



# City of Port Moody

## CONSOLIDATED FOR CONVENIENCE

### Bylaw No. 3032

A Bylaw to delegate Council authority for the issuance of certain Development Permits to the General Manager of Development Services.

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 Permit Delegation Bylaw, 2015, No. 3032.

#### 2. Delegation

Amended  
by BL3106

2.1 Pursuant to Section 154(1) of the *Community Charter*, Council delegates to the General Manager of Development Services the powers of Council under section 490 of the Local Government Act to:

- (a) approve minor amendments to development permits;
- (b) issue minor development permits for minor additions that are less than the lesser of 100 m<sup>2</sup> or ten percent of the existing floor space; and,
- (c) issue development permits for a single detached residential lot only subject to the guidelines for Environmentally Sensitive Areas and Hazardous Lands development permit areas.
- (d) issue development permits for new developments that are subject to the Moody Centre Intensive Residential Development Permit Area Guidelines.
- (e) issue development permits for detached accessory dwelling units that are subject to Detached Accessory Dwelling Unit Intensive Residential Development Permit Area Guidelines.

Added by  
BL3106

Added by  
BL3157

2.2 The delegate shall not issue a development permit or approve an amendment of a development permit under Section 2.1 (a) or (b) above, unless the delegate considers that the application conforms to the guidelines attached as Schedule A.

Amended  
by BL3106

2.3 An application hereunder shall be made in a form satisfactory to the delegate and shall be accompanied by such information as the delegate considers necessary to enable him or her to appropriately review the application.

2.4 When a development permit is issued by the General Manager of Development Services in accordance with this Bylaw, the General Manager of Development Services may require the applicant shall to provide security in accordance with section 502 of the *Local Government Act*.

2.5 In the absence of the General Manager of Development Services, the Acting General Manager of Development Services may exercise the authority of the General Manager of Development Services hereunder.

### 3. Reconsideration of Decisions

Amended  
by BL3106

3.1 In accordance with section 490 of the Local Government Act, all of the following apply to any decision by a delegate under this Bylaw:

- (a) Any owner of property that is subject to a decision under this Bylaw who is dissatisfied with the decision is entitled to have the decision reconsidered by Council in accordance with this Section;
- (b) Any owner who wishes to have a decision reconsidered by Council must apply for the reconsideration by delivering written notice of the request for reconsideration to the General Manager of Corporate Services within 30 days after the decision is communicated in writing to the owner, and provide:
  - i. the name of the delegate who made the decision, the date of the decision, and the nature of the decision;
  - ii. the reasons the owner wishes the decision to be reconsidered by Council;
  - iii. the decision the owner requests be made by Council, with brief reasons in support of the requested decision; and
  - iv. a copy of any materials considered by the owner to be relevant to the reconsideration by Council.
- (c) A reconsideration application must be considered by Council at a regular meeting of Council.
- (d) The General Manager of Corporate Services must:
  - i. place each reconsideration application on the agenda for a regular meeting of Council in accordance with Section 3(c); and
  - ii. before each reconsideration by Council, deliver to Council a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered.
- (e) In reconsidering a decision, the Council must consider the material that was considered by the delegate in making the decision.
- (f) Council is entitled to adjourn a reconsideration of a decision.
- (g) After having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council.

### 4. Schedule

4.1 Schedule A to Bylaw No. 3032, 2015, entitled "Guidelines for Consideration of

Minor Amendments to Development Permits and Minor Development Permits” is attached to and forms part of this Bylaw.

## 5. Severability

5.1 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.

**Read a first time** this 24<sup>th</sup> day of November, 2015

**Read a second time** this 24<sup>th</sup> day of November, 2015

**Read a third time** this 24<sup>th</sup> day of November, 2015

**Adopted** this 8<sup>th</sup> day of December, 2015

<b>BYLAW 3032 ADOPTED</b>	December 8, 2015
<b>AMENDMENT No. 1, 2017, No. 3106</b>	October 10, 2017
<b>AMENDMENT No. 2, 2018, No. 3157</b>	July 24, 2018

## **Schedule A to Development Permit Delegation Bylaw, 2015, No. 3032**

### **GUIDELINES FOR CONSIDERATION OF MINOR AMENDMENTS TO DEVELOPMENT PERMITS AND MINOR DEVELOPMENT PERMITS**

#### Introduction:

These criteria are intended as a guide for review of minor changes to approved Development Permit drawings, which will not result in the need for an amendment application to be considered by Council. In cases where there is no existing development permit on file for a property, a Minor Development Permit would be considered subject to compliance with the criteria outlined in this Schedule.

Minor changes do not include modifications to the basic form and character of a development and will not involve impact to adjacent properties and the streetscape. Proposed modifications should enhance the project and should not change the basic site planning and urban design details.

Applicants should identify all required modifications from the original Development Permit submission, at the building permit review stage, to allow the total impact of proposed changes to be assessed. This assessment is not intended for approval of modifications which have already been constructed.

In order to be considered for a minor amendment to a development permit or a minor development permit, the following criteria must be met:

1. Proposed modifications must not require any new development variances or increase approved variances;
2. The density and site coverage as defined in the applicable zoning category of the development must not be increased beyond the level specified in the applicable zone;
3. Proposed modifications must not alter elements that were controversial or that attracted considerable discussion from the public, staff, or Council during the original Development Permit process. In such instances, the delegate may decline to exercise the authority delegated hereunder and refer the application to Council for consideration;
4. Modifications should not alter the approved siting, scale, spacing, or configuration of buildings, with the exception of minor changes or additions to accommodate Building Code or servicing requirements;
5. Approved open space and amenity areas should be maintained; proposed changes to landscaping should be minor in nature and of equivalent value to approved plans;
6. Proposed changes to the location and configuration of vehicle access and parking areas should be minor in nature; and
7. Proposed modifications must comply with the applicable Development Permit Area Guidelines and Objectives.