM” (and all wording therein)

“TO” (and all wording therein)

“IN ORDER TO DEVELOP” (and all wording therein)

- 3.8 cm black letters

“FOR FURTHER INFORMATION PLEASE CONTACT:

PLANNING SERVICES

CITY OF NELSON

352-8221

- 2.5 cm black letters

SCHEDULE 3

OCF AND ZONING/LAND USE BYLAW AMENDMENTS PROCESSING PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Services staff will open a file and issue a receipt to the applicant.
2. Planning Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of Planning Services staff, the application and fee will be returned to the applicant.
3. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 2 of this bylaw.
4. The applicant shall advertise and host a public information session, open house or public meeting at his or her expense to explain the proposed development. Planning Services staff may or may not attend.
5. The applicant shall provide a written report to staff no later than the time the Advisory Planning has met to discuss the application. The report shall discuss the issues raised at the public meeting from those who attended.
6. Planning Services staff will refer the application to all applicable City departments, Advisory Planning Commission, government ministries and agencies as applicable. The proposal may also be referred to the RDCK if the application could affect that jurisdiction.
7. The applicant will be invited to attend the Advisory Planning Commission to present their proposal for development.
8. The Advisory Planning Commission will make a recommendation on the application to Council.
9. The referral agencies' comments will then be incorporated into a technical report to Council.
10. Council will, upon receipt, consider the technical report. If Council decides to proceed with the amendment application, an amending bylaw will be prepared and given two readings. Council may alternatively decide to refer, table or deny the application.
11. After an amending bylaw receives first and second reading, it will be advertised in an appropriate newspaper. If required, a public hearing will be held to permit the public to comment on the application. Notice of a public hearing will be given pursuant to the *Local Government Act* to owners and tenants of all parcels within a distance of 60 metres of the property subject to the bylaw amendment.
12. Following the Public Hearing and public notification of an amending bylaw, Council will consider the amendment bylaw and may proceed with Third Reading, refer, table or deny the application. Upon third reading, a zoning/land use bylaw amendment may need to be forwarded to the Ministry of Transportation, for signature before proceeding to Council for adoption.
13. Once minutes of the Council resolution have been prepared, the applicant will be notified in writing of the outcome.

SCHEDULE 4

DEVELOPMENT VARIANCE PERMIT, TEMPORARY COMMERCIAL AND INDUSTRIAL PERMIT PROCESSING PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Services staff will open a file and issue a fee receipt to the applicant.
2. Planning Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of Planning Services staff, the application and fee will be returned to the applicant.
3. Within ten (10) days of making application for a Temporary Commercial or Industrial Permit, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 2 of this bylaw. The notification sign provisions do not apply to applications for Development Variance Permits.
4. Planning Services staff will evaluate the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
5. Planning Services staff will refer the application to all applicable City departments, government ministries, and agencies as applicable. The proposal will also be referred to the Regional District of Central Kootenay if the application could affect its' jurisdiction.
6. The referral agencies' comments will then be incorporated into a technical report with a recommendation to Council.
7. The recommendation to Council may identify as a condition of the issue of a permit, that the applicant for the permit provide security by an Irrevocable Letter of Credit or the deposit of securities in a form satisfactory to Council in an amount stated in the permit to guarantee the performance of the terms of the permit.
8. Council will consider the technical report and may grant the requested permit, or alternatively refer, table or deny the application.
9. Once Council minutes have been prepared, the applicant will be notified, in writing, of the outcome.
10. If a Development Variance Permit is granted, a Notice of Permit will be signed and sealed by the Director of Corporate Services and registered against the title of the property(s) at the Land Title Office.
11. The owner of land to which a temporary commercial or industrial use permit has been issued shall have the right to put the land to the use described in the permit until the date that the permit expires.

SCHEDULE 5.1

DEVELOPMENT PERMIT (Major & Minor) PROCESSING PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Services staff will open a file and issue a receipt to the applicant.
2. Planning Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of the Planning Services staff, the application and fee will be returned to the applicant.
3. Planning Services staff will evaluate the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
4. Planning Services staff will refer the application to all applicable City departments, government ministries, agencies, Community Heritage Commission (CHC), Advisory Planning Commission (APC) as applicable. The referral agencies' comments will then be incorporated into a staff report to the Director of Corporate Services.
5. The staff report and draft Development Permit will be provided to the Director of Corporate Services for review. If the Director of Corporate Services approves the permit, s/he signs the Development Permit subject to a 14 day 'Appeal Period' or receipt of a signed 'Waiver of Appeal'. No response from the applicant within the 14 day period will be deemed as acceptance of the terms of the Development Permit. The Permit will become effective at the expiry of the Appeal Period or the date the 'Waiver of Appeal' is received by Planning Services.
6. If the applicant is dissatisfied with the decision of the Director of Corporate Services, the applicant can provide a signed 'Notice of Appeal' within 14 days to the Director of Corporate Services for subsequent consideration of Council. The Permit is suspended until Council renders a final decision. Council shall decide the matter and give direction to the Director of Corporate Services, who shall issue the permit or not accordingly.
7. Once the 14 day Appeal Period has lapsed or a waiver has been received, the permit becomes effective and a Notice of Permit will be signed and sealed by the Secretary and registered against the title of the property(s) at the Land Title Office.
8. In some cases where a development variance request is included in a Development Permit application, the decision on the issuance of the Development Permit is made by Council. A decision by Council is considered final. If Council refuses the application for variance, no further similar applications shall be considered by Council for six months.
9. Once any and all relevant conditions have been satisfied (i.e. a letter of credit has been submitted for security if applicable) notification is provided to the Building Department and relevant agencies. A building permit for the proposed development may be considered for issuance by the Building Department based on the provisions of the Development Permit.
10. Planning Services staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Planning Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.

SCHEDULE 5.2

DEVELOPMENT PERMIT (Downtown - Façade/Signage) PROCESSING PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Services staff will open a file and issue a receipt to the applicant.
2. Planning Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of the Planning Services staff, the application and fee will be returned to the applicant.
3. *Planning Services will determine if the application requires an encroachment agreement. All signage, awnings or fixtures projecting beyond the property line require an encroachment agreement between the City and the Property Owner registered on title and \$5 million liability insurance naming the City as an additional named insured.*
4. Planning Services staff will evaluate the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
5. Planning Services staff will refer the application to a design review panel for recommendation to the Director of Corporate Services. Planning Staff may refer the application to relevant City Staff, Community Heritage Commission and/or Ministry of Transportation as required for recommendation. Referral comments will then be incorporated into an approval letter from the Director of Corporate Services.
6. If the Director of Corporate Services approves the permit, s/he signs the Development Permit subject to a 14 day 'Appeal Period' or receipt of a signed 'Waiver of Appeal'. No response from the applicant within the 14 day period will be deemed as acceptance of the terms of the Development Permit. The Permit will become effective at the expiry of the Appeal Period or the date the 'Waiver of Appeal' is received by Planning Services.
7. If the applicant is dissatisfied with the decision of the Director of Corporate Services, the applicant can provide a signed 'Notice of Appeal' within 14 days to the Director of Corporate Services for subsequent consideration of Council. The Permit is suspended until Council renders a final decision. Council shall decide the matter and give direction to the Director of Corporate Services, who shall issue the permit or not accordingly.
8. Once the 14 day Appeal Period has lapsed or a waiver has been received, the permit becomes effective.
9. Once any and all relevant conditions have been satisfied (i.e. a letter of credit has been submitted for security if applicable) notification is provided to the Building Department and relevant agencies. A building permit for the proposed development, if required, may be considered for issuance by the Building Department based on the provisions of the Development Permit.
10. Planning Services staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Planning Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.

SCHEDULE 6

LIQUOR LICENSING PROCESSING PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Services staff will open a file and issue a receipt to the applicant.
2. Planning Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of the Planning Services staff, the application and fee will be returned to the applicant.
3. The applicant shall post a sign on the exterior of the building or property for a minimum of fourteen (14) days as per the specifications in Schedule 2.
4. The City will advertise the proposal in one edition of a local newspaper to solicit comments on the application from the public, such comments to be submitted in writing to the Director of Corporate Services within fourteen (14) days of the publication of the notice.
5. Council may, at its sole discretion, require further public consultation, which will be held at the applicant's expense.
6. In reviewing an application for a new liquor license, Council will take into consideration the following impacts:
 - a. Proximity to other social, recreational facilities or public buildings;
 - b. Occupant capacity and hours of liquor service;
 - c. Number of other liquor primary licensed establishments within a reasonable distance of the proposed location;
 - d. Traffic, noise and parking;
 - e. Population density of the area.
7. Council will review the application, comments and City Staff Reports. A recommendation will be made to the Provincial Liquor Control and Licensing Branch by passing a resolution, to either approve or deny the application. The Council resolution will include the following information:
 - a. The reason for the recommendation;
 - b. Comments on any conditions that Council feels should apply; and
 - c. Summary description of the public comments received.
8. Applications for minor or temporary changes in liquor licenses not requiring Council resolution will be reviewed and recommended to approve, approve with conditions or deny by the Director of Corporate Services. Posting of a sign is not required for a minor or temporary change in a liquor license. Should the applicant wish to appeal the recommendation of the Director of Corporate Services, the application will be placed on Council's agenda for its consideration.

SCHEDULE 7

SUBDIVISION PROCESSING PROCEDURE

1. The owner should hold preliminary discussions with the Approving Officer or delegate to identify the scope and nature of the proposal. Upon receipt of an application accompanied by the required fees and attachments, Planning Services staff will open a file and issue a receipt to the applicant.
2. The Approving Officer can proceed with Preliminary Layout Review of the proposed subdivision if all the necessary information has been submitted and if all planning considerations have been addressed. At the discretion of the Approving Officer, the application for subdivision may be referred to appropriate agencies whose interests may be affected.
3. After the Preliminary Layout Review has been completed, the Approving Officer may provide a Letter of Preliminary Layout Review, ask the owner for additional information, refer the application and the results of the technical review to the City's planning and engineering staff and/or consultants for their comments, or deny the application. The Approving Officer will advise the Owner in writing if the application has been either denied or granted a Letter of Preliminary Layout Review.
4. The Approving Officer may forward a Notice of Application to all parties who have an interest in land within 50 metres of the land under application for Subdivision.
5. The Approving Officer may require the owner to submit detailed engineering drawings for review by City Staff and/or the City's consultants if works or services are required.
6. Prior to issuing a construction permit, the City will require evidence of acceptable liability insurance with appropriate clauses indemnifying and saving harmless the City of Nelson and its employees. Prior to issuing a Certificate to Proceed with Construction, the City Engineer may require security, in the form of a performance bond, for the off-site works and services to be provided.
7. As the Owner proceeds with construction in accordance with the approved design drawings and specifications, the Owners' consulting engineer shall be responsible for inspecting the works and services to confirm that they are completed in accordance with the design drawings and specifications.
8. Once the construction of works is complete, the Owner must provide the following for review:
 - a. Record drawings, in both hard copy and digital (.pdf) versions;
 - b. Property record cards;
 - c. Evidence of substantial performance pursuant to the Builder's Lien Act;
 - d. Deficiency List;
 - e. Other information requested by the City Engineer; and
 - f. Certificate of Completion provided by the Owner's Consulting Engineer.
9. Once the Approving Officer has received the Certificate of Total Completion from the Owner's Consulting Engineer and is satisfied that the works are constructed as per the submitted engineering drawings, s/he shall issue a Certificate of Acceptance.
10. The Subdivision and Development Servicing Bylaw requires that the Owner provide a Maintenance Bond of ten percent of off-site construction cost estimates. The City will hold the Bond for one year after Final Approval of Subdivision is Granted.
11. If the Owner wishes to have the Approving Officer sign the Final Subdivision Plan prior to the Approving Officer receiving the construction Record Drawings, the Owner must provide Construction Record Security as per the Subdivision and Development Servicing Bylaw.
12. In the event that the Owner does not plan to construct the works immediately, the Owner may enter into a Subdivision Servicing Agreement with the City in an approved form as contained in the Subdivision and Development Servicing Bylaw.

Note: For more information on Subdivision Processing Procedure, please refer to the Procedure Manual for Subdivision Applications.

13. The Approving Officer with either grant Final Subdivision Approval or notify the Owner in writing that Final Approval is withheld. Once Final Subdivision Approval has been granted and the Approving Officer signs the plans, they are returned to the Owner.

Note: For more information on Subdivision Processing Procedure, please refer to the Procedure Manual for Subdivision Applications.