



Consolidated for Convenience

Updated: December 19, 2017

DEVELOPMENT PROCEDURES BYLAW

NO. 7635, 2005

CONSOLIDATED VERSION

DEVELOPMENT PROCEDURES BYLAW NO. 7635, 2005

This is a consolidation of the bylaws listed below and includes amendments up to the date noted on the cover page. This document is for convenience only and is not the legal or official version. Certified copies of the original bylaws should be consulted for all interpretations and applications of the subject bylaw. Copies can be obtained through the Legislative Services Division at City Hall.

<u>AMENDING BYLAW</u>	<u>EFFECTIVE DATE</u>	<u>AMENDMENT</u>
Bylaw No. 8417	June 25, 2012	Section 1.3, Section A.2.2 Housekeeping Amendments, Section 1.3, Section 2.1.9, Section 2.4(g), 3.4(g), 4.4.1(e), Section 2.6.1, Section 3.1.5,
Bylaw No. 8531	February 3, 2014	Section 4.1.1. Section 4.1.2, Section 4.1.7, Section 4.3.3, Section 4.4.2, Schedule A, Schedule B, Section C, Schedule D, Schedule E.
Bylaw No. 8853	December 18, 2017	Section 1.3, Section 2.3.3, Section 2.3.4, Section 3.3.3, Section 3.3.4, Schedule B, Section B.3.1, Section B.3.2, Section B.5.1

CITY OF PRINCE GEORGE
BYLAW NO. 7635

A Bylaw of the City of Prince George to define procedures under which an owner of land may apply to amend the official community plan, zoning bylaw, or a land use contract, or for the issue of a development permit, development variance permit, or temporary use permit.

WHEREAS, pursuant to provisions of the *Local Government Act*, Council has adopted an official community plan, zoning bylaw, and bylaws enacting land use contracts;

AND WHEREAS, pursuant to the provisions of the *Local Government Act*, the City must, by bylaw, define procedures under which an owner of land may apply for an amendment to the official community plan, or zoning bylaw, or for the issue of a permit under Part 26 of the *Local Government Act*;

AND WHEREAS, the City may, pursuant to s. 920.1 of the *Local Government Act*, require an applicant for a development permit, temporary use permit, or an amendment to a zoning bylaw to provide development approval information to the City;

AND WHEREAS, the City must, pursuant to s. 879 of the *Local Government Act*, provide opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by the amendment of an official community plan;

AND WHEREAS, Council may, pursuant to s. 154 of the *Community Charter*, delegate its powers, duties and functions to an officer or employee of the City;

NOW THEREFORE, Council of the City of Prince George, in an open meeting assembled, **ENACTS AS FOLLOWS:**

Section 1 – Introduction

1.1 Title

This bylaw may be cited as the “City of Prince George Development Procedures Bylaw No. 7635, 2005”.

1.2 Repeal

Document Number: 293341

1.3 Definitions

Definitions for key words and phrases not contained in legislation or other bylaws are listed below. In this bylaw:

“Amend” in relation to a land use contract means modify, vary, or discharge;

“Application” means a written request by an applicant to amend the official community plan, zoning bylaw or a land use contract or for the issue of a development permit, development variance permit, or temporary use permit in a form and content prescribed by the director and this Bylaw;

“Applicant” means the owner or a representative of the owner duly authorized to act on the owner’s behalf in relation to an application;

“Bylaw Enforcement Officer” means an officer or employee of the City who has responsibility for inspection and enforcement relating to bylaw compliance;

“City” means the City of Prince George;

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“Corporate Officer” means a person assigned the responsibility by Council under s. 148 of the *Community Charter*;

“Council” means the elected officials of the City;

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“Department” means the Planning and Development Department of the City of Prince George

“Development Approval Information” means information on the anticipated impact of a proposed activity or development on the community;

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“Director” means the official appointed by Council as the head of the Planning and Development Department, and for the purpose of this Bylaw includes the Manager of Community Planning;

“Highway” means any public street, other than a street less than or equal to ten metres in width and providing secondary access to a parcel, and any road, bridge, or viaduct, but does not include private right of way or walkway;

“Land Title Office” means the land registry office for the Province of British Columbia;

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“Official Community Plan” means City of Prince George Official Community Plan Bylaw No. 8383, 2011;

“Owner” means a person listed in the land title office as the owner of a parcel;

“Parcel” means any lot, block or other area of land that is the subject of an application;

“Qualified Professional” means a professional engineer, geoscientist, architect, biologist, planner or other professional with experience relevant to the applicable matter, as determined by the Director;

“Surveyor’s Certificate” means a site plan certified by a registered British Columbia Land Surveyor showing the locations of improvements on a parcel in relation to the boundaries of the parcel; and

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“Zoning Bylaw” means Prince George Zoning Bylaw No. 7850, 2007.

1.4 General Provisions

- 1.4.1** Unless otherwise defined herein, all words and phrases in this Bylaw shall have the meaning given to them in the *Local Government Act* and the *Community Charter*.
- 1.4.2** Words in this Bylaw directing or empowering any officer or employee of the City to do any act or thing, or to otherwise applying to him by name of office, include his successors in such office and his lawful deputy, and any person the Council may from time to time by bylaw or resolution designate to act in his place.
- 1.4.3** A reference in this Bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated or replaced from time to time, and a reference to any bylaw of the City is a reference to the bylaw as amended, revised, consolidated or replaced from time to time.
- 1.4.4** Headings for each section of this Bylaw are intended to organize the content and are to be used for reference purposes only.
- 1.4.5** Wherever the singular or masculine form of a word is used, it shall also mean the plural or feminine form of the word as the case may be.
- 1.4.6** The provisions of this Bylaw shall apply to the whole territorial area of the City.

Section 2 – Official Community Plan and Zoning Bylaw Amendment

2.1 Application Requirements

- 2.1.1** An applicant who intends to amend the Official Community Plan or Zoning Bylaw shall seek approval from Council in accordance with the *Local Government Act* and Section 2 of this Bylaw.
- 2.1.2** An applicant who intends to amend the official community plan or zoning bylaw shall complete an application and submit it to the Director.
- 2.1.3** Application fees in accordance with the “City of Prince George Comprehensive Fees and Charges Bylaw No. 7557, 2004”, are payable to the City at the time of application submission. Review of the application may only proceed when fees have been paid in full.
- 2.1.4** The applicant must provide the following information, at the applicant’s expense, to the Director at the time of application submission, except to the extent that the Director determines that the provision of the information is not required to assist the Council or the Director in their consideration of the application:
- (a) name, address and signature of the owner;
 - (b) name, address and signature of the applicant, if different from the owner;
 - (c) legal description of the parcel;
 - (d) civic address of the parcel;
 - (e) legal title search and corporate search for the parcel dated no more than 5 business days from the date of application submission;
 - (f) copy of all relevant charges registered on the legal title of the parcel;
 - (g) surveyor’s certificate;
 - (h) site profile in accordance with the *Environmental Management Act*;
 - (i) documents and plans which describe and justify the proposal;
 - (j) documents and plans that demonstrate compliance with the proposed regulation, including all information listed in, and in the format specified in Schedule A of this Bylaw;
 - (k) if a new zoning bylaw regulation is requested, a complete draft of the proposed regulation;
 - (l) development approval information in accordance with the official community plan and this Bylaw; and
 - (m) any additional information the Director determines is required to assist the Council or the Director in their consideration of the application.

- 2.1.5** Council delegates to the Director the powers of Council to require development approval information for any application to amend the zoning bylaw.
- 2.1.6** The Director may require in writing that the applicant provide, at the applicant's expense, development approval information in a report that is certified by a qualified professional, which:
- (a) complies with and fully addresses terms of reference which are provided by the Director in accordance with Section 2.1.7;
 - (b) identifies and defines the context, interaction, scope, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats;
 - (c) provides recommendations for conditions or requirements Council or the Director may impose to mitigate or ameliorate the anticipated impacts; and
 - (d) provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts.
- 2.1.7** The terms of reference may require the applicant to provide information on, and a systematic and detailed appraisal of:
- (a) compliance of the activity or development with the official community plan and any other relevant City bylaw, plan or policy in preparation or adopted by Council;
 - (b) compatibility with adjacent and community land uses, functions, form, character, aesthetic and scale of development;
 - (c) socio-economic impacts affecting the day to day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, local services and sociocultural issues;
 - (d) land use impacts such as noise, vibration, glare and electrical interference;
 - (e) transportation including public transit, parking demand, traffic safety, pedestrian and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity, and accessibility;
 - (f) air quality including pollution, dust, fumes, smoke, and odours;
 - (g) water quality including pollution, temperature, oxygen levels, acidity, nutrients, silts, and pathogens;
 - (h) geotechnical assessment of any affected area including soil composition, profile, classification, agricultural suitability and capability, geologic process and terrain stability;

- (i) hydrological assessment of any affected area including infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- (j) terrestrial and aquatic ecology including biological diversity, impacts to flora and fauna, habitat size, complexity, fragmentation or isolation, change to suitability or capability, restoration, creation or enhancement;
- (k) historical, cultural and archeological buildings, sites or assets;
- (l) the phasing and timing of the activity or development;
- (m) hazardous conditions including mud flow, debris torrents, erosion, lands slip, rock falls, subsidence, avalanche, wildfire, flood, inundation (including appropriate construction elevations and setbacks) or other hazard;
- (n) compatibility with adjacent City owned land, rights of way and easements;
- (o) local infrastructure and site servicing including drainage, water, sewer or other utilities;
- (p) community facilities and services including schools, parks, recreation, protective, and health services;
- (q) any other topic in relation to which the Director considers the proposed activity or development impacts the jurisdiction of the City.

2.1.8 Within 30 days of the Director's decision to require development approval information, the applicant may request that Council reconsider the decision in accordance with the following:

- (a) the request shall be in writing, and include reasons in support of the reconsideration;
- (b) upon receipt of a complete written request for Council's reconsideration, the Director shall prepare and forward a report to Council attaching the application and setting out the reasons for the decision;
- (c) at a date and time set by Council the applicant shall have the opportunity to appear before Council and be heard regarding the decision of the Director; and
- (d) following this, Council shall reconsider the decision of the Director and either uphold the decision or substitute the Council's decision for the Director's.

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2.1.9 If an applicant fails to submit outstanding required application materials within one (1) year of being notified of such requirements, then the application shall be considered inactive and closed. If the applicant wishes to proceed with the activity or development that was the subject of the application, the applicant must submit a new application.

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2.2.1 Upon receipt of a complete application the Director may review the application and prepare a report that contains:

- (a) a summary of the application;
- (b) an assessment of the anticipated impact of the activity or development on the community;
- (c) a review of the application with reference to City bylaws and policies; and
- (d) any other matters the Director considers essential or desirable.

2.2.2 Council delegates to the Director the duty of Council to provide opportunities for appropriate consultation with persons, organizations, and authorities he considers will be affected by an amendment to the official community plan, subject to the Director:

- (a) considering the consultation requirements of the *Local Government Act*; and
- (b) advising Council in advance whether anyone will be consulted, who will be consulted, how they will be consulted and how often.

2.3 Council Consideration

2.3.1 Council shall, upon receiving the application and Director's report, consider the application in accordance with the *Local Government Act*, City of Prince George Council Procedures Bylaw No. 8388, 2011 and this Bylaw.

2.3.2 Council shall consider the application and may as applicable:

- (a) authorize the drafting of an amending bylaw in accordance with the application;
- (b) forward the amending bylaw to a public hearing or waive the holding of a public hearing;
- (c) adopt the amending bylaw;
- (d) reject or refuse the application; or
- (e) defer or otherwise deal with the application.

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2.3.3 Where Council considers an application that the Department does not support, that applicant shall be given an opportunity to submit written comments or other documents (but not oral comments) outlining the merits of their proposal and the reasons for the application to proceed to a Public Hearing. These written comments are to be included in the council meeting agenda, attached to the Department's report for that application. Should the application(s) proceed to a Public Hearing, the applicant or applicant's representative will be provided an opportunity during the Hearing to present written comments and/or an oral presentation to Council.

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- 2.3.4** If an applicant submits a proposal for Council's consideration that is different from the proposal that was reviewed by the Department, Council shall table the bylaw until such time as the Director reviews the amended proposal and provides an updated report for Council's reconsideration.

2.4 Responsibilities of the Corporate Officer

The Corporate Officer may, upon receipt of the application and Director's report:

- (a) forward the application and report to Council for consideration;
- (b) prepare and forward the amending bylaw for Council's 1st and 2nd reading consideration;
- (c) if Council forwards the amending bylaw to a public hearing, place the amending bylaw on the agenda for the next appropriate meeting of Council for a public hearing and 3rd reading;
- (d) if Council waives the holding of a public hearing, place the amending bylaw on the agenda for the next appropriate meeting of Council for 3rd reading;
- (e) if Council forwards the amending bylaw to a public hearing, or waives the holding of a public hearing, prepare and provide notification in accordance with the *Local Government Act* and this Bylaw;
- (f) if Council approves the amending bylaw at 3rd reading, and if the bylaw is subject to s. 52 of the *Transportation Act*, refer the amending bylaw to the Minister responsible for the *Transportation Act* for approval; and
- (g) notify the applicant in writing of Council's decision within 30 days immediately following Council's decision.

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2.5 Notice of a Public Hearing

- 2.5.1** In circumstances where the *Local Government Act* requires the delivery of a notice of public hearing to owners and tenants in occupation, the applicant shall post at least 10 days before the public hearing and maintain a notice on the parcel that is the subject of the bylaw alteration, in accordance with Schedule B of this Bylaw.
- 2.5.2** Noncompliance with Section 2.5.1 due to the removal, destruction or alteration of the notice by unknown persons, vandalism or natural occurrence shall not affect the validity of the bylaw that is the subject of the application.
- 2.5.3** The distance for mailing or delivery of notice of public hearing under s. 892 of the *Local Government Act* is 30 metres.

2.6 Bylaw Lapse and Reapplication

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- 2.6.1** If Council has not adopted the bylaw within one (1) year of the date of Council's consideration of the bylaw, the bylaw shall lapse and will be of no force or effect. If the applicant wishes to proceed with the activity or development that was the subject of the application, the applicant must submit a new application.
- 2.6.2** No person may reapply to amend the official community plan or zoning bylaw for a period of 6 months after Council's refusal of the same application.

Section 3 – Land Use Contract Amendment or Discharge

3.1 Application Requirements

- 3.1.1** An applicant who intends to amend a land use contract shall seek approval from Council or the Director in accordance with the *Local Government Act* and Section 3 of this Bylaw.
- 3.1.2** An applicant who intends to amend a land use contract shall complete an application and submit it to the Director.
- 3.1.3** Application fees in accordance with the City of Prince George Comprehensive Fees and Charges Bylaw No. 7557, 2004, are payable to the City at the time of application submission. Review of the application may only proceed when fees have been paid in full.
- 3.1.4** The applicant must provide the information listed in Section 2.1.4, at the applicant's expense, to the Director at the time of application submission, except to the extent that the Director determines that the provision of the information is not required to assist the Council or the Director in their consideration of the application.
- 3.1.5** If an applicant fails to submit outstanding required application materials within one (1) year of being notified of such requirements, then the application shall be considered inactive and closed. If the applicant wishes to proceed with the activity or development that was the subject of the application, the applicant must submit a new application.

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3.2 Review by the Director

- 3.2.1** Upon receipt of a complete application the Director may review the application and prepare a report in accordance with Section 2.2.1 of this Bylaw.

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3.3 Council Consideration

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3.3.1 Council shall, upon receiving the application and Director's report, consider the application in accordance with the *Local Government Act*, City of Prince George Council Procedures Bylaw No. 8388, 2011, and this Bylaw.

3.3.2 Council shall consider the application and may as applicable:

- (a) authorize the drafting of an amending bylaw in accordance with the application;
- (b) forward the amending bylaw to a public hearing;
- (c) adopt the amending bylaw;
- (d) authorize the issuance of a development permit or development variance permit to modify or vary the land use contract in accordance with the *Local Government Act* and Section 4 of this Bylaw;
- (e) reject or refuse the application; or
- (f) defer or otherwise deal with the application.

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3.3.3 Where Council considers an application that the Department does not support, that applicant shall be given an opportunity to submit written comments or other documents (but not oral comments) outlining the merits of their proposal and the reasons for the application(s) to proceed to a Public Hearing. These written comments are to be included in the council meeting agenda, attached to the Department's report for that application. Should the application(s) proceed to a Public Hearing, the applicant or applicant's representative will be provided an opportunity during the Hearing to present written comments and/or an oral presentation to Council.

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3.3.4 If an applicant submits a proposal for Council's consideration that is different from the proposal that was reviewed by the Department, Council shall table the bylaw until such time as the Director reviews the amended proposal and provides an updated report for Council's reconsideration.

3.4 Responsibilities of the Corporate Officer

The Corporate Officer may, upon receipt of the application and Director's report:

- (a) forward the application and report to Council for consideration;
- (b) prepare and forward the amending bylaw for Council's 1st and 2nd reading consideration;
- (c) if Council forwards the amending bylaw to a public hearing, place the amending bylaw on the agenda for the next appropriate meeting of Council for a public hearing and 3rd reading;

- (d) if Council forwards the amending bylaw to a public hearing, prepare and provide notification in accordance with the *Local Government Act* and this Bylaw;
- (e) if Council approves the amending bylaw at 3rd reading, or if Council authorizes the issuance of a development permit or development variance permit, and if approval of such bylaw, development permit or development variance permit is subject to s. 52 of the *Transportation Act*; refer the amending bylaw or permit to the Minister responsible for the *Transportation Act* for approval;
- (f) if Council approves an amending bylaw, development permit, or development variance permit that amends a land use contract, register the adopted bylaw, authorized development permit or development variance permit in the land title office in accordance with the *Land Title Act* and the *Local Government Act*; and
- (g) notify the applicant in writing of Council's decision within 30 days immediately following Council's decision.

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3.5 Notice of a Public Hearing

- 3.5.1** The applicant shall post and maintain notice prior to a public hearing in accordance with Section 2.5 of this Bylaw.
- 3.5.2** The distance for mailing or delivery of notice of public hearing under s. 892 of the *Local Government Act* is 30 metres.

3.6 Bylaw Lapse and Reapplication

Bylaw lapse and reapplication procedures shall be in accordance with Section 2.6 of this Bylaw.

Section 4 - Development Permit, Development Variance Permit, or Temporary Use Permit Issuance

4.1 Application Requirements

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- 4.1.1** An applicant who applies for issuance or amendment of a development permit; the issuance of a development variance permit; or the issuance or renewal of a temporary use permit shall seek approval from Council or the Director in accordance with the *Local Government Act* and Section 4 of this Bylaw.

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- 4.1.2** An applicant who applies for the issuance or amendment of a development permit; the issuance of a development variance permit; or the issuance or renewal of a temporary use permit shall complete an application and submit it to the Director.

- 4.1.3** Application fees in accordance with the City of Prince George Comprehensive Fees and Charges Bylaw No. 7557, 2004, are payable to the City at the time of application submission. Review of the application may only proceed when fees have been paid in full.

- 4.1.4** An applicant must provide the information listed in Section 2.1.4, at the applicant's expense, to the Director at the time of application submission, except to the extent that the Director determines that the provision of the information is not required to assist the Council or the Director in their consideration of the application.
- 4.1.5** Council delegates to the Director the powers of Council to require development approval information, in accordance with Sections 2.1.6 and 2.1.7, for any application for the issuance of a development permit, or temporary use permit.
- 4.1.6** Within 30 days of the Director's decision to require development approval information, the applicant may request that Council reconsider the decision in accordance with Section 2.1.8 of this Bylaw.
- 4.1.7** If an applicant fails to submit outstanding required application materials within one (1) year of being notified of such requirements, then the application shall be considered inactive and closed. If the applicant wishes to proceed with the activity or development that was the subject of the application, the applicant must submit a new application.

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4.2 Review by the Director

- 4.2.1** Upon receipt of a complete application the Director may review the application and prepare a report in accordance with Section 2.2.1, as well as a permit substantially the same as Schedule C, D, or E, as applicable.
- 4.2.2** Council delegates to the Director the powers of Council to issue, amend, refuse, impose requirements, set conditions and standards, supplement a bylaw, and impose conditions for the sequence and timing of construction for development permits in accordance with the *Local Government Act*, except for development permits that vary a bylaw.
- 4.2.3** Within 30 days of the Director's decision to issue, amend, refuse, impose requirements, set conditions and standards, supplement a bylaw, and impose conditions for the sequence and timing of construction for a development permit the applicant may request that Council reconsider the decision subject to the following:
- (a) the request shall be in writing, and include reasons in support of the reconsideration;
 - (b) upon receipt of a complete written request for Council's reconsideration, the Director shall prepare and forward a report to Council attaching the application and setting out the reasons for

the decision;

- (c) at a date and time set by Council the applicant shall have the opportunity to appear before Council and be heard regarding the decision of the Director; and
- (d) following this, Council shall reconsider the decision of the Director and either uphold the decision or substitute the Council's decision for the Director's.

4.2.4 Council delegates to the Director the powers of Council to issue, renew, refuse, set conditions, establish the permit expiration date, require security, and require an undertaking in respect of a temporary use permit in accordance with the *Local Government Act*, except for permits which are for a period exceeding 14 days.

4.2.5 Within 30 days of the Director's decision to issue, renew, refuse, set conditions, establish the permit expiration date, require security, or require an undertaking in respect of a temporary use permit the applicant may request that Council reconsider the decision subject to the following:

- (a) the request shall be in writing, and include reasons in support of the reconsideration;
- (b) upon receipt of a complete written request for Council's reconsideration, the Director shall prepare and forward a report to Council attaching the application and setting out the reasons for the decision;
- (c) at a date and time set by Council the applicant shall have the opportunity to appear before Council and be heard regarding the decision of the Director; and
- (d) following this, Council shall reconsider the decision of the Director and either uphold the decision or substitute the Council's decision for the Director's.

4.2.6 Council delegates to the Director the powers of Council to require security as a condition of the issue of a development permit, development variance permit, or temporary use permit.

4.2.7 The Director may require that the applicant provide security based on a complete construction cost estimate from a qualified professional in an amount equal to 120% of the estimated cost to:

- (a) satisfy a landscaping condition of the permit;
- (b) correct an unsafe condition; and
- (c) correct damage to the environment.

4.2.8 The Director may require that the applicant provide security, in a form approved by the Director, and in an amount stated in the permit, by whichever of the following the applicant chooses:

- (a) irrevocable letter of credit;
- (b) cash; or
- (c) certified check.

4.3 Council Consideration

4.3.1 If a resolution of Council is required for the issuance of the permit, Council shall, upon receiving the application, as well as Director's report and permit, consider the application and permit in accordance with the *Local Government Act*, City of Prince George Council Procedures Bylaw No. 8388, 2011, and this Bylaw.

4.3.2 If a resolution of Council is required for the issuance of the permit, Council shall consider the application and may as applicable:

- (a) issue, amend, renew or refuse the permit;
- (b) establish an expiration date and require undertakings;
- (c) impose requirements, set conditions and standards;
- (d) impose conditions for the sequence and timing of construction;
- (e) require security; or
- (f) defer or otherwise deal with the application.

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4.3.3 If an applicant fails to satisfy any condition of permit issuance set by Council resolution within one (1) year of the date of Council's resolution, the permit shall lapse and will be of no force or effect. If the applicant wishes to proceed with the activity or development that was the subject of the application, the applicant must submit a new application.

4.4 Responsibilities of the Corporate Officer

4.4.1 If a resolution of Council is required for the issuance of the permit, the Corporate Officer may, upon receipt of the application, Director's report and permit:

- (a) forward the application, report and permit to Council for consideration;
- (b) prepare and provide notice of Council's intent to consider a resolution to approve the permit in accordance with the *Local Government Act* and this Bylaw;
- (c) if Council approves the development permit or development variance permit, and if the permit is subject to s. 52 of the *Transportation Act*, refer the permit to the Minister responsible for

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- the *Transportation Act* for approval;
- (d) if Council issues the permit, register the permit, including permit amendment or cancellation in the land title office in accordance with the *Land Title Act* and *Local Government Act*; and
- (e) notify the applicant of Council's decision in writing within 30 days immediately following Council's decision.

4.4.2 If a resolution of Council is not required for the issuance of the permit, the Corporate Officer may, upon receipt of the application and Director's report:

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- (a) prepare and provide notice of the Director's intent to consider the issuance of the permit in accordance with the *Local Government Act* and this Bylaw;
- (b) register the permit, including permit amendment or cancellation in the land title office in accordance with the *Land Title Act* and *Local Government Act*; and
- (c) notify the applicant of the Director's decision in writing within 30 days immediately following the date of the Director's decision.

4.5 Notice of Council's Consideration

4.5.1 In addition to the *Local Government Act* notification requirements for Council's consideration of a resolution to issue a development variance permit, the Corporate Officer shall give notice of Council's consideration of a resolution to issue a development permit which varies a bylaw under the *Local Government Act*, as if the permit were a development variance permit.

4.5.2 The distance for mailing or delivery of notices under s. 921 and s. 922 of the *Local Government Act*, and Section 4.5.1 of this Bylaw is 30 m.

4.6 Development Permit, Development Variance Permit and Temporary Use Permit Form

4.6.1 The form of a development permit shall be substantially the same as Schedule C as applicable.

4.6.2 The form of a development variance permit shall be substantially the same as Schedule D as applicable.

4.6.3 The form of a temporary use permit shall be substantially the same as Schedule E as applicable.

Section 5 – Severability

If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and any decision shall not affect the validity of the remaining portions of this Bylaw.

Section 6 – Offence and Penalty

6.1 Offence

- 6.1.1** No person shall alter land, or construct, add to or alter a building or other structure within a development permit area designated in the official community plan unless the development permit is not required, or unless the owner holds a valid and subsisting development permit issued by Council or the Director.
- 6.1.2** No person shall interfere with or obstruct the entry of the Director or a Bylaw Enforcement Officer or any authorized City representative onto any land or into any building or structure to which entry is made or attempted.
- 6.1.3** No person shall use, alter land, or construct, add to or alter a building or other structure in a manner that is contrary to the terms of a permit issued by Council or the Director.

6.2 Penalty

Any person contravening or committing any breach of or committing any offence against any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this Bylaw or refuses, omits, or neglects to fulfill, observe, carry out or perform any duty, obligation, matter or thing whatsoever by the Bylaw prescribed or imposed or required to be done is liable, on summary conviction, to a fine not less than \$2,000 and not exceeding \$10,000.00, or a term of imprisonment not exceeding three months, or both, and the cost of prosecution; and each day during which any violation, contravention or breach shall continue shall be deemed a separate offence.

READ A FIRST TIME THE **4th** DAY OF **July** , **2005**

READ A SECOND TIME THE **4th** DAY OF **July** , **2005**

READ A THIRD TIME THE **4th** DAY OF **July** , **2005**

All three readings passed by a **majority** decision of Members of Council present and eligible to vote.

ADOPTED THIS THE **19TH** DAY OF **SEPTEMBER, 2005**, BY A **MAJORITY** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

Colin Kinsley
MAYOR

Don Schaffer
CLERK

Schedule A – Application Information

AMENDING BL8531

A.1 Document, Map, Plan and Drawing Submission Format

A.1.1 If required by the Director, a qualified professional shall certify all documentation including drawings, reports, security estimates, technical letters and other documentation submitted to the Director for the purposes of reviewing the application. One originally certified hard copy of the documents prepared by the qualified professional shall be submitted to the Director, along with a digital copy in a format acceptable to the Director.

A.1.2 The Director may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the qualified professional's design. Any errors or omissions will be the sole responsibility of the qualified professional who has certified the documents and design drawings.

A.1.3 Upon notification that the documents and design drawings are acceptable to the Director, the applicant may be asked to submit 3 originally certified copies of the documents and design drawings prepared by the qualified professional. If the design drawings are submitted for the issue of a development permit, development variance permit, or temporary use permit, 1 set of drawings will be stamped "Exhibit" by the Director and forwarded to the applicant with the issued permit.

A.1.4 Maps, plans and drawings shall be prepared in a metric representative fraction scale (ex: 1:200, 1:500 or 1:1000) and include a graphic scale.

A.2 Document, Map, Plan and Drawing Submission Content

A.2.1 The documents, maps, plans and drawings shall include details of the existing site conditions and improvements, as well as details of the proposed activity or development.

A.2.2 The documents, maps, plans and drawings shall include the following information:

Cartographic Representation

- a) the name and address of the author;
- b) the date of the map, plan or drawing's creation;
- c) the name and address of the qualified professional who has reviewed the map,

- plan, or drawing;
- d) the seal or signature of the qualified professional;
- e) an arrow indicating true north;
- f) a legend for symbols and marks used in the map, plan or drawing; and
- g) metric representative fraction scale and graphic scale

Legal

- a) cadastral information including existing and proposed parcel boundaries, as well as adjacent lands;
- b) legal description of the parcel;
- c) area and width of the parcel;
- d) name and address of the owner;
- e) name and address of the applicant, if different from the owner;
- f) official community plan Schedule B-6: Future Land Use Map designation;
- g) zoning bylaw zoning boundaries;
- h) location, extent, and density of land use;
- i) development permit area boundaries;
- j) central business district parking exempt area boundaries;
- k) business improvement area boundaries;
- l) Soil Removal and Deposit Bylaw Schedule A overlay boundaries; and
- m) Agricultural Land Reserve boundaries.

Environmental

- a) topographic information for any relevant area including point elevations and contour lines of equal elevation;
- b) hydrographic information for any relevant area including rivers, creeks, streams, ditches, drainage swales, lakes, ponds, and swamps whether regular or intermittent, including the natural boundary, top of bank, 200 year floodplain construction level and appropriate setbacks;
- c) geotechnical information of any relevant area including underlying geology, and geologic process, terrain stability and the type and rate of movement;
- d) soil characteristics including classification;
- e) flora including vegetation type, location and maturity;
- f) proposed land clearing including logging, vegetation and debris removal.

Engineering

- a) location and dimension of rights of way and easements;
- b) location and dimension of City utilities including cross-sections;
- c) location of private utilities including gas, hydro, telephone and cable;
- d) location of on-site and off-site works including signs, street lights, signals, adjacent street laning and geometry, sidewalks, hydrants, bus stops or shelters,

- power and telephone structures, retaining walls, etc;
- e) location and dimension of on-site services including water, sanitary and storm sewer lines, oil interceptors, wells, lagoons, septic tanks, septic fields, and fuel tanks;
- f) site grading plan with proposed point elevations, grades, and drainage works such as swales, gutters, catch basins, sub-drains, curbs, ponds or other drainage works, including cross-sections and rim invert elevations;
- g) location and dimension of vehicular and pedestrian access and egress on the parcel and any relevant adjacent property; and
- h) location and dimension of vehicular and pedestrian travel lanes in any adjacent road right of way.

Design

- a) Building or structure floor plans including the dimension of rooms, walls, ramps, steps, etc.;
- b) Building or structure elevations and cross sections including the location and dimension of openings, doors, windows, façade features and building height;
- c) Building or structure site coverage, gross floor area, gross leasable floor area, and floor area ratio;
- d) Building or structure setbacks from the front, rear, and side site lines including setbacks from other buildings or structures, the natural boundary, and top of bank of any watercourse or water body;
- e) Location and dimension of all rooftop equipment, vents and chimneys;
- g) Location and dimension of all projections;
- h) Off-street parking and loading areas including the surfacing, location, number and dimension of any access or egress, maneuvering aisle, raised islands, barriers, curb and wheel stops, and parking and loading spaces, handicapped parking, access ramp to side walk and main entrance, signage, as well as on-site traffic control devices including crosswalks, traffic guidance signs etc.;
- i) Parking and loading area setbacks from the front, rear, and side site lines including setbacks to any building or structure;
- j) Simple perspective or massing model. Photographs or photomontages may be used if relevant;
- k) Shadow, wind, and snow deposition analysis;
- l) Location, access and screening for garbage and recycling receptacles;
- m) Landscaping treatment of the adjacent road rights of way including vegetation, and hard surfaces;
- n) Treatment of landscaping and screening on the parcel, and adjacent boulevard, including dimension and location of all existing and proposed landscaping relative to the existing and final grades, naturalized areas, off-street parking and loading areas and outdoor storage and display areas; property lines, fencing, easements, rights of way, adjacent land use, building entrances and walkways, signage, exterior lighting, outdoor furniture, hydrants, garbage and recycling receptacles; utilities and works; and
- o) Plant materials to be protected, relocated, or removed, and proposed plant

material including common and botanical plant names; quantity, caliper, root ball size, height and/or spread at planting and maturity; plant spacing, growing medium and surface treatment; landscape fabrics or liners, edging treatment, typical plant details.

Bylaw No. Schedule B – Notice Posting and Sign Requirements

AMENDING BL8531
AMENDING BL8853

B.1 General

When the posting of notice is required by this Bylaw the applicant shall, at the applicant's expenses, post the notice in accordance with this Schedule B.

B.2 Size and Material

B.2.1 The notice shall be a minimum of 1.8 metres X 1.2 metres in dimension.

B.2.2 The notice shall be constructed of 1.3 cm plywood or other durable material.

B.3 Content

Bylaw 8853

B.3.1 The notice shall be in English and state the following, as applicable to the application:

- a) Application type;
- b) Time and date of the public hearing;
- c) Place of the public hearing;
- d) Bylaw number;
- e) In general terms the purpose of the bylaw;
- f) Civic Address of the Parcel subject to the application; and
- g) The City's address and phone number.

Bylaw 8853

B.3.2 The notice shall have:

- a) a white background;
- b) dark blue or black block capital lettering that is not less than 5 centimeters (cm) in height;
- c) lettering material that is weatherproof or non-wearing; and
- d) a map or rendering of the proposal.

B.4 Number

One notice is required for each 150 metres of highway frontage, or portion thereof, provided that no more than 3 notices are required for any one parcel.

B.5 Location

Bylaw 8853

B.5.1 The notice shall be located within 3 metres of the property line of the parcel subject to the application(s), in a conspicuous location facing and clearly visible from the abutting highway, or as specified by the Director.

B.5.2 The notice shall be located so as not to interfere with pedestrian or vehicular traffic flow, or obstruct visibility from a highway, lane, walkway or driveway.

B.5.3 If the placement of the notice is not feasible on the parcel that is the subject of the application, then the notice may be posted on an abutting highway, subject to the approval of the Director.

B.6 Installation

The notice must be installed in a safe, sturdy manner capable of withstanding wind and weather.

B.7 Removal

The applicant must remove the notice within 3 days of the conclusion of any related public hearing.

B.8 Postponement of the Public Hearing

Failure to post and keep posted the required notice in accordance with this Bylaw may result in the postponement of the public hearing. Any notification costs incurred by the City as a result of such postponement shall be the responsibility of the applicant in accordance with City of Prince George Comprehensive Fees and Charges Bylaw No. 7557, 2004.

B.9 Statutory Declaration Required

The applicant must provide the Director with a statutory declaration, in an approved format, that indicates all notices have been posted as required by this Bylaw.



**SCHEDULE C
DEVELOPMENT PERMIT NO. _____**

AMENDING BL8531

1) This Development Permit is issued to:

Name:

Address:

2) This Development Permit applies to:

Address:

Legal description:

3) Development Permit Area:

4) This permit imposes conditions and standards as follows:

The development must be completed in compliance with the plans attached as Exhibit "A".

5) This permit imposes conditions respecting the sequence and timing of construction as follows:

6) This permit is issued subject to compliance with all of the Bylaws of the City of Prince George applicable thereto, except as specifically varied or supplemented by this permit.

7) This permit varies Section _____ of Bylaw No. _____ as follows:

8) This permit supplements Section _____ of Bylaw No. _____ as follows:

9) As a condition of the issuance of this permit, the City has required that the applicant for the permit provide security in the amount of \$ _____ in the form of _____ to guarantee the performance of the terms of the permit.

10) Minor changes in the development, that do not violate the development permit guidelines, in accordance with which the permit was originally issued may be approved by the Director of Planning and Development and his or her designate.

11) If a Building Permit for the development permitted by this permit has not been issued and construction substantially commenced within two years after the date of this permit's issuance, this permit shall lapse.

12) **This Development Permit is not a Building Permit.**

Authorizing resolution passed by Mayor and Council on _____ day of _____, 20

Approved by the Minister of Transportation pursuant to s. 52 of the *Transportation Act* on _____ day of _____, 20

Issuance date: _____ Authorizing Signature: _____





SCHEDULE D

AMENDING BL8531

DEVELOPMENT VARIANCE PERMIT NO. _____

1) This Development Variance Permit is issued to:

Name:

Address:

2) This Development Variance Permit applies to:

Address:

Legal description:

3) This permit is issued subject to compliance with all of the Bylaws of the City of Prince George applicable thereto, except as specifically varied by this permit.

4) This permit varies **Section _____ of the City of Prince George _____ Bylaw No. _____** as follows:

The variance is only granted for _____ as shown on Exhibit "A".

5) As a condition of the issuance of this permit, the City has required that the applicant for the permit provide security in the amount of \$_____ in the form of _____, to guarantee the performance of the terms of the permit.

6) If a Building Permit for the development permitted by this permit has not been issued and construction substantially commenced within **two years** after the date of this permit's issuance, this permit shall lapse.

If the plan of subdivision for Subdivision Application No. SD_____ has not been registered within **two years** after the date of this permit's issuance, this permit shall lapse.

7) **This Development Variance Permit is not a Building Permit.**

Authorizing resolution passed by Mayor and Council on ____ day of _____, 20__

Issuance date: _____ Authorizing Signature: _____



SCHEDULE E

AMENDING BL8531

TEMPORARY USE PERMIT NO. _____

- 1) This Temporary Use Permit is issued to:

Name:

Address:

- 2) This Temporary Use Permit applies to:

Address:

Legal description:

- 3) This permit is issued subject to compliance with all of the Bylaws of the City of Prince George applicable thereto, except for the temporary use permitted by this permit.

- 4) This permit authorizes the following temporary use:

On the area of land shown on the plans attached as Exhibit "A".

- 5) This permit authorizes the temporary use mentioned in Section 4 of this permit from the date this permit is issued until: _____ day of _____, 20____.
- 6) This permit authorizes the construction of buildings or structures to accommodate the temporary use mentioned in Section 4 as follows:
- 7) This permit establishes the following conditions under which the temporary use may be carried on:
- 8) As a condition of the issue of this permit, the owner of the land has provided an undertaking to:
- a) Demolish or remove a building or structure, and/or
 - b) Restore land described in the permit to a condition specified in the permit by a date specified in the permit,
- which is attached to, and forms part of, this permit.

- 9) As a condition of the issuance of this permit, the City has required that the applicant for the permit provide security in the amount of _____ in the form of _____ to guarantee the performance of the terms of the permit.

If the applicant for this permit contravenes or commits any breach of any condition of this permit or suffers or permits any act or thing to be done in contravention of or in violation of any of the conditions of this permit or refuses, omits, or neglects to fulfill, observe, carry out or perform any duty, obligation, matter or thing whatsoever by the permit prescribed or imposed or required to be done is in default of this permit, and the security provided pursuant to this permit may be forfeit to the City of Prince George.

Authorizing resolution passed by Mayor and Council on ____ day of _____, 20__

Issuance date: _____

Authorizing Signature: _____

