

# **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City of Port Moody Development Approval Procedures Bylaw, 2003, No. 2543 and all amendments thereto are hereby repealed.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
  - (b) the zoning bylaw

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(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

Amended  
bv BL3128

**6.1.1** 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.

Replaced  
bv BL3128

**6.1.2** 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.

Replaced  
bv BL3128

**6.1.3** Under the direction of the General Manager of Planning and Development, staff shall prepare a report to Council advising on the merits of the Application and include input received from the Community Planning Advisory Committee.

Replaced  
bv BL3128

**6.1.4** Notwithstanding items 6.1.2 and 6.1.3, RS1-S (Small Lot) rezoning applications are exempt from the requirement of seeking Community Planning Advisory Committee review.

#### 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,

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(d) refuse the Application.

**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** Removed by BL3128

Amended  
bv BL3128

**6.2.4** 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.

Amended  
bv BL3128

**6.2.5** 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.

**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.

Amended  
bv BL3128

### 6.3 Consultation

Replaced  
bv BL3128

**6.3.1** 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*.

Replaced  
bv BL3128

**6.3.2** 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.

Added by  
BL3128

**6.3.3** 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.

### 6.4 Notification

Added by  
BL3128

**6.4.1** 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;

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- (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.

**6.4.2** Removed by BL3128

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

Added by  
BL3128

**6.4.4** The notice sign is to be removed within one week of the application being approved or refused by Council; within one week of the application being withdrawn by the applicant; or once the application is deemed inactive by the General Manager of Planning and Development.

## 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 General Manager of Planning and Development or designate.

Amended  
bv BL3128

**7.1.2** 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  
bv BL3128

### 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 General Manager of Planning and Development in

Amended  
bv BL3128

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accordance with approved guidelines for community information meetings.

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

#### 8.1 Review

Amended  
by BL3128

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 General Manager of Planning and Development or designate.

Amended  
by BL3128

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

#### 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

Replaced by  
BL3128

9.1.1 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

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

#### 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

Replaced by  
BL3128

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

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- (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 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.

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

Added by  
BL3128

**9.3.3** The notice sign is to be removed within one week of the application being approved or refused by Council; within one week of the application being withdrawn by the applicant; or once the application is deemed inactive by the General Manager of Planning and Development.

### **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

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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

Replaced by  
BL3128

13.1 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*.

### 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.

<b>BYLAW 2918 ADOPTED</b>	February 14, 2012
<b>AMENDMENT No. 1, 2016, No. 3061</b>	October 25, 2016
<b>AMENDMENT No. 2, 2017, No. 3107</b>	October 10, 2017
<b>AMENDMENT No. 3, 2018, No. 3128</b>	June 12, 2018

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Schedule A replaced by BL3128

### Schedule A

#### Notification Sign Requirements

The notice shall contain the following information:

- Type of application(s);
- Address and legal description of the property;
- Name, address, and contact information of applicant or agent;
- Header noting type of application with copy not less than 12.4cm in height;
- Description of proposed development with copy not less than 7.5cm in height;
- Context map with the subject property or building footprint outlined in red;
- Date of public hearing (to be added when known) with copy not less than 4cm in height;
- Date of first consideration by any Commission, Committee, or Council (to be added when known) with copy not less than 4cm in height;
- City of Port Moody logo;
- Date sign posted with copy not less than 4cm in height; and
- Contact information of the Planning and Development Department with copy not less than 4cm in height.

The notice(s) shall have dimensions of 122cm by 243cm, and shall be located in a highly visible location to the satisfaction of the General Manager Planning and Development;

The applicant shall update the sign with relevant meeting dates as they become available or update changed information per direction from the General Manager of Planning and Development.



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Schedule B removed by BL3128