



City of Port Moody

Bylaw No. 3417

A Bylaw to establish procedures for processing Land Use and Development Applications.

WHEREAS Council has adopted an official community plan and a zoning bylaw;

WHEREAS section 460 of the *Local Government Act* requires Council to, by bylaw, define procedures under which an owner of land may apply for an amendment to an official community plan, zoning bylaw, or for the issuance of a permit pursuant to Part 14 of the *Local Government Act*;

WHEREAS section 154 of the *Community Charter* allows Council to delegate certain authorities to officers and employees of the City;

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, 2023, No. 3417”.

2. Repeal

- 2.1 City of Port Moody Development Approval Procedures Bylaw, 2021, No. 3312 and all amendments thereto are hereby repealed.
- 2.2 City of Port Moody Development Permit Delegation Bylaw, 2015, No. 3032 and all amendments thereto are hereby repealed.

3. Interpretation

- 3.1 In this Bylaw, unless the context requires otherwise:

“Advisory Design Panel” means the select committee established by Council to advise on Applications with regards to aspects of architectural and urban design, and fit with location and site context;

“Agent” means the person(s) given express written authority by the Owner(s) to act on their behalf for purposes of making an Application to the City;

“Applicant” means the Owner or the Agent making an Application;

“Application” means a written request by an Applicant in relation to any of the matters set out in section 4 (Scope) of this Bylaw;

“Application Form” means a form provided by the City that sets out the minimum standards of information and documentation required for purposes of applying for an Application;

“Bylaw Amendment” means an amendment to the Official Community Plan, Zoning Bylaw, or a Land Use Contract made pursuant to an Application under this Bylaw;

“City” means the City of Port Moody;

“Complete Application” means an Application submitted in accordance with section 5 of this Bylaw;

“Corporate Policy 13-6410-01” means the City’s Corporate Policy – 13-6410-01 – Public and Stakeholder Consultation for Major Development Projects or Area Plans;

“Council” means the Council of the City of Port Moody;

“External Agencies” means agencies, organizations, or levels of government that may be affected by an Application, including but not limited to provincial ministries and commissions, First Nations, neighbouring local governments, and Council advisory bodies;

“Fees Bylaw” means the current City of Port Moody Fees Bylaw, as amended or re-enacted from time to time, established pursuant to the *Community Charter*;

“General Manager” means the General Manager of Community Development or a person delegated the authority to act in their place;

“Land Use Committee” means the select committee established by Council to advise on Applications that propose land use changes;

“Land Use Contract” means an existing contract between a property owner and the City, which was adopted by Council by bylaw and will terminate on June 30, 2024, in accordance with the *Local Government Act*;

“Major Development Application” means an Application for subject sites 2ha or larger in size as set out in Corporate Policy 13-6410-01;

“Official Community Plan” means the current City of Port Moody Official Community Plan Bylaw as amended or re-enacted from time to time;

“Owner” has the same meaning as given to it in the *Community Charter*;

“Permit” means a development permit, development authorization in the City’s 215A and 286 development authorization areas, development variance permit, and temporary use permit;

“Public Hearing” means a public hearing held in accordance with the *Local Government Act* to provide a reasonable opportunity for all persons who believe that their interest in property is affected by a proposed Application to be heard respecting matters contained in the Application;

“Pre-application Review” means a proposal for a Bylaw Amendment submitted to City planning staff for initial review, where staff may identify issues to be addressed by the Applicant, including identifying additional information that may be required by the Applicant for a Complete Application; and

“Zoning Bylaw” means the current City of Port Moody Zoning Bylaw as amended or re-enacted from time to time.

3.2 In this Bylaw:

- (a) words importing the singular include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) headings given to sections are for convenience of reference only and do not form part of this Bylaw;
- (c) unless expressly stated otherwise, a reference to a “section” is a reference to a section in this Bylaw and a reference to a “Schedule” is a reference to a schedule in this Bylaw;
- (d) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a City bylaw or policy, as amended, revised, consolidated, or replaced from time to time; and
- (e) a reference to the current title of a City position includes the position as it may be renamed from time to time, or to any successor position that is most closely connected to the position if it is modified or eliminated from time to time.

4. Scope

4.1 This Bylaw applies to the following applications for land within the boundaries of the City:

- (a) a Pre-application Review;
- (b) an amendment to:
 - (i) the Official Community Plan;
 - (ii) the Zoning Bylaw; or
 - (iii) an existing Land Use Contract; and
- (c) the issuance of a permit pursuant to Part 14 of the *Local Government Act*, including:
 - (i) a Development Permit;
 - (ii) a Development Variance Permit; and
 - (iii) a Temporary Use Permit.

5. Application Requirements

- 5.1 The minimum application requirements for all Applications are:
- (a) a fully completed Application Form submitted to the City, including all required reports, documents, and supporting materials, that is signed by the Applicant of the land subject to the Application;
 - (b) all associated application fees paid in accordance with the Fees Bylaw; and
 - (c) accompanied by such other information as is required under section 7, or information which have been identified by City planning staff as necessary to evaluate the Application.
- 5.2 The General Manager may require the following additional information to support an Application, at the Applicant's expense:
- (a) the payment of security in accordance with section 15; and
 - (b) the revision, amendment, or re-submission of previously submitted reports, documents, or materials.
- 5.3 Applications that do not meet the requirements in section 5.1 and, if applicable, section 5.2 are deemed to be incomplete. On receipt of an incomplete application, the General Manager may:
- (a) process the Application despite the deficiency in accordance with this Bylaw;
 - (b) advise the Applicant regarding the deficiencies in the Application;
 - (c) inform the Applicant that the incomplete Application will be "pending" for ninety (90) days from receipt of the incomplete Application to await receipt of the requested information; and
 - (d) if the Applicant fails to submit a Complete Application within one (1) year, the Application may be deemed inactive in accordance with section 12.
- 5.4 If an Applicant submits a Complete Application, the General Manager shall process the Application in accordance with this Bylaw.
- 5.5 If there is a change of ownership of a parcel of land that is the subject of an Application made by an Agent, the Agent will as soon as practical provide the City with written authorization from the new Owner to proceed with the Application.

6. Pre-application Reviews

- 6.1 Prior to an Applicant submitting an Application for a proposed Bylaw Amendment, an Applicant may apply for a Pre-application Review.
- 6.2 The General Manager may refer the proposal to other City staff and applicable External Agencies for review and comments.

- 6.3 Following the Pre-application Review, City planning staff will advise the Applicant of its initial comments and may identify relevant information relating to City policies and regulations in order to provide guidance for the preparation of the Pre-application.
- 6.4 Where the General Manager requires further information that is necessary to complete the Pre-application, such requirements will be conveyed to the Applicant.
- 6.5 When the Pre-application Review is for a proposed Major Development Application, the General Manager may refer the proposal and a Pre-application report prepared by City planning staff, that includes any comments received on the proposal from City staff and applicable External Agencies, to Council for preliminary review and feedback.

7. Development Approval Information

- 7.1 Where the Official Community Plan has specified circumstances or areas in which an Applicant may be required to provide development approval information on the anticipated impact that the proposed Application may have on the Owner's lands or the surrounding community, the General Manager may require the Applicant to submit, at the Applicant's expense, information that details the impacts on the following:
 - (a) transportation patterns including traffic, pedestrian, and cycling flow;
 - (b) local infrastructure;
 - (c) public facilities, including schools and parks;
 - (d) community services;
 - (e) the natural environment of the area affected; and
 - (f) any other information that may be reasonably required to verify the Application conforms with provincial enactments and City regulations and policies.

8. Public Notice Requirements

- 8.1 Any notice that is required to be advertised under Part 14 of the *Local Government Act* may be given by no less than two of the following methods:
 - (a) electronically by posting the notice for two consecutive weeks on the City's official website;
 - (b) electronically by distributing the notice through the City's email subscription service;
 - (c) electronically by posting the notice for two consecutive weeks on all of the City's official social media sites; or
 - (d) by publishing at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the City.

Notification Areas

- 8.2 For Applications that require the City to mail notice under the *Local Government Act*, the notice shall be mailed to all owners and tenants in occupation of each parcel of land that is subject to the Application 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(s) subject to the Application.
- 8.3 Notwithstanding section 8.2, for Applications with subject sites of 1 acre or larger in size, Council may, by resolution, increase the notification area beyond one hundred and forty metres (140m / 459.3ft) and the notice shall be mailed to all registered Owners of property and tenants in occupation of property within the notification area determined by Council.

Notification Sign

- 8.4 The Applicant may be required by the General Manager to erect or cause to be erected, at the Applicant's expense, a notification sign on the land subject to an Application as follows:
- (a) no later than two (2) weeks after a Complete Application has been submitted;
 - (b) in a location that is highly visible and legible from the primary road frontage;
 - (c) in accordance with the size, form, and content specified in Schedule A; and
 - (d) where more than one parcel of land is subject to an Application and the parcels are contiguous, a single notification sign may be posted if it highlights all the parcels of land that are subject to the Application, in accordance with Schedule A, and specifies how each parcel is affected by the Application.
- 8.5 The Applicant may only remove the notification sign after Council has given third reading to a proposed Bylaw Amendment, once an Application has been withdrawn, or once an Application is deemed inactive by the General Manager in accordance with section 12.

9. Procedures for Processing Proposed Bylaw Amendments

Referral Process

- 9.1 The General Manager may refer the Application to other City staff and External Agencies for review and comments.
- 9.2 Upon receipt of a Complete Application, the General Manager may refer the Application to the Land Use Committee for review prior to consideration by Council.

Early Input from Council

- 9.3 Following the City planning staff review of the Application, staff may prepare a preliminary report to Council to advise on the merits of the Application, incorporating feedback received from the referral process and from the Land Use Committee (as applicable), to obtain Council's early input on the Application.

- 9.4 When Council considers a staff report for early input that does not support an Application, the Applicant will be allowed five (5) minutes to present their Application to Council.
- 9.5 Notwithstanding sections 9.2 and 9.3, Applications to amend the Zoning Bylaw to amend the applicable zoning for a parcel(s) to RS1-S (Small Lot) or to zoning that supports single-family infill built form typologies, such as duplex, triplex, and quadruplex, will not be referred to the Land Use Committee and will not be forwarded to Council for early input.

Notice and Initial Public Consultation

- 9.6 The Applicant shall post a notification sign in accordance with section 8.3.
- 9.7 Prior to Council's consideration of granting readings to a proposed Bylaw Amendment, the Applicant shall be required to conduct a public consultation process for the Application, at the Applicant's expense, in accordance with Corporate Policy 13-6410-01.
- 9.8 For Major Development Applications, Council may require the Applicant to conduct an additional public consultation meeting, at the Applicant's expense, between first and second readings.
- 9.9 The Applicant shall record public input provided at the public consultation meetings in accordance with Corporate Policy 13-6410-01 and shall submit the meeting record to City planning staff within seven (7) days following the public consultation meeting.

Council Consideration

- 9.10 City planning staff shall present a staff review with recommendations regarding a proposed Bylaw Amendment to Council that outlines the Applicant request, surrounding land use context, adherence to City policies and regulations, and any other applicable information to assist Council in its consideration of the Application.
- 9.11 If staff are recommending Council refuse the proposed Bylaw Amendment, following the staff presentation, the Applicant will be allowed five (5) minutes to present their Application to Council.
- 9.12 Council may, upon receiving the staff report and presentations regarding the subject Application:
- (a) give reading(s) to a proposed Bylaw Amendment;
 - (b) give reading(s) to a proposed Bylaw Amendment and request changes to the proposal prior to further readings;
 - (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 proposed Bylaw Amendment.

Public Hearing

- 9.13 Where Council gives second reading to a proposed Bylaw Amendment, it will also consider referral of the proposed Bylaw Amendment to a Public Hearing, unless Council decided a Public Hearing will not be held.
- 9.14 Notice of a Public Hearing shall be published, mailed, or otherwise delivered in accordance with sections 8.1 and 8.2.
- 9.15 The Applicant shall amend the posted notification sign to include the Public Hearing meeting information not less than ten (10) days prior to the Public Hearing.
- 9.16 Applications to amend the Zoning Bylaw to amend the applicable zoning for a parcel(s) to RS1-S (Small Lot) or to zoning that supports single-family infill built form typologies, such as duplex, triplex, and quadruplex that are consistent with the Official Community Plan, will not be referred to a Public Hearing.
- 9.17 When Council decides a Public Hearing will not be held, the City shall provide notice in advance of first reading consideration of the proposed Bylaw amendment in accordance with the *Local Government Act* and this Bylaw.
- 9.18 After a Public Hearing, Council may give third reading to the proposed Bylaw amendment or, if requested conditions or changes to the Application are outstanding, Council may refer the Application back to City planning staff.

10. Procedures for Processing Permit Applications*Review*

- 10.1 Upon receipt of a Complete Application for a Permit, the General Manager may refer the Application to the Advisory Design Panel, other City staff and applicable External Agencies for review and comment.

Notice

- 10.2 An Applicant for a temporary use permit shall post a notification sign in accordance with section 8.3.
- 10.3 The City shall publish, mail, or otherwise deliver notice of when it proposes for Council to consider a resolution to issue a development variance permit or temporary use permit in accordance with sections 8.1 and 8.2.

Council Consideration

- 10.4 Except where the consideration of a Permit has been delegated, City planning staff shall prepare and present a report to Council advising on the Application that outlines the following:
- (a) the Applicant's request;
 - (b) referral responses received;
 - (c) the surrounding land use context;

- (d) adherence to City policies and regulations, including whether the Application complies with the Official Community Plan;
- (e) a statement on any provisions in the Zoning Bylaw or other City Bylaw that are to be varied or supplemented and how they are to be varied or supplemented; and
- (f) any other applicable information to assist Council in considering the Application.

10.5 If staff are recommending that Council refuse the Permit, following the staff presentation, the Applicant will be allowed five (5) minutes to present their Application to Council.

10.6 Council may, by resolution, upon receiving the staff report and presentation regarding the subject 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.

Term of Permits

10.7 Development permits and development variance permits expire two (2) years from the time of issuance unless the development contemplated under the permit is substantially completed.

10.8 The Applicant to whom the temporary use permit has been issued has the right to use the land as authorized in the permit until the earlier of the date the permit expires, as determined by Council in its issuance of the permit, or three (3) years after the permit was issued.

10.9 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.

10.10 A temporary use permit may only be renewed once.

11. Delegation of Council Powers

Development Permits and Minor Variances

11.1 Pursuant to section 154(1) of the *Community Charter*, Council delegates to the General Manager, the authority to:

- (a) require development approval information in accordance with section 484 of the *Local Government Act*,

- (b) refer an Application to City staff and External Agencies for review and comments;
 - (c) not hold a Public Hearing for an Application to amend the Zoning Bylaw, where the Application is consistent with the Official Community Plan and section 9.16 of this Bylaw, and to give notice of a decision not to hold a Public Hearing in accordance with section 467 of the *Local Government Act*;
 - (d) provide one or more opportunities it considers appropriate for consultation with persons, organizations, and authorities that the City considers affected by an Application to amend the Official Community Plan as required under the *Local Government Act*.
 - (e) approve minor amendments to development permits in accordance with the terms of the issued development permit;
 - (f) issue development permits for minor additions that are for the lesser of one hundred (100) square metres or ten (10) percent of the existing floor space;
 - (g) issue development permits for new developments that are within the RS1-S zones and that are subject to the Moody Centre Intensive Residential Development Permit Area Guidelines in the Official Community Plan;
 - (h) issue development permits for detached accessory dwelling units within the RS1, RS1-S, RS2, RS3, RS5, RS6, RS7, RS9, and RT zones that are subject to the Detached Accessory Dwelling Unit Intensive Residential Development Permit Area Guidelines in the Official Community Plan;
 - (i) issue development permits for new developments within the RS1, RS1-S, RS2, RS3, RS5, RS6, RS7, RS9, and RT zones that are subject to the Development Permit Area 4: Environmentally Sensitive Areas and Development Permit Area 5: Protection of Development from Hazardous Conditions Guidelines in the Official Community Plan; and
 - (j) issue development variance permits for new developments that are subject to the Development Permit Area 1: Neighbourhood Residential, Development Permit Area 2: Moody Centre, Development Permit Area 3: Inlet Centre, Development Permit Area 4: Environmentally Sensitive Areas and Development Permit Area 5: Protection of Development from Hazardous Conditions Guidelines in the Official Community Plan.
- 11.2 The General Manager may assign a development permit or development variance permit to a new Owner when a transfer of title occurs on a property for which a development permit or development variance permit has already been issued by Council or the General Manager.

Minor Development Variance Permits

- 11.3 As a restriction of section 11.1, the General Manager may only amend, issue, or refuse development variance permits that request a variance of no more than twenty (20) percent of any Zoning Bylaw regulation with respect to the siting, size, or dimensions of buildings and other structures, including regulations respecting lot coverage, setbacks, height, parking, and loading requirements, and that are consistent with the guidelines in section 11.4.
- 11.4 In deciding whether to amend, issue, or refuse a development variance permit, the General Manager will apply the following guidelines and considerations:
- (a) the proposed variance should not conflict with the goals, policies, and objectives of the Official Community Plan;
 - (b) the proposed variance should not result in material adverse impact to the natural environment;
 - (c) whether there is a community or environmental benefit, including but not limited to tree protection and retention, in granting the variance;
 - (d) whether adjacent properties or the surrounding neighbourhood are impacted by the proposed variance and how those impacts may be mitigated; and
 - (e) the proposed variance does not result in safety risks, servicing constraints or hazards.

Reconsideration

- 11.5 An Owner of property that is subject to a decision made by a delegate under this Bylaw is entitled to have the decision reconsidered by Council.
- 11.6 An Owner who wishes to have a decision reconsidered by Council shall apply for reconsideration to the City Clerk/Corporate Officer (or their designate) within thirty (30) days after the decision is communicated in writing to the Owner, and provide:
- (a) the name of the delegate who made the decision, the date of the decision, and the nature of the decision;
 - (b) the reasons the Owner wishes the decision to be reconsidered by Council;
 - (c) the decision the Owner requests be made by Council, with brief reasons in support of the requested decision; and
 - (d) a copy of any materials the Owner considers are relevant to the reconsideration by Council.
- 11.7 A reconsideration application shall be considered by Council at a regular meeting of Council.

- 11.8 The City Clerk/Corporate Officer or their designate shall:
- (a) place each reconsideration application on the agenda for a Regular meeting of Council; and
 - (b) 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.
- 11.9 In reconsidering a decision, the Council shall consider the material that was considered by the delegate in making its decision.
- 11.10 After having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council, including decisions regarding the permit conditions and amounts of security.

12. Inactive Applications

- 12.1 Where an Applicant fails to provide required Application materials for an Application file for any one (1) year period, the City will provide notice that the Application file will be closed and if no response has been received within 30 days after the City gives notice, 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, and the applicant pays the appropriate application extension fee, 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.
- 12.2 Where an Application to amend the Official Community Plan or Zoning Bylaw has received third reading, Applicants are required to return to Council for consideration of Bylaw amendment adoption within one (1) year of the date of third reading, and where the Bylaw amendment(s) is not adopted within one (1) year, the City will provide notice that the Application file will be closed and if no response is received within thirty (30) days after the City gives notice, the Application file will be closed and any subsequent consideration of the proposed Bylaw amendment(s) will require a new Application.
- 12.3 Notwithstanding sections 12.1 and 12.2, upon written request by the Applicant, and accompanied by the appropriate application extension fee under the Fees Bylaw, the General Manager may allow for an additional one (1) year between third reading to return to Council for consideration of adoption.
- 12.4 Notwithstanding sections 12.1 and 12.2, and following the one (1) year extension that may be provided by the General Manager in accordance with section 12.3, upon written request by the Applicant, and accompanied by the appropriate application extension fee under the Fees Bylaw, Council may, by resolution, allow for an additional one (1) year period between third reading and final adoption for a proposed Bylaw Amendment to return to Council for consideration of adoption.

- 12.5 Notwithstanding sections 12.1, 12.2, 12.3, or 12.4, upon written request of the Applicant documenting unforeseen delays in other levels of government processing aspects of their Application, and accompanied by the appropriate application extension fee under the Fees Bylaw, the General Manager may allow an additional one (1) year period between third reading and final adoption for a proposed Bylaw amendment(s) to return to Council for consideration of adoption, at which time staff will advise Council of this additional extension.
- 12.6 Where extensions under section 12 have been granted and where the proposed Bylaw amendment(s) is not adopted within the allowable time following third reading, the Application file shall be closed, and any subsequent consideration of the proposal will require a new Application.

13. Restrictions on Re-applications

- 13.1 Where an Application for a proposed Bylaw Amendment or temporary use permit is refused by Council, the Application file shall be closed and no Application for the same proposed Bylaw Amendment or temporary use permit shall be considered by Council for a period of six (6) months from the date the Application was refused.
- 13.2 If an Application to amend the Official Community Plan or Zoning Bylaw is defeated at third reading or adoption and Council has waived the re-application 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 under the Fees Bylaw.

14. Security

- 14.1 Prior to the issuance of a Permit by Council, 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.

Security for Delegated Permits

- 14.2 Prior to the General Manager issuing a delegated development permit or development variance permit, the General Manager may require the applicant to provide security in accordance with section 502 of the *Local Government Act* to ensure satisfactory completion of all the conditions in the permit.
- 14.3 The amount of security required in connection with a delegated development permit or development variance permit shall not be less than two and a half (2.5) percent of the construction cost of the proposed development, as estimated by the Manager of Building, Bylaws, and Licensing in accordance with Building Bylaw, No. 3200.

15. Irregularity

- 15.1 The failure of Council or a Council 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.

Read a first time this ____ day of _____, 2023.

Read a second time this ____ day of _____, 2023.

Read a third time this ____ day of _____, 2023.

Adopted this ____ day of _____, 2023.

M. Lahti
Mayor

S. Lam
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3417 of the City of Port Moody.

S. Lam
City Clerk

Schedule A**Notification Sign Requirements**

The notification sign 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 outlined in a bold red line;
- date (estimate) of open house or information meetings (to be added or updated when known);
- date of Public Hearing (to be added in bold red 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 notification sign(s) shall have sufficient dimensions, and shall be located in a highly visible location, to the satisfaction of the General Manager of Community Development.