



## EXPLANATORY MEMO

### DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 3270

The purpose of this proposed Bylaw is to establish an updated Development Application Procedures Bylaw No. 3270 that 1.) is consistent with recent legislative changes to the *Local Government Act* (LGA) and the City's new application processing approaches, and 2.) replace Development Application Procedures Bylaw No. 2488, which is now considered out-of-date.

Proposed Bylaw No. 3270 incorporates the content of Bylaw No. 2488, but also includes updates and new requirements to align it with new Provincial housing legislation, contemporary procedures and other City Bylaws. Bylaw 3270 is also formatted and numbered according to the City's most current and in-use bylaw format template. Both Bylaw 3270 and Bylaw 2488 are attached as reference.

The updates and accompanying rationale in Bylaw 3270 are summarized below.

#### 1. Aligning Zoning Bylaw Amendment Procedures with New Provincial Legislation

With the adoption of Bill 44 on November 30, 2023, the Provincial Government amended the LGA to prohibit local governments from holding public hearings for residential rezoning applications that are consistent with the Official Community Plan (OCP). This prohibition is specifically stated in LGA Section 464.

The proposed updates in Parts 2.7, 3.3 and 3.4 of Bylaw 3270, which remove the public hearing requirement for residential rezoning applications and include new procedures for these applications, is consistent with LGA Section 464 and other relevant sections of 'Division 3 - Public Hearings on Planning and Land Use Bylaws' of the LGA.

LGA Section 464 also enables Council to waive public hearings for non-residential rezoning applications that are consistent with the OCP, and Parts 2.7, 3.3 and 3.4 of Bylaw 3270 include new procedures for applications in which Council has chosen to waive the public hearing.

#### 2. Updating Development Permit Application Procedures

'Division 7 - Development Permits' of the LGA does not require an opportunity for public input to Council to be provided when Council considers a Development Permit application. Development Permits are typically used for regulating the 'form and character' of buildings and sites and cannot vary uses or density (varying use or density requires rezoning).

Consistent with the LGA, the proposed Bylaw 3270 does not include Part 8b from Bylaw 2488, which currently requires the mailing or otherwise delivering a notice to affected persons for Development Permit applications (to provide an opportunity for public input to Council through a Committee of the Whole meeting). Bylaw 3270 also does not include Part 19.1 from Bylaw 2488, to reflect Council's decision-making authority as set out in the LGA.

### 3. Enabling Earlier Notice of Development Applications

Bylaw 3270 includes new requirements for posting development application notice signs on the properties that are subject to an OCP Amendment, Zoning Bylaw Amendment, Development Permit and/or Development Variance Permit application.

These requirements in Parts 3.1, 3.2, 4.3, and 4.4, which supersede Parts 13 and 13.1 in Bylaw 2488, will result in notice signs (with application information, and applicant and City staff contact information) being posted earlier in the development application process. These signs will also direct the public to the City's on-line application portal, where they can view application information, drawings and renderings, and track application process progress, including drawing/rendering changes, Council dates etc. Applicant and City staff contact information will also be provided on the application portal.

### 4. Other Updated Items

Bylaw 3270 includes updated requirements for development servicing agreements in Parts 3.5, 4.6.1 and 5.6, consistent with the Subdivision and Development Servicing Bylaw, and an increased completion time for applications in Part 2.10 (the increase to 24 months from the 12 month time limit in Bylaw 2488 provides more flexibility for applicants).

Part 7 in Bylaw 2488, which requires all applications to be referred to the Advisory Planning Commission, is not included in Bylaw 3270 given that this Commission no longer exists.

### 5. Updated Definitions

Two new definitions are included in Part 2.2 of Bylaw 3270, including "Residential Development" to provide additional context for the procedures in this Bylaw, and "Subdivision and Development Servicing Bylaw" given that it is referenced in updated procedures in Bylaw 3270.



# **CITY OF LANGLEY DEVELOPMENT APPLICATION PROCEDURES BYLAW**

**NO. 3270**

A Bylaw to establish procedures to amend the Official Community Plan, Zoning Bylaw or a Land Use Contract and to issue a permit under Part 14 of the *Local Government Act*.

The Council of the City of Langley, in open meeting assembled, enacts as follows:

## **1. TITLE**

This bylaw shall be cited as the “Development Application Procedures Bylaw, 2024, No. 3270.”

## **2. GENERAL PROVISIONS**

2.1 This Bylaw shall apply to

- (a) Amendments to:
  - (i) an Official Community Plan (OCP);
  - (ii) a Zoning Bylaw; and
  - (iii) a Land Use Contract (LUC); and
- (b) Issuance of:
  - (i) Development Permits; and
  - (ii) Development Variance Permits.

2.2 In this Bylaw,

“Affected person” means a person who is an owner or occupier of real property or any part thereof which is:

- (a) the subject of the application; or
- (b) within a distance of 100 metres from any boundary of the real property which is the subject of the application.

“Applicant” means a person who is an owner or who is authorized in writing by the owner to act on the owner’s behalf.

“Application” means an application to do any of the items set out in this Bylaw.

“Application fee” means the application fee amount set out in the Fees and Charges Bylaw.

“City” means the City of Langley.

“Fees and Charges Bylaw” means the City of Langley’s Fees and Charges Bylaw in force and effect at that time, as amended from time to time.

“Local Government Act” or “LGA” means the Local Government Act, R.S.B.C. 1996, c. 323, and its amendments.

“Residential development” means a development with residential floor area composing 50 percent or more of the development’s total floor area.

“Subdivision and Development Servicing Bylaw” means the City of Langley’s Subdivision and Development Servicing Bylaw in force and effect at that time, as amended from time to time.

2.3 The following schedules are attached to and form part of this Bylaw:

- (a) Schedule “A” – Development Permit;
- (b) Schedule “B” – Development Variance Permit.

2.4 An applicant may apply to the City on the forms provided by the City to:

- (a) amend the Zoning Bylaw;
- (b) amend the OCP;
- (c) amend an LUC; or
- (d) issue a Development Permit or Development Variance Permit.

2.5 All applications will be accompanied by the required application fee and supporting information.

2.6 The application fee is non-refundable except when an application is refused by Council, prior to the publishing or delivery of any notice required to be given under this bylaw or the LGA, in respect of the application, or prior to consideration of first reading if no public hearing will be held, in which cases 50 per cent of the application fee will be refunded to the applicant.

2.7 In accordance with the LGA, the City will mail or otherwise deliver a notice about the application to affected persons:

- (a) prior to the public hearing, in the case of an application involving a bylaw to amend the Official Community Plan, an application involving a bylaw to amend the Zoning Bylaw for a non-residential development, or an application involving a bylaw to amend an LUC; or

- (b) prior to consideration of first reading for an application involving a bylaw to amend the Zoning Bylaw for a residential development that is consistent with LGA Section 464; or
- (c) prior to consideration of first reading for an application involving a bylaw to amend the Zoning Bylaw if Council has waived the public hearing according to LGA Section 464; or
- (d) prior to Council's consideration of a Development Variance Permit application.

2.8 Where an application made pursuant to this Bylaw has been refused by Council, the City will notify the applicant in writing.

2.9 Any application that has been refused by Council will not be considered again within a six-month period immediately following the date of refusal.

2.10 Any application which is not approved within 24 months of the date of application is deemed to have expired and requires the applicant to reapply.

### **3. ZONING AND OFFICIAL COMMUNITY PLAN BYLAW AMENDMENTS**

3.1 Within 30 days of the City receiving an official complete development application that involves a bylaw to amend the OCP or the Zoning Bylaw, the applicant must post a development application notice sign(s) on the subject property that includes the following information, as applicable to the application type:

- (a) notifies the public of the application;
- (b) provides contact information for the applicant and the City;
- (c) identifies the date on which a public hearing will be held for a bylaw to amend the OCP or a bylaw to amend the Zoning Bylaw, or if no public hearing will be held, the date when council will consider first reading (and further readings, if applicable) of the amendment bylaw; and
- (d) directs the public to where application information and drawings can be viewed on the City's website and/or in person at City Hall.

3.2 The size, design, and wording of development application notice sign(s) must be approved by the City prior to the applicant posting the sign.

- (a) The City may require the applicant to post more than one (1) development application sign on the subject property, due to property size, configuration, multiple public road frontages, adjacent property conditions and unique property characteristics that may impede the visibility of a single notice sign.

3.3 Prior to the mailing or delivery of a notice of a public hearing for a bylaw to amend the OCP, or a bylaw to amend the Zoning Bylaw for a non-residential development application, Council may:

- (a) reject the application;
- (b) refer the application back to staff for further study and report; or

- (c) give first and second reading to the proposed amendment bylaw and proceed to public hearing.

3.3.1 After the public hearing is held, Council may:

- (a) reject the application;
- (b) refer the application back to staff for further study and report; or
- (c) give third reading to the proposed amendment bylaw with or without modifications imposed by Council.

3.4 Following the mailing or delivery of notice of first reading (and further readings, if applicable) of a bylaw to amend the Zoning Bylaw for a residential development application that is consistent with LGA Section 464, or for a bylaw to amend the Zoning Bylaw in which Council has waived the public hearing, Council may:

- (a) reject the application;
- (b) refer the application back to staff for further study and report; or
- (c) give first and further readings to the proposed amendment bylaw.

3.4.1 Council may give third reading of the proposed amendment bylaw with or without modifications imposed by Council.

3.5 Where a development servicing agreement is required in accordance with the Subdivision and Development Servicing Bylaw, the development Servicing agreement shall be completed and signed by the applicant prior to the amendment bylaw being submitted to Council for fourth and final reading.

3.6 If the proposed amendment bylaw is submitted to Council for fourth and final reading, Council may either give fourth and final reading to the proposed amendment bylaw or refuse to do so.

**4. DEVELOPMENT PERMITS AND DEVELOPMENT VARIANCE PERMITS**

4.1 For the purposes of this Part, all references to a Development Permit or Development Variance Permit will apply also to an amendment or cancellation of same.

4.2 Prior to commencing any development of land, the applicant must apply for and obtain:

- (a) a Development Permit; or
- (b) a Development Variance Permit

unless the proposed development falls within the exception(s) set out in OCP.

4.3 Within 30 days of the City receiving an official complete Development Permit or a Development Variance Permit application, the applicant must post a development application notice sign(s) on the subject property that:

- (a) notifies the public of the application;
  - (b) provides contact information for the applicant and the City;
  - (c) identifies the date in which Council will consider approval of the Development Permit or Development Variance Permit application; and
  - (d) directs the public to where application information and drawings can be viewed on the City's website and/or in person at City Hall.
- 4.4 The size, design, and wording of development application notice sign(s) must be approved by the City prior to the applicant posting the sign.
  - (a) The City may require the applicant to post more than one (1) development application sign on the subject property, due to property size, configuration, multiple public road frontages, adjacent property conditions and unique property characteristics that may impede the visibility of a single notice sign.
- 4.5 After the mailing or delivery of a notice of consideration of a Development Variance Permit application by Council, Council may, by resolution:
  - (a) authorize the issuance of a Development Variance Permit with or without conditions;
  - (b) refer the application back to staff for further study and report; or
  - (c) refuse to authorize the issuance of a Development Variance Permit.
- 4.6 When a Development Permit application is considered by Council, Council may, by resolution:
  - (a) authorize the issuance of a Development Permit with or without conditions;
  - (b) refer the application back to staff for further study and report; or
  - (c) refuse to authorize the issuance of a Development Permit.
- 4.6.1 Where a development servicing agreement is required in accordance with the Subdivision and Development Servicing Bylaw, the development servicing agreement shall be completed and signed by the applicant prior to the Development Permit application being submitted to Council for approval.
- 4.7 The applicant must sign the Development Permit or the Development Variance Permit prior to issuance of the Development Permit or the Development Variance Permit.
- 4.8 Where a Development Permit or a Development Variance Permit includes the requirement to undertake landscaping as a condition of the issuance, the applicant shall provide security sufficient to cover the cost of installing the landscaping, the amount of which will be stated in the Development Permit or the Development Variance Permit.
- 4.9 Where a Development Permit or Development Variance Permit is issued, amended or cancelled, a notice shall be filed in the Land Title Office.

## **5. LAND USE CONTRACT (LUC) AMENDMENTS**

- 5.1 This Part will not apply to applications to amend Land Use Contracts (LUCs) which contain provisions for their amendment within the LUCs themselves.
- 5.2 For the purposes of this Part, “amend” will mean modify, vary or discharge.
- 5.3 Prior to the mailing or delivery of a notice of a public hearing to amend a LUC, Council may;
- (a) reject the application;
  - (b) refer the application back to staff for further study and report; or
  - (c) give first and second reading of the proposed amendment bylaw and proceed to public hearing.
- 5.4 When the proposed amendment bylaw has received second reading, the applicant must post in a prominent place on the subject property a sign to advise the public of the public hearing.
- (a) The size, design, and wording of the sign must be approved by the City prior to the applicant posting the sign.
- 5.5 After the public hearing is held, Council may:
- (a) reject the application;
  - (b) refer the application back to staff for further study and report; or
  - (c) give third reading to the proposed amendment bylaw with or without modifications imposed by Council.
- 5.6 Where a development servicing agreement is required in accordance with the Subdivision and Development Servicing Bylaw, the development servicing agreement shall be completed and signed by the applicant prior to the amendment bylaw being submitted to Council for fourth and final reading.
- 5.7 If the proposed amendment bylaw is submitted to Council for fourth and final reading, Council may either give fourth and final reading to the proposed amendment bylaw or refuse to do so.

## **6. SEVERABILITY**

If any part, section, clause or sub-clause of the Bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, it will be severed and the validity of the remaining provisions of this Bylaw will not be affected.



## **7. REPEAL**

“Development Application Procedures Bylaw, 2003, No. 2488” and its Amendments are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME this fourth day of March, 2024.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CORPORATE OFFICER**



## DEVELOPMENT APPLICATION PROCEDURES BYLAW

NO. 3270

SCHEDULE "A"

DEVELOPMENT PERMIT NO.

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This Permit is issued to:

as the owner (hereinafter called the "Permitee") and shall apply only to ALL AND SINGULAR that certain parcel of land situate in the City of Langley, in the Province of British Columbia and more particularly known and described as:

**Legal Description:**

**Parcel Identifier:**

**Civic Address:**

**Roll No.:**

(hereinafter called "the lands herein")

**Purpose of Permit:**

(hereinafter called "the works")

This Permit is issued subject to compliance with all of the bylaws of the City of Langley (hereinafter referred to as the "City"), except as specifically varied or supplemented by this Permit.

The following terms and conditions shall apply to the development of the lands herein:

1. **Siting of Buildings and Structures**

All buildings and structures on the land herein shall be sited in accordance with the provisions of Zoning Bylaw 1996, No. 2100 and plans to attached hereto as **Schedule "A"** and forming part of this Permit.

2. **Form, Exterior Design and Finish of Buildings and Structures:**

All buildings and structures on the lands herein, including renovations and alterations thereto, shall be constructed in accordance with the to attached hereto as **Schedule "A"** and forming part of this Permit.

3. **Landscaping or Screening:**

Landscaping or screening or both shall be installed within twenty four (24) months after the date of final approval of the subdivision in conformity with the plans to attached hereto as **Schedule "B"** and forming part of this Permit.

AND as security for the due and proper performance of the landscaping works, the Permittee shall, prior to the granting of a building permit for the proposed development, deposit with the City security in the amount of \$\_\_\_\_\_ in a form satisfactory to the City (hereinafter called the "security deposit").

AND the Permittee hereby further agrees and covenants with the City that in the event that the landscaping works are not completed as hereinbefore provided and within the terms herein provided, and if a building permit has been issued by the City authorizing construction of the development hereby authorized or any such apart of development, that the City may, at its option, draw on the security deposit, enter upon the lands herein at reasonable times and in a reasonable manner and by its employees or other persons carry out and complete the landscaping works, and to recover the costs of so doing, including the cost of administration and supervision thereof, from the security deposit. In the event that the security deposit is not sufficient to cover the costs to the City, the Permittee agrees and covenants to pay the balance owing to the City forthwith upon receipt of its invoice.

Upon completion of the landscaping works to the satisfaction of the City, the City shall return ninety percent (90%) of the original security deposit remaining, if any, to the Permittee. A holdback of ten percent (10%) of the security amount, if any shall be held by the City for twenty four (24) months thereafter building permit issuance to guarantee satisfactory maintenance of the landscaping works by the Permittee over this period of time and shall be refunded to the Permittee at the end of the period, unless any expenditures made by the City on the maintenance of the landscaping works made necessary by the failure of the Permittee to properly perform. Refunds of the deposit herein shall only be made by the City upon satisfactory inspection by it and submission of certificates by the Permittee.

4. **Construction:**

The works set forth in this Permit shall be provided, located and constructed in accordance with all applicable statutes, regulations and bylaws and according to engineering plans and specifications to be provided by the Permittee and approved by the City and all such works shall be carried out and completed to the satisfaction of the City.

AND in consideration of granting of this Permit by the City the Permittee hereby agrees and covenants with the City that it will carry out and complete all such works as are to be undertaken and will commence the development of the lands herein in conformity with all the terms and conditions with a period of **two (2) years after the date of this Permit.**

5. This Permit does not constitute a subdivision approval or a building permit.

6. AUTHORIZING RESOLUTION PASSED by the Council of the City of Langley on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

7. IN WITNESS WHEREOF the parties hereto have hereunto executed this Permit which is hereby issued by the City the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Party(ies) Signature(s)**

\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
Authorized Signatory \_\_\_\_\_) )  
\_\_\_\_\_)  
\_\_\_\_\_)  
Authorized Signatory \_\_\_\_\_) )  
\_\_\_\_\_)  
The Corporate Seal of the **CITY OF** \_\_\_\_\_) )  
**LANGLEY** was hereunto affixed in the \_\_\_\_\_) )  
presence of: \_\_\_\_\_) )  
\_\_\_\_\_)  
\_\_\_\_\_)  
Mayor \_\_\_\_\_) )  
\_\_\_\_\_)  
\_\_\_\_\_)  
City Clerk \_\_\_\_\_) )



## DEVELOPMENT APPLICATION PROCEDURES BYLAW

NO. 3270

SCHEDULE "B"

DEVELOPMENT VARIANCE PERMIT NO.

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This Permit is issued to:

as the owner (hereinafter called the "Permittee") and shall apply only to ALL AND SINGULAR that certain parcel of land situate in the City of Langley, in the Province of British Columbia and more particularly known and described as:

**Legal Description:**

**Parcel Identifier:**

**Civic Address:**

**Roll No.:**

(hereinafter called "the lands herein")

**Purpose of Permit:**

(hereinafter called "the works")

This Permit is issued subject to compliance with all of the bylaws of the City of Langley (hereinafter referred to as the "City"), except as specifically varied or supplemented by this Permit.

The following terms and conditions shall apply to the development of the lands herein:

1. **Siting of Buildings and Structures**

The lands herein are zoned \_\_\_\_\_ pursuant to the City of Langley Zoning Bylaw, 1995, No. 2100. The City of Langley Bylaw, 1996, No. 2100 is hereby varied in respect of the lands herein as follows:

2. This Permit does not constitute a subdivision approval or a building permit.

3. AUTHORIZING RESOLUTION PASSED by the Council of the City of Langley on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

4. IN WITNESS WHEREOF the parties hereto have hereunto executed this Permit which is hereby issued by the City the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Party(ies) Signature(s)**

_____	)	
	)	
	)	
	)	
Authorized Signatory	)	)
	)	
	)	
Authorized Signatory	)	)
	)	
The Corporate Seal of the <b>CITY OF</b>	)	
<b>LANGLEY</b> was hereunto affixed in the	)	
presence of:	)	
	)	
	)	
Mayor	)	
	)	
	)	
	)	
City Clerk	)	