

THE CITY OF PRINCE RUPERT

DEVELOPMENT PROCEDURES BYLAW BYLAW No. 3533, 2024

A BYLAW TO ESTABLISH PROCEDURES FOR PROCESSING LAND DEVELOPMENT APPLICATIONS AND ENABLE PERIODIC AMENDMENTS TO THE CITY'S DEVELOPMENT APPLICATION FORMS, PERMIT FORMS AND ADMINISTRATIVE FORMS NECESSARY TO CARRY OUT THE PROCEDURES UNDER THIS BYLAW.

This Bylaw may be cited as "Development Procedures Bylaw No. 3533, 2024".

WHEREAS the Council of the City of Prince Rupert has adopted the Official Community Plan and Zoning Bylaw;

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

- 1. That the Schedule "A" Development Procedures Bylaw and its appendices, attached to and forming part of this bylaw comes into force upon final consideration and adoption.
- 2. That the City of Prince Rupert DEVELOPMENT PROCEDURES BYLAW 3469, 2024 and any amendments thereto is repealed.

READ A FIRST TIME THIS 6^{th} day of May, 2024.

READ A FIRST TIME THIS 6th day of May, 2024.

READ A FIRST TIME THIS 6th day of May, 2024.

READ A FOURTH & FINAL TIME THIS 22nd day of May, 2024.

| | This Bylaw was adopted by Council. |
|-------------------|-------------------------------------|
| Mayor | To view the signed original, |
| Mayor | contact City Hall Administration at |
| | (250) 627 0934 or email |
| Corporate Officer | cityhall@princerupert.ca |

City of Prince Rupert

DEVELOPMENT
PROCEDURES BYLAW
SCHEDULE A TO
Bylaw No. 3469, 2021

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1.0 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.

CITY means the City of Prince Rupert.

CITY MANAGER means the professional appointed by the Council of the City of Prince Rupert as the City Manager.

CITY PLANNER means the planning professional appointed by the Council of the City of Prince Rupert as the City Planner.

COMMUNITY INFORMATION MEETING means a meeting conducted by 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.

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

DIRECTOR OF OPERATIONS means the professional appointed by the Council of the City of Prince Rupert as the Director of Operations.

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

MINOR DEVELOPMENT PERMIT means a Development Permit application with a total value of works under \$10,000.

MINOR DEVELOPMENT VARIANCE PERMIT means a Development Variance Permit for a variance to the Prince Rupert Zoning Bylaw No. 3462 that meets the following criteria:

- a) It is consistent with the City of Prince Rupert Official Community Plan Bylaw No. 3460 and its amendments.
- b) It is less than a 25% reduction in off-street parking space requirements.
- c) It is equal to or less than 25% reduction in lot coverage;
- d) It is equal to or less than 35% reduction in yard requirements.
- e) Any variance related to patios and decks; and
- f) Any variance related to signs.

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.

QUALIFIED PROFFESIONAL means an accredited professional engineer, geoscientist, architect, biologist, planner or other professional with experience and certificates relevant to the applicable matter.

2.0 General Requirements

2.1 Application Requirements

Applications must include supporting documentation and attachments obtained at the Applicant's expense, as required by the City Planner.

- (a) Applications that are deficient of required supporting documentation and attachments may be refused.
- (b) When refusing to accept an application under Paragraph (a), the City Planner must inform the Applicant of the requirements that must be met for the application to comply with this Bylaw.
- (c) Council may require further supporting documentation.

2.2 Owner's Consent

No application shall be accepted except from the Owner of land involved, or from an Applicant with written authorization of the Owner to act on their behalf.

2.3 Application Fees

No application shall be accepted or deemed complete until an application fee has been paid in full as prescribed in Appendix A – Fees.

2.4 Site Disclosure Statement

Site Disclosure Statement shall be submitted in accordance with Ministry of Environment Guidance on Contaminated Sites to the City Planner for review.

A checklist provided by the Ministry of Environment will be completed and submitted with the application. If there are any "YES" answers in the checklist the City shall forward the Site Profile to the Director of Waste Management, Land Remediation Section, Ministry of Environment.

2.5 Pre-Application Meeting

A pre-application meeting with staff and the applicant is strongly encouraged.

2.6 Process

Every application for an amendment to the Zoning Bylaw or OCP shall be processed by the City Planner, who shall present a report to Council for consideration. Every application for a permit shall be processed and either approved or rejected by the City Manager, City Planner, or the Director of Operations.

2.7 Public Consultation & Referrals

- (a) The City Planner will implement the public consultation requirements which may be composed of:
 - i. the Applicant, at their cost, convening an advertised Community Information Meeting;
 - ii. the Applicant preparing and distributing public information packages and feedback opportunity;
 - iii. the Applicant providing online information and feedback opportunities; and
 - iv. the Applicant providing a summary report of the consultation methods taken.
- (b) The City Planner will consider the size and scale of an application when determining the form of public consultation. For example, a proposal with only a few residential units may only need to provide a public information package to the residents within 50 metres of the development site.
- (c) The City Planner will circulate referrals to local, regional and provincial agencies whose interests may be affected.

2.8 Other Considerations

Notwithstanding any provisions of this Bylaw, and excepting any incomplete and/or unpaid applications, no person shall be prevented from submitting, or Council considering, any development application under Part 14 of the *Local Government Act*.

2.9 Delegation of Authority

In Accordance with Section 154 of the Community Charter,

- i. Council herein delegates the following to the City Manager, City Planner, and Director of Operations:
- (a) The power to require Development Approval Information;
- (b) The power to require security for works;
- (c) The power to determine the form of permits issued under this bylaw;
- (d) The power to determine the form and content of application forms;
- (e) The power to issue or amend all permits created under Section 488(1)(f) of the Local Government Act (Form and Character of Commercial, Industrial or Multi-Family Residential Development):
- (f) The power to issue or amend all Development Permits within Development Permit Areas created under Section 488(1)(a) of the Local Government Act for protection of the natural environment;
- (g) The power to issue and amend all Minor Development Variance Permits, pursuant to s.498.1 of the Local Government Act, subject to guidelines set out in Section 4.7 of this Bylaw.

2.10 Council Reconsideration of a Staff Decision

- Within 30 days of being notified in writing of the decision of the City Manager, City Planner, or Director of Operations, the Applicant may request Council to reconsider the decision regarding a Development Permit Application.
- ii. The Applicant must give written notice to City Clerk and include the following information:
 - (a) The Applicant's address for receiving correspondence related to the request for reconsideration;
 - (b) A copy of the written specific decision;
 - (c) Reasons why the Applicant wishes the specific decision to be reconsidered by Council;
 - (d) The decision which the Applicant requests be made by Council as a substitute to staff decision;
 - (e) Reasons in support of the decision requested from Council; and
 - (f) A copy of any documents which support the Applicant's request for reconsideration by Council
- iii. The City Clerk will notify the City Planner of the request(s) for reconsideration and the staff will, prior to the date of the meeting at which the reconsideration will occur provide a written report to Council setting out the rationale for their decision.
- iv. The City Clerk will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- v. The City Clerk will notify the Applicant of the date of the meeting at which reconsideration will occur.
- vi. Council will review the information provided by the Applicant and staff, and either confirm the decision made by staff, or substitute its own decision including Development Permit conditions.

2.11 Re-Application

Subject to Section 460 of the Local Government Act a re-application for an amendment or permit that has been refused by Council shall not be considered within a six (6) month period immediately following the date of refusal. Re-application will require the payment of a new application fee.

2.12 Lapse in Application

Commencing with intake and during the entire application process if at any time any Applicant does not comply with a request from the City Planner for supporting information for longer than six (6) months but not to exceed 24 months from the application date, the application has lapsed.

2.13 Refunds

All application fees are non-refundable.

2.14 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.

3.0 Official Community Plan and Zoning Bylaw Amendments

| 3.1 | Application Review & Consultation | The City Planner shall examine the application for completeness and if complete shall: 1) Request the Applicant proceed with public consultation; 2) Send referrals to internal departments and external agencies; and 3) The Applicant must install a sign in accordance with Appendix C which is attached and forms part of this Bylaw; this will be completed at the Applicant's expense. |
|-----|---|---|
| 3.2 | Report to Council | The City Planner will review the application and prepare a report that contains: (a) A summary of the application; (b) An assessment of the potential impact of the activity or development on the community; (c) A review of the application with reference to City bylaws and policies; (d) A summary of relevant referral responses; and (e) Any other matters the City Planner considers relevant. |
| 3.3 | Council's Initial Considerations | For complex proposals, the application proceeds to Committee of the Whole or, for a time sensitive or minor application, to Council for initial consideration. The Committee of the Whole may recommend proceeding to 1st and 2nd reading at next Council meeting. Council may waive the Public Hearing in accordance with the Local Government Act, subject to: (i) compliance with the Official Community Plan Policies; and (ii) as determined by Council, no significant objections or issues raised or received at the Public Consultation period. For zoning proposals meeting requirements under the Local Government Act Division 3 Section 464 (3) & (4), Council is prohibited from holding a Public Hearing. In these circumstances, a notice must be prepared and distributed by the City in accordance with Section 467 of the Local Government Act or the City of Prince Rupert Public Notice Bylaw as applicable. |
| 3.4 | Notice of Public Hearing | A Notice of Public Hearing shall be prepared by the City as follows: (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 a local newspaper in accordance with City of Prince Rupert Public Notice Bylaw; (c) Notice of Public Hearing shall be posted on the City notice board; and (d) A copy of all pertinent correspondence received prior to the Public Hearing shall be available for public viewing. |

| The order of business at the Public Hearing shall be generally as follows: (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) Any correspondence received during the Public Hearing must be included in the minutes; (d) Any persons wishing to speak to the Bylaw shall be heard; (e) Only members of Council may put questions to any person who has been heard; (f) No person, after being heard, may make a reply or rebuttal or further submission without permission of the Chair; and (g) The Chair will call three times for further submissions, and if no one comes forward, shall close the Public Hearing. When no Public Hearing is held, submissions can still be heard from residents as follows: (a) Written submissions may be submitted to the City Planner or Corporate Administrator up to one (1) business day before 3 rd Reading. (b) Council may still receive new information or submissions up until one (1) business day before 3 rd Reading. Council cannot receive or consider any further input from residents regarding the application after this time. 1) The application proceeds to Council for consideration of 3 rd reading. 2) If a rezoning application is for property located within 800 metres of an intersection of a controlled access highway, the Ministry of Transportation Infrastructure must |
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| approve the Bylaw prior to adoption. |
| 3) Prior to final reading, any approval conditions must be secured prior to |
| consideration of final (4 th) reading; |
| 4) The Council will make one of the following decisions: |
| (a) Give final reading; |
| (b) Reject; or |
| (c) Defer or otherwise deal with the application or amending Bylaw. |
| 5) If the Bylaw does not require MOTI approval, and if all approval conditions have |
| been secured, Council can consider 3rd and final reading at the same meeting. |
| , |

4.0 Permit Applications

| 4.1 | Application Review | Upon receipt of a complete application for any Permit in Section 4 the City will review the application and provide comments for the Applicant: |
|-----|-----------------------|---|
| 4.2 | Referrals | Referrals shall be in accordance of Section 2.7 |
| 4.3 | Notice | No notification is required for a Development Permit. The obligation to give notice to affected property owners and tenants under Section 499 of the Local Government Act does not apply to Minor Development Variance Permits, however the Delegated Official may, if they determine that it is in the public interest, notify the owners and tenants of the subject property and neighbouring properties, including those properties across dedicated rights-of-way and highways, prior to issuing the variance. The notice shall describe in general terms the variance applied for and instructions on how recipients of the notice may provide comments to the City. The Delegated Official will consider the size and scale of an application when determining the form of public consultation. Prior to final consideration of an application for a Development Variance Permit or Temporary Use Permit, the City shall deliver notification as follows: (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 metres of the |
| | | land that is subject to the proposed Permit. |

| 4.4 Public Comments | 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 and to present oral and/or written submissions respecting matters relating to the Permit. |
|--|--|
| 4.5 Permit | The City Council may approve the following permits: i. Development Variance Permits; and ii. Temporary Use Permits. As delegated by Council, the City Manager, City Planner, or the Director of Operations may approve the following permits: i. Development Permits; ii. Minor Development Permits; iii. Development Permits with a Minor Variance, and iv. Minor Development Variance Permits. |
| 4.6 Criteria for Consideration of Approval | As delegated by Council, the City Manager, City Planner, and Director of Operations must consider the following criteria in approval of permits. i. Development Permits and Minor Development Permits a. Development Permit Guidelines for relevant Development Permit Areas as outlined in the City of Prince Rupert Official Community Plan Bylaw No. 3460, 2021 and its amendments; and b. Input from referrals. ii. Development Permits with a Variance a. Impacts to neighbouring properties and neighbourhood character; b. Comments received from the public, if any; and c. Input from referrals. iii. Minor Development Variance Permits a. If the proposed variance is consistent with the general purpose and intent of the zone; b. If the proposed variance addresses a physical or legal constraint associated with the site (e.g. unusual parcel shape, topographical feature, statutory right-of-way, etc.); c. Impacts to neighbouring properties; d. If the proposed variance would unduly impact the character of the streetscape or surrounding neighbourhood; e. Comments received from the public, if any; f. Input from referrals; and g. If strict compliance with the zoning regulation would be unreasonable. |



CITY OF **PRINCE RUPERT Development Services**

Appendix A

424 3rd Avenue West Prince Rupert, BC, V8J1L7

Phone: (250)-627-0996 Fax: (250)-627-0979

Email: planning@princerupert.ca

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 \$10,000) | \$225.00 |
| Development Permit Area (value of works under \$10,000) | \$60.00 |
| Reconsideration of a staff decision regarding a DP application or a DAI request | \$60.00 |
| Temporary Use Permit | \$630.00 |
| Copy of Title Certificate (within 30 days of date of Application) | \$20.00 |
| Copy of BC Company Summary or equivalent (within 30 days of date of Application) | \$20.00 |

Note: Each regulation for which there is an application for a variance shall be subject to a separate fee but processed in a single application.



CITY OF PRINCE RUPERT Development Services 424 3rd Avenue West

Prince Rupert, BC, V8J1L7

Phone: (250)-627-0996 Fax: (250)-627-0979

Email: planning@princerupert.ca

Appendix B

OCP AND/OR ZONING AMENDMENT SIGN

SPECIFICATIONS:

- Dark Teal background (PMS 3165c CMYK 100/12/28/59 RGB 0/80/92 HEX 00505C) with white (CMYK 0/0/0/0 RGB 255/255/255 HEX FFFFFF) and Teal (PMS 3265c CMYK 75/0/43/0 RGB 0/199/177 HEX 00C7B2) text and call-out boxes.
- 2. Manrope lettering
- 3. Please identify in the title of the sign whether it is solely for a Zoning Application, or combined OCP Amendment and Zoning Application.
- 4. Sign to include site map with white background and black lines (see sample below).
- 5. The map will show the project location, adjoining roads (labelled) and properties, address of the affected properties, and a north directional arrow.
- 6. All measurements described below are in millimeters (mm). A variance of 5% is permitted in specified signage dimensions.
- 7. 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

