



# City of Port Moody

## **CONSOLIDATED FOR CONVENIENCE**

### **Bylaw No. 3312**

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 Council of the City of Port Moody enacts as follows:

#### **1. Citation**

- 1.1 This Bylaw may be cited as “City of Port Moody Development Approval Procedures Bylaw, 2021, No. 3312”.

#### **2. Repeal**

- 2.1 City of Port Moody Development Approval Procedures Bylaw, 2011, No. 2918 and all amendments thereto are hereby repealed.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 made pursuant to an Application under this Bylaw; and

“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.

## 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; or
    - iii) a Land Use Contract; and
  - c) the issuance of a permit, including:
    - i) a Development Permit;
    - ii) a Development Variance Permit; and
    - iii) a Temporary Commercial Use or Temporary Industrial Use Permit.

## 5. Filing of Application and Supporting Material

- 5.1 A complete Application shall be:
- a) made through a fully completed Application Form, including required attachments signed by the applicant and the registered owner(s) of the lot or lots affected;
  - b) accompanied by the appropriate Application fee prescribed under the current Fees Bylaw; and
  - c) accompanied by such other information as is required by the City to evaluate the Application.

## 6. Procedures for Pre-application Review

### *Review*

- 6.1 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 Community Development or designate for review and comments.
- 6.2 Under the direction of the General Manager of Community Development or designate, staff shall provide a summary to Council advising on the analysis of the Pre-application review.

### *Council Input*

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

## 7. Procedures for Processing Official Community Plan, Zoning Bylaw, and Land Use Contract Amendment Applications

### *Review*

- 7.1 Depending on the particulars of the Application, it may be referred to other City staff and applicable external agencies by the General Manager of Community Development or designate for review and comments.
- 7.2 Under the direction of the General Manager of Community Development or designate, upon receipt of a complete Application, staff may refer the Application to the Land Use Committee for review prior to consideration by Council.
- 7.3 Under the direction of the General Manager of Community Development or designate, staff shall prepare a report to Council for early input following the first staff review advising on the merits of the Application and include any input received from the Land Use Committee.
- 7.4 Under the direction of the General Manager of Community Development or designate, staff shall prepare a report to Council to consider the Application and Bylaw(s) once the applicant has responded to the items identified in the staff review process, any comments from the Land Use Committee, and comments from Council during early input. From time to time, staff may bring an Application forward for Council consideration at the request of an applicant even though all of the items identified by staff in the review process have not been addressed. In these circumstances, the staff recommendation will reflect the outstanding staff concerns.
- 7.5 Notwithstanding sections 7.2 and 7.3, RS1-S (Small Lot) rezoning applications are not referred to the Land Use Committee and are not forwarded to Council for early input.

### *Council Consideration of Bylaws*

- 7.6 Staff shall present a staff review and recommendations regarding the Bylaw(s) to Council outlining the applicant request, surrounding land use context, adherence to City policies and regulations, and any other applicable information to assist Council in considering the Application.
- 7.7 Following the staff presentation, the applicant will be allowed five (5) minutes to present their Application to Council at first and/or second reading of the amending Bylaw consideration.
- 7.8 Council may, upon receiving the staff report and presentations regarding the subject Application:
- a) give reading(s) to a Bylaw Amendment;
  - b) give reading(s) to a Bylaw Amendment and request changes to the proposal prior to further readings;

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- c) identify conditions or outline requested changes to the Application while deferring Bylaw readings until the requested conditions or changes are addressed; or
  - d) refuse the Application by defeating the Bylaw(s).
- 7.9 Where Council gives second reading to a Bylaw Amendment pursuant to an Application, it will also consider referral of the Bylaw to a Public Hearing.
- 7.10 After the Public Hearing, Council will consider giving third reading to a Bylaw Amendment. Staff will advise Council of any steps to be taken prior to Council consideration of adoption of the Bylaw Amendment, if necessary.

#### *Consultation*

- 7.11 For OCP Amendments, Council delegates to the General Manager of Community Development or designate the duty to consider and provide, if necessary, early and ongoing consultation with persons, organizations, and authorities as required under the *Local Government Act*.
- 7.12 Prior to proceeding to Council with the proposed Bylaw Amendment, the applicant will be required to conduct a consultation process on the Application in accordance with Corporate Policy – 13-6410-01 – Public and Stakeholder Consultation for Major Development Projects or Area Plans.
- 7.13 For major projects as defined in Corporate Policy – 13-6410-01 – Public and Stakeholder Consultation for Major Development Projects or Area Plans, Council may identify the need for an additional public information meeting by the applicant between first and second readings.
- 7.14 Public input at the community information meetings referred to in sections 7.12 and 7.13 must be recorded in accordance with Corporate Policy – 13-6410-01 – Public and Stakeholder Consultation for Major Development Projects or Area Plans.

#### *Notification*

- 7.15 The City will ensure that a notice is posted on the subject land(s):
- a) no later than two (2) weeks after submission of a complete development Application;
  - b) that is amended to include the meeting information with respect to the Public Hearing on the posted notice not less than ten (10) days prior to the Public Hearing;
  - 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 once 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.

7.16 Notice of Public Hearing shall be published and mailed or otherwise delivered in accordance with the *Local Government Act*.

7.17 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 Community Development or designate.

## 8. Procedures for Processing Development Permit and Development Authorization Applications

### *Review*

8.1 Under the direction of the General Manager of Community Development or designate, upon receipt of a complete Application for a Development Permit or for a development authorization in the City's 215A and 286 development authorization areas, staff may refer the Application to the Advisory Design Panel. Depending on the particulars of the Application, the Application may be referred to other City staff and applicable external agencies for review and comment by the General Manager of Community Development or designate.

### *Council Consideration*

8.2 Except where the consideration of a Development Permit has been delegated, under the direction of the General Manager of Community Development or designate, staff shall prepare a report for Council advising on the Application, and include any input from the Advisory Design Panel.

8.3 Staff shall present a staff review of the Application to Council outlining the applicant request, surrounding land use context, adherence to City policies and regulations, and any other applicable information to assist Council in considering the Application.

8.4 Where the Development Permit Application is not accompanied by an OCP or Zoning Application, following the staff presentation, the applicant will be allowed five (5) minutes to present their Application to Council.

8.5 Council may by resolution, upon receiving the staff report and presentations regarding the subject Development Permit or development authorization Application:

- a) authorize issuance of the permit;
- b) authorize issuance of the permit subject to conditions or requested changes;
- c) outline requested changes to the permit while deferring permit authorization or approval; or

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d) refuse issuance of the permit.

8.6 Where a Development Permit is refused by Council, a new Application may be submitted for Council's consideration without a waiting period.

#### *Consultation*

8.7 If the Development Permit is not accompanied by an OCP or Zoning Application, prior to consideration of issuance of a Development Permit or development authorization by Council, the applicant will be required to conduct one (1) or more community information meetings on the Application, preferably within the same neighbourhood as the proposed Application, in accordance with Corporate Policy – 13-6410-01 – Public and Stakeholder Consultation for Major Development Projects or Area Plans, or if the General Manager of Community Development or designate anticipates the project will have potential significance.

## 9. Procedures for Processing Development Variance Permit Applications

#### *Review*

9.1 An Application for a Development Variance Permit, depending on the particulars of the Application, may be referred by the General Manager of Community Development or designate to other City staff and to applicable external agencies for review.

#### *Council Consideration*

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

9.3 Staff shall present a staff review of the Application to Council outlining the applicant request, surrounding land use context, adherence to City policies and regulations, and any other applicable information to assist Council in considering the Application.

9.4 Where the Development Variance Permit application is not accompanied by an OCP or Zoning Application, following the staff presentation, the applicant will be allowed five (5) minutes to present their Application to Council.

9.5 Council may by resolution, upon receiving the staff report and presentations regarding the subject Development Variance Permit Application:

- a) authorize issuance of the permit;
- b) authorize issuance of the permit subject to conditions or requested changes;
- c) outline requested changes to the permit while deferring permit authorization or approval; or
- d) refuse issuance of the permit.

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- 9.6 Where a Development Variance Permit is refused by Council, a new Application may be submitted for Council's consideration without a waiting period.

*Notification*

- 9.7 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*.

## 10. Procedures for Processing Temporary Commercial and Industrial Use Permit Applications

*Review*

- 10.1 An Application for a Temporary Use Permit, depending on the particulars of the Application, may be referred by the General Manager of Community Development or designate to other City staff and to applicable external agencies for review.

*Council Consideration*

- 10.2 Under the direction of the General Manager of Community Development or designate, staff shall prepare a report to Council advising on the Application.
- 10.3 Staff shall present a staff review of the Application to Council outlining the applicant request, surrounding land use context, adherence to City policies and regulations, and any other applicable information to assist Council in considering the Application.
- 10.4 Following the staff presentation, the applicant will be allowed five (5) minutes to present their Application to Council during the permit consideration.
- 10.5 Council may by resolution, upon receiving the staff report and presentations regarding the subject Temporary Commercial or Industrial Use Permit Application:
- a) authorize issuance of the permit;
  - b) authorize issuance of the permit subject to conditions or requested changes;
  - c) outline requested changes to the permit while deferring permit authorization or approval; or
  - d) refuse issuance of the permit.

*Notification*

- 10.6 The City will ensure a notice is posted on the subject land(s):
- a) no later than two (2) weeks after submission of a complete development application;
  - b) in a manner visible from a public road adjoining the land;

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- c) in accordance with the size, form, and content specified in Schedule A to this Bylaw; and
  - d) where more than one (1) 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.
- 10.7 Notice of Public Hearing shall be published and mailed or otherwise delivered in accordance with the *Local Government Act*.
- 10.8 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 Community Development or designate.

*Term*

- 10.9 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.

*Renewal*

- 10.10 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 three (3) years.
- 10.11 A permit issued under this section may be renewed only once.

## 11. Inactive Applications

- 11.1 Where no (re-)submission of required Application materials has been made by the applicant on an Application file for any one (1)-year period, and no response to the notice of closing the Application file has been received, the Application file will be closed and any subsequent consideration of the proposal will require a new Application. If the applicant responds in writing that they wish their Application to remain active, they will be provided an additional six (6) months to submit all outstanding Application materials. If no complete submissions are provided in that time period, the file will be closed and any subsequent consideration of the proposal will require a new Application.
- 11.2 OCP amendment and/or Zoning Bylaw amendments that have received third reading are required to return to Council for consideration of Bylaw adoption within one (1) year of the date of third reading, and where the Bylaw(s) are not adopted within one (1) year, and no response to the notice of closing the Application file has been received, the Application file will be closed and any subsequent consideration of the proposal will require a new Application.
- 11.3 Notwithstanding section 11.2 of this Bylaw, upon written request by the applicant, the General Manager of Community Development or designate may allow an



additional one (1)-year period between third reading and final adoption for the Bylaws to return to Council for consideration of adoption.

- 11.4 Notwithstanding sections 11.2 and 11.3 of this Bylaw, upon written request by the applicant, Council may by resolution allow for an additional one (1)-year period between third reading and final adoption for the Bylaws to return to Council for consideration of adoption.
- 11.5 Where extensions under sections 11.3 and 11.4 have been granted and where the Bylaw(s) are not adopted within three (3) years following third reading, the Application file shall be closed and any subsequent consideration of the proposal will require a new Application.
- 11.6 The applicant shall be notified in writing and allowed thirty (30) days to respond prior to the City applying any of the provisions in this section to the Application file.

## 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 metres (140m) (459.3ft) of the perimeter boundary of the parcel.

## 13. Restrictions on Extension of Re-application

- 13.1 Where an Application for OCP amendment, Zoning Bylaw amendment, or Temporary Use Permit is refused by Council, the Application file shall be closed and no Application for the same Bylaw amendment or permit shall be considered by Council for a period of six (6) months from the date of consideration of the previous Application, subject to the *Local Government Act*.
- 13.2 Notwithstanding section 13.1, if a Bylaw reading for an OCP amendment or Zoning Bylaw amendment is defeated at first or second reading, and Council has waived the waiting period under section 13.1, the Application review process may be extended subject to the applicant paying an extension fee under the Fees Bylaw.
- 13.3 If a Bylaw reading for OCP amendment or Zoning Bylaw amendment is defeated at third reading or adoption and Council has waived the waiting period under section 13.1, the Application file will be closed, and a new Application may be submitted at any time with the payment of all applicable fees.

## 14. Security

- 14.1 Prior to the issuance of a Development Permit, Development Variance Permit, or 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.

## 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. Attachments and Schedules

- 16.1 The following schedule is attached to and forms part of this Bylaw:
- Schedule A – Notification Sign Requirements.

## 17. Severability

- 17.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

**BYLAW 3312 ADOPTED**

July 13, 2021

**AMENDMENT NO. 1**

November 22, 2022

## **Schedule A**

### **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 or 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 Community 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 Community Development.