

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
DEVELOPMENT APPLICATION PROCEDURES BYLAW 2018 NO. 5428

EXPLANATORY NOTE

Bylaw 2018 No. 5428 establishes development application procedures, rescinds Township of Langley Development Application Fee Bylaw 1987 No. 2470, and amends Township of Langley Fees and Charges Bylaw 2007 No. 4616.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

DEVELOPMENT APPLICATION PROCEDURES BYLAW 2018 NO. 5428

WHEREAS the Council of the Township of Langley has adopted the Official Community Plan and the Zoning Bylaw;

AND WHEREAS the Council of the Township of Langley has designated heritage conservation areas within which Heritage Alteration Permits are required;

AND WHEREAS the Council of the Township of Langley must, under the *Local Government Act*, define, by bylaw, procedures under which an Owner may apply for an amendment to the Official Community Plan or the Zoning Bylaw, or for the issuance of a permit under Part 14 of the *Local Government Act*;

AND WHEREAS the Council of the Township of Langley may, by bylaw, establish procedures under which a person may apply for the issuance of a Heritage Alteration Permit or amendment of a bylaw under Part 15 of the *Local Government Act*;

AND WHEREAS the Council of the Township of Langley may, by bylaw, require posting of a notice on land in respect of which a public hearing is being held or waived;

AND WHEREAS the Council of the Township of Langley may, by bylaw, impose a fee payable in respect of all or part of a service, the use of municipal property, or the exercise of authority to regulate, prohibit, or impose requirements;

AND WHEREAS the *Community Charter* authorizes the Council of the Township of Langley to, by bylaw, delegate certain powers to Township officers and employees;

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

PART 1: TITLE

- 1.1 This bylaw may be cited for all purposes as “Development Application Procedures Bylaw 2018 No. 5428.”

PART 2: INTERPRETATION

- 2.1 In this bylaw:

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) headings given to sections are for convenience of reference only and do not form part of this bylaw;
- (c) unless expressly stated otherwise, a reference to a “section” is a reference to a section in this bylaw and a reference to a “part” is a reference to a part in this bylaw; and

- (d) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a Township bylaw or policy, as amended, revised, consolidated, or replaced from time to time.

2.2 In this bylaw:

- (a) **“Applicable Form”** means an application form for an application listed under Part 3 of this bylaw;
- (b) **“Applicant”** means an Owner of land which is the subject of an application or their authorized agent;
- (c) **“Community Charter”** means the *Community Charter*, SBC 2003, c 26, as amended or replaced from time to time;
- (d) **“Community Development Division”** means the Community Development Division of the Township;
- (e) **“Council”** means the elected council of the Township;
- (f) **“Development Permit”** has the meaning provided in the *Local Government Act*;
- (g) **“Development Permit Delegation Bylaw”** means the Development Permit Delegation Bylaw 2016 No. 5246, as amended or replaced from time to time;
- (h) **“Development Variance Permit”** has the meaning provided in the *Local Government Act*;
- (i) **“Gaming Licencing Endorsement”** means an endorsement by the Township of a licence application made pursuant to the *Gaming Control Act*, SBC 2002, c 14, as amended or replaced from time to time, and the regulations enacted thereunder;
- (j) **“General Manager”** means the General Manager, Engineering and Community Development as appointed by Council from time to time, or their designate;
- (k) **“Heritage Alteration Permit”** has the meaning provided in the *Local Government Act*;
- (l) **“Heritage Revitalization Agreement”** has the meaning provided in the *Local Government Act*;
- (m) **“Land Use Contract”** has the meaning provided in the *Local Government Act*;
- (n) **“Liquor Licence Endorsement”** means an endorsement by the Township of a licence application made pursuant to the *Liquor Control and Licencing Act*, SBC 2015, c 19, as amended or replaced from time to time, and the regulations enacted thereunder;

- (o) “**Local Government Act**” means the *Local Government Act*, RSBC 2015, c 1, as amended or replaced from time to time;
- (p) “**Official Community Plan**” means the Township of Langley Official Community Plan Bylaw 1979 No. 1842, as amended or replaced from time to time;
- (q) “**Owner**” has the meaning provided in the *Community Charter*;
- (r) “**Telecommunication Tower**” means a public utility or antenna tower that is under the authority of Industry Canada, or its successor;
- (s) “**Temporary Use Permit**” has the meaning provided in the *Local Government Act*;
- (t) “**Township**” means the Corporation of the Township of Langley;
- (u) “**Township of Langley Fees and Charges Bylaw**” means the Township of Langley Fees and Charges Bylaw 2007 No. 4616, as amended or replaced from time to time; and
- (v) “**Zoning Bylaw**” means the Township of Langley Zoning Bylaw 1987 No. 2500, as amended or replaced from time to time.

PART 3: SCOPE

This bylaw applies to the following applications related to all land within the boundaries of the Township:

3.1 an application for:

- (a) an amendment to the Official Community Plan;
- (b) an amendment to the Zoning Bylaw;
- (c) an amendment to or discharge of a Land Use Contract; or
- (d) a Heritage Revitalization Agreement;

3.2 an application for:

- (a) a Heritage Alteration Permit;
- (b) a Development Permit subject to the Development Permit Delegation Bylaw;
- (c) a Development Permit not subject to the Development Permit Delegation Bylaw;
- (d) a Development Variance Permit; or
- (e) a Temporary Use Permit;

3.3 an application for subdivision of property;

- 3.4 an application for a Liquor Licence Endorsement;
- 3.5 an application for a Telecommunication Tower;
- 3.6 an application for a Gaming Licence Endorsement;
- 3.7 an application for development of property within the Agricultural Land Reserve.

PART 4: APPLICATIONS

- 4.1 Applications listed under Part 3 of this bylaw shall be submitted by an Owner to the Township on the Applicable Form, including all prescribed supporting documentation and attachments.
- 4.2 Council hereby delegates to the General Manager the authority to create and revise the Applicable Forms for applications listed under Part 3, including determining all necessary supporting documentation and attachments.

PART 5: FEES

- 5.1 At the time of submission of an application pursuant to section 4.1, and throughout the processing of an application as prescribed by the Township of Langley Fees and Charges Bylaw, the Applicant shall pay to the Township the applicable fee set out in the Township of Langley Fees and Charges Bylaw.

PART 6: REVIEW BY THE COMMUNITY DEVELOPMENT DIVISION

- 6.1 Except for an application under sections 3.2(b) or 3.3, upon receipt of an application submitted in accordance with section 4.1, the Community Development Division shall review the application and prepare a report for Council's consideration, and, as applicable, may:
 - (a) forward the application to other departments of the Township and outside agencies for advice and recommendations; and
 - (b) prepare an amending bylaw, bylaw, resolution, agreement, and/or permit for Council's consideration.
- 6.2 Upon receipt of an application submitted in accordance with sections 3.2(b) or 3.3, the Community Development Division may, as applicable, forward the application to other departments of the Township and outside agencies for advice and recommendations.
- 6.3 Upon completion of its review under section 6.1, the Community Development Division shall forward the application and its report, as well as any prepared amending bylaw, bylaw, resolution, agreement, and/or permit for Council's consideration under Part 7.

PART 7: COUNCIL CONSIDERATION

- 7.1 Upon receipt of an application, report, and any prepared amending bylaw, bylaw, resolution, agreement, and/or permit from the Community Development Division pursuant to section 6.3, Council may, as applicable, take one or more of the following actions:
- (a) approve the application;
 - (b) approve the application with conditions;
 - (c) refer the application back to the staff, with direction;
 - (d) defer the application, pending the outcome of another procedure or the submission of additional information;
 - (e) reject the application;
 - (f) adopt any necessary amending bylaw, bylaw, or resolution; or
 - (g) take any other action Council considers appropriate.

PART 8: NOTIFICATION**Notices of Public Hearing**

- 8.1 Where a public hearing is required by law, notice of the public hearing shall be given in accordance with the *Local Government Act*.
- 8.2 Without limiting section 8.1, for an application under sections 3.1 and 3.2(e), notices shall be mailed out or otherwise delivered to the owners and tenants in occupation of all property within a distance of 100 metres from the boundary of the subject property, and to a minimum of five (5) properties measured along both sides of the road or roads on which the subject property is located, subject to exemptions in the *Local Government Act*.
- 8.3 Without limiting section 8.1, for an application under section 3.2(a)(c)(d), notices shall be mailed out or otherwise delivered to the owners and tenants in occupation of all property adjacent to the subject property indicating the time and place Council will meet to consider the application, subject to exemptions in the *Local Government Act*.

Signage

- 8.4 For an application under section 3.1(b)(c)(d), the Applicant must, at their sole expense, erect a sign on the land that is subject to the application in accordance with section 8.5.
- 8.5 Signage required under section 8.4 must be:
- (a) erected at least 14 days prior to the application proceeding to a public hearing;

- (b) posted centrally and visibly on the frontage of the subject property, including multiple signs where the subject property has frontage on multiple roads;
 - (c) constructed of a durable material, placed approximately 1.2 metres above ground, be approximately 1.2 meters high by 2.4 metres wide, and contain a description of application, a site map, the Township's emblem, the application number, and contact information for the Applicant and the Township;
 - (d) maintained and updated as necessary to reflect changes to the application; and
 - (e) removed from the subject property within 30 days of finalization of the application.
- 8.6 An Applicant required to erect a sign or signs pursuant to section 8.4 must provide photographic evidence to the Community Development Division, at least 14 days prior to the related public hearing, that the required signage has been installed.
- 8.7 Council shall not consider an application under section 3.1(b)(c)(d) until the Applicant has erected a sign or signs in accordance with Part 8. If a public hearing has been scheduled and it becomes necessary to postpone the public hearing because the requisite sign or signs have not been erected, the cost of rescheduling the public hearing shall be borne by the Applicant.

PART 9: REAPPLICATION AND INACTIVE APPLICATIONS

- 9.1 Subject to section 460(3) of the *Local Government Act*, where an application has been refused by Council, no reapplication for the same subject matter shall be considered within 12 months of refusal by Council of the previous application.
- 9.2 Where no outstanding or required application materials, including supporting documentation and attachments prescribed on the Applicable Form, are provided by an Applicant for any twelve (12) month period the application shall be considered inactive and closed, subject to the Applicant being notified in writing and given 30 days to respond.

PART 10: GENERAL

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

PART 11: REPEAL AND AMENDMENTS

- 11.1 The "Langley Development Application Fee Bylaw 1987 No. 2470" as amended is hereby repealed.
- 11.2 The "Township of Langley Fees and Charges Bylaw 2007 No. 4616" as amended is further amended by:

- (a) replacing in section 3 “Schedules ‘1’, ‘2’, ‘3’, ‘4’, ‘5’, ‘6’, ‘7’, ‘8’, ‘9’, ‘10’, ‘11’, ‘12’, and ‘13’, attached to a forming part of this bylaw” with “Schedules ‘1’, ‘2’, ‘3’, ‘4’, ‘5’, ‘6’, ‘7’, ‘8’, ‘9’, ‘10’, ‘11’, ‘12’, ‘13’, and ‘14’, attached to a forming part of this bylaw”;
- (b) adding to the Table of Contents “Schedule 14 – Development Application Fees” after “Schedule 13 – Stormwater”; and
- (c) adding Schedule A attached to and forming part of this bylaw as “Schedule 14 – Development Application Fees.”

READ A FIRST TIME the	03	day of	December	, 2018.
READ A SECOND TIME the	03	day of	December	, 2018.
READ A THIRD TIME the	03	day of	December	, 2018.
ADOPTED the		day of		, 2018.

	Mayor		Township Clerk
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SCHEDULE A**Schedule 14 – Development Application Fees**

DEVELOPMENT APPLICATION Fee Type	Description	Fees & Charges
Zoning Bylaw (map amendment); Land Use Contract Discharge or Amendment (varying use or density); and/or Heritage Revitalization Agreement ^{1,2,3}	R, RU or SR zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per proposed lot 	\$3,000.00 \$100.00
	RM zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per proposed residential unit 	\$4,300.00 \$100.00
	CD zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per m² of non-residential gross site area being rezoned plus Supplemental fee per proposed residential lot or unit 	\$5,000.00 \$1.00 \$100.00
	C zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per m² of non-residential gross site area being rezoned plus Supplemental fee per proposed residential lot or unit 	\$3,000.00 \$1.00 \$100.00
	M zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per m² of gross site area being rezoned 	\$3,000.00 \$0.60
	P zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per proposed residential unit 	\$3,000.00 \$100.00
	MH-1 or FH-1 zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per lot or unit 	\$3,200.00 \$100.00
Zoning Bylaw (text amendment)	Application fee	\$3,500.00
Official Community Plan Amendment (map or text) and/or Neighbourhood Plan Amendment (map or text) and/or Sub-Neighbourhood Plan Amendment (map or text) ⁴	Application fee	\$4,300.00
Development Permit, Heritage Alteration Permit and/or Land Use Contract Amendment (not varying use or density) ^{5,6,7}	Initial application fee Supplemental fee: <ul style="list-style-type: none"> per m² of gfa for commercial and non-residential comprehensive development per m² of gfa for industrial and rural development per m² of gfa for institutional per proposed residential unit 	\$3,000.00 \$1.00 \$0.60 \$0.25 \$100.00
Development Variance Permit	Application fee	\$3,000.00
Temporary Use Permit	Application fee	\$3,000.00
Telecommunication Tower	Application fee	\$3,000.00
Liquor Licencing	New Liquor Primary Licence and/or permanent relocation of an existing Liquor Primary Licence and/or Community Gaming Facility or Casino	\$3,200.00

DEVELOPMENT APPLICATION Fee Type	Description	Fees & Charges
	Amendment to an existing Liquor Primary Licence	\$2,000.00
	Manufacturer Licence (new or existing) requesting a lounge and/or special event area endorsement	\$2,000.00
	Food Primary Licence involving temporary use area endorsement, hours of liquor service beyond 1:00am, or patron participation entertainment	\$2,000.00
	Requests for confirmation of zoning compliance for any other Liquor Licencing applications	\$200.00
ALR	Fees as established by the Agricultural Land Commission	
Subdivision	Conventional, Bareland Strata, Air Space and Strata Conversion application fee plus additional fee per lot proposed to be created	\$3,000.00 \$100.00
	Where an applicant makes a significant amendment to a subdivision application resulting in a new letter of decision; or a significant amendment to a letter of decision; or additional fee where a subdivision letter of decision is extended beyond the expiry date	\$1,000.00
	Phased Strata Form P Approval	\$1,000.00
	Phased Strata Form P Amendment	\$400.00
	Phased Strata Plan Approval	\$400.00
Streamside Protection and Enhancement Development Permit	Development Permit	\$3,100.00
	Modification Request	\$1,600.00
Energy Conservation and Reduction of Greenhouse Gas Emissions Development Permits	Application fee	\$2,000.00
Other	Development Engineering Administration fee payable prior to final reading, final subdivision approval or permit issuance	\$500.00
	Green Infrastructure Services Administration fee payable prior to final reading, subdivision approval or permit issuance	\$1,000.00
	Landscape Re-inspection fee	\$200.00
	File Research Request	\$100.00
	Legal Document Review and/or Signing fee	\$400.00
	Routley Environmental Monitoring fee⁸ per unit being rezoned	\$100.00
	Neighbourhood Planning Administration Fees⁹	
	Southwest Gordon Estate⁸ Fee per unit being rezoned.	\$65.00
	Routley⁸ Fee per unit being rezoned.	\$148.00
	Yorkson⁸ Fee per unit being rezoned.	\$143.00
	Walnut Grove Stage 9 (Redwoods)⁸ Fee per unit being rezoned.	\$165.00
	Carvolth	

DEVELOPMENT APPLICATION Fee Type	Description	Fees & Charges
	Fee per gross acre being rezoned. Northeast Gordon Estate⁸	\$2,266.00
	Fee per unit being rezoned. Central Gordon Estate⁸	\$399.00
	Fee per unit being rezoned. Latimer⁸	\$164.00
	Fee per unit being rezoned. Smith⁸	\$149.00
	Fee per unit being rezoned. Williams	\$161.00
	Fee per gross acre being rezoned.	\$2,375.00
	Extraordinary Charges Development applications creating extraordinary costs for the Township shall reimburse the Township on the basis of: <ul style="list-style-type: none"> • For each additional staff report to Council greater than 3 • Township expense of obtaining extraordinary legal or other professional consultant advice needed to evaluate an application and • Municipal advertising, notification, facility rental and setup expenses incurred for additional or extended public hearings 	\$500.00 At cost At cost
Refundable Portion of Development Application Fees	Upon written request of the owner to withdraw an application: <ol style="list-style-type: none"> 1. 90% of the initial application fee shall be refunded if such request is received within 14 days of application or 2. \$1,000.00 of initial application fee shall be refunded for an application to amend the Zoning Bylaw or OCP Bylaw if such request is received, or if Council declines the application, prior to referral to a Public Hearing 	

NOTES:

1. Supplemental fees payable prior to final reading of a bylaw
2. Maximum application fee payable \$25,000.00
3. Where one rezoning application proposes more than one zone the highest zone fee shall apply
4. Where one application proposes to amend a Sub-Neighbourhood Plan, Neighbourhood Plan or Official Community Plan, only one fee is payable under this category
5. Supplemental fees payable prior to issuance of a building permit
6. Where an application incorporates a Development Variance Permit, each fee category applies.
7. Maximum application fee payable \$25,000.00
8. For a non-residential development, the fee is based on 10 units per gross acre
9. No administration fee is payable where lands are being rezoned for Civic Institutional P-1 purposes

From: Robert Knall
Sent: Thursday, December 06, 2018 10:56 AM
To: CD Agenda Bylaw
Subject: Item for December 10, 2018 Council Meeting Agenda - Bylaw No. 5428 (Development Application Procedures Bylaw)

1. Please place Bylaw No. 5428 on the Council agenda of December 10, 2018 for consideration of final reading and adoption.
2. The bylaw received first, second and third readings at the December 3, 2018 Council meeting. Section 9.2 of the bylaw has been amended per Council's resolution of December 10, 2018 (to provide the applicant with 12 months before an application is considered inactive rather than 6 months). There are no outstanding items related to adoption of the bylaw.

Robert Knall | Manager, Development Planning
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