



City of Langley

**CITY OF LANGLEY
DEVELOPMENT APPLICATION PROCEDURES BYLAW**

NO. 2488

A Bylaw to establish procedures to amend the Official Community Plan, Zoning Bylaw or a Land Use Contract and to issue a permit under Part 26 of the *Local Government Act*.

DISCLAIMER – THIS BYLAW IS CONSOLIDATED FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

Consolidated as of January 31, 2011

TABLE OF CONSOLIDATION	
BYLAW	SUBJECT MATTER
Amendment No. 1, Bylaw No. 2756, 2008	Amend Fees in Schedule A
Amendment No. 2, Bylaw No. 2842, 2010	Reference Fees and Charges Bylaw



City of Langley

CITY OF LANGLEY DEVELOPMENT APPLICATION PROCEDURES BYLAW

NO. 2488

A Bylaw to establish procedures to amend the Official Community Plan, Zoning Bylaw or a Land Use Contract and to issue a permit under Part 26 of the *Local Government Act*.

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

PART I GENERAL PROVISIONS

1. This Bylaw shall apply to

(a) Amendments to:

- (i) an Official Community Plan;
- (ii) a Zoning Bylaw; and
- (iii) a Land Use Contract; and

(b) Issuance of:

- (i) Development Permits; and
- (ii) Development Variance Permits.

2. In this Bylaw,

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

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

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

“Application” means an application to do any of the items set out in section 4 of this Bylaw.

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

“City” means the City of Langley’.

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

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

3. The following schedules are attached to and form part of this Bylaw:
 - (a) Schedule “B” – Development Permit;
 - (b) Schedule “C” – Development Variance Permit.
4. An applicant may apply to the City on the forms provided by the City to:
 - (a) amend the Zoning Bylaw;
 - (b) amend the Official Community Plan;
 - (c) amend a Land Use Contract; or
 - (d) issue a Development Permit or Development Variance Permit.
5. All applications will be accompanied by the required application fee and supporting information.
6. The application fee is non-refundable except when the application is refused by Council prior to the publishing or delivery of the notice to the affected persons in which case 50 per cent of the application fee will be refunded to the applicant.
7. All applications will be referred to the Advisory Planning Commission and then to Council.
8. The City will mail or otherwise deliver a notice about the application to affected persons:
 - (a) prior to the public hearing, in the case of an amendment to the Official Community Plan, the Zoning Bylaw, or to a Land Use Contract; or
 - (b) prior to Council’s consideration of the application, in all other cases.
9. Where an application made pursuant to this Bylaw has been refused by Council, the City will notify the applicant in writing.

10. Any application that has been refused by Council will not be considered again within a six-month period immediately following the date of refusal.
11. Any application which is not approved within 12 months of the date of application is deemed to have expired and requires the applicant to reapply.

PART 2 ZONING AND OFFICIAL COMMUNITY PLAN BYLAW AMENDMENTS

12. Prior to the mailing or delivery of a notice of a public hearing, Council may:
 - (a) reject the application;
 - (b) refer the application back to staff for further study and report; or
 - (c) give first and second reading to the proposed amendment bylaw and proceed to public hearing.
13. When the proposed amendment bylaw has received second reading, the applicant must post in a prominent place on the subject property a sign to advise the public of the public hearing.
 - 13.1 The size, design, and wording of the sign must be approved by the City prior to the applicant posting the sign.
14. After the public hearing is held, Council may:
 - (a) reject the application;
 - (b) refer the application back to staff for further study and report; or
 - (c) give third reading to the proposed amendment bylaw with or without modifications imposed by Council.
15. If Council gives third reading to a proposed amendment bylaw pursuant to Section 14(c), Council may require the applicant to enter into a development servicing agreement with the City.
 - 15.1 The development servicing agreement must be signed by the applicant prior to the proposed amendment bylaw being submitted to Council for fourth and final reading.
16. If the proposed amendment bylaw is submitted to Council for fourth and final reading, Council may either give fourth and final reading to the proposed amendment bylaw or refuse to do so.

PART 3 DEVELOPMENT PERMITS AND DEVELOPMENT VARIANCE PERMITS

17. For the purposes of this Part, all references to a Development Permit or Development Variance Permit will apply also to an amendment or cancellation of same.
18. Prior to commencing any development of land, the applicant must apply and obtain:
 - (a) a Development Permit; or
 - (b) a Development Variance Permit, if required pursuant to Section 922 of the Local Government Act;

unless the proposed development falls within one of the exceptions set out in the Official Community Plan.
19. After the mailing or delivery of a notice of consideration of the application by Council, Council may, by resolution:
 - (a) authorize the issuance of a Development Permit or a Development Variance Permit with or without conditions;
 - (b) refer the application back to staff for further study and report; or
 - (c) refuse to authorize the issuance of a Development Permit or a Development Variance Permit;
 - 19.1 As an exception to this section, Council may not refuse to issue a Development Permit where the application complies in all respects with the Zoning Bylaw and the Development Permit Area Guidelines of the City's Official Community Plan.
20. The applicant must sign the Development Permit or the Development Variance Permit prior to issuance of the Development Permit or the Development Variance Permit.
21. Where a Development Permit or a Development Variance Permit includes the requirement to undertake landscaping as a condition of the issuance, the applicant shall provide security sufficient to cover the cost of installing the landscaping, the amount of which will be stated in the Development Permit or the Development Variance Permit.
22. Where a Development Permit or Development Variance Permit is issued, amended or cancelled, a notice shall be filed in the Land Title Office.

PART 4 LAND USE CONTRACT AMENDMENTS

23. This Part will not apply to applications to amend Land Use Contracts which contain provisions for their amendment within the Land Use Contracts themselves.
24. For the purposes of this Part, “amend” will mean modify, vary or discharge.
25. Prior to the mailing or delivery of a notice of a public hearing to amend a Land Use Contract, Council may;
 - (a) reject the application;
 - (b) refer the application back to staff for further study and report; or
 - (c) give first and second reading of the proposed amendment bylaw and proceed to public hearing.
26. When the proposed amendment bylaw has received second reading, the applicant must post in a prominent place on the subject property a sign to advise the public of the public hearing.
 - 26.1 The size, design, and wording of the sign must be approved by the City prior to the applicant posting the sign.
27. After the public hearing is held, Council may:
 - (a) reject the application;
 - (b) refer the application back to staff for further study and report; or
 - (c) give third reading to the proposed amendment bylaw with or without modifications imposed by Council.
28. If Council gives third reading to a proposed amendment bylaw, Council may require the applicant to enter into a development servicing agreement with the City.
 - 28.1 The development servicing agreement must be signed by the applicant prior to proposed amendment bylaw being submitted to Council for fourth and final reading.
29. If the proposed amendment bylaw is submitted to Council for fourth and final reading, Council may either give fourth and final reading to the proposed amendment bylaw or refuse to do so.
30. “Development Application Procedures Bylaw, 1994, No. 2010” and its amendments are hereby repealed.

31. Section 1 of the Application Fee Bylaw, 1997, No. 2661 is amended by deleting the following subsections:
- a) Official Community Plan Amendment
 - b) Rezoning
 - c) Development Variance Permit
 - d) Development Permit
 - e) Land Use Contracts .
32. This bylaw may be cited as the “Development Application Procedures Bylaw, 2003, No. 2488”.

READ A FIRST, SECOND AND THIRD TIME this Twenty-Fourth day of March, 2003.

ADOPTED this Seventh day of April, 2003.

MAYOR

CITY CLERK



DEVELOPMENT APPLICATION PROCEDURES BYLAW

NO. 2488

SCHEDULE “B”

DEVELOPMENT PERMIT NO.

This Permit is issued to:

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

Legal Description:

Parcel Identifier:

Civic Address:

Roll No.:

(hereinafter called “the lands herein”)

Purpose of Permit:

(hereinafter called “the works”)

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

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

i. **Siting of Buildings and Structures**

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

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

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

iii. **Landscaping or Screening:**

Landscaping or screening or both shall be installed within twelve (12) months after the date of final approval of the subdivision in conformity with the plans to attached hereto as **Schedule “B”** and forming part of this Permit.

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

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

Upon completion of the landscaping works to the satisfaction of the City, the City shall return ninety percent (90%) of the original security deposit remaining, if any, to the Permittee. A holdback of ten percent (10%) of the security amount, if any shall be held by the City for twelve (12) months thereafter to guarantee satisfactory maintenance of the landscaping works by the Permittee over this period of time and shall be refunded to the Permittee at the end of the period, unless any expenditures made by the City on the

maintenance of the landscaping works made necessary by the failure of the Permittee to properly perform. Refunds of the deposit herein shall only be made by the City upon satisfactory inspection by it and submission of certificates by the Permittee.

iv. **Construction:**

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

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

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

6. AUTHORIZING RESOLUTION PASSED by the Council of the City of Langley on the day of _____, ____.

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

Party(ies) Signature(s)

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



DEVELOPMENT APPLICATION PROCEDURES BYLAW

NO. 2488

SCHEDULE "C"

DEVELOPMENT VARIANCE PERMIT NO.

This Permit is issued to:

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

Legal Description:

Parcel Identifier:

Civic Address:

Roll No.:

(hereinafter called "the lands herein")

Purpose of Permit:

(hereinafter called "the works")

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

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

vi. **Siting of Buildings and Structures**

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

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

3. AUTHORIZING RESOLUTION PASSED by the Council of the City of Langley on the day of _____, ____.

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

Party(ies) Signature(s)

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