

City of Prince Rupert

**DEVELOPMENT
PROCEDURES BYLAW**

**Development Procedures
Bylaw No 3425, 2018**

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SCHEDULES

Schedule "A"	- Fees
Schedule "B"	- Application for Official Community Plan and Zoning Bylaw Amendment
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Schedule "F"	- Application for Development Variance Permit
Schedule "G"	- Application for Temporary Use Permit

1.0 PREAMBLE

A bylaw to establish procedures relating to land use regulations application,

WHERE AS Section 460 of the *Local Government Act* requires Council to define procedures under which an owner may apply for an amendment to the Official Community Plan or Zoning Bylaw, or for a Permit under Part 14 of the *Local Government Act*,

AND WHEREAS the Council of the City of Prince Rupert has adopted an Official Community Plan and Zoning Bylaw.

NOW THEREFORE the Council of the City of Prince Rupert in open meeting assembled enacts as follows:

1. Title: City of Prince Rupert Development Procedures Bylaw No. 3425, 2018
2. Scope: This Bylaw applies to the following applications:
 - (a) An Amendment to the Official Community plan;
 - (b) An Amendment to the Zoning Bylaw; and
 - (c) Permits (Development, Variance, and Temporary Use).

2.0 PREVIOUS BYLAW REPEAL

2.1 Repeal

Development Procedure Bylaw No. 2608, 1987 is hereby repealed.

3.0 DEFINITIONS

This bylaw includes a number of words that have specific meanings with respect to development procedures. These words and phrases are defined in this section.

APPLICANT means the Owner or a representative of the owner duly authorized to act on the Owner's behalf in relation to an Application.

APPLICATION means a written request by an Applicant to amend the Official Community Plan, Zoning Bylaw or for the issuance of a Permit.

APPLICATION LAPSE means when an Application is deemed inactive and closed.

CITY means City of Prince Rupert.

CITY PLANNER means the senior certified planning professional for the City of Prince Rupert.

COUNCIL means the elected Council of the City of Prince Rupert.

INTAKE means the process of receiving a complete application including applicable fees.

OWNER means a person listed in the Land Title Office as the Owner of a parcel.

PERMIT means a Development Permit, Development Variance Permit and Temporary Use Permit.

COMMUNITY INFORMATION MEETING means a meeting conducted by the City staff and/or the Applicant to provide information about an Application under this bylaw in order to obtain comments from the public prior to a Public Hearing on the 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 City Planner.

4.0 GENERAL REQUIREMENTS

<p>4.1 Application Requirements</p>	<p>Applications must include supporting documentation and attachments, obtained at the Applicant's expense, as required by the City Planner or designate in respect of the type of Application in question.</p> <p>(a) Applications that are deficient of required supporting documentation and attachments may be refused.</p> <p>(b) When refusing to accept an Application under Paragraph (a), the City Planner or designate must inform the Applicant of the requirements that must be met for the Application to comply with this Bylaw.</p> <p>(c) Council may require further supporting documentation.</p>
<p>4.2 Owner's Consent</p>	<p>No development Application shall be accepted except from the Owner of the land involved, or from an Applicant with written authorization of the Owner to act on their behalf.</p>
<p>4.3 Application Fees</p>	<p>No Application shall be accepted until an Application fee has been paid in full as prescribed in Schedule A – Fees.</p>
<p>4.4 Site Profile</p>	<p>Site Profile shall be submitted in accordance with Ministry of Environment Guidance on Contaminated sites https://www.env.gov.bc.ca/epd/remediation/guidance to the City Planner or designate for review, and:</p> <p>(a) A checklist provided by the Ministry of Environment will be filled out during your initial application process. If there are any "YES" answers in the checklist the City Planner or designate shall forward the Site Profile to the Director of Waste Management, Land Remediation Section, Ministry of Environment; and</p> <p>(b) If all answers are "NO" in the checklist, the City Planner or designate can question the accuracy of the responses provided, or proceed with the Application process.</p>
<p>4.5 Pre-Application Meeting</p>	<p>The City Planner or designate will make available to the Applicant a pre-application meeting with staff to prepare the Applicant for the Application process and submission requirements.</p>
<p>4.6 Process</p>	<p>Every Application for an amendment or permit shall be processed by the City Planner or designate, who shall present a report to Council for consideration.</p>
<p>4.7 Application Review with Council</p>	<p>The City Planner or designate will present the details of any Application to Council prior to submitting the first report.</p>

<p>4.8 Public Consultation & Referrals</p>	<p>(a) The City Planner or designate will implement the public consultation requirements which may require the Applicant at their cost to convene an advertised Community Information Meeting; and</p> <p>(b) The City Planner or designate will circulate referrals to local, regional and provincial agencies whose interests may be affected.</p>
<p>4.9 Other Considerations</p>	<p>Notwithstanding any provisions of this Bylaw:</p> <p>No person shall be prevented from submitting, or Council considering, any development Application under Part 14 of the <i>Local Government Act</i>.</p>
<p>4.10 Delegation of Authority</p>	<p>Development Permit Applications for exterior works valued at \$100,000 and less are delegated to the City Planner or designate by Bylaw No. 3320, 2011.</p>
<p>4.11 Re-Application</p>	<p>Subject to Section 460 of the <i>Local Government Act</i> a Re-Application for an amendment or permit that has been refused by Council shall not be considered within a 6 month period immediately following the date of refusal. Re-Application will require the payment of a new Application fee.</p>
<p>4.12 Lapse in Application</p>	<p>Commencing with intake and during the entire Application process if at any time any Applicant does not respond to a request from the City Planner or designate for supporting information for longer than 6 months, the Application has lapsed.</p>
<p>4.13 Refunds</p>	<p>All Application fees are non-refundable.</p>

5.0 OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENT

5.1 Application	Shall be submitted in accordance with Schedule "B".
5.2 Report to Council	<p>Upon receipt of a complete Application the City Planner or designate may review the Application and prepare a report that contains:</p> <ul style="list-style-type: none"> (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 City Planner or designate considers essential or desirable.
5.3 Sign Notice	<p>The City Planner or designate shall examine the Application for completeness before instructing the Applicant to install a sign in accordance with Schedule "C" which is attached and forms part of this Bylaw, and will be completed at the Applicant's expense.</p>
5.4 Referrals	<p>Referrals shall be in accordance of Section 4.8</p>
5.5 Council Considerations	<p>Council shall consider the Application or Amending Bylaw and may decide as applicable to:</p> <ul style="list-style-type: none"> (a) Approve or deny; (b) Adopt; (c) Reject; or (d) Defer or otherwise deal with the Application or Amending Bylaw.
5.6 Notice General	<p>Council shall not adopt an OCP or Zoning Bylaw amendment until it has held a duly advertised Public Hearing as required in the <i>Local Government Act</i>, including serving individual notices.</p>

<p>5.7 Notice of Public Hearing</p>	<p>A Notice of Public Hearing shall be the responsibility of the City Planner or designate and includes:</p> <ul style="list-style-type: none"> (a) Individual notices shall be mailed or otherwise delivered to the owner on the assessment roll as at the date of the application and to the tenants within a distance of 100 m (330 ft.) of any property line of the property subject of the bylaw amendment. The notification area may be expanded by Council when development proposals are deemed to have a significant impact. (b) The advertisement shall be published in two consecutive issues of a local newspaper in accordance with Section 466 of the <i>Local Government Act</i>. (c) Notice of Public Hearing shall be posted on the City notice board.
<p>5.8 Public Hearing</p>	<p>The order of Business at the Public Hearing shall be as follows:</p> <ul style="list-style-type: none"> (a) The Chair of the Public Hearing shall read a statement setting out its purpose and rules of conduct; (b) The Applicant shall be given the opportunity to be heard; (c) A copy of all pertinent correspondence received prior to the Public Hearing shall be available for public viewing; (d) Any correspondence received during the Public Hearing must be included in the minutes; (e) Any persons wishing to speak to the Bylaw shall be heard; (f) Only members of Council may put questions to any person who has been heard; (g) No person, after being heard, may make a reply or rebuttal or further submission without permission of the Chair; and (h) The Chair will call three times for further submissions, and if no one comes forward, shall close the Public Hearing.

6.0 PERMITS

<p>6.1 Application</p>	<p>Shall be in accordance with:</p> <ul style="list-style-type: none"> (a) Schedule “D” for Development Permit; (b) Schedule “E” for Minor Development Permit; (c) Schedule “F” for Development Variance Permit; and (d) Schedule “G” for Temporary Use Permit.
<p>6.2 Report to Council</p>	<p>Upon receipt of a complete Application for a Development Permit in excess of \$100,000 for exterior works and a Development Variance Permit the City Planner or designate will review the Application and prepare a report that contains:</p> <ul style="list-style-type: none"> (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 <p>Any other matters the City Planner or designate considers essential or desirable.</p>
<p>6.3 Notice</p>	<p>Where Council proposes to approve an Application for a Development Permit, no notification is required.</p> <p>Prior to final consideration of an Application for a Development Variance Permit or Temporary Use Permit, by Council, staff shall deliver notification as follows:</p> <ul style="list-style-type: none"> (a) To all Owners and tenants of the land(s) subject to the proposed Permit; and (b) To all Owners and tenants of lands of which any portion is within 50 meters of the land that is subject to the proposed Permit. (c) In the case of a Temporary Use Permit, a notice must be published in a local newspaper
<p>6.4 Referrals</p>	<p>Referrals shall be in accordance with Section 4.8</p>

<p>6.5 Council Considerations</p>	<p>The Council may, upon receipt of the report from the City Planner or designate:</p> <ul style="list-style-type: none"> (a) Authorize or reject public notification; (b) Authorize or refuse the issuance of the Permit; and (c) Authorize the issuance of the Permit as amended by a Council resolution.
<p>6.6 Public Comments</p>	<p>Prior to final consideration of an Application for a Development Variance Permit or Temporary Use Permit and only after notification has been carried out, all persons who believe their interests are affected by the proposed Permit may be afforded reasonable opportunity to be heard in an open meeting of Council and to present oral and/or written submissions respecting matters relating to the Permit.</p> <p>Council may receive and consider presentations and give final consideration and approval, approval with conditions, or rejection of the Development Variance Permit or Temporary Use Permit at the same meeting.</p>
<p>6.7 Permit</p>	<p>Council Resolution is necessary for the City Planner or designate to issue a Development Permit, Development Variance Permit or Temporary Use Permit.</p>

7.0 SEVERABILITY

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to be adopted without the severed section.

8.0 CITATION & READING

8.1 Citation

Title

1. The Bylaw may be cited for all purposes as the “Development Procedures Bylaw No. 3425, 2018”.

READ THE FIRST TIME THIS ___ DAY OF _____, A.D. 2018.

READ THE SECOND TIME THIS ___ DAY OF _____, A.D. 2018.

READ THE THIRD TIME THIS ___ DAY OF _____, A.D. 2018.

FINALLY CONSIDERED AND ADOPTED THIS ___ DAY OF _____, A.D. 2018.

MAYOR

CORPORATE ADMINISTRATOR



CITY OF PRINCE RUPERT
Development Services
424 3rd Avenue West
Prince Rupert, BC, V8J 1L7
Phone: (250) 627 0996 **Fax:** (250) 627 0979
Email: planning@princerupert.ca

Schedule "A"

City of Prince Rupert Procedures Bylaw No. 3425, 2018 **APPLICATION FEES FOR AMENDMENT AND PERMITS**

Amendment to Official Community Plan	\$1,100.00
Amendment to Zoning Bylaw	\$1,100.00
Amendment to Official Community Plan & Zoning Bylaw	\$1,400.00
Development Variance Permit	\$ 330.00
Development Permit Area (value of works over \$5,000)	\$ 225.00
Development Permit Area (value of works under \$5,000)	\$ 60.00
Temporary Use Permit	\$ 630.00
Copy of Title Certificate (within 30 days of date of Application)	\$ 15.00

Note: Each subsection of the Zoning Bylaw for which there is an application for a variance shall be deemed to be a separate and distinct application for a Development Variance Permit and shall be subject to all requirements of application, fee, processing and all other requirements of the Bylaw.



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Schedule "B"

APPLICATION TO AMEND OFFICIAL COMMUNITY PLAN AND/OR ZONING BYLAW

(PLEASE PRINT CLEARLY)

APPLICATION TYPE	
<input type="checkbox"/> <u>Official Community Plan Amendment</u>	<input type="checkbox"/> <u>Zoning Bylaw Amendment</u>
<input type="checkbox"/> Joint Official Community Plan + Zoning Bylaw Amendment	
<i>OFFICE USE ONLY</i>	
Date Received: _____	Application/File No.: _____

APPLICANT	
Name: _____	
Address: _____	
Phone #: _____	Email: _____

REGISTERED OWNER(S):	
Name: _____	
Address: _____	
Phone #: _____	Email: _____

SUBJECT PROPERTY INFORMATION	
Civic Address: _____	
Legal Description: _____	
Current OCP Designation/Zoning: _____	
Current Use: _____	

PROPOSAL DESCRIPTION:	
Proposed OCP Designation: _____	Proposal Zoning: _____
Describe Proposal Amendment(s):	
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	
ATTACH ADDITIONAL INFORMATION INCLUDING LETTER OF INTENT, DRAWINGS	

AUTHORIZATION:	
As applicant or approved agent, I hereby make application in accordance with the City of Prince Rupert Bylaws and declare that statements in this application are true and correct. I understand that this application is a public document including personal information and it is open for inspection by the public and may be reproduced and distributed to the public as part of report(s) to Council or for the purpose of public hearing.	
Name/Signature: _____	Date: _____
<i>This application is made with my full knowledge and consent.</i>	
Registered Owner Name/Signature: _____	Date: _____



OCF AND/OR ZONING AMENDMENT SIGN

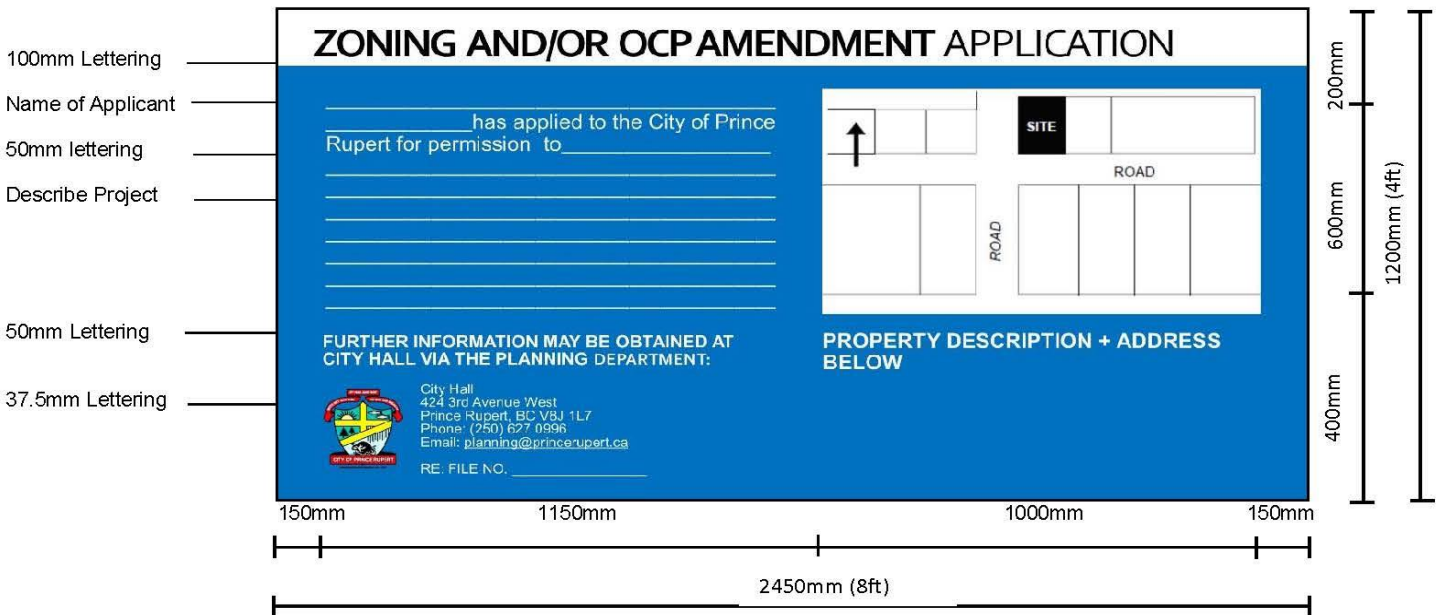
SPECIFICATIONS:

1. Blue background (PANTONE colour Process Blue C) with white Arial lettering.
2. Please identify in the title of the sign whether it is solely for a Zoning Application, or combined OCP Amendment and Zoning Application.
3. Sign to include site map with white background and black lines (see sample below).
4. The map will show the project location, adjoining roads (labeled) and properties, address of affected property, and North directional arrow.
5. All measurements described below are in millimeters (mm). A variance of 5% is permitted in specified signage dimensions.
6. The sign is to be constructed with 5/8" thick plywood with supporting/anchor posts that raise the sign at least 36" from the ground.

PLACEMENT:

In every case, a sign shall be located to the front property line. Where the subject property also abuts a separate, but unconnected improved public road, a like sign shall also be located adjacent to the second public road.

NOTE: DRAWING IS NOT TO SCALE





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Schedule "D"

APPLICATION FOR A DEVELOPMENT PERMIT

(PLEASE PRINT CLEARLY)

DEVELOPMENT PERMIT AREA (DPA):	
<input type="checkbox"/> Cow Bay DPA	<input type="checkbox"/> Industrial Site DPA
<input type="checkbox"/> Downtown DPA	<input type="checkbox"/> Multi-family Housing DPA
**Alternative forms available for Development Variance Permit, OCP or Zoning Amendment, or Minor Signs/Works Permit	
<i>OFFICE USE ONLY</i>	
Date Received: _____	Application/File No.: _____

APPLICANT:
Name: _____
Address: _____
Phone #: _____ Email: _____

REGISTERED OWNER(S):
Name: _____
Address: _____
Phone #: _____ Email: _____

SUBJECT PROPERTY INFORMATION:
Civic Address: _____
Legal Description: _____
Current OCP Designation/Zoning: _____
Current Use: _____

PROPOSAL DESCRIPTION:
Proposed OCP Designation: _____ Proposal Zoning: _____
Estimated project costs: _____
Describe proposed development, estimated development costs, and attach site plans and building elevations:
MUST ATTACH ADDITIONAL INFORMATION INCLUDING LETTER OF INTENT, DRAWINGS

AUTHORIZATION:
As applicant or approved agent, I hereby make application in accordance with the City of Prince Rupert Bylaws and declare that statements in this application are true and correct. I understand that this application is a public document including personal information and it is open for inspection by the public and may be reproduced and distributed to the public as part of report(s) to Council or for the purpose of public hearing.
Applicant Signature: _____ Date: _____
<i>This application is made with my full knowledge and consent.</i>
Registered Owner Signature: _____ Date: _____



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Schedule "E"

APPLICATION FOR A MINOR WORKS/MINOR SIGN PERMIT

(PLEASE PRINT CLEARLY)

APPLICATION TYPE:	DEVELOPMENT PERMIT AREA (DPA):
<input type="checkbox"/> Minor Works Permit (<\$5,000 value) <input type="checkbox"/> Minor Sign Permit (<\$5,000 value)	<input type="checkbox"/> Cow Bay DPA <input type="checkbox"/> Industrial Site DPA <input type="checkbox"/> Downtown DPA <input type="checkbox"/> Multi-family Housing DPA

*****For detailed specifications regarding construction requirements in Prince Rupert's different Development Permit Areas, see Development Permit Area Guidelines, available online and at City Hall**

APPLICANT:

Name: _____

Address: _____

Phone #: _____ Email: _____

REGISTERED OWNER(S) AUTHORIZATION:

Name: _____

Signature: _____ Date: _____

SUBJECT PROPERTY INFORMATION:

Civic Address: _____

Legal Description: _____

Current OCP Designation/Zoning: _____

Current Use: _____

Business Name (if applicable): _____

Description of Proposed Works: <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	MUST ATTACH: 1.) Drawings and Pictures of proposed works 2.) Additional Supporting information
	Estimated Project costs: _____

AUTHORIZATION:

As applicant or approved agent, I hereby make application in accordance with the City of Prince Rupert Bylaws and declare that statements in this application are true and correct. I understand that this application is a public document including personal information and it is open for inspection by the public and may be reproduced and distributed to the public as part of report(s) to Council or for the purpose of public hearing.

Applicant Signature: _____ Date: _____

This application is made with my full knowledge and consent.

Registered Owner Signature: _____ Date: _____



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Schedule "F"

APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT

(PLEASE PRINT CLEARLY)

<i>OFFICE USE ONLY</i>	
Date Received: _____	Application/File No.: _____

APPLICANT:	
Name: _____	
Address: _____	
Phone #: _____	Email: _____

REGISTERED OWNER(S):	
Name: _____	
Address: _____	
Phone #: _____	Email: _____

SUBJECT PROPERTY INFORMATION:	
Civic Address: _____	
Legal Description: _____	
Current Zoning: _____	
Current Use: _____	

PROPOSAL DESCRIPTION:	
Proposed Variance: _____	
Describe proposed variance	
MUST ATTACH ADDITIONAL INFORMATION INCLUDING LETTER OF INTENT, DRAWINGS	

AUTHORIZATION:	
As applicant or approved agent, I hereby make application in accordance with the City of Prince Rupert Bylaws and declare that statements in this application are true and correct. I understand that this application is a public document including personal information and it is open for inspection by the public and may be reproduced and distributed to the public as part of report(s) to Council or for the purpose of public hearing.	
Applicant Signature: _____	Date: _____
<i>This application is made with my full knowledge and consent.</i>	
Registered Owner Signature: _____	Date: _____



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Schedule "G"

APPLICATION FOR A TEMPORARY USE PERMIT

(PLEASE PRINT CLEARLY)

OFFICE USE ONLY
 Date Received: _____ Application/File No.: _____

APPLICANT:
 Name: _____
 Address: _____
 Phone #: _____ Email: _____

REGISTERED OWNER(S):
 Name: _____
 Address: _____
 Phone #: _____ Email: _____

SUBJECT PROPERTY INFORMATION:
 Civic Address: _____
 Legal Description: _____
 Current Zoning: _____
 Current Use: _____

PROPOSAL DESCRIPTION:
 Proposed Use: _____
 Describe proposed temporary use:

ATTACH ADDITIONAL INFORMATION, LETTER OF INTENT.

REQUIRED SUBMISSIONS:

<input type="checkbox"/> Application Fee	<input type="checkbox"/> Owner's Authorization
<input type="checkbox"/> Certificate of Title	<input type="checkbox"/> Survey Certificate

AUTHORIZATION:

As applicant or approved agent, I hereby make application in accordance with the City of Prince Rupert Bylaws and declare that statements in this application are true and correct. I understand that this application is a public document including personal information and it is open for inspection by the public and may be reproduced and distributed to the public as part of report(s) to Council or for the purpose of public hearing.

Name/Signature: _____ Date: _____
This application is made with my full knowledge and consent.

Registered Owner Name/Signature: _____ Date: _____