

# CONSOLIDATED FOR CONVENIENCE

## CITY OF PORT MOODY

### BYLAW NO. 2918

#### A BYLAW TO ESTABLISH PROCEDURES FOR THE PROCESSING OF LAND DEVELOPMENT APPLICATIONS

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**WHEREAS** the Municipal Council shall, by bylaw, define procedures under which an owner of land may apply for amendment to an official community plan, zoning bylaw, or for the issuance of a permit pursuant to Part 26 of the *Local Government Act*,

**NOW THEREFORE** the Municipal Council of the City of Port Moody in open meeting assembled enacts as follows:

**1. TITLE**

This bylaw may be cited for all purposes as "City of Port Moody Development Approval Procedures Bylaw, 2011, No. 2918".

**2. REPEAL**

City of Port Moody Development Approval Procedures Bylaw, 2003, No. 2543 and all amendments thereto are hereby repealed.

**3. INTERPRETATION**

**3.1** In this bylaw, unless the context requires otherwise:

**Application** means an Application for an official community plan, zoning bylaw, or land use contract amendment, or an Application for a development permit, development variance permit, or temporary commercial or industrial use permit.

**Application Form** means a form provided by the City for purposes of applying for an official community plan, zoning bylaw, or land use contract amendment, or an Application for a development permit, development variance permit, or temporary commercial or industrial use permit.

**Bylaw Amendment** means an amendment to the official community plan, zoning bylaw, or land use contract amendment made pursuant to an Application under this bylaw.

**4. SCOPE**

**4.1** This Bylaw shall apply to:

**4.1.1** An amendment to  
(a) the official community plan

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- (b) the zoning bylaw
- (c) a land use contract;

- 4.1.2** The issuance of a permit, including
- (a) A development permit
  - (b) A development variance permit
  - (c) A temporary commercial use or temporary industrial use permit.

### 5. FILING OF APPLICATION AND SUPPORTING MATERIAL

**5.1** A complete Application shall be:

- 5.1.1** made through a fully completed Application Form signed by the applicant and the registered owner(s) of the lot or lots affected;
- 5.1.2** accompanied by the appropriate Application fee prescribed under the current Fees and Charges Bylaw; and
- 5.1.3** accompanied by such other information as is required by the City to evaluate the Application.

### 6. PROCEDURES FOR PROCESSING OFFICIAL COMMUNITY PLAN ZONING BYLAW, AND LAND USE CONTRACT AMENDMENT APPLICATIONS

#### 6.1 Review

**6.1.1** Depending on the particulars of the Application, it may be referred to other City staff and applicable external agencies by the Director of Development Services or designate for review and comments.

Amended  
by BL3061

**6.1.2** Under the direction of the Director of Development Services or designate, staff shall prepare a report for submission to the Community Planning Advisory Committee for review prior to consideration of Council.

Amended  
by BL3061

**6.1.3** Under the direction of the Director of Development Services or designate, staff shall prepare a report to Council advising on the merits of the Application and include the Community Planning Advisory Committee's recommendation.

#### 6.2 Council Consideration

**6.2.1** Council may, upon receiving the staff report regarding the subject Application:

- (a) authorize drafting of a Bylaw Amendment pursuant to the Application for Council consideration; or,
- (b) defer the Application; or,
- (c) if the proposed amending bylaw is available at the time the application is considered by Council, give first reading to a Bylaw Amendment pursuant to the Application; or,
- (d) refuse the Application.

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- 6.2.2** Where Council gives first and second reading to a Bylaw Amendment pursuant to an Application, it will consider referral of the bylaw to a public hearing.
- 6.2.3** Where an Application is refused by Council, no Application for the same Bylaw Amendment shall be received by Council for a period of six (6) months from the date of consideration of the previous Application, subject to s. 895(3) of the *Local Government Act*.
- 6.2.4** After Council has given third reading to a Bylaw Amendment, the Director of Development Services, or his or her designate, will advise the applicant as to any steps to be taken prior to further Council consideration of the Bylaw Amendment, if necessary.
- 6.2.5** Notwithstanding section 10 of this bylaw, upon written request by the applicant, the Director of Development Services or designate may provide an additional one year period between third reading and final adoption to enable the applicant to complete the requirements for final adoption. A maximum of two (2) one year time extensions may be granted.
- 6.2.6** Where an extension has been granted and the applicant fails to meet the deadline, Council may consider rescinding the bylaw. If the bylaw is rescinded, the application file shall be closed by staff and the applicant shall be notified in writing.

### 6.3 Consultation Regarding OCP amendments

- 6.3.1** Pursuant to s. 154(1)(b) of the *Community Charter*, Council delegates to the Director of Development Services, the duty to consider and provide, if necessary, early and ongoing consultation with persons, organizations and authorities.
- 6.3.2** Prior to proceeding to Community Planning Advisory Committee with the proposed Bylaw Amendment, the applicant may be required to conduct one or more community information meetings on the Application preferably within the same neighbourhood as the proposed Application, if required by the Director of Development Services in accordance with approved guidelines for community information meetings.

Amended  
by BL3061

### 6.4 Notification

- 6.4.1** The applicant shall post a notice on the subject land(s):
- not less than ten (10) days of proceeding to the Community Planning Advisory Committee;
  - not less than ten (10) days prior to the public hearing, include the meeting information with respect to the public hearing on the posted notice;
  - in a manner that is highly visible from a public road adjoining the land;
  - in accordance with the size, form and content specified in Schedule "A" to this bylaw;

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- (e) where more than one parcel of land is involved in the Application and the parcels are contiguous, a single notice may be posted providing that it clearly shows all the parcels of land that form part of the Application and specifies how each is affected by the Application.

Amended  
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**6.4.2** Not less than ten (10) days prior to the application proceeding to Community Planning Advisory Committee, the City shall mail or otherwise deliver notice of the Community Planning Advisory Committee meeting.

**6.4.3** Notice of public hearing shall be published and mailed or otherwise delivered in accordance with the *Local Government Act*.

### **7. PROCEDURES FOR PROCESSING DEVELOPMENT PERMIT AND DEVELOPMENT AUTHORIZATION APPLICATIONS**

#### **7.1 Review**

**7.1.1** An Application for a development permit or for a development authorization in the City's 215A and 286 development authorization areas, depending on the particulars of the Application, may be referred to other City staff and applicable external agencies for review and comment by the Director of Development Services or designate.

**7.1.2** Except where the consideration of development permit has been delegated, under the direction of the Director of Development Services, staff shall prepare a report for Council advising on the Application.

#### **7.2 Council Consideration**

**7.2.1** Council may, by resolution, issue, decline or defer the development permit or development authorization.

**7.2.2** Where an Application is refused by Council, the Application may be amended by the applicant to address any deficiencies identified by Council and resubmitted for Council's consideration without a waiting period.

#### **7.3 Consultation**

**7.3.1** Prior to consideration of issuance of a development permit or development authorization by Council, the applicant may be required to conduct one or more community information meetings on the Application preferably within the same neighbourhood as the proposed Application, if required by the Director of Development Services in accordance with approved guidelines for community information meetings.

### **8. PROCEDURES FOR PROCESSING DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

#### **8.1 Review**

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- 8.1.1 An Application for a development variance permit, depending on the particulars of the Application, may be referred to other City staff and to applicable external agencies for review by the Director of Development Services or designate.
- 8.1.2 Under the direction of the Director of Development Services or designate, staff shall prepare a report for Council advising on the Application.

### 8.2 Council Consideration

- 8.2.1 Council may, by resolution, authorize, authorize as amended, decline or defer issuance of the development variance permit.

### 8.3 Notification

- 8.3.1 The City shall mail or otherwise deliver notice of when it proposes to pass a resolution to issue a permit under this section in accordance with the *Local Government Act*.
- 8.3.2 Each recipient of a notice shall be given an opportunity to submit to Council, in writing, their comments on the proposed resolution.

## 9. PROCEDURES FOR PROCESSING TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMIT APPLICATIONS

### 9.1 Review

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- 9.1.1 Under the direction of the Director of Development Services or designate, staff shall prepare a report for submission to the Community Planning Advisory Committee for consideration.
- 9.1.2 Under the direction of the Director of Development Services or designate, staff shall prepare a report to Council advising on the Application.

### 9.2 Council Consideration

- 9.2.1 Temporary commercial or industrial use permit Applications shall be authorized, authorized as amended, declined, or deferred by Council resolution.

### 9.3 Notification

- 9.3.1 The Applicant shall post a notice on the subject land(s):
  - (a) not less than ten (10) days of Council consideration of the permit;
  - (b) in a manner visible from a public road adjoining the land;
  - (c) in accordance with the size, form and content specified in Schedule "A" to this bylaw;
  - (d) where more than one parcel of land is involved in the Application and the parcels are contiguous, a single notice may be posted providing that it clearly shows all the parcels of land that form part of the Application and specifies how each is affected by the Application.

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**9.3.2** Notice of public hearing shall be published and mailed or otherwise delivered in accordance with the *Local Government Act*.

### **9.4 Security**

**9.4.1** Prior to the issuance of a temporary use permit, the applicant may be required to deposit a security in a form acceptable to the City to guarantee performance of the terms of the permit.

### **9.5 Term**

**9.5.1** The owner of land in respect of which a temporary use permit has been issued has the right to put the land to the use described in the permit until the date that the permit expires as approved by Council, for a term not to exceed three (3) years.

### **9.6 Renewal**

**9.6.1** An applicant to whom a temporary use permit has been issued may apply in writing to have the permit renewed for the same use for a specified term not exceeding 3 years.

**9.6.2** A permit issued under this section may be renewed only once.

## **10. INACTIVE APPLICATIONS**

**10.1** Where no submission of outstanding or required Application materials has been made by the applicant on an Application file for any one (1) year period, the Application shall be considered inactive. The applicant shall be notified in writing and if no written response is received within thirty (30) days, the Application file will be closed.

## **11. NOTIFICATION AREAS**

**11.1** For the purposes of providing notice as required of applications for a bylaw amendment or issuance of a permit under this bylaw, the notification area shall be to all owners and tenants in occupation of each parcel of land which is the subject of the proposed bylaw and to all registered owners of property and tenants in occupation of property within one hundred and forty (140) metres (459.3 ft) of the perimeter boundary of the parcel.

## **12. LEGISLATIVE EXTRACTS**

**12.1** Attached hereto are extracts from the *Local Government Act* applicable to development application procedures which are attached purely for information and do not form a part of this bylaw.

## **13. RESTRICTION ON RE-APPLICATION**

**13.1** Where an Application is refused by Council, no Application for the same bylaw amendment or development variance permit shall be received by Council for a period of six (6) months from the date of consideration of the previous Application, subject to Section 895(3) of the *Local Government Act*.

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### 14. IRREGULARITY

14.1 The failure of Council or a Committee to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

### 15. SEVERABILITY

15.1 If any section, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

**BYLAW 2918 ADOPTED**  
**AMENDMENT No. 1, 2016, No. 3061**

February 14, 2012  
October 25, 2016

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### SCHEDULE A

#### Development Sign Specifications

For Official Community Plan amendment, rezoning and temporary use permit applications, the applicant is required to place a sign on the subject lot in a highly visible location at least ten (10) days prior to the application proceeding to Land Use Committee, or Council for temporary use permits. The applicant is also responsible for removing the sign within two weeks after the public hearing date.

#### Information Requirements:

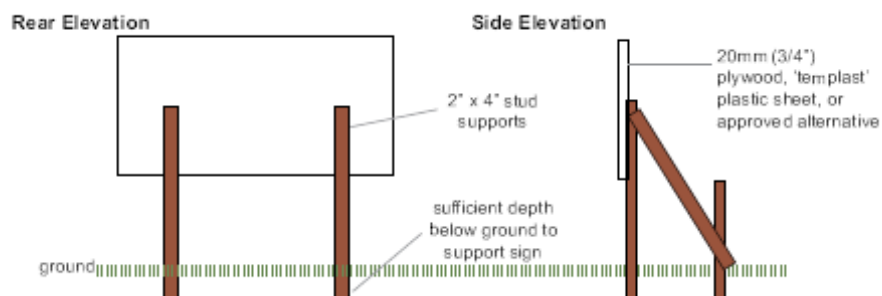
- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> type(s) of application</li> <li><input type="checkbox"/> date that the sign is posted on site</li> <li><input type="checkbox"/> address(es) and/or legal description</li> <li><input type="checkbox"/> development application file number(s)</li> <li><input type="checkbox"/> name and phone number of applicant</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> brief description of proposed development</li> <li><input type="checkbox"/> location map with subject property(ies) in red</li> <li><input type="checkbox"/> space to insert date of land use committee / Council consideration / public hearing phone</li> <li><input type="checkbox"/> phone number of Development Services</li> </ul> |
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**Sign Template:** *(Size, installation and information placement. Replace text in italics with project information.)*



*\*Sign Colour Specifications : white background and black lettering*

#### Elevations:





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### SCHEDULE B

#### Relevant *Local Government Act* Extracts for Reference<sup>1</sup>

#### PROCEDURES FOR PROCESSING OFFICIAL COMMUNITY PLAN, ZONING BYLAW AND LAND USE CONTRACT AMENDMENT APPLICATIONS

**Public Hearing Notice** In accordance with Section 892 and subject to Section 890(4) of the *Local Government Act*, the City shall publish notice of the public hearing in at least two (2) consecutive issues of a local newspaper, with the last publication to appear not less than three (3) and not more than ten (10) days before the public hearing.

The notice must state the following:

- (a) the time and date of the hearing;
- (b) the place of the hearing;
- (c) in general terms, the purpose of the bylaw;
- (d) the land or lands that are the subject of the bylaw;
- (e) the place where and the times and dates when copies of the bylaw may be inspected.

If the bylaw in relation to which the notice is given alters the permitted use or density of any area, the notice must:

- (a) subject to subsection (5), include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, and
- (b) be mailed or otherwise delivered at least 10 days before the public hearing
  - (i) to the owners as shown on the assessment roll as at the date of the first reading of the bylaw, and
  - (ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice,

of all parcels, any part of which is the subject of the bylaw alteration or is within a distance specified by bylaw from that part of the area that is subject to the bylaw alteration.

If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.

The obligation to deliver a notice must be considered satisfied if a reasonable effort was made to mail or otherwise deliver the notice.

**Waiver of Public Hearing** In accordance with s. 890(4) of the *Local Government Act*, Council may waive the holding of a public hearing on a proposed zoning amendment bylaw if an official community plan is in effect for the area that is subject to the proposed bylaw and the proposed bylaw is consistent with the plan. Notice in accordance with s. 893(2) must be provided.

**Return of Refused Application** In accordance with s. 895(3) of the *Local Government Act*, if a bylaw defining procedures establishes a time limit for reapplication, the time limit may be

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<sup>1</sup> Extracts current at date of bylaw adoption and intended for reference only.

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varied in relation to a specific reapplication by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication.

**Procedure After a Public Hearing** In accordance with s. 894(1) of the *Local Government Act*, after a public hearing, the council or board may, without further notice or hearing,

- (a) adopt or defeat the bylaw, or
- (b) alter and then adopt the bylaw, provided that the alteration does not
  - (i) alter the use,
  - (ii) increase the density, or
  - (iii) without the owner's consent, decrease the density of any area from that originally specified in the bylaw.

### PROCEDURES FOR PROCESSING DEVELOPMENT PERMIT AND DEVELOPMENT AUTHORIZATION APPLICATIONS

**Delegation of Authority** A local government may delegate the power to issue a development permit, and the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter (s. 920(12)).

**Notice in Land Title Office** If a local government issues a development permit, it must file in the land title office a notice that the land described in the notice is subject to the permit, and, on filing, the registrar of land titles must make a note of the filing against the title to the land affected (s. 927(1)).

### PROCEDURES FOR PROCESSING DEVELOPMENT VARIANCE PERMIT APPLICATIONS

**Authority** A local government may not delegate the issuance of a development variance permit (s. 922(8)).

**Requirement for Notification** If a local government proposes to pass a resolution to issue a development variance permit, it must give notice.

The notice must state the following:

- (a) in general terms, the purpose of the permit;
- (b) the land or lands that are the subject of the permit;
- (c) the place where and the times and dates when copies of the permit may be inspected.

The notice must be mailed or otherwise delivered at least 10 days before adoption of the resolution to issue the permit:

- (a) to the owners, as shown on the assessment roll as at the date of application for the permit, and
- (b) to any tenants in occupation, as at the date of the mailing or delivery of the notice,

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of each parcel, any part of which is the subject of the permit or is within a distance specified by bylaw from that part of the land that is subject to the permit.

The obligation to give notice under subsection (4) must be considered satisfied if the local government made a reasonable effort to mail or otherwise deliver the notice (s. 922 (4) to (7)).

**Notice in Land Title Office** If a local government issues a development permit, it must file in the land title office a notice that the land described in the notice is subject to the permit, and, on filing, the registrar of land titles must make a note of the filing against the title to the land affected (s. 927(1)).

### PROCEDURES FOR PROCESSING TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMIT APPLICATIONS

**Authority** Council may, by resolution, issue a temporary commercial or industrial use permit within an area designated in the Official Community Plan or Zoning Bylaw, in accordance with s. 921(1) of the *Local Government Act*.

**Scope of Permit** A temporary use permit may do one or more of the following:

- (a) allow a use not permitted by a zoning bylaw;
- (b) specify conditions under which the temporary use may be carried on;
- (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. (s. 921(3)).

**Requirement for Notification** If a local government proposes to pass a resolution allowing a temporary use permit to be issued, it must give notice that:

- (a) states:
  - (i) in general terms, the purpose of the proposed permit,
  - (ii) the land or lands that are the subject of the proposed permit,
  - (iii) the place where and the times and dates when copies of the proposed permit may be inspected, and
  - (iv) the date, time and place when the resolution will be considered, and
- (b) be published in a newspaper at least 3 and not more than 14 days before the adoption of the resolution to issue the permit (s. 921 (4)(5)).

If the bylaw in relation to which the notice is given alters the permitted use or density of any area, the notice must:

- (a) include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, and
- (b) be mailed or otherwise delivered at least 10 days before the public hearing

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- (i) to the owners as shown on the assessment roll as at the date of the first reading of the bylaw, and
- (ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice,

of all parcels, any part of which is the subject of the bylaw alteration or is within a distance specified by bylaw from that part of the area that is subject to the bylaw alteration.

If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.

The obligation to deliver a notice under subsection (4) must be considered satisfied if a reasonable effort was made to mail or otherwise deliver the notice.

Subsection (4) does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration (s. 892 (4) to (7)).