

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 5760

CONSOLIDATED FOR CONVENIENCE ONLY

EXPLANATORY NOTE

Bylaw No. 5760 establishes development application procedures to integrate provisions of the *Municipal Affairs Statutes Amendment Act* (Bill 26) relating to public hearing requirements and eliminates inconsistencies with provisions adopted in the context of the COVID-19 pandemic.

Amending Bylaw No. 5839 – adopted February 27, 2023

Bylaw No. 5839 amends Development Application Procedures Bylaw No. 5760, Subdivision and Development Servicing Bylaw 2019 No. 5382, and Development Permit Delegation Bylaw 2016 No. 5246 to streamline the development application review and approval process.

Amending Bylaw No. 6049 – adopted October 21, 2024

Bylaw No. 6049 amends the Development Application Procedures Bylaw No. 5760 to add application procedures and delegation related to recommendations to the Liquor and Cannabis Regulation Branch for Liquor Licence Endorsement applications.

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE CORPORATION OF THE TOWNSHIP OF LANGLEY FOR CONVENIENCE ONLY. THE TOWNSHIP 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.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 5760

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 *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 No. 5760.”

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) “**Cannabis Retail Licence Endorsement**” means an endorsement by the Township of a licence application made pursuant to the Liquor and Cannabis Control and Licensing Act, SBC 2018, s29, as amended or replaced from time to time, and the regulations enacted thereunder”;
- (d) “**Community Charter**” means the Community Charter, SBC 2003, c 26, as amended or replaced from time to time;
- (e) “**Community Development Division**” means the Community Development Division of the Township;
- (f) “**Council**” means the elected council of the Township;
- (g) “**Development Permit**” has the meaning provided in the Local Government Act;
- (h) “**Development Permit Delegation Bylaw**” means the Development Permit Delegation Bylaw 2016 No. 5246, as amended or replaced from time to time;
- (i) “**Development Variance Permit**” has the meaning provided in the Local Government Act;
- (j) “**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;
- (k) “**General Manager**” means the General Manager, Engineering and Community Development as determined by the Chief Administrative Officer, or their designate;
- (l) “**Heritage Alteration Permit**” has the meaning provided in the Local Government Act;
- (m) “**Heritage Revitalization Agreement**” has the meaning provided in the Local Government Act;
- (n) “**Land Use Contract**” has the meaning provided in the Local Government Act;
- (o) “**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;

- (p) **“Local Government Act”** means the Local Government Act, RSBC 2015, c 1, as amended or replaced from time to time;
- (q) **“Official Community Plan”** means the Township of Langley Official Community Plan Bylaw 1979 No. 1842, as amended or replaced from time to time;
- (r) **“Owner”** has the meaning provided in the Community Charter;
- (s) **“Telecommunication Tower”** means a public utility or antenna tower that is under the authority of Industry Canada, or its successor;
- (t) **“Temporary Use Permit”** has the meaning provided in the Local Government Act;
- (u) **“Township”** means the Corporation of the Township of Langley;
- (v) **“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
- (w) **“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 License Endorsement;
- 3.7 an application for development of property within the Agricultural Land Reserve;
- 3.8 an application for a Cannabis Retail Store.

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 Policy outlines the applicable forms for applications listed under Part 3, including determining all necessary supporting documentation and attachments, reporting requirements and Council application notification.

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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 or 3.4, 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 in the Township and to outside agencies for advice and recommendations as required by Provincial or Federal legislation; 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, forward the application to other departments in the Township and to outside agencies for advice and recommendations as required by Provincial or Federal legislation.
- 6.3 Upon receipt of an application submitted in accordance with Section 3.4, the following shall apply:
 - 6.3.1 notice must be submitted to the Township's General Manager and must include the information and records required pursuant to Section 71(6) of the

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Liquor Control and Licensing Regulation, BC Reg 241/2016, as amended or replaced from time to time, and the following as applicable:

- a) a site plan indicating the location and size of all buildings on the lot, patio areas, parking spaces, landscaping, buffering, entrance doorways, loading space, garbage containers, driveway aisles and access points;
- b) existing and/or proposed entertainment type;
- c) existing and/or proposed hours of service;
- d) other details of the proposed establishment as may be required to facilitate review;
- e) Liquor Primary applications must additionally provide information on the proximity of the proposed establishment to elementary and secondary schools, places of worship, parks and residential uses or zones; and
- f) any other information as required by the General Manager in their sole discretion.

6.3.2 (a) Subject to 6.3.2 (b), Council hereby delegates to the General Manager its power under Section 38(3) of the Liquor Control and Licensing Act, SBC 2015 c. 19, as amended or replaced from time to time, to provide comments and recommendations to the Liquor and Cannabis Regulation Branch (LCRB) with respect to the following applications:

Class of Application	Licence Application Type
New	Liquor Primary
Conversion	Liquor Primary
Add or amend temporary use area	Liquor Primary; Food Primary
Permanent extension of hours past 1:00am	Liquor Primary, Food Primary
Permanent extension of hours	Manufacturer
Person capacity increase	Liquor Primary; Manufacturer
Permanent patio addition	Liquor Primary; Manufacturer
Relocation	Liquor Primary
Lounge	Manufacturer
Special Event Area	Manufacturer
Patron participation	Food Primary

Section 38(2) applies to all applications in the Liquor Control and Licensing Act not listed above.

(b) With the exception of Food Primary applications, which will in all cases be delegated to the General Manager, where a minimum of three members of Council provide written indication to the Township Clerk within 14 days of an accepted application that the application should have Council consideration, the application shall be forwarded to Council for consideration and the power of review of these applications is not delegated to the General Manager. For greater certainty, this subsection does not apply to any Food Primary applications, which are subject to review only by the General Manager.

6.3.3 where Section 6.3.2 (b) applies, notification pursuant to Section 8.2 of this Bylaw applies directing a written submission opportunity only.

6.4 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 of 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 or Written Submission Opportunity

8.1 Where a public hearing is required by law, notice of the public hearing, or notice where a public hearing is being waived, shall be given in accordance with the *Local Government Act*.

8.2 Without limiting Section 8.1, for an application under sections 3.1(a)(c)(d) 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 3.1(b) the public hearing may be waived, if the application is consistent with the Township's Official Community Plan, subject to notices being delivered in accordance with section 8.2, prior to first reading of the subject application bylaw.

- 8.4 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, and directing a written submission opportunity only, subject to exemptions in the *Local Government Act*.

Signage

- 8.5 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 8.6.

- 8.6 Signage required under section 8.5 must be:

- (a) erected within 30 days of an accepted Application; and not less than;
 - (b) erected at least 14 days prior to the application proceeding to a public hearing under section 3.1(c)(d) and section 3.1(b) when a public hearing is to be held;
- or
- erected at least 14 days prior to application proceeding to first reading under section 3.1(b) when the public hearing has been waived under section 8.3;
- (c) posted centrally and visibly on the frontage of the subject property, including multiple signs where the subject property has frontage on multiple roads;
 - (d) constructed of a durable material, placed approximately 1.2 metres above ground, be approximately 1.2 metres high by 2.4 metres wide, and contain a description of application, a site map, the Township emblem, the application number, and contact information for the Applicant and the Township;
 - (e) maintained and updated as necessary to reflect changes to the application; and
 - (f) removed from the subject property within 30 days of an approval in principle meaning third reading of a rezoning bylaw.

- 8.7 An applicant required to erect a sign or signs pursuant to section 8.5 must provide photographic evidence to the Community Development Division, at least 14 days prior to the related public hearing, or 10 days prior to first reading, as applicable, that the required signage has been installed.

- 8.8 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 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 PROVISIONS

- 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.
- 10.2 Development Application Procedures Bylaw 2018 No. 5428 and amendments thereto are hereby repealed.

READ A FIRST TIME the	05	day of	December	, 2022
READ A SECOND TIME the	05	day of	December	, 2022
READ A THIRD TIME the	05	day of	December	, 2022
ADOPTED the	12	day of	December	, 2022

“ERIC WOODWARD” Mayor “WENDY BAUER” Township Clerk