

**CITY OF PITT MEADOWS
DEVELOPMENT PROCEDURES BYLAW NO. 2740, 2016.**

A Bylaw of the City of Pitt Meadows to establish procedures for processing development applications.

WHEREAS the Council of the City of Pitt has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS the Council has designated areas within which Temporary Use Permits may be issued and within which Development Permits are required;

AND WHEREAS the Council must, by bylaw, define procedures to amend an Official Community Plan, Zoning Bylaw or issue a permit under Part 14 Planning and Land Use Management of the *Local Government Act*;

AND WHEREAS the Council may by bylaw, define procedures under which a person may apply for an amendment to a bylaw or for the issue of a permit under Part 15 Heritage Conservation of the *Local Government Act*; AND

NOW THEREFORE, the Council of the City of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 – INTERPRETATION

Citation/Title

1. This Bylaw may be cited as the **City of Pitt Meadows Development Procedures Bylaw No. 2740, 2016.**

Definitions

2. In this bylaw:
 - a) “**Application Fee Bylaw**” means the City of Pitt Meadows Development Application Fee Bylaw No. 2482, 2011, as amended or a successor bylaw adopted by Council.
 - b) “**City**” means the City of Pitt Meadows.
 - c) “**Director**” means the Director Responsible for Development Services or their designate.
 - d) “**Official Community Plan**” means the City of Pitt Meadows Official Community Plan Bylaw No. 2352, 2007, as amended or a successor bylaw adopted by Council.
 - e) “**Zoning Bylaw**” means the City of Pitt Meadows Zoning Bylaw No. 2505, 2011, as amended or a successor bylaw adopted by Council.

Interpretation

3. A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated or replaced from time to time.
4. A reference in this bylaw to any bylaw, policy or form of the City of Pitt Meadows is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

Severability

5. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed invalid.

PART 2 – APPLICATIONS

Scope

6. This bylaw shall apply to the following:
 - a. Amendments to:
 - i. Official Community Plan;
 - ii. Zoning Bylaw; and
 - iii. Land Use Contracts (including applications to discharge).
 - b. Adoption or amendment of:
 - i. Heritage Revitalization Agreement Bylaws; and
 - ii. Heritage Designation Bylaws.
 - c. Issuance of:
 - i. Development Variance Permits;
 - ii. Development Permits (including application to amend);
 - iii. Temporary Use Permits; and
 - iv. Heritage Alteration Permits.
 - d. Extension of:
 - i. Amendments to Zoning Bylaw and Official Community Plan; and
 - ii. Temporary Use Permits.
 - e. Applications for:
 - i. Subdivision, including those for fee simple, strata, leaseholds and conversions;
 - ii. Board of Variance;
 - iii. Agricultural Land Reserve exclusion, inclusion, subdivision or non-farm use under the *Agricultural Land Commission Act*, and
 - iv. Liquor Control and Licensing (new or amendments);

- f. Where an application is received that is not provided for in this Section, the Director may select the most appropriate category and apply the associated requirements in this bylaw to that application.

Application Submission and Review Process

- 7.
 - a. Applications described and subject to the Bylaw shall be made by the owner of land involved or by a person authorized in writing by the owner of the land involved, to be referred hereinafter as the applicant;
 - b. An applicant shall use the applicable form or forms as established by the Director;
 - c. Applications will not be considered to be complete until all the necessary attachments identified in Schedule “A” have been provided and are satisfactory to the Director;
 - d. Application fees in accordance with the Application Fee Bylaw are payable to the City at the time of application submission. Review of an application will only proceed for complete applications when all fees have been paid in full; and
 - e. The Director may authorize refunds in accordance with the Application Fee Bylaw for applications that are withdrawn.
- 8. Every application shall be processed by the Director, who shall, where applicable, present a report to Council for its consideration.

PART 3 – Bylaw and Land Use Contract Amendments

- 9. Bylaw and land use contract amendments shall be considered by Council.
- 10. Upon receipt of a complete application to amend the Official Community Plan, the application will be referred to Council for information. Council may consider whether a Public Information Meeting is required prior to the application being considered for first reading.
- 11. Council will consider a staff report and recommendation(s) for every application. The report will contain:
 - a. a copy of the completed application;
 - b. staff recommendation(s) regarding the proposed amendment;
 - c. where staff recommends first, second, third reading or adoption of an amendment bylaw, a copy of the draft amendment bylaw will be provided. Where staff recommends against the approval of the bylaw, a copy of the draft bylaw is not required to be attached to the staff report, although it may be for information purposes; and,

- d. additional relevant information provided by the Director.
12. Upon receipt of the report and recommendations, Council may:
- a. Give readings to or adopt the bylaw as required by the Local Government Act;
 - b. Give readings to or adopt the bylaw as amended by Council in its resolution;
 - c. Refer the application for the bylaw amendment to Council in Committee for further consideration;
 - d. Defer consideration to a future Regular Council Meeting; or,
 - e. Refuse the application for an amendment.

PART 4 – Development Permits

13. With the exception of Development Permit Area for Infill Housing and minor amendments to a development permit, all development permits will be considered by Council.
14. Development Permit Area for Infill Housing and minor amendments to an existing development permit will be considered by the Director.
15. Development permits for Council's consideration will consider a staff report for every application. The report will contain:
- a. a copy of the complete application;
 - b. staff recommendation regarding the proposed permit;
 - c. where staff recommends the issuance of the permit, a copy of the draft permit;
 - d. if staff recommends not issuing the permit, a draft copy of the permit is not required to be attached to the staff report, although staff may attach the permit for information purposes only; and
 - e. any additional relevant information.
16. Upon consideration of the staff report, draft development permit and application, Council or the Director may:
- a. authorize the issuance of the permit;
 - b. in the case of Council:
 - i. defer consideration of the application to a future meeting; or,
 - ii. authorize the issuance of the permit, as amended by Council in its resolution.
 - c. refuse to authorize the permit.
17. Notwithstanding 14 of this bylaw:
- a. An applicant may request that Council reconsider a decision of the Director respecting:

- i. the issuance of a permit; and,
 - ii. a term and condition contained within a permit.
 - b. Requests for reconsideration will be submitted in writing. The request for reconsideration must be made within thirty (30) days of the date the decision was communicated on whether the development permit was issued or refused.
 - c. Council may consider the request for reconsideration along with any supplementary information provided by the applicant and a report and recommendation from the Director.
 - d. Upon reconsideration of the development permit, Council may:
 - i. Confirm the decision of the Director;
 - ii. Confirm the terms and conditions and security contained in the development permit;
 - iii. Defer reconsideration of the Development Permit to a later meeting of Council;
 - iv. Overturn the decision to issue or refuse the development permit; and,
 - v. Alter the terms and conditions and security of the permit.
18. The Director will require the applicant to sign a Good Neighbour Agreement as a condition of an Infill Housing Development Permit.

PART 5 – Development Variance and Temporary Use Permits

19. Applications for Development Variance Permits and Temporary Use Permits will be considered by Council.
20. Council will consider a staff report and recommendation(s) for every application. The report will contain:
- a. a copy of the completed application;
 - b. staff recommendation(s) regarding the proposed variance or temporary use permit;
 - c. where staff recommends the issuance of the permit, a copy of the draft permit;
 - d. If staff recommends not issuing the permit, a draft copy of the permit is not required to be attached to the staff report, although staff may attach the permit for information purposes only
 - e. A statement of the amount of the proposed security to be posted by the applicant, if any; and
 - f. additional relevant information provided by the Director.
21. Upon consideration of the staff report, draft development variance or temporary use permit and application, Council may:
- a. Authorize the issuance of the permit;

- b. Authorize the issuance of the permit as amended by the Council in its resolution;
- c. Defer the application for the permit to a later meeting, or a Committee of Council Meeting for further consideration;
- d. Authorize the issuance of the permit subject to the receipt of an undertaking or the registration of agreements specified by Council; or
- e. Refuse the application.

PART 6 – Board of Variance

- 22. Applications for Board of Variance will be considered by the established Board of Variance.
- 23. The Board of Variance will consider a staff report and recommendation(s) for every application. The report will contain:
 - a. a copy of the completed application;
 - b. staff recommendation(s) regarding the proposed variance; and
 - c. additional relevant information provided by the Director.
- 24. Upon consideration of the staff report, Board of Variance application, the Board of Variance may:
 - a. Authorize the issuance of the permit;
 - b. Authorize the issuance of the permit as amended by the Board in its resolution;
 - c. Defer the application for the permit to a later meeting; or
 - d. Refuse the application.

PART 7 – Subdivision

- 25. Applications for subdivision will be considered by the Approving Officer.
- 26. The Approving Officer will review and issue either a refusal or a Preliminary Layout Assessment within sixty (60) days of a receipt of a complete application.
- 27. Where a Preliminary Layout Assessment is granted, all outstanding items must be addressed and fees deposited to the City prior to a request for final approval.

PART 8 – AGRICULTURAL LAND COMMISSION ACT APPLICATIONS

- 28. A completed Agricultural Land Reserve application will be considered by Council.
- 29. All required information, fees, and a public information meeting held, as required pursuant to the *Agricultural Land Commission Act* is completed, Council will consider a staff report and recommendations. The report will include:
 - a. a copy of the completed application;
 - b. a summary of the public information meeting, where required;

- c. staff recommendation(s) regarding the proposed application; and
 - d. additional relevant information provided by the Director.
30. Upon consideration of the staff report and application, Council may by resolution:
- a. forward the application to the Agricultural Land Commission with a recommendation;
 - b. forward the application to the Agricultural Land Commission with no recommendation; or
 - c. deny the application and not forward it to the Agricultural Land Commission pursuant to section 34 of the *Agricultural Land Commission Act*.

PART 9- Staff and Applicant Presentations

31. At the request of Council, staff will provide a presentation of all applications covering the following:
- a. An overview of the application;
 - b. Analysis of the application conformance with regulations, policies, legislation and other public interest matters as they may relate to the application; and
 - c. Rationale for the recommendation.
32. At the request of Council, for applications that are not subject to a Public Hearing, the applicant may be requested to speak to their application and answer questions from Council.
33. Where a Development Variance or a Temporary Use Permit is being considered, Council may allow the applicant and members of the public to speak to the application that may affect their interests. This is in addition to legislated requirements for public notice and engagement as prescribed by the *Local Government Act*.

PART 10 – PUBLIC NOTIFICATION

Notification Requirements

34. As indicated in the Table 1 below, the applications specified under column 1 shall have notices provided for as specified for each corresponding categories under column 2.

TABLE 1				
COLUMN 1	COLUMN 2			
	Requirements			
	Sign Posted on Site	Publish Notice	Mailed or Delivered Notice	Public Hearing
Amendments to Official Community Plan Bylaw	YES	YES	YES	YES
Amendments to Zoning Bylaw	YES	YES	YES	YES*
Amendment to Land Use Contracts Bylaws	YES	YES	YES	Only if Use or Density Change
Heritage Revitalization Agreement Bylaws and amendments thereto	YES	YES	YES	Only if Use or Density is Changed*
Temporary Use Permits	YES	YES	YES	NO
Development Variance Permits	NO	NO	YES	NO
Heritage Designation Bylaws	NO	YES	YES	YES
Heritage Alteration Permits	NO	NO	NO	NO
Development Permits and amendments thereto	NO	NO	NO	NO
Liquor Control and Licensing	NO	YES	YES	NO

Notes: * Unless the Public Hearing is waived.

Development Proposal Signs Requirements

- 35. a. Where required, applicants shall post one or more development proposal signs on the subject site located along the front or other street-facing property line, as determined by the Director, at least 21 days prior to Council in Committee meeting, first and/or second readings consideration of the bylaw by Council or as otherwise determined by the Director;
- b. The posted development proposal sign(s) shall have the specifications required by the City and shall contain the following information:
 - i. Type of application;

- ii. Development Application Number;
 - iii. Description and statistics about the proposal, such as proposed use, floor area, parking to be provided, and number of lots to be created;
 - iv. Name and Phone Number (and may include the e-mail address) of applicant;
 - v. Context map with subject property outlined in red; and
 - vi. Phone number (and may include the e-mail address) of Development Services.
- c. A photo of the development proposal sign(s) posted on the site must be provided by the applicant to the Director immediately after such posting. First and second readings shall not be granted by Council without photographic evidence of the posting; and
- d. It is the responsibility of the applicant to ensure the required development proposal sign(s) remains upright and readable until the development has been approved or rejected by Council. The development information sign(s) is (are) to be removed within 15 days of a bylaw receiving third reading.

Development Information Meeting Requirements

36. The Director may require a developer, at their own cost, to hold one or more Development Information Meetings to inform and obtain input from owners and occupiers near a proposed development site concerning a development application.

Note: A public information meeting is different from a public hearing; for all applicable applications a public hearing shall be held in accordance with any statutory requirements.

37. The notice of a public information meeting shall be published in a newspaper and mailed or distributed in the same manner as would be required for a public hearing, unless requirements for a public information meeting are waived by resolution of Council.

38. The applicant will provide a summary of the meeting including but not limited to:

- a. An overview of notice that was distributed;
- b. Location, date and time the meeting was held;
- c. Information about the proposal and how it was communicated;
- d. Survey results, resident feedback, or other manner of information used to collect input; and,
- e. The number of attendees.

Notice Requirements

39. Where required, public notice of the application shall be provided before applications are approved by Council.
40. Where mailed or delivered notice is required pursuant to the *Local Government Act*.
41. At the discretion of the Director, where notice is mailed or delivered the required distance may be increased to include all properties on a street, in a subdivision or other geographical feature that delineates a given area.
42. For development variance permits, such notice:
 - a. shall state in general terms the purpose of the proposed permit, the land or lands that are the subject of the permit and the place where and the times and dates when copies of the permit may be inspected; and
 - b. shall be mailed or otherwise delivered at least 10 days before adoption of the resolution to issue the permit, to any owners of property as shown on the assessment roll at the time of notification and to any tenants in occupation at the date of the mailing or delivery, of all parcels, any part of which, is within a distance of 50 metres (164 feet) from the subject property that is subject to the development variance permit application.
43. For temporary use permits, such notice:
 - a. shall state in general terms, the purpose of the proposed permit, the land or lands that are the subject of the proposed permit, the place where and the times and dates when copies of the proposed permit may be inspected, and the date, time and place when the resolution will be considered;
 - b. shall be mailed or otherwise delivered at least 10 days before adoption of the resolution to issue the permit, to any owners of property as shown on the assessment roll at the time of notification and to any tenants in occupation at the date of the mailing or delivery, of all parcels, any part of which, is within a distance of at least 50 metres (164 feet) from the subject property that is subject to the development variance permit application; and
 - c. shall be published in a newspaper at least 3 and not more than 14 days before the adoption of the resolution to issue the permit.

44. For applications subject to a public hearing, except heritage designations as provided for in Section 45, such notice:
- a. shall state the time and date of the hearing, the place of the hearing, in general terms the purpose of the bylaw, the land or lands that are the subject of the bylaw and the place where and the times and dates when copies of the bylaw may be inspected;
 - b. the notice must be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 and not more than 10 days before the public hearing;
 - c. shall be mailed or otherwise delivered at least 10 days before the public hearing to the owners as shown on the assessment roll at the date of the first reading of the bylaw, and to any tenants in occupation at the date of the mailing or delivery of the notice, of all parcels any part of which is within:
 - i. a distance of at least 122 metres (400 feet) from any part of the parcel that is subject to the bylaw alteration in the urban area, as identified in the Official Community Plan; or
 - ii. a distance of at least 488 metres (1,600 feet) from any part of the parcel that is subject to the bylaw alteration outside of the urban area, as identified in the Official Community Plan;
 - d. notification provided for in this section does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.
45. For heritage designation applications subject to public hearings, such notice:
- a. shall state the time and date of the hearing, the place of the hearing, in general terms the purpose of the bylaw, the land or lands that are the subject of the bylaw and the place where and the times and dates when copies of the bylaw and the report prescribed under section 612 of the *Local Government Act* are available for the public to inspect;
 - b. shall be mailed or otherwise delivered at least 10 days before the public hearing to all persons who, according to the records of the land title office, have a registered interest in real property that would be designated, and all occupiers of real property that would be designated; and
 - c. shall be published in at least 2 consecutive issues of a newspaper, with the last publication to be at least 3 days but not more than 10 days before the public hearing.

46. Under section 464(2) of the *Local Government Act*, Council may waive the holding of a public hearing for a bylaw under Section 39 if:
- a. the proposed bylaw is consistent with the Official Community Plan;
 - b. if Council waives the holding of a public hearing, the notification requirements in Section 44 shall apply except as follows:
 - i. the notice under Section 44 (a) does not require stated the time and date and place of the hearing;
 - ii. the last publication under Section 44 (b) is to be not less than 3 and not more than 10 days before the bylaw is given third reading; and
 - iii. the delivery under Section 44 (c) is to be at least 10 days before the bylaw is given third reading.
47. Where notice is required for an application referred to the City by the Liquor Control and Licensing Branch, then:
- a. as determined by the Director, the applicant may be required to hold a public information meeting that is satisfactory to the Director;
 - b. notice shall be by the applicant concerning the public information meeting to property owners as shown on the assessment roll and tenants of all parcels a 180 metre radius of the subject property; and
 - c. notice shall be published in a newspaper at least 3 and not more than 14 days before the public information meeting.

PART 11 – APPROVED, REJECTED AND INACTIVE APPLICATIONS

Requirements to Complete

48. Applicants have a twelve (12) month period after the date of Third Reading of the amendment bylaw to meet all requirements (the “completion period”) so Final Adoption of the amendment bylaw may be considered by Council or the file shall be closed, unless an extension under Section 49 (b) has been granted by Council.

Extensions

49. a. Applicants may apply to Council for an extension to the completion period referred to in Section 48. Each extension provided by Council may be granted for a maximum of six (6) months. A maximum of two (2) extensions per application may be granted by Council. The prescribed fee for an extension set out in the Application Fee Bylaw shall apply and be paid by the applicant for each new extension.
- b. Council may, upon receipt of an application for extension under Section 48 (a) of this bylaw:

- i. grant the request for an extension; or
- ii. deny the request for an extension; or
- iii. repeal Third Reading and file the bylaw and close the application.

Reapplying and Inactivity

50. Subject to Section 460 of the *Local Government Act*, re-application for the same bylaw amendment or permit that has been refused by Council shall not be considered within a six (6) month period immediately following the date of refusal.

Where an applicant has substantially amended their proposal, demonstrating in writing the changes and how it differs from their previous proposal, Council may allow re-application by a 2/3 affirmative vote, waiving the six (6) month period.

51. Where no staff or Council action has been taken or where no submission of outstanding or required application materials by the applicant has occurred on a file for any twelve (12) month period, applications other than Agricultural Land Commission Applications and Subdivisions, shall be considered inactive and shall be closed. Bylaws associated with these applications may be filed by Council. The applicant shall be notified upon file closure.

PART 12 – PERFORMANCE SECURITY

52. Security required for permits under Section 502 of the *Local Government Act* shall be in the form of an irrevocable Letter of Credit or certified cheque from a financial institution or another form acceptable to the Director Responsible for Finance.
53. Where security is a condition of a permit:
- a. in the case of all Development Permits except those in Development Permit Area No. 11 – Infill Housing, the amount shall be 110% of the value of the landscaping work as determined by a qualified Landscape Architect;
 - b. in the case of a Development Permit in the Development Permit Area No. 11 – Infill Housing, the amount shall be \$5,000 per unit or for one single family dwelling \$8,000;
 - c. in the case of other permits under Part 14 of the *Local Government Act*, the amount shall reflect the nature of the permit condition and the cost to the City to correct or complete the condition.
54. Notwithstanding Section 50, where a phased strata development is the subject of a Development Permit and is provided phase by phase, the landscaping security in the form of a Letter of Credit may be extended to the next phase, but at no

time shall the Letter of Credit represent less than 110% of the phase to be constructed or \$50,000 whichever is greater.

55. Where security is required as a condition of a permit for landscaping work, excluding Section 50 (b), and the landscaping work is considered substantially complete as determined by the Director, the security taken shall be returned to the permit holder less 10% to be held by the City for a further period of one year to secure care and maintenance of the landscaping.

PART 12 – BYLAW REPEAL

56. The City of Pitt Meadows Development Application Procedures Bylaw No. 2444, 2009, as amended, is hereby repealed.

READ a FIRST, SECOND and THIRD time on the 6th of December, 2016.

ADOPTED the 10th day of January, 2017.

ORIGINAL SIGNED BY:

John Becker Mayor

ORIGINAL SIGNED BY:

Tina Penney, Corporate Officer

SCHEDULE A**Application Submission Requirements**

1. The applicant must provide the following information, at the applicant's expense, to the Director at the time of application:
 - a. street address and legal description of the property;
 - b. name and address of the applicant;
 - c. where the application is made by the agent:
 - i. the name and address of the owner;
 - ii. signature of the owner authorizing the agent to make the application.
 - d. legal title search for the parcel dated no more than 10 business days from the date of application submission;
 - e. written description of the present and proposed uses of the property and the reason for the application request;
 - f. one full size set of plans drawn to scale, four copies in 11" by 17" format, and PDF files of the drawings for the proposed development to be placed on the parcel specifying the following:
 - i. location of existing and proposed buildings and structures with setbacks to the property lines shown;
 - ii. location and dimension of all municipal easements, rights-of-way and registered covenant areas;
 - iii. floor plan of proposed buildings and floor area ratio where applicable;
 - iii. elevation of proposed buildings and structures;
 - iv. elevation or a cross section showing the proposed building and structures and the relationship to adjacent buildings and structures in all directions;
 - v. location, layout and dimensions of parking and loading areas;
 - vi. locations and sizes of all above ground mechanical, electrical and communications equipment.
 - g. Where an application is referred to the Advisory Design Panel for review and comment, additional sets of plans may be required.
 - h. Where applicable, a Development Data Summary Form which is available from the City;

- i. Site Profile Questionnaire, which is available from the City, if applicable;
 - j. where applicable, information concerning compliance with airport zoning regulation;
 - k. where applicable, a Sustainability Checklist;
 - l. where applicable, an Infill Housing Checklist; and
 - m. Riparian Area Regulation approval, as applicable.
2. The City may require development approval information regarding anticipated impact on such matter as, but not limited to:
- a. transportation patterns including traffic flow;
 - b. local infrastructure, including the lowland drainage system;
 - c. public facilities, including schools and parks;
 - d. community services;
 - e. archaeological significance;
 - f. environmental assessment;
 - g. building analysis in relation to aeronautical requirements and shadows;
 - h. architectural and heritage character studies;
 - i. traffic impact studies;
 - j. engineering service requirements;
 - k. an independent design review; and
 - l. agricultural impact assessment.