

CONSOLIDATED FOR CONVENIENCE

CITY OF PORT MOODY

BYLAW NO. 2918

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

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City of Port Moody Development Approval Procedures Bylaw, 2003, No. 2543 and all amendments thereto are hereby repealed.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

Added by
BL3219

Pre-Application means an Application specifically for initial review of a tentative proposal by staff and or by Council in order to provide guidance for the preparation of an Application.

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Replaced
by
BL3219

4. SCOPE

4.1 This Bylaw shall apply to:

- (a) A preliminary review through a Pre-application for a possible Official Community Plan, Zoning Bylaw, or Land Use Contract amendment;
- (b) An amendment to:
 - (i) the Official Community Plan;
 - (ii) the Zoning Bylaw;
 - (iii) a Land Use Contract; and
- (c) The issuance of a permit, including:
 - (i) a Development Permit;
 - (ii) a Development Variance Permit;
 - (iii) 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.

Section Added by Bylaw 3219

6. Procedures for Pre-Application Review

6.1 Review

- 6.1.1 Depending on the particulars of the Pre-application, it may be referred to other City staff and applicable external agencies by the General Manager of Planning and Development for review and comments.
- 6.1.2 Under the direction of the General Manager of Planning and Development, staff shall provide a summary to Council advising on the results of the Pre-application review.

6.2 Council Input

- 6.2.1 The applicant of a Pre-application has the option to present the tentative proposal to Council for information.

Section Added by Bylaw 3219

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

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7.1 Review

- 7.1.1 Depending on the particulars of the Application, it may be referred to other City staff and applicable external agencies by the General Manager of Planning and Development or designate for review and comments.
- 7.1.2 Under the direction of the General Manager of Planning and Development or designate, upon receipt of a complete application, staff shall refer the application to the Community Planning Advisory Committee for review prior to consideration of Council.
- 7.1.3 Under the direction of the General Manager of Planning and Development, staff shall prepare a report to Council following the first staff review advising on the merits of the Application and include input received from the Community Planning Advisory Committee.
- 7.1.4 Under the direction of the General Manager of Planning and Development, staff shall prepare a report to Council to consider the application and bylaw(s) once the items addressed in the review process have been substantially addressed.
- 7.1.5 Notwithstanding items 7.1.2, 7.1.3, and 7.1.4 RS1-S (Small Lot) rezoning applications are exempt from the requirement of seeking Community Planning Advisory Committee review.

7.2 Council Consideration

- 7.2.1 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;
 - (b) defer the Application;
 - (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.
- 7.2.2 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.
- 7.2.3 After Council has given third reading to a Bylaw Amendment, the General Manager of Planning and Development, 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.

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7.2.4 Notwithstanding section 10 of this bylaw, upon written request by the applicant, the General Manager of Planning and Development 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.

7.2.5 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.

7.3 Consultation

7.3.1 For OCP Amendments, Council delegates to the General Manager of Planning and Development, the duty to consider and provide, if necessary, early and ongoing consultation with persons, organizations, and authorities as required under the Local Government Act.

7.3.2 Prior to proceeding to Council with the proposed Bylaw Amendment, the applicant may be required to conduct a consultation process on the application, if required by the General Manager of Planning and Development in accordance with the approved guidelines for public and stakeholder consultation.

7.3.3 Public input at the community information meetings referred to in section 6.3.2 must be recorded in accordance with the approved guidelines for public and stakeholder consultation.

7.4 Notification

7.4.1 The City will ensure a notice is posted on the subject land(s):

- (a) no later than two weeks after submitting a complete development application;
- (b) 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;
- (c) in a manner that is highly visible from a public road adjoining the land;
- (d) in accordance with the size, form and content specified in Schedule "A" to this bylaw; and
- (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.

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- 7.4.2** Notice of public hearing shall be published and mailed or otherwise delivered in accordance with the Local Government Act.
- 7.4.3** The notice sign may be removed after completion of the Public Hearing; once an application has been withdrawn; or once the application is deemed inactive by the General Manager of Planning and Development.

Subsequent Sections Renumbered by Bylaw 3219

8. PROCEDURES FOR PROCESSING DEVELOPMENT PERMIT AND DEVELOPMENT AUTHORIZATION APPLICATIONS

8.1 Review

- 8.1.1** 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 General Manager of Planning and Development or designate.

Amended
by BL3128

- 8.1.2** Except where the consideration of development permit has been delegated, under the direction of the General Manager of Planning and Development, staff shall prepare a report for Council advising on the Application.

Amended
by BL3128

8.2 Council Consideration

- 8.2.1** Council may, by resolution, issue, decline or defer the development permit or development authorization.
- 8.2.2** 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.

8.3 Consultation

- 8.3.1** 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 General Manager of Planning and Development in accordance with approved guidelines for community information meetings.

Amended
by BL3128

9. PROCEDURES FOR PROCESSING DEVELOPMENT VARIANCE PERMIT APPLICATIONS

9.1 Review

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Amended
by BL3128

9.1.1 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 General Manager of Planning and Development or designate.

Amended
by BL3128

9.1.2 Under the direction of the General Manager of Planning and Development or designate, staff shall prepare a report for Council advising on the Application.

9.2 Council Consideration

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

9.3 Notification

9.3.1 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*.

9.3.2 Each recipient of a notice shall be given an opportunity to submit to Council, in writing, their comments on the proposed resolution.

10. PROCEDURES FOR PROCESSING TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMIT APPLICATIONS

10.1 Review

Replaced by
BL3128

10.1.1 Under the direction of the General Manager of Planning and Development or designate, upon receipt of a complete application, staff shall refer the application to the Community Planning Advisory Committee for review prior to consideration of Council.

Amended
by BL3128

10.1.2 Under the direction of the General Manager of Planning and Development or designate, staff shall prepare a report to Council advising on the Application.

10.2 Council Consideration

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

10.3 Notification

Replaced by
BL3128

10.3.1 The City will ensure a notice is posted on the subject land(s):

- (a) no later than two weeks after submitting a complete development application;
- (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; and
- (d) where more than one parcel of land is involved in the Application and the parcels are contiguous, a single notice may be posted

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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.

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

Added by
BL3128

10.3.3 The notice sign may be removed after completion of the Public Hearing; once an application has been withdrawn; or once the application is deemed inactive by the General Manager of Planning and Development.

Amended
by BL3219

10.4 Security

10.4.1 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.

10.5 Term

10.5.1 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.

10.6 Renewal

10.6.1 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.

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

11. INACTIVE APPLICATIONS

11.1 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.

12. NOTIFICATION AREAS

12.1 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.

13. LEGISLATIVE EXTRACTS

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13.1 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.

14. RESTRICTION ON RE-APPLICATION

Replaced by
BL3128

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

15. IRREGULARITY

15.1 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.

16. SEVERABILITY

16.1 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	February 14, 2012
AMENDMENT No. 1, 2016, No. 3061	October 25, 2016
AMENDMENT No. 2, 2017, No. 3107	October 10, 2017
AMENDMENT No. 3, 2018, No. 3128	June 12, 2018
AMENDMENT No. 4, 2019, No. 3219	November 26, 2019

Schedule A replaced by BL3219

Schedule A

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Notification Sign Requirements

The notice shall contain the following information:

- Type of application(s);
- Address or legal description of the property;
- Name, address, and contact information of applicant or agent;
- Description of proposed development;
- Context map with the subject property identified;
- Date (estimate) of open house or information meetings (to be added / updated when known);
- Date of public hearing (to be added in high visibility colour once set);
- E-mail address for providing comments to Council;
- Contact information of the Planning and Development Department;
- City of Port Moody logo; and
- Date application received.

The notice(s) shall have sufficient dimensions, and shall be located in a highly visible location, to the satisfaction of the General Manager of Planning and Development.

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Schedule B removed by BL3128