



# ***THE CORPORATION OF THE CITY OF PORT COQUITLAM***

## **BYLAW NO. 3632**

### ***A Bylaw to Define Development Procedures & Fees***

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***The Municipal Council of The Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:***

- 1.*** This Bylaw may be cited for all purposes as the “Development Procedures and Fees Bylaw, 2008, No. 3632.

#### **DIVISION 1. Administration**

- 2.*** In this Bylaw:

**Application** means a completed written request on the application form provided by the City of Port Coquitlam to:

- i)*** amend an Official Community Plan, amend or cancel a Land Use Contract, or amend a Zoning Bylaw of the City;
- ii)*** issue a permit under Part 26 of the *Local Government Act*; or
- iii)*** make a Council resolution on a liquor license application in accordance with the *Liquor Control and Licensing Act* and Regulation.

**Designation** means a land use designation pursuant to provisions of the “Official Community Plan, 2004, No. 3467”.

**Dwelling Unit** means a self-contained suite of rooms used or intended to be used as a residence by one family and containing both cooking and sanitary facilities.

**Green Roof** means an engineered roofing system that allows for the propagation of rooftop vegetation and the retention of storm water while maintaining the integrity of the underlying roof structure and membrane.

**Small Lot Dwelling** means a dwelling unit located within the RS4 (Residential Single Dwelling Zone 4) of Zoning Bylaw, 2008, No. 3630.

**Text Amendment** means a change to a policy, land use designation or regulation of the Official Community Plan or Zoning Bylaw which is not site-specific.

**Zone** means a land use zone pursuant to provisions of the Zoning Bylaw, 2008, No. 3630.

### 3. Administrative Provisions

- a) The Corporate Officer and Director of Development Services are jointly responsible for administration of this Bylaw.
- b) If any section, subsection, sentence, clause, or phrase in this Bylaw is held to be invalid by a Court of Competent Jurisdiction, such invalid section, subsection, sentence, clause or phrase, as the case may be, shall be severed from this Bylaw and the remaining portions of the Bylaw shall not be affected and shall remain in force and effect as if adopted without the invalid portion.

### **DIVISION 2. Application Procedures**

4. An application to amend the Zoning Bylaw, Official Community Plan, amend or cancel a Land-Use Contract, or issue or amend a Development Permit, Watercourse Development Permit, Development Variance Permit, or Temporary Use Permit shall be made to the Director of Development Services and must include such information as is required by the Director of Development Services to evaluate the Application.
5. All Applications other than an Application for a text amendment to a Zoning Bylaw or Official Community Plan Bylaw shall specify and include:
  - a) the street address and legal description of the parcel(s);
  - b) the name, address and contact information of the applicant;
  - c) where the application is made by an agent
    - i) the name and address of the owner(s);
    - ii) a Letter of Authorization to make the application, signed by the owner(s); and
  - d) three copies of dimensioned plans drawn to scale for the proposed development to be placed on the parcel(s), specifying the following:
    - i) context,
    - ii) location of existing and proposed property lines,
    - iii) location of existing and proposed buildings and structures,
    - iv) floor plan of proposed buildings,
    - v) elevations of proposed buildings and structures,
    - vi) location and layout of parking and loading areas, and
    - vii) location and type of existing trees, proposed tree retention areas and landscaping.

6. Application and Refundable Fees

- a) All applications shall be accompanied by a fee calculated in conformance with Schedule A of this Bylaw.
- b) For applications that include combinations of uses, the fees that apply shall be the sum of the fee for the different uses proposed. For the purpose of calculating the fees applicable to uses calculated on the basis of site area, the site area shall be deemed to be the minimum required to accommodate the proposed use as its highest permitted density or site coverage; provided that the minimum fee will be the higher minimum fee of the different uses proposed.
- c) Should an application require more than one Public Hearing, or in the case of a Public Hearing extending for more than one session and requiring new advertising, payment of the Non-refundable Fee shall be required for each additional session or Public Hearing scheduled.
- d) Despite the foregoing where:
  - i) An application for rezoning is made within two years from the date that a parcel was previously rezoned, and that rezoning is to allow additional or different uses compatible with uses permitted in the previous application; or
  - ii) An application for rezoning is to enable a different set of uses compatible or complementary with the existing zoning on the property which will not result in an alteration of an existing building;

And, in the sole discretion of the Director of Development Services, such application does not require an expenditure of time and costs for processing and administration that exceeds the minimum fee payable of Schedule A of this Bylaw, such minimum processing fee shall be paid in addition to the Refundable Fee.
- e) Despite the foregoing, where an application is made for a minor addition or renovation to an existing building; and in the sole discretion of the Director of Development Services such application is of a minor nature not requiring an expenditure of time and costs for processing and administration the minimum fee shall be paid in accordance with Table A-6 of Schedule A of this Bylaw.
- f) Despite the foregoing, where an applicant has obtained a Development Permit and met all requirements to obtain other permits in a timely fashion, but issuance of those permits is pending, the fee for extension of the Development Permit may be waived at the sole discretion of the Director of Development Services.

**DIVISION 3. Bylaw Procedures**

- 7. Where an Application for an amendment bylaw has been made in conformance with this Bylaw and the fees specified by Schedule A of this Bylaw have been paid:

- a) the Director of Development Services shall have a report prepared advising Council or the Committee of Council of the merits of the application; and
  - b) the Corporate Officer shall have the report from the Director of Development Services or the Committee of Council placed on an agenda of a meeting of Council.
8. Where an application for an amendment bylaw is refused by Council, no subsequent application for the same amendment may be submitted for a period of six (6) months, subject to Section 895 (3) of the *Local Government Act*.
9. Council shall be requested to make a decision to either hold a Public Hearing on an Application for an amendment bylaw or refuse the Application within two years from the date of Application unless the time for consideration by Council of the Application is extended by a written approval of the Director of Development Services.
10. Except as provided in Section 11 of this Division, a copy of every Notice of Public Hearing required to be published pursuant to Section 892 of the *Local Government Act* giving notice of a Public Hearing on any bylaw altering the permitted use or density of any area shall be mailed or otherwise delivered at least 10 days before the date of the Hearing to the owners as shown on the Assessment Roll as at the date of the first reading of the Bylaw and to the occupiers of all real property:
- a) Within the area that is subject to the bylaw alteration; and
  - b) Within a distance of 120 m (393.7 feet) from any part of a parcel that is subject to the bylaw alteration.
11. Section 10 of this Division does not apply if ten or more parcels owned by ten or more persons are the subject of the bylaw alteration.
12. a) Every amendment bylaw given readings as the result of an application under Division 2, and not adopted by the Council within one year from the date the proposed bylaw was given third reading, shall not be considered for adoption unless Council extends the time for consideration of adoption for a period of up to one year from the initial one year period and an additional fee is paid.
- b) Despite the foregoing, where an applicant has obtained third reading of a bylaw and met all established requirements to be considered for adoption in a timely fashion, but such consideration is pending, the additional fee for extension may be waived at the sole discretion of the Director of Development Services.
13. No more than one extension may be given under this section. An application, in relation to which the amendment bylaw has not received Final Reading at the end of the first anniversary of its original expiry date or the last business day prior to this anniversary, shall be closed permanently.
14. Nothing in this Division or any action taken by the Council hereunder requires the Council to adopt any proposed bylaw.

#### **DIVISION 4. Development Permit and Temporary Use Permit Procedures**

15. Where an Application for a Temporary Use Permit or a Development Permit other than for a Development Permit (Green Roof), Development Permit (Small Lot Dwelling) or a Watercourse Development Permit has been made in conformance with this Bylaw and the fees specified by Schedule A of this Bylaw have been paid:
- a) the Director of Development Services shall have a report prepared advising the Committee of Council of the merits of the Application;
  - b) the report from the Director of Development Services shall be placed on an agenda of a meeting of the Committee of Council; and
  - c) the Committee of Council shall:
    - i) refuse the Application;
    - ii) request additional information prior to making a decision;
    - iii) forward the Application to Council for a decision;
    - iv) for a Development Permit Application:
      - issue the permit subject to requirements and conditions as per Section 920 and 928 of the *Local Government Act*; or
      - require the Public Meeting fee specified by Schedule A of this Bylaw be paid and a Public Meeting to be held prior to a decision on the Application
    - v) notice pertaining to Temporary Use Permit required by Section 921 (4-6) of the *Local Government Act*; such notice to be given in respect to all parcels within 40 metres (131.2 feet) of that part of the land that is subject to the permit.
16. Where the Committee of Council or Council refuses an Application for a Development Permit or Temporary Use Permit, no subsequent application for the same Permit may be submitted for a period of six months, subject to Section 895 (3) of the *Local Government Act*.
17. Where an Application for Development Permit (Green Roof) or Development Permit (Small Lot Dwelling) has been made in conformance with the application requirements of this Bylaw and the fees specified by Schedule A of this Bylaw have been paid,
- a) If the application is determined to conform to the guidelines of the Official Community Plan and regulations of the Zoning Bylaw, then the Director of Development Services shall approve the issuance of the permit subject to requirements and conditions as per the *Local Government Act*.
  - b) If the application is determined to involve variance to the guidelines of the Official Community Plan or regulations of the Zoning Bylaw, then the Director of Development Services shall:
    - i) request amendment of the application to conform to the guidelines and regulations, or
    - ii) refuse the Application.

18. Where an Application for Development Permit (Green Roof) or Development Permit (Small Lot Dwelling) has been refused by the Director of Development Services, an Application for Development Permit may be submitted in conformance with the Development Permit application requirements of this Bylaw and the applicable fees specified by Schedule A of this Bylaw shall be paid.
19. Where a request for a minor alteration to an approved Development Permit which would not change the intent of the design or vary any bylaw and a non-refundable fee as specified by Schedule A of this Bylaw have been submitted:
  - a) the Director of Development Services shall:
    - i) refuse the request;
    - ii) request additional information prior to making a decision;
    - iii) forward the request to the Committee of Council for a decision; or
    - iv) approve the request subject to requirements and conditions as per Section 920 and 928 of the *Local Government Act*.
20. An Application for a Development Permit other than for a Development Permit (Green Roof) or Development Permit (Small Lot Dwelling) shall expire unless the Committee of Council considers the Application within two years from the date of Application.
21. An Application for a Development Permit (Green Roof) or Development Permit (Small Lot Dwelling) shall expire unless the Director of Development Services considers the Application within two years from the date of Application.
22. An Application for a Permit which is expired shall be closed permanently unless renewal of the Application is authorized in writing by the Director of Development Services prior to the date of expiry.
23. Every Development Permit or Temporary Use Permit which has not been registered at the Land Title Office within 12 months from the date the Permit was issued by the Committee of Council shall not be registered unless the Committee extends the time for registration for a period of up to one year and an additional fee is paid as specified by Schedule A of this Bylaw.
24. No more than one extension may be given. An application, in relation to which the Permit has not been registered at the end of the first anniversary of its original expiry date or the last business day prior to this anniversary, shall be closed permanently.
25. A Temporary Use Permit may be renewed only once for a period of up to three years and on payment of a renewal fee and public notification fee as specified by Schedule A of this Bylaw.

## **DIVISION 5. Watercourse Development Permits**

26. This Division applies to the Watercourse Development Permit Area designated in the Official Community Plan.

27. In this Division,

**Active Floodplain** means an area of land within a boundary that is indicated by the visible high water mark or water level of a stream that is reached during annual flood events as evidenced by riparian area conditions described in the definition of “riparian area”.

**Class A Watercourse** means a watercourse identified as “Class A” and “Class A (O)” on the map titled “Development Permit Area – Watercourse Protection” in the Official Community Plan, 2004, No. 3467.

**Class B Watercourse** means a watercourse identified as “Class B” on the map titled “Development Permit Area – Watercourse Protection” in the Official Community Plan, 2004, 3467.

**Crest of the dike** is defined as the edge of the crown of the dike on the wetted river side of the dike.

**Existing vegetation** means native and non-native vegetation.

**Fish** means all life stages of:

- i) salmonids,
- ii) game fish, and
- iii) regionally significant fish.

**Fish Bearing Watercourse** means a watercourse in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable for fish. Fish bearing watercourses include, but are not limited to, watercourses identified as Class A Watercourses as defined in this Bylaw.

**Fish habitat** means the areas in or about a stream such as, spawning grounds and nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes.

**Invasive species** are plant species that compete for space, light, water, and nutrients with endemic riparian species of the City. Invasive species include, but are not limited to, Himalayan Blackberry, American Bittersweet, Scotch Broom, Purple Loosestrife, English Ivy, Himalayan Balsam, Japanese Knotweed, Giant Knotweed, Morning Glory and Vinca. As well, reed canary grass may be invasive where it will compete with planted stock.

**Natural boundary** means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water, a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

**Non-fish Bearing Watercourse** means a watercourse that is not inhabited by fish; and provides water, food and nutrients to a downstream fish bearing watercourse or other water body. Non-fish bearing watercourses include, but are not limited to watercourses identified as Class B in this Bylaw.

**Non-permanent Watercourse** means a watercourse that typically contains surface waters or flows for periods less than 6 months in duration, as confirmed by a qualified professional.

**Permanent structure** means any building or structure that was lawfully constructed, placed or erected on a secure and long lasting foundation on land in accordance with any local government Bylaw or approval condition in effect at the time of construction, placement or erection.

**Permanent Watercourse** means a watercourse that typically contains continuous surface waters or flows for a period more than 6 months in duration, as confirmed by a qualified professional.

**Potential vegetation** is considered to exist if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, as confirmed by a qualified professional, and is considered to not exist on that part of an area covered by a permanent structure.

**Qualified Professional** means an applied scientist or technologist specializing in an applied science or technology relevant to the matters dealt with in this Watercourse Development Permit area designation including, but not necessarily limited to, agrology, biology, engineering, geology, hydrogeology, landscape architecture, architecture, land surveying, or land use planning; and:

- i) who is registered in BC with their appropriate professional organization, and acting under that association's Code of Ethics and subject to disciplinary action by that association, and
- ii) who, through demonstrated suitable education, experience, and accreditation and knowledge relevant to the particular matter, may be reasonably relied upon to provide advice within their area of expertise.

**Riparian area** means the area adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water.

**Top of the bank** means:

- i) the point closest to the boundary of the active floodplain of a watercourse where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break, as confirmed by a qualified professional; and
- ii) for a floodplain area not contained in a ravine, the edge of the active floodplain where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the edge, as confirmed by a qualified professional.

**Watercourse Protection Area** means an area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent

upland vegetation that exerts an influence on the stream, the width of which is determined in accordance with these Guidelines.

**Watercourse** means a watercourse or source of water supply, whether usually containing water or not, a pond, lake, river, creek, brook, ditch and a spring or wetland that is integral to a watercourse and provides fish habitat. It includes surface drainage works that are inhabited by or provide habitat for fish.

**Wetland** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal conditions that supports vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.

## **28. Preliminary Proposals**

- a) An applicant may submit a preliminary proposal for City review to determine if a Development Permit exemption applies under section 9.8.8 of the Official Community Plan;
- b) A preliminary proposal shall include the following:
  - i) The name of the applicant and written authority from the owner of the land to submit an application;
  - ii) A full written description of the proposed use or alteration of land or the development proposed; and
  - iii) An accurate dimensioned site map or maps showing:
    - Legal description, legal lot lines, the watercourse and its top of the bank or, for the Coquitlam River, Pitt River, or Fraser River, its crest of the dike, whichever is farther from the midline of the river;
    - The extent of area in which it is proposed to alter land; and
    - The siting of all existing and proposed buildings, structures, works, impervious surfaces, and proposed additions or alterations to any of these.
- c) The City will review the preliminary proposal and determine whether a Development Permit or other City approvals are required. This determination will be based upon the:
  - i) Nature and scope of the activity proposed under the application;
  - ii) Objectives and guidelines of the Development Permit Area; and
  - iii) Availability of already existing relevant information.

## **29. Watercourse Development Permit Procedures**

- a) Where an Application for a Watercourse Development Permit has been made in conformance with this Bylaw and the fees specified by Schedule A of this Bylaw have been paid:
  - i) the Director of Development Services shall have a report prepared advising a Committee of Council of the merits of the Application;
  - ii) the report from the Director of Development Services shall be placed on an agenda of a meeting of a Committee of Council; and

- iii) a Committee of Council shall:
  - refuse the Application;
  - request additional information prior to making a decision;
  - forward the Application to Council for a decision;
  - issue the permit subject to requirements and conditions as per Section 920 and 928 of the Local Government Act; or
  - require the Public Meeting fee specified by Schedule A of this Bylaw be paid and a Public Meeting to be held prior to a decision on the Application
  
- b) Where a Committee of Council or Council refuses an Application for a Watercourse Development Permit, no subsequent application for the same Permit may be submitted for a period of six months, subject to Section 895 (3) of the *Local Government Act*.
  
- c) Applicants for a Watercourse Development Permit for any proposed development within a Watercourse Development Permit Area shall submit an Application prepared by qualified professionals that contains all of the information defined in this section, except to the extent that the City determines it is not required to determine whether the proposed development complies with the guidelines set out in section 9.8 of the Official Community Plan.
  
- d) All descriptions and locations shall include, where appropriate, dimensioned plans prepared to professional drafting standards. All significant natural and manmade features and resources should be documented with date stamped photographs with appropriate descriptive narrative.
  
- e) Inventory:
  - i) Legal data, as established by a BC Land Surveyor (BCLS), including lot boundaries, proposed excavation areas, easements or rights-of-way, abutting streets and lanes, scale, date, and north arrow;
  - ii) Topographic contours at intervals of one metre, as established by a BCLS;
  - iii) Description of all permanent and non-permanent watercourses, as established by a qualified professional, including the location of the natural boundary, the top-of-bank, and crest of dike, as applicable, for any watercourses on the lot;
  - iv) Inventory and description of significant natural biophysical features on the site, prepared by a qualified professional, including:
    - Environmental context including linkage to other habitats within the same watershed;
    - Soil and terrain conditions;
    - Any potential hazard of land slippage, bank erosion, flooding, or drainage blockage;
    - Significant trees showing diameter at breast height, species, and drip-line, including trees on adjacent properties that extend into the lot in question;
    - Major vegetation;

- Wildlife species and potential species-at-risk, including their habitats; and
- Nests of hawks, owls, and other raptors, herons, as well as species protected by the Wildlife Act.

f) Project Description:

- i) Dimensions, location, and footprint of existing and proposed buildings and structures;
- ii) Excavation areas, depth of excavation, and fill requirements and locations;
- iii) Location and depth of underground foundations including parking areas;
- iv) Dimensions, location, and footprint of existing and proposed impervious surfaces, such as driveways, walks, and patios;
- v) Building setbacks as required by the Zoning Bylaw;
- vi) Proposed building site coverage, floor area, height, number of storeys, number of units, and parking requirements;
- vii) Site grading plans including existing and proposed grades at corners of buildings, driveways, and other structures, and cut and fill areas that affect the Watercourse Protection Area;
- viii) Proposed drainage, collection, retention, and discharge works, as well as calculations showing the effect of these works on pre-development runoff rates in receiving waters;
- ix) Vegetation and land areas of the Watercourse Protection Area proposed to be disturbed.

g) Environmental Assessment of Proposed Watercourse Protection Area:

- i) The location of the Watercourse Protection Area and the identification of existing and potential areas of vegetation as required under section 9.8.4 of the Official Community Plan;
- ii) Any proposed variation in the location of the boundaries of the Watercourse Protection Area under the terms of section 9.8.4B of the Official Community Plan, if applicable;
- iii) The rationale and criteria for any variation in the location of the Watercourse Protection Area required in section 9.8.4 of the Official Community Plan;
- iv) An assessment of the effects of the proposed development on the natural environment, ecosystems, and biodiversity of the Watercourse Protection Area, including fish and wildlife habitat and the effects of proposed development on vegetation – watercourse interactions and groundwater flows;
- v) Proposed mitigation measures to protect, restore, and enhance the Watercourse Protection Area and to reduce the impacts of development on this area.

h) Construction and Erosion Control:

- i) An Environmental Protection Plan that defines guidelines to prevent or minimize disturbance to fish and wildlife and
  - Prescribes guidelines according to best management practices that minimize disturbance and impacts on fish and wildlife, and their habitats;
  - Addresses in stream work, disposal of storm water runoff from the site, erosion and sediment control, silt fences, fish salvage activities, wildlife and wildlife habitat protection, construction timing, vegetation protection, spill response, and environmental monitoring and reporting;
  - Defines schedules, in consultation with environmental agencies, for in stream and near-stream work for such time windows and for watercourse conditions that are suitable for watercourse work without harming fish; and
  - Defines how monitoring and compliance with guidelines will be assured prior, during, and after land clearing, site preparation, and construction.

i) Watercourse Protection Area Management Plan including the following:

- i) A survey plan prepared by a BC Land Surveyor (BCLS) identifying the Watercourse Protection Area and the tenure of the Area;
- ii) A scale drawing of the site, location and type of riparian planting, and plant list including species and plant size and commitments for how they will be maintained, including provisions for replacing unhealthy, dying or dead plants;
- iii) A description of how human intrusions into the Watercourse Protection Area will be controlled, including the design of fencing or landscape barriers;
- iv) A description of how the applicant will comply with Section 9.8.6 of the Official Community Plan including schedules and deadlines; and
- v) Enforceable provisions for monitoring and ensuring compliance with the Plan by the applicant and future owners of the lot or lots.

**30.** An applicant may request reconsideration by the Council of the information requirements imposed in respect of a Development Permit Application in relation to a Watercourse Development Permit application, within 30 days of the date the City of Port Coquitlam communicated the information requirements. A request for reconsideration must be delivered in writing to the Corporate Officer and must set out the grounds on which the applicant considers the requirement is inappropriate and what, if any, requirement the applicant considers the City ought to substitute.

**DIVISION 6. Development Variance Permit Procedures**

**31.** Where an Application for a Development Variance Permit has been made in conformance with this Bylaw and the fees specified by Schedule A of this Bylaw have been paid:

- a) the Director of Development Services shall have a report prepared advising a Committee of Council of the merits of the Application;

- b) a Committee of Council shall:
    - i) request additional information prior to making a decision; or
    - ii) forward the Application to Council for a decision;
  - c) the Corporate Officer shall have the report from a Committee of Council placed on an agenda of a meeting of Council and the Council shall:
    - i) refuse the Application; or
    - ii) instruct the Corporate Officer to give the notice pertaining to a Development Variance Permit required by Section 922 of the *Local Government Act*; such notice to be given in respect to all parcels within 40 meters (131.2 feet) of that part of the land that is subject to the permit.
32. An Application for a Development Variance Permit shall expire within two years from the date of the application unless the Council has made a decision to either give notice in conformance with this Division or refuse the Application.
33. Where an application for a Development Variance Permit results solely from a request by the City that the property owner apply for a variance, no application fee shall be payable.

**DIVISION 7. Licensed Establishments**

34. This Division applies to all liquor license applications referred to Council under the *Liquor Control and Licensing Act* and Regulation and which do not require a rezoning under the Zoning Bylaw, 2008, No. 3630.
35. An application for a Council resolution regarding a liquor license shall be made to the Director of Development Services and shall include such information as is required by the Director of Development Services to evaluate the Application.
36. Where an application has been made in conformance with this Bylaw and the fees specified by Schedule A of this Bylaw have been paid:
  - a) the Director of Development Services shall have a report prepared advising Council of the merits of the application;
  - b) the Corporate Officer shall have the report from the Director of Development Services placed on an agenda of a meeting of Council;
  - c) the applicant shall be provided with a copy of the report and shall be given notice of the time and place of the Council meeting.
37. Upon receipt of the report of the Director of Development Services made pursuant to the provisions of this Division the Council may:
  - a) adopt a resolution on the application in accordance with the *Liquor Control and Licensing Act* and Regulation; or
  - b) instruct that further information be obtained; or
  - c) instruct that a Public Hearing shall be held.

38. If Council instructs that a Public Hearing shall be held, the Director of Development Services and the Corporate Officer shall take the necessary administrative action to process, advertise, and notify residents and property owners in the same manner that would be done if the application were an application for an amendment to the Zoning Bylaw and the requirements of Section 892 of the *Local Government Act* shall be deemed to apply with the exception that the distance for notification of adjacent properties shall be 240 metres (788 feet).
39. The Public Hearing shall be conducted in the same manner as a Public Hearing on a Zoning Bylaw amendment.
40. Following a Public Hearing, the Council shall:
- a) adopt a resolution on the application in accordance with the *Liquor Control and Licensing Act* and Regulation; or
  - b) instruct that further information be obtained; or
  - c) advise the applicant that, unless a referendum is completed and the results considered by Council within 60 days, Council deems that the application is not supported.
41. Where the Council proceeds under Section 40(c) the applicant shall have seven days from notice of Council's decision to confirm whether the applicant wishes to proceed with a referendum and, if so, to acknowledge responsibility for the cost of the referendum.
42. The following provisions shall apply to every referendum:
- a) The referendum shall be carried out by way of a door-to-door survey of the owners and occupiers of property within a distance of 240 metres (788 feet) from any part of a parcel that is subject to the application.
  - b) The referendum shall be conducted by an independent contractor engaged by the City and the applicant shall have no contact with the contractor.
  - c) The total cost of holding the referendum shall be borne by the applicant.
  - d) Prior to engagement of the contractor, the applicant shall pay to the City the estimated cost of the referendum or provide security for the estimated cost in a form and amount satisfactory to the Director of Development Services.
  - e) The contractor shall make all reasonable efforts to contact the owners and occupiers of property but a failure to contact all owners and occupiers shall not invalidate the referendum.
43. When, a referendum is held or further information is required by Council, the results of the referendum and any information obtained shall be conveyed to Council by the Director of Development Services and the Council shall adopt a resolution on the application in accordance with the *Liquor Control and Licensing Act* and Regulation.

#### **DIVISION 8. Strata Title Applications**

44. An Application requesting permission for conversion into strata lots of a previously occupied building pursuant to the *Condominium Act* shall be in a form acceptable to the

Director of Development Services and accompanied by a fee as specified by Schedule A of this Bylaw.

45. Where an Application under Section 44 of this Division has not been completed within 12 months from the date that Council endorsed the strata-title application, the Corporate Officer shall not sign the required strata plans unless Council extends the time for completion for a period of up to one year and an additional fee is paid as specified by Schedule A of this Bylaw.
46. More than one extension may be given under this Division providing, however, that an application not completed at the end of the third anniversary of its original expiry date or the last business day prior to this anniversary, shall be closed permanently. A similar application can be made for the same property on the day following the closure of the application.

#### **DIVISION 9. Agricultural Land Commission Act Applications**

47. Every application made to the Corporation of the City of Port Coquitlam pertaining to an application under the *Agricultural Land Commission Act* shall be in a form acceptable to the Director of Development Services and accompanied by the fee as specified by Schedule A of this Bylaw.

#### **DIVISION 10. Development Notice**

48. All applicants for an amendment to the Official Community Plan or the Zoning Bylaw other than for a text amendment, for a new or amended Liquor Licence, and for a Development Permit other than for a Development Permit (Green Roof), Development Permit (Small Lot Dwelling), Watercourse Development Permit or an amendment to a Development Permit, must post a notice on the subject property advertising the Application within one month of submitting the Application.
49. The notice shall have dimensions of 122 cm by 243 cm, shall be located in a highly visible location facing the street and, in the case of a parcel abutting streets at the front and rear of the lot and open to traffic, must be posted to face both streets and shall contain the following information:
- Type of application (s);
  - Address and legal description of the property;
  - Development Application number (s);
  - Name, address, and phone number of applicant;
  - Description of proposed development;
  - Context map with the subject property or building footprint outlined in red;
  - For bylaw amendment, date of public hearing (to be added when known);
  - For a Development Permit, date of consideration by the Committee (to be added when known);
  - Date sign posted; and
  - Phone number of Planning Division for contact.
50. It is the responsibility of the applicant to ensure the notice remains upright and readable until the development has been approved or rejected and that the notice is removed following the decision within thirty days.

#### **DIVISION 11. Security**

51. Security for landscaping approved by a Development Permit or Watercourse Development Permit shall be in the form of an irrevocable Letter of Credit or cash from a financial institution acceptable to the Financial Officer.
52. The Letter of Credit amount shall be:
- a) For a Development Permit other than in a single residential zone or a duplex residential zone, 110% of the value of the landscaping work as determined by a registered British Columbia Landscape Architect;
  - b) For a Development Permit in a single residential zone or a duplex residential zone, \$5000.00; and
  - c) For a Watercourse Development Permit, 110% of the cost to ensure compliance with the Watercourse Protection Area Management Plan including the value of landscaping work to restore areas intended to be kept in a natural state as determined by a registered British Columbia Landscape Architect.
53. Notwithstanding Section 52, where a phased strata development is the subject of the Development Permit, the landscaping security may be set at 110% of the value of Phase 1 landscaping or \$35,000 which ever is greater.
54. Where landscaping security is provided phase by phase, the Letter of Credit for the completed phase 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 \$35,000 which ever is greater.

#### **DIVISION 12. Repeal**

55. The “Development Procedures Bylaw, 2005, No. 3524”, including all amendments is hereby repealed.
56. The “Notice of Public Hearings Mailing Bylaw, 1986, No. 2160” is hereby repealed.

#### **DIVISION 13. Schedules**

Schedule “A” forms part of this Bylaw.

*Read a first time by the Municipal Council this 14<sup>th</sup> day of April, 2008.*

*Read a second time by the Municipal Council this 14<sup>th</sup> day of April, 2008.*

*Read a third time by the Municipal Council this 28<sup>th</sup> day of April, 2008.*

*Reconsidered, finally passed and adopted by the Municipal Council of The Corporation of the City of Port Coquitlam, this 12<sup>th</sup> day of May, 2008.*

**S. W. YOUNG**  
\_\_\_\_\_  
*Mayor*

**C. DEAKIN**  
\_\_\_\_\_  
*Assistant to the Corporate Officer*

**RECORD OF AMENDMENTS**

**BYLAW NO.**

**AMENDED SECTION**

**DATE**

3742

Sec. 2, 6, 12, 'Temporary Use', 25,  
Table A-6;

2010 10 25

**SCHEDULE A: Fees**

**Table A-1 Applications for Single Residential, Duplex and Agricultural Developments**

|                                       | Zoning Bylaw Amendment | OCP Amendment |                  | Development Permit      | Watercourse DP | DP (Small Lot Zone) |                         | DVP          |
|---------------------------------------|------------------------|---------------|------------------|-------------------------|----------------|---------------------|-------------------------|--------------|
|                                       |                        | With rezoning | Without rezoning |                         |                | Without variance    | With variance Note 4    |              |
| <b>Minimum Application Fee</b> Note 1 | \$500                  | \$900         | \$500            | \$500 per dwelling unit | \$1000         | 0                   | \$500 per dwelling unit | \$500        |
| <b>Calculated Fee</b>                 |                        |               |                  |                         |                |                     |                         |              |
| up to 20 lots, per lot                | \$200                  |               | \$200            |                         |                |                     |                         |              |
| 21-60 lots, per lot                   | \$150                  |               | \$150            |                         |                |                     |                         |              |
| remaining lots, per lot               | \$75                   |               | \$75             |                         |                |                     |                         |              |
| <b>Refundable Fee</b>                 | \$1200 Note 2          | \$1200 Note 2 | \$1200 Note 2    | \$300 Note 3            | \$300 Note 3   | \$100 Note 3        | \$100 Note 3            | \$100 Note 3 |

Note 1. The required fee is the higher of the Calculated Fee or Minimum Application Fee. The Calculated Fee applies to residential developments involving subdivision and is the total of the number of lots multiplied times the applicable fee per lot:

Note 2. This Public Hearing Fee is refundable if a Public Hearing is not held

Note 3. This Document Fee is refundable if the DP is not approved

Note 4. This fee applies to applications in accordance with Section 18.

**Table A-2 Applications for Rowhouse, Townhouse and Apartment Developments in Multiple Dwelling or Proposed Multiple Dwelling Residential Zones**

|                                       | Zoning Bylaw Amendment | OCP Amendment |                  | Development Permit |                  | Watercourse DP | DVP          |
|---------------------------------------|------------------------|---------------|------------------|--------------------|------------------|----------------|--------------|
|                                       |                        | With rezoning | Without rezoning | With rezoning      | Without rezoning |                |              |
| <b>Minimum Application Fee</b> Note 1 | \$2000                 | \$900         | \$2000           | \$900              | \$2000           | \$4000         | \$500        |
| <b>Calculated Fee</b>                 |                        |               |                  |                    |                  |                |              |
| First 20 dwelling units, per unit     | \$200                  |               | \$200            |                    | \$200            |                |              |
| Next 21-40 dwelling units, per unit   | \$150                  |               | \$150            |                    | \$150            |                |              |
| Remaining units, per unit             | \$75                   |               | \$75             |                    | \$75             |                |              |
| <b>Refundable Fee</b>                 | \$1200 Note 2          | \$1200 Note 2 | \$1200 Note 2    | \$300 Note 3       | \$300 Note 3     | \$300 Note 3   | \$100 Note 3 |

Note 1. The Multiple Dwelling Zones include the RTh, RRh, and RA zones. The application fee is determined according to the required fee is the higher of the Calculated Fee or Minimum Application Fee. The Calculated Fee is the total of the number of dwelling units proposed to be created multiplied times the applicable fee per unit:

Note 2. This Public Hearing Fee is refundable if a Public Hearing is not held

Note 3. This Document Fee is refundable if the DP is not approved

**Table A-3 Applications for Developments in Commercial or Proposed Commercial Zones**

|  | Zoning Bylaw Amendment | OCP Amendment    |                  | Development Permit |                  | DP (Green Roof)<br>Note 4       |                 | Watercourse DP  | DVP             |
|--|------------------------|------------------|------------------|--------------------|------------------|---------------------------------|-----------------|-----------------|-----------------|
|  |                        | With rezoning    | Without rezoning | With rezoning      | Without rezoning | Without variance                | With variance   |                 |                 |
| <b>Minimum Application Fee</b>   | \$2500                 | \$900            | \$2500           | \$900              | \$2500           | 0                               | \$2500          | \$4000          | \$500           |
| <b>Calculated Fee::</b>  |                        |                  |                  |                    |                  |                                 |                 |                 |                 |
| Per 100m <sup>2</sup> for site area of up to 1000 m <sup>2</sup>               | \$275                  |                  | \$275            |                    | \$275            |                                 | \$275           |                 |                 |
| Per 100m <sup>2</sup> for site area 1001m <sup>2</sup> to 20,000m <sup>2</sup> | \$100                  |                  | \$100            |                    | \$100            |                                 | \$100           |                 |                 |
| Per 100m <sup>2</sup> or portion for remaining site area                       | \$ 50                  |                  | \$ 50            |                    | \$ 50            |                                 | \$ 50           |                 |                 |
| First 20 dwelling units, per unit  | \$200                  |                  | \$200            |                    | \$200            | (not applicable to residential) |                 |                 |                 |
| Next 21-40 dwelling units, per unit  | \$150                  |                  | \$150            |                    | \$150            |                                 |                 |                 |                 |
| Remaining units, per unit  | \$75                   |                  | \$75             |                    | \$75             |                                 |                 |                 |                 |
| <b>Refundable Fee</b>  | \$1200<br>Note 2       | \$1200<br>Note 2 | \$1200<br>Note 2 | \$300<br>Note 3    | \$300<br>Note 3  | \$300<br>Note 3                 | \$300<br>Note 3 | \$300<br>Note 3 | \$100<br>Note 3 |

Note 1. The required fee is the higher of the Calculated Fee or Minimum Application Fee. The Calculated Fee is the total proposed commercial site area multiplied times the applicable fee per site size plus the number of proposed dwelling units times the applicable fee per dwelling unit, if applicable.

Note 2. This Public Hearing Fee is refundable if a Public Hearing is not held

Note 3. This Document Fee is refundable if the DP is not approved.

Note 4. This fee applies to applications in accordance with Section 18.

**Table A-4 Applications for Development in Industrial Zones or Institutional and Park, and Proposed Industrial or Institutional and Park Zones**

|   | Zoning Bylaw Amendment | OCP Amendment    |                  | Development Permit |                  | DP (Green Roof)<br>Note 4 |                 | Watercourse DP  | DVP             |
|---|------------------------|------------------|------------------|--------------------|------------------|---------------------------|-----------------|-----------------|-----------------|
|   |                        | With rezoning    | Without rezoning | With rezoning      | Without rezoning | Without variance          | With variance   |                 |                 |
| <b>Minimum Application Fee</b>  | \$2500                 | \$900            | \$1500           | \$900              | \$2500           | 0                         | \$2500          | \$4000          | \$500           |
| <b>Calculated Fee::</b>   |                        |                  |                  |                    |                  |                           |                 |                 |                 |
| Per 100m <sup>2</sup> for site area of up to 1000 m <sup>2</sup>                  | \$150                  |                  | \$150            |                    | \$150            |                           | \$150           |                 |                 |
| Per 100m <sup>2</sup> for site area of 1001m <sup>2</sup> to 20,000m <sup>2</sup> | \$ 50                  |                  | \$ 50            |                    | \$ 50            |                           | \$ 50           |                 |                 |
| Per 100m <sup>2</sup> or portion for remaining site area                          | \$ 30                  |                  | \$ 30            |                    | \$ 30            |                           | \$ 30           |                 |                 |
| <b>Refundable Fee</b>   | \$1200<br>Note 2       | \$1200<br>Note 2 | \$1200<br>Note 2 | \$300<br>Note 3    | \$300<br>Note 3  | \$300<br>Note 3           | \$300<br>Note 3 | \$300<br>Note 3 | \$100<br>Note 3 |

- Note 1. The required fee is the higher of the Calculated Fee or Minimum Application Fee. The Calculated Fee is the total industrial or institutional site area multiplied times the applicable fee per site size:
- Note 2. This Public Hearing Fee is refundable if a Public Hearing is not held
- Note 3. This Document Fee is refundable if the DP is not approved This fee applies to applications in accordance with Section 18.
- Note 4. This fee applies to applications in accordance with Section 18.

**Table A-5 Applications for Development in Comprehensive Development Zones and Proposed CD Zones**

|  | Zoning Bylaw Amendment | Development Permit | Development Permit (Green Roof) Note 4 |                 | Watercourse DP  |
|--|------------------------|--------------------|--|-----------------|-----------------|
|  |                        |                    | No Variance                            | With Variance   |                 |
| <b>Minimum Application Fee</b> Note 1        | \$20,000               | \$2000             | 0                                      | \$2000          | \$4000          |
| <b>Calculated Fee</b>                        |                        |                    |  |                 |                 |
| Residential Use:                             |                        |                    |  |                 |                 |
| First 20 dwelling units, per unit            |                        | \$200              |  | \$200           |                 |
| Next 21-40 dwelling units, per unit          |                        | \$150              |  | \$150           |                 |
| Remaining units, per unit                    |                        | \$75               |  | \$75            |                 |
| Commercial Use:                              |                        |                    |  |                 |                 |
| Per 100m2 for site area of up to 1000 m2     |                        | \$200              |  | \$200           |                 |
| Per 100m2 for site area 1001m2 to 20,000m2   |                        | \$150              |  | \$150           |                 |
| Per 100m2 or portion for remaining site area |                        | \$75               |  | \$75            |                 |
| Industrial or Institutional Use:             |                        |                    |  |                 |                 |
| Per 100m2 for site area of up to 1000 m2     |                        | \$150              |  | \$150           |                 |
| Per 100m2 for site area 1001m2 to 20,000m2   |                        | \$ 50              |  | \$ 50           |                 |
| Per 100m2 or portion for remaining site area |                        | \$ 30              |  | \$ 30           |                 |
| <b>Refundable Fee</b>                        | \$1200<br>Note 2       | \$300<br>Note 3    | \$300<br>Note 3                        | \$300<br>Note 3 | \$300<br>Note 3 |

Note 1. The required fee is the higher of the Calculated Fee or Minimum Application Fee. The Calculated Fee is the total of the number of dwelling units multiplied times the applicable fee per unit plus the area of commercial, industrial or institutional use multiplied times the applied.=

Note 2. This Public Hearing Fee is refundable if a Public Hearing is not held

Note 3. This Document Fee is refundable if the DP is not approved

Note 4. This fee applies to applications in accordance with Section 18.

**Table A-6 Other Applications**

| <b>APPLICATION</b>   | <b>Non-refundable Fee</b>                                 | <b>Refundable Fee Note 1</b> |
|--|---|------------------------------|
| <b>Amendment to the Zoning Bylaw Text</b>  |   |                              |
| Residential and Agricultural Zones   | \$ 2000   | \$1200                       |
| Industrial, Commercial, Institutional and Park Zones   | \$ 2500   | \$1200                       |
| Comprehensive Development Zone   | \$ 2500   | \$1200                       |
| <b>Amendment to the Official Community Plan Text</b>   |   |                              |
| Amendment to a Development Permit or minor change to an existing building or design with no variances to the DP or a bylaw | \$ 200  |                              |
| Amendment to a Development Permit or minor change to an existing building with minor variance to the DP or a bylaw         | \$1000  |                              |
| <b>Liquor Licence</b>  |   |                              |
| New licence or increase in person capacity   | \$1000  | \$1200                       |
| Amendment to licence   | \$300   | \$1200                       |
| <b>Public Meeting fee for a Development Permit consideration</b>   | \$1200  |                              |
| <b>Release of a DP, DVP, or Restrictive Covenant</b>   | \$250   |                              |
| <b>Renewal Fees:</b>   |   |                              |
| Zoning or OCP Amendment not adopted within one year from date of 3 <sup>rd</sup> Reading                                   | 50% of the application fee to a maximum of \$5000         |                              |
| Development Permit not registered in the Land Title Office within one year from date of issuance                           | 50% of the application fee to a maximum of \$5000         |                              |
| Strata Title Application renewal   | 50% of strata title conversion fee to a maximum of \$3000 |                              |
| Temporary Use Permit   | 50% of the application fee to a maximum of \$5000         |                              |
| <b>Strata Title conversion</b>   | \$200 per strata lot to be created to a maximum of \$3000 |                              |
| <b>Temporary Use</b>   | \$500   | \$1200                       |
| <b>Temporary Use Renewal</b>   | \$250   | \$1200                       |

Note 1: This Fee is refundable if a Public Hearing or a Public Meeting is not held