

City of Coquitlam Development Procedures Bylaw No. 4068, 2009

Consolidated with amendments in Bylaws: (1) 4170, 2010; (2) 4534, 2015; (3) 4963, 2019; (4) 4999, 2019

A Bylaw to establish development procedures.

WHEREAS, Council wishes to enact a bylaw governing development procedures in the City of Coquitlam.

NOW THEREFORE, the Municipal Council of the City of Coquitlam in open meeting assembled, ENACTS AS FOLLOWS:

PART ONE: NAME OF BYLAW

1.1 This Bylaw may be cited as the “City of Coquitlam Development Procedures Bylaw No. 4068, 2009”.

PART TWO: INTERPRETATION

2.1 In this Bylaw, unless the context requires otherwise:

- Agricultural Land Commission Act*** means the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36, as amended or superseded from time to time.
- Application** means an application for an Official Community Plan or Zoning Bylaw amendment, or an application for a Development Permit, Watercourse Protection Development Permit, Development Variance Permit, Temporary Use Permit, Subdivision, Heritage Revitalization Agreement or Heritage Alteration Permit.
- Application Form** means a form provided by the City for purposes of applying for an amendment to the Official Community Plan or Zoning Bylaw, or an application for a Development Permit, Watercourse Protection Development Permit, Development Variance Permit, Temporary Use Permit, Subdivision, Heritage Revitalization Agreement, or Heritage Alteration Permit.
- Bylaw Amendment** means an amendment to the Official Community Plan or Zoning Bylaw made pursuant to an application under this bylaw.
- City** means the City of Coquitlam.
- City Clerk** means the municipal employee appointed as the officer responsible for corporate administration in accordance with Sections 146 and 148 of the *Community Charter*, or designate.

<i>Community Charter</i>	means the <i>Community Charter</i> , S.B.C. 2003, c. 26, as amended or superseded from time to time.
Council	means the governing and executive body of the City of Coquitlam as provided under the <i>Community Charter</i> .
Fees and Charges Bylaw	means the City of Coquitlam Fees and Charges Bylaw No. 4005, 2009, as amended or superseded from time to time.
General Manager Engineering and Public Works	means the General Manager Engineering and Public Works appointed by Council from time to time, or designate.
General Manager Planning and Development	means the General Manager Planning and Development appointed by Council from time to time, or designate.
<i>Heritage Conservation Act</i>	means the <i>Heritage Conservation Act</i> , R.S.B.C. 1996, c. 187, as amended or superseded from time to time.
<i>Land Title Act</i>	means the <i>Land Title Act</i> , R.S.B.C. 1996, c. 250, as amended or superseded from time to time.
<i>Local Government Act</i>	means the <i>Local Government Act</i> , R.S.B.C. 2015, c. 1, as amended or superseded from time to time.
Official Community Plan	means the City of Coquitlam Citywide Official Community Plan Bylaw No. 3479, 2001, as amended or superseded from time to time.
Sign Bylaw	means the City of Coquitlam Sign Bylaw No. 3873, 2008, as amended or superseded from time to time.
<i>Strata Property Act</i>	means the <i>Strata Property Act</i> , S.B.C. 1998, c. 43, as amended or superseded from time to time.
Subdivision and Development Servicing Bylaw	means the City of Coquitlam Subdivision and Development Servicing Bylaw No. 3558, 2003, as amended or superseded from time to time.
<i>Transportation Act</i>	means the <i>Transportation Act</i> , S.B.C. 2004, c. 44, as amended or superseded from time to time.
Zoning Bylaw	means the City of Coquitlam Zoning Bylaw No. 3000, 1996 as amended or superseded from time to time.

PART THREE: OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENT PROCEDURES

3.1 Application

An Application for an amendment to the Official Community Plan or the Zoning Bylaw shall be:

- (a) made through a fully completed Application Form signed by the applicant and the registered owners of the lot or lots affected;
- (b) accompanied by the appropriate Application fee as provided in the then current Fees and Charges Bylaw; and
- (c) accompanied by such other information as is required by the City to evaluate the Application.

3.2 Review

Where an Application to amend the Official Community Plan or Zoning Bylaw has been made in conformance with this bylaw, the General Manager Planning and Development, shall prepare a report to Council advising on the merits of the Application.

3.3 Consultation

3.3.1 Delegation

Pursuant to s. 154(1)(b) of the *Community Charter*, Council delegates to the General Manager Planning and Development, the duty of Council under s. 475 of the *Local Government Act* to consider and provide, if necessary, opportunities for early and ongoing consulting with persons, organizations and authorities.

3.4 Council Consideration

Council may, upon receiving the report of the General Manager Planning and Development:

- (a) give first reading to a Bylaw Amendment pursuant to the Application;
- (b) authorize drafting of a Bylaw Amendment pursuant to the Application;
- (c) decline the Application;
- (d) defer the Application; or
- (e) refer the Application back to staff, with direction.

3.5 Public Hearing

Where Council gives first reading to a Bylaw Amendment pursuant to an Application, it will refer the bylaw to a public hearing unless the public hearing has been waived in accordance with s. 464 of the *Local Government Act*.

3.5.1 Required Notification

3.5.1.1 Not less than 10 days prior to the date of the Public Hearing notice of the hearing shall be mailed or otherwise delivered to:

- (a) the owners and any tenants in occupation of all lots which are the subject of the bylaw alteration; and
- (b) the owners and any tenants in occupation of all lots within 100m from the land(s) that is the subject of the bylaw alteration.

3.5.1.2 The above notification is not required if ten (10) or more parcels owned by ten (10) or more persons are the subject of the bylaw alteration.

3.5.1.3 The City Clerk will provide newspaper notices in accordance with the *Local Government Act*.

3.5.2 Additional Notification

3.5.2.1 The City Clerk, in consultation with the General Manager Planning and Development, will prepare and distribute the agenda for the Public Hearing.

3.5.2.2 The City Clerk, in consultation with the General Manager Planning and Development, may arrange for the posting of signs on the properties that are the subject of the Bylaw Amendment. Signs will not be posted in cases where the bylaw alteration impacts ten (10) or more parcels owned by ten (10) or more persons.

3.5.2.3. In instances where there is a request that the notification process be varied to provide additional notification, a resolution of Council is required.

3.6 Council Consideration after Public Hearing

3.6.1 After the public hearing has been closed, Council will consider the Bylaw Amendment, and may:

- (a) give second or third reading, or both, to the Bylaw Amendment;
- (b) give second, third and final readings to the Bylaw Amendment;
- (c) amend the bylaw; and
 - (i) give second or third reading, or both;
 - (ii) give second, third and final readings;
- (d) decline to give any further reading to the Bylaw Amendment, therefore declining the Application;
- (e) defer the Bylaw Amendment; or
- (f) refer the Bylaw Amendment back to staff, with direction.

- 3.6.2 After Council has given third reading to a Bylaw Amendment, the General Manager Planning and Development, or designate, will:
- (a) refer the Bylaw Amendment to the Ministry of Transportation where approval is required under s. 505 of the *Local Government Act*; and
 - (b) advise the applicant as to any steps to be taken prior to further Council consideration of the Bylaw Amendment, if necessary.
- 3.6.3 Council may consider final adoption of a Bylaw Amendment:
- (a) after three readings have been given; and
 - (b) where a development permit is required, upon receipt of a report from the General Manager Planning and Development stating that a development permit has been prepared and is ready for consideration.

3.7 Bylaw Lapse and Time Extension

- 3.7.1 Every Bylaw Amendment which has not been given final adoption by Council within one year after the date it was given third reading lapses, and will be of no force and effect, and an applicant who wishes to proceed with their Application must initiate a new Application.
- 3.7.2 Notwithstanding s. 3.7.1 and s. 10.1, upon written request by the applicant prior to the expiry of the one year period, the General Manager Planning and Development may, but is not obligated to, grant an extension of up to one year to enable the applicant to complete the requirements for final adoption. Upon written request by the applicant prior to the expiry of an extension period, Council may, but is not obligated to, grant a further, and final, extension of up to one year.

3.8 Time Limit on Reapplication

Where an Application to amend the Zoning Bylaw or Official Community Plan has been declined by Council, no Application for the same Bylaw Amendment shall be received by the General Manager Planning and Development for a period of six (6) months from the date it was declined.

PART FOUR: DEVELOPMENT PERMIT PROCEDURES

4.1 Authority

- 4.1.1 Council may, by resolution, issue, or authorize the General Manager Planning and Development to issue on Council's behalf, development permits, as authorized by the *Local Government Act*.
- 4.1.2 Part Four of this bylaw applies to all development permits except watercourse development permits.

4.2 Application

An Application for a development permit shall be:

- (a) made through a fully completed Application Form, signed by the applicant and the registered owner of the lot or lots affected;
- (b) be accompanied by the appropriate Application fee as provided in the then Fees and Charges Bylaw; and
- (c) accompanied by such other information as is required by the City to evaluate the Application.

4.3 Review

4.3.1 Referral

An Application for a development permit may be referred to other City staff and applicable external agencies for review and comment.

4.3.2 Ministry of Transportation Approval

Where a development permit Application requires the approval of the Ministry of Transportation under s. 505 *of the Local Government Act*, Council will consider approval of the permit after receiving Ministry approval.

4.3.3 Development Permit Report

Except where the consideration of development permits has been delegated pursuant to s. 4.5 of this bylaw, the General Manager Planning and Development shall prepare a report for Council advising on the Application with the following included:

- (a) a statement of whether the proposed development permit complies with the Official Community Plan;
- (b) a statement, if applicable, of any provisions in the Zoning Bylaw or other bylaw that are to be varied or supplemented and how they are to be varied or supplemented; and
- (c) a copy of the proposed development permit.

4.4 Council Consideration

Council may, upon receiving the report of the General Manager Planning and Development:

- (a) authorize issuance of the development permit;
- (b) decline the development permit;
- (c) defer the development permit Application; or
- (d) refer, with direction, the development permit Application back to staff.

4.5 Delegation of Council Powers

4.5.1 Delegation

Pursuant to s. 154(1)(b) of the *Community Charter*, Council delegates to the General Manager Planning and Development, the powers of Council under ss. 489, 490 and 491 of the *Local Government Act* to issue and amend development permits in respect of development permit areas established by an Official Community Plan, including the powers of Council to require that the applicant provide security for the purposes of s. 502 of the *Local Government Act*.

4.5.2 Conditions of Delegation

As a restriction on s. 4.5.1, the General Manager Planning and Development, may only issue development permits for the following:

- (a) building improvements with a total construction value of \$500,000 or less;
- (b) notwithstanding (a), duplexes (two-family dwelling);
- (c) notwithstanding (a), triplex, fourplex and multiplex residential;
- (d) interface wildfire risk management;
- (e) freestanding signs; and
- (f) permit extensions and cancellations.

4.5.3 Reassignment of Development Permit

The General Manager Planning and Development, may assign a development permit to a new owner when a transfer of title occurs on a property for which a development permit has already been issued, either by Council or the General Manager Planning and Development or designee.

4.5.4 Development Permit Amendments

As a restriction of s. 4.5.1, the General Manager Planning and Development may only amend development permits when:

- (a) density, lot coverage, siting, scale, spacing or configurations of buildings are not altered by more than ten percent by the amendment; and
- (b) open space and amenities are maintained to the same extent as before the amendment.

4.5.5 Council Reconsideration

4.5.5.1 The owner of land whose development permit Application is subject to this section may, within 10 business days of being notified in writing of the General Manager Planning and Development or designee's decision on their Application, request Council to reconsider the General Manager Planning and Development or designee's decision by giving notice in writing to the City Clerk setting out the grounds on which the owner considers the decision to be inappropriate, including the specific decision and development permit conditions being challenged, and what amounts of security Council ought to substitute.

4.5.5.2 The City Clerk will place each request for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible but not more than ten (10) weeks from the date on which the request for reconsideration was delivered.

The City Clerk will notify the applicant of the date of the meeting at which reconsideration will occur.

The City Clerk will notify the General Manager Planning and Development of each request for reconsideration and the General Manager Planning and Development will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to Council setting out, at the level of detail the General Manager Planning and Development considers appropriate, the rationale for the General Manager Planning and Development's decision.

4.5.5.3 Council will either confirm the decision of the General Manager Planning and Development, or substitute its own decision, including development permit conditions and amounts of security.

4.6 Security

Prior to issuance of a Development Permit, the applicant may be required to deposit a security in a form acceptable to the Manager Financial Services and the General Manager Planning and Development to ensure satisfactory completion of all conditions of the permit pertaining to landscaping or removal of an unsafe condition resulting from a contravention of a condition of a permit.

The amount of the security must not be less than 2.5% of the construction cost of any buildings, as estimated by the Building Inspector under the Building Bylaw. This security does not relate to any securities required under the Building Bylaw, Subdivision and Development Servicing Bylaw or other bylaws.

In imposing the security requirements, the General Manager Planning and Development may require security to be maintained for as long as:

- (a) a condition respecting landscaping has not been satisfied;
- (b) an unsafe condition has resulted as a consequence of a contravention of a condition in the permit; or
- (c) damage to the natural environment has resulted as a consequence of a contravention of a condition of the permit.

4.7 Notice in Land Title Office

A notice of the authorized development permit, or an amendment thereto, shall be filed in the Land Title Office as required by the *Local Government Act*.

PART FIVE: WATERCOURSE PROTECTION DEVELOPMENT PERMIT PROCEDURES

5.1 Authority

Council may, by resolution, issue, or authorize the General Manager Engineering and Public Works to issue on Council's behalf, a watercourse development permit, as authorized by the *Local Government Act*.

5.2 Preliminary Application

An Application for a watercourse development permit shall:

- (a) be made on an Application Form signed by the applicant and the registered owner;
- (b) be accompanied by one-half of the application fee, as provided in the Fees and Charges Bylaw;
- (c) include a full written description of the proposed alteration of land and/or development; and
- (d) provide an accurate site plan showing:
 - (i) legal lot lines, the watercourse, and its top of bank;
 - (ii) the extent of area in which it is proposed to alter land; and
 - (iii) the siting of all existing and proposed buildings, structures, works, impervious surfaces, or proposed additions to any of these.

5.3 Preliminary Review

5.3.1 The preliminary Application will be reviewed to determine:

- (a) the nature and scope of the activity proposed under the Application;
- (b) the objectives and guidelines of the Development Permit Area;
- (c) the availability of already existing relevant information;
- (d) what specific items of information will be required to evaluate the Application; and
- (e) whether the proposed activity is minor in scope and will have no significant impact in terms of the objectives and guidelines of the Development Permit Area.

5.3.2 Once notified of the requirements under s. 5.3.1, the applicant shall then provide the requested information together with the balance of the applicable Development Permit application fee. Thereafter the processing of the application shall be as set out in Part 4 of this bylaw.

5.4 Application and Review

Development approval information which the City may require in order to evaluate a Development Permit application, as authorized by ss. 484, 486, 487, 489, 490 and 491 of the *Local Government Act*, and s. 5.3.1(b) of this bylaw may include:

- (a) a plan prepared by a British Columbia Land Surveyor and showing:
 - (i) the top of bank and natural boundary of any streams, relative to legal boundaries; and

- (ii) sufficient information as to slope and elevations to determine compliance with Section 519 of the City of Coquitlam Zoning Bylaw No. 3000, 1996, as amended;
- (b) assessment by a registered professional biologist, including:
 - (i) identification of environmentally sensitive areas and features;
 - (ii) analysis of the potential impact of the proposed land alteration or development activity; and
 - (iii) recommendations to eliminate or mitigate such impacts;
- (c) assessment by a Professional Engineer with expertise in geotechnical matters, including:
 - (i) identification of any potential hazard of land slippage, bank erosion, flooding or drainage blockage; and
 - (ii) recommendations for measures to eliminate or mitigate any such hazard;
- (d) a plan by a Professional Engineer for all proposed drainage collection, retention, detention and discharge works, as well as:
 - (i) calculations showing the effect of these on pre-development run-off rates in receiving watercourses; and
 - (ii) a plan for the control of drainage, erosion and siltation throughout the period of construction;
- (e) assessment by a certified arborist, including:
 - (i) evaluation of existing trees and undergrowth;
 - (ii) analysis of the potential impacts of the application on existing trees and undergrowth;
 - (iii) recommendations to avoid or mitigate such impacts;
 - (iv) identification, where appropriate, of opportunities to enhance tree growth and associated undergrowth;
 - (v) where trees are proposed to be removed, a tree replacement plan consistent with the tree replacement criteria of the Provincial Ministry of Environment, Lands, & Parks; and
- (f) such other information as the General Manager Engineering and Public Works finds reasonably necessary considering the circumstance of the proposal and the objectives and guidelines for Watercourse Protection Development Permit Area as established in the Citywide Official Community Plan.

5.5 Exemptions

A Watercourse Protection Development Permit shall not be required where:

- (a) A hazardous or dangerous tree or trees (as designated in writing by a certified arborist) are proposed to be removed and the owner provides a letter of undertaking to provide replacement trees as per the recommendation of a certified arborist;
- (b) The proposed activity is for the specific purpose of protecting fish habitat and has been approved by senior government environmental regulatory agencies;

- (c) An existing building or structure is being renovated, altered or redeveloped within its existing footprint with no increase in pervious area; and
- (d) Upon evaluation of the initial application of a Watercourse Protection Development Permit application, the General Manager Engineering and Public Works determines that the activity is minor in scope and will have no significant impacts in terms of the objectives and guidelines of the Watercourse Protection Development Permit area.

5.6 Delegation of Council Powers

5.6.1 Delegation

Pursuant to s. 154(1)(b) of the *Community Charter*, Council delegates to the General Manager Engineering and Public Works, the powers of Council under ss. 489, 490 and 491 of the *Local Government Act* to issue and amend development permits in respect of development permit areas established by an Official Community Plan, including the powers of Council to require that the applicant provide security for the purposes of s. 502 of the *Local Government Act*.

5.6.2 Conditions of Delegation

As a restriction on s. 5.5.1, the General Manager Engineering and Public Works, may only issue development permits for watercourse development permits.

5.6.3 Council Reconsideration

Council reconsideration will be completed in accordance with s. 4.5.5 of this bylaw.

PART SIX: DEVELOPMENT VARIANCE PERMIT PROCEDURES

6.1 Authority

6.1.1 Council may, by resolution, issue development variance permits, as authorized by the *Local Government Act*. For the purpose of this bylaw, development variance permits may be authorized for the Zoning Bylaw, Subdivision and Development Servicing Bylaw, and Sign Bylaw.

6.1.2 An owner of land may apply for a development variance permit for the development of any land within the City, but the permitted uses and the density of land use permitted under the zone designation of the Zoning Bylaw may not be varied by Council by development variance permit.

6.2 Application

An Application for a development variance permit shall:

- (a) be made on an Application Form, signed by the applicant and the registered owner of the lot or lots affected;
- (b) be accompanied by the appropriate Application fee as provided in the then current Fees and Charges Bylaw; and
- (c) include information as required to evaluate the Application.

6.3 Review

6.3.1 Referral

An Application for a development variance permit may be referred to other City staff and applicable external agencies for review and comment.

6.3.2 Ministry of Transportation Approval

Where a development variance permit Application requires the approval of the Ministry of Transportation as required under s. 505 of the *Local Government Act*, Council will consider approval of the permit after receiving Ministry approval.

6.3.3 Development Variance Permit Report

The General Manager Planning and Development, shall prepare a report for Council advising on the Application with the following included:

- (a) the provisions of the Zoning Bylaw, Subdivision and Development Servicing Bylaw or Sign Bylaw to be varied or supplemented and how they are to be varied or supplemented; and
- (b) a statement of any potential impacts the proposed variance may have on adjacent properties or the surrounding neighbourhood and how those impacts will be mitigated; and
- (c) a copy of the proposed development variance permit.

6.4 Notification

Not less than 14 days prior to the date of the Council Meeting, notice of Council's consideration of the development variance permit shall be mailed or otherwise delivered to:

- (a) the owners and any tenants in occupation of all lots which are the subject of the application; and
- (b) the owners and any tenants in occupation of all lots within 50 metres from the land(s) that is the subject of the application.

6.5 Council Consideration

Council may, in considering the development variance permit:

- (a) authorize issuance of the development variance permit;
- (b) decline the development variance permit;
- (c) defer the development variance permit Application; or
- (d) refer, with direction, the development variance permit Application back to staff.

6.6 Security

Security in a form acceptable to the Manager Financial Services and the General Manager Planning and Development, may be required to ensure satisfactory completion of all conditions of the permit.

The amount of the security must be not less than 2.5% of the construction cost of any buildings, as estimated by the Building Inspector under the Building Bylaw. This security does not relate to any securities required under the Building Bylaw, Subdivision and Development Servicing Bylaw or other bylaw.

In imposing the security requirements, the General Manager Planning and Development, may require security to be maintained for as long as there is a reasonable possibility of an unsafe condition resulting as a consequence of a contravention of a condition in the permit, or damage to the natural environment has resulted as a consequence of a contravention of a condition in the permit.

6.7 Notice in Land Title Office

A notice of the authorized development variance permit shall be filed in the Land Title Office as required by the *Local Government Act*.

PART SEVEN: TEMPORARY USE PERMITS

7.1 Authority

7.1.1 As authorized by the *Local Government Act*, an Official Community Plan or Zoning Bylaw may designate areas where temporary uses may be allowed and may specify conditions. ;

7.1.2 Council may, by resolution, issue a temporary use permit within an area designated in the Official Community Plan or Zoning Bylaw.

7.2 Application

An Application for a temporary use permit shall:

- (a) be made on an Application Form, signed by the applicant and the registered owner of the lot or lots affected;
- (b) be accompanied by the appropriate Application fee as authorized in the then current Fees and Charges Bylaw; and
- (c) include information as required to evaluate the Application.

7.3 Review

7.3.1 Referral

An Application for a temporary use permit may be referred to other City staff and applicable external agencies for review and comment.

7.3.2 Ministry of Transportation Approval

Where a temporary use permit Application requires the approval of the Ministry of Transportation as required under s. 505 of the Local Government Act, Council will consider approval of the permit after receiving Ministry approval.

7.3.3 Temporary Use Permit Report

The General Manager Planning and Development, shall prepare a report for Council advising on the merits of the Application with the following included:

- (a) a description of the proposed temporary use;
- (b) a statement if the proposed temporary use complies with the Official Community Plan; and
- (c) a copy of the proposed permit, including:
 - (i) the date the permit expires; and
 - (ii) if applicable, a letter of undertaking, attached to and forming part of the permit, to demolish or remove a building or structure or restore land described in the permit to a condition, and by a date, specified in the permit.

7.4 Notification

7.4.1. The City Clerk shall publish a notice in a newspaper, at least three (3) and not more than fourteen (14) days prior to Council consideration of a temporary use permit that states:

- (a) the purpose of the proposed permit;
- (b) the land or lands that are the subject of the proposed permit; and
- (c) 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.

7.4.2 Not less than fourteen (14) days prior to the date of the Council Meeting, notice of Council's consideration of the temporary use permit shall be mailed or otherwise delivered to:

- (a) the owners and any tenants in occupation of all lots which are the subject of the application; and
- (b) the owners and any tenants in occupation of all lots within 100 metres from the land(s) that is the subject of the application.

7.5 Council Consideration

Council may, in considering the temporary use permit may:

- (a) authorize issuance of the temporary use permit;
- (b) decline the temporary use permit;
- (c) defer the temporary use permit Application; or
- (d) refer, with direction, the temporary use permit Application back to staff.

7.6 Security

Prior to issuance of the permit, the applicant must deposit a security in a form acceptable to the Manager Financial Services and the General Manager Planning and Development to ensure satisfactory completion of all conditions of the permit pertaining to landscaping or removal of an unsafe condition resulting from a contravention of a condition of a permit.

The amount of the security must be not less than 2.5% of the construction costs of any buildings, as estimated by the Building Inspector under the Building Bylaw. This security does not relate to any securities required under the Building Bylaw, Subdivision and Development Servicing Bylaw or other bylaws.

In imposing the security requirements, the General Manager Planning and Development, may require security to be maintained for as long as a condition respecting landscaping has not been satisfied, an unsafe condition resulting as a consequence of a contravention of a condition in the permit, or damage to the natural environment has resulted as a consequence of a contravention of a condition of the permit.

PART EIGHT: HERITAGE REVITALIZATION AGREEMENTS

8.1 Authority

- 8.1.1 Council may, by bylaw, enter into a heritage revitalization agreement with a property owner, as authorized by s. 610 of the *Local Government Act*.
- 8.1.2 A heritage revitalization agreement prevails over a Zoning Bylaw, Development Permit or Development Variance Permit, in the event of any conflict.
- 8.1.3 A heritage revitalization agreement may only be amended by bylaw with the consent of the owner.

8.2 Application

An Application for a heritage revitalization agreement shall be:

- (a) made on an Application Form signed by the applicant and the registered owners of the lot or lots affected;
- (b) accompanied by the appropriate Application fee; and
- (c) include information as required to evaluate the Application.

8.3 Review

8.3.1 Referral

An Application for a heritage revitalization agreement may be referred to other City staff and applicable external agencies for review and comment.

8.3.2 Ministry of Transportation Approval

Where a heritage revitalization agreement Application requires the approval of the Ministry of Transportation, as required under s. 52(3) of the *Transportation Act*, Council will consider approval of the permit after receiving Ministry approval.

8.4 Public Hearing

Where the heritage revitalization agreement would permit a change to the use or density that is not otherwise authorized by the applicable zoning of the property, a public hearing will be held prior to entering the agreement.

8.4.1 Notification

Notification will be completed in accordance with s. 3.5 of this bylaw.

8.5 Council Consideration after Public Hearing

8.5.1 After the public hearing has been closed, Council will consider the heritage revitalization agreement bylaw and may:

- (a) give second or third reading, or both, to the bylaw;
- (b) give second, third and final reading to the bylaw;
- (c) decline to give any further reading to the bylaw, therefore declining the application;
- (d) defer the bylaw; or
- (e) refer the bylaw back to staff, with direction.

8.5.2 Council may consider final adoption of a heritage revitalization agreement bylaw:

- (a) after three readings have been given; and
- (b) following receipt of written approval, if applicable, from the Ministry of Transportation.

8.6 Bylaw Lapse and Time Extension

8.6.1 A heritage revitalization agreement bylaw which has not been given final adoption by Council within one year after the date it was given third reading lapses, and will be of no force and effect, and an applicant who wishes to proceed with their Application must initiate a new Application.

8.6.2 Notwithstanding s. 8.6.1 and s. 10.1, upon written request by the applicant prior to the expiry of the one year period, the General Manager Planning and Development may, but is not obligated to, grant an extension of up to one year to enable the applicant to complete the requirements for final adoption. Upon written request by the applicant prior to the expiry of an extension period, Council may, but is not obligated to, grant a further, and final, extension of up to one year.

8.7 Notice in Land Title Office

Within 30 days after entering into or amending a heritage revitalization agreement, the City must file a notice in the land title office in accordance with s. 594 of the *Local Government Act*.

8.8 Notice to Minister

Within 30 days after entering into or amending a heritage revitalization agreement, the City must give notice to the minister responsible for the *Heritage Conservation Act*, in accordance with s. 595 of the *Local Government Act*.

PART NINE: AGRICULTURAL LAND COMMISSION ACT APPLICATIONS

9.1 Authority

An Agricultural Land Reserve application for resolution under s. 30(4) of the *Agricultural Land Commission Act* may be reviewed by the City and must be forwarded to the Agricultural Land Commission, as required under the *Agricultural Land Commission Act*.

9.2 Application

An Agricultural Land Reserve application shall:

- (a) be accompanied by the appropriate Application fee; and
- (b) include information as required under the *Agricultural Land Commission Act*, to evaluate the Agricultural Land Reserve application.

9.3 Review

9.3.1 An Agricultural Land Reserve application may be referred to City staff for review and comment.

9.3.2 A public information meeting may be held by the applicant with respect to the Agricultural Land Reserve application.

9.4 Council Resolution

Council may, by resolution, provide recommendations to the Agricultural Land Commission on the Application.

9.5 Application Forwarded to Agricultural Land Commission

Within 60 days after receipt of the Agricultural Land Reserve application, or within 90 days, if a public information meeting is held, the Agricultural Land Reserve application for resolution must be forwarded to the Agricultural Land Commission.

PART TEN: INACTIVE APPLICATIONS

- 10.1** Where no submission of outstanding or required Application materials has been made by the applicant on an Application file for any six (6) month period, or such longer time, as the City may determine, the Application shall be considered inactive and closed. The applicant shall be notified in writing and if no response is received within thirty (30) days, the application file will be closed.

PART ELEVEN: OTHER PROVISIONS

11.1 Irregularity

The failure of Council or a Committee to observe the provisions of this Bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

11.2 Severability

If any part, section, subsection, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME this 7th day of December, 2009.

CONSIDERED AT PUBLIC HEARING this 8th day of February, 2010.

READ A SECOND TIME this 8th day of February, 2010.

READ A THIRD TIME this 8th day of February, 2010.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 8th day of February, 2010.

MAYOR

CLERK