City of Merritt

"City of Merritt Development Approval Procedures Bylaw 2388, 2025"

Consolidated For Convenience – September 2, 2026

Bylaw 2388	June 10, 2025

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CITY OF MERRITT

BYLAW 2388

A BYLAW TO ESTABLISH PROCEDURES RELATED TO LAND USE AND DEVELOPMENT APPLICATIONS

The Municipal Council for the City of Merritt in open meeting assembled, enacts as follows:

1. Citation

This Bylaw shall be cited as the "**City of Merritt Development Approval Procedures Bylaw 2388, 2025**".

2. Repeal

The "City of Merritt Land Use Amendment and Development Approval Procedures Bylaw No. 2076, 2009" and all amendments thereto, are hereby repealed.

3. Definitions

"Applicant" means an owner of a property or an agent, as authorized by the owner, making an application for the same property.

"Authorized Designate" means a person provided with the written authority to act on an Employee's or Statutory Officer's behalf during their absence as defined in the Officer Designation and Delegation of Authority Bylaw No. 2249, 2019, as amended from time to time or replaced.

"City" means the City of Merritt, and its staff and Council.

"City of Merritt Fees and Charges Bylaw" means the City of Merritt Fees and Charges Bylaw No. 2386, 2024, as amended from time to time or replaced.

"Development Application" means a written request by an applicant in relation to any matters set out in section 4.a.

"Development Approval Information" means information on the anticipated impact of a proposed activity or development on the community.

"Development Approving Officer" means the person authorized to exercise land use authority in accordance with the Officer Designation and Delegation of Authority Bylaw No. 2249, 2019, as amended from time to time or replaced.

"Development Permit Areas" means specific areas demarcated in the City of Merritt Official Community Plan Bylaw No. 2336, 2022, as amended from time to time or replaced, containing a set of development regulations.

"Development Services" means the Department of Development Services responsible for land and building development in the City of Merritt.

"Land Use Permit" means a development permit, a temporary use permit, a development variance permit, sign development permit, or earthworks permit.

"Official Community Plan" means the City of Merritt Official Community Plan Bylaw No. 2336, 2022, as amended from time to time or replaced.

"Phased Development Agreement" means a phased development agreement pursuant to the *Local Government Act [RSBC 2015] CHAPTER 1*, as amended from time to time.

"Report" means any opinion, study or other written document that provides information on a proposed development and that is intended to verify compliance with one or more enactment or requirement of the City.

"State of Title Certificate" means the document issued from the BC Land Title and Survey Authority identifying the Owner, legal description, and any charges registered against the title.

"Zoning Bylaw" means the City of Merritt Zoning Bylaw No. 2284, 2020, as amended from time to time or replaced.

4. Development Applications:

a) Applications for the following shall be submitted to the City of Merritt:
   i. an amendment to the Official Community Plan;
   ii. an amendment to the Zoning Bylaw;
   iii. Subdivision of a property;
   iv. establishment of Phased Development Agreement;
   v. Development Variance Permits;
   vi. Development Permits;
   vii. Temporary Use Permits;
   viii. Sign Development Permits; or
   ix. Earthworks Permits.

b) No application shall be accepted until the application form and site disclosure statement, in accordance with the *Environmental Management* Act [SBC 2003] CHAPTER 53, as amended from time to time, are fully completed and fees paid in full. Application fees are in accordance with the City of Merritt Fees and Charges Bylaw.

c) The Applicant must provide the following information at the minimum, at the applicant's expense, to the Development Approving Officer at the time of application submission:
   i. owner's authorization for the applicant to act on the owner's behalf with respect to the application;

ii. a State of Title Certificate, not older than 30 days, and all associated notations from the Land Titles Office;
iii. documents and plans which describe the proposal;
iv. documents and plans that demonstrate compliance with the existing or proposed regulations and guidelines, as applicable;
v. any Development Approval Information on the anticipated impact of a proposed activity, that the Development Approving Officer determines is required to assist in consideration of the application, including but not limited to:
    (a) Reports as required by the Development Permit Area in the Official Community Plan;
    (b) transportation patterns including traffic flow;
    (c) local infrastructure;
    (d) public facilities including schools and parks;
    (e) community services;
    (f) natural environment;
    (g) tenants who may be displaced by a redevelopment.

d) When a Report is required by a qualified professional, the Report shall not be older than 12 months. Notwithstanding this, Reports older than 12 months may be submitted with a covering letter from the author/ professional certifying that the conditions and findings of the documents have not changed.

e) Development Applications that are deficient of any of the application requirements in section 4.c are deemed to be incomplete and will not be reviewed. On receipt of an incomplete application, the City may:
    i. advise the Applicant in writing or verbally with the deficiencies in the Development Application;
    ii. open the Development Application file despite the deficiency in the minimum application requirements, in which case the City will inform the Applicant that the Application will be held as "pending" for 90 days from receipt of the Application;
    iii. close the application that is not completed within the aforementioned timeframe.

f) Other than Subdivision, if the Development Approving Officer determines that a Development Application has been inactive for more than 6 months, the Applicant will be given 30 days written notice to provide outstanding Development Approval Information or meet outstanding requirements after which time the Application will be closed. The Development Approving Officer may consider a written request from the Applicant for an extension deadline imposed by this section which shall not be longer than one period of 6 months.

5. Pre-application Procedures

The following procedures apply to development proposals that may lead to applications for an Official Community Plan amendment, Zoning amendment or a Permit related to land development:

a) Development Services staff are the first contact with developers when considering or applying for a development. Developers' contact with Council will be through their duly convened meetings.

b) Development Services staff are available to advise developers about their proposals before they submit a formal application. The objective of this service is to define development objectives and priorities while saving time and costs for the developer and staff later in the actual application process.

c) At staff's discretion, Council may be consulted on a development proposal and feedback returned to the developer. Where staff and Council consider it advantageous, a developer may be invited to personally make representations.

6. Types of Development Permits

A **Development Permit** is required in specific areas in the City identified as "Development Permit Areas" in the Official Community Plan. City must first authorize a Development Permit as follows:

i. For land to be subdivided, a Development Permit for Development Permit Areas other than the form and character Development Permit Areas;
ii. For Building Permit to be issued for construction in one of Development Permit Areas.

a) A **Minor Development Permit** is required for development in the form and character Development Permit Areas including:

i. exterior renovation/ restoration to an existing building façade;
ii. application of new exterior finish materials;
iii. installation of patio, deck, awning, canopy or other projections;
iv. landscape changes or new landscaping; and,

b) A **Major Development Permit** is required for all development in the form and character Development Permit Areas other than that specified in section 6.a.

c) A **Hazardous Conditions Development Permit** is required for all development in Development Permit Areas other than the form and character Development Permit Areas, for protection of natural environment and protection of development from hazardous conditions, as outlined in the Official Community Plan.

d) A **Sign Development Permit** is required to install any signage in "Highway Corridor Gateways". In the opinion of the Development Approving Officer, if any other proposed Sign necessitates detailed review, an application for Sign Development Permit shall be required.

7. General Terms and Conditions of Land Use Permit

a) The scope of a Land Use Permit may include some or all of the following matters as applicable to a particular property:

i. Provision and funding of water, sewer, storm drainage and road servicing;
ii. Implementation of requirements pursuant to the Zoning Bylaw, a density bonus, development permit area(s), or development variance permit(s);
iii. Payment of securities; and,
iv. Any other related matters

b) Where landscaping is a condition of a Land Use Permit, the applicant shall provide a security deposit, as per the amount specified in the Zoning Bylaw.

c) Phased landscaping plans and securities: Landscape Plans may be approved for largescale developments at the discretion of the Development Approving Officer to enable the completion of the landscaping in phases and allow for the submission and return of the related security deposit at each phase. The Applicant is required to request a phased approach to the execution of the landscape plan at the time of the Application for a Development Permit, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase as prepared by a Professional.

d) The holder of a Land Use Permit shall be the owner of the subject property to which the Permit applies.

e) City approval, for Amendment to the Development Permit, is required for transferring any Development Permit to a new property owner for it to remain valid, predicated on the satisfactory refunding and recollecting of posted securities and subject to all other requirements of this Bylaw.

f) All Building Permits issued and all works undertaken subject to a Development Permit must be in strict compliance with its terms and conditions.

g) A Permit holder may apply for an amendment to the terms and conditions of their Development Permit. City approval is required for any changes to the original Permit.

h) The City will only approve a new Development Permit subject to an expiry date of 12 months from the date of its approval; extensions will only be granted under extenuating circumstances, otherwise re-application will be required.

i) A Development Permit will only remain valid if a Building Permit is issued within 12 months from the date of Development Permit approval for all subject works under the Development Permit requiring a Building Permit; otherwise, the Development Permit will expire, and no extension is permitted.

j) If a Building Permit expires pursuant to the City of Merritt Building Bylaw No. 2382, 2024, as amended from time to time, any concurrent Land Use Permit for the same subject works will automatically expire with it on the same date and no extension is permitted. If the subject works have proceeded prior to this, the land will have to be restored to the original form.

k) Prior to any subject works proceeding, the City and permit holder may mutually agree at any time to cancel a Land Use Permit, and with it any subject Building Permit application or approval.

l) The City will return any securities collected for an expired or cancelled Land Use Permit.

8. Securities

a) The City may, as a condition of the issuance of a Land Use Permit, require that the Applicant provide security in an amount stated in the permit, in an amount of 120% of the estimated cost of the works, in the form of either an Irrevocable letter of credit, cash, certified cheque, or any other form satisfactory to the Director of Finance, or authorized designate.

b) The City may require securities, at the expense of the Applicant for the following:
   i. Works, Construction, or other activities required to satisfy the landscaping condition;
   ii. Correct the damage to the environment;
   iii. Correct the unsafe condition; and,
   iv. As a condition of issuing a Temporary Use Permit to guarantee the performance of the terms of the permit.

9. Public Notice

a) Where public notice is required by the *Local Government Act* [RSBC 2015] CHAPTER 1, as amended from time to time, or directed by the City for land use amendment bylaws, the notice must be mailed or otherwise delivered to the owners of all lots which are subject to the bylaw alteration or variance, and all owners located within 30 metres from the area that is subject to the bylaw alteration or variance.

b) The distance in 9(a) is a minimum and may be broadened to reach more recipients at the discretion of Council and/or the Administrator or their designate.

c) Where an amendment bylaw alters the permitted use or density of an area, the *Local Government Act [RSBC 2015] CHAPTER 1, as amended from time to time,* requires that a notice stating such be advertised in 2 consecutive issues of a local newspaper, the last publication to appear not less than 3 and not more than 10 days before a public hearing on the matter.

10. Public Notice Signage

Where required by the *Local Government Act [RSBC 2015] CHAPTER 1*, *Community Charter* [SBC 2003] CHAPTER 26, as amended from time to time, or directed by Council or its delegates, the applicant shall post at their cost a sign or signs in a prominent location on the subject property notifying the public of a pending application. Signs must be posted in accordance with the following:

a) Signage must be posted, updated and retained on the subject property to adequately notify the general public as follows:
   i. Signs must be posted at least 10 calendar days prior to the application first going to Council;
   ii. Signs must be updated a minimum of 10 calendar days prior to a Public Consultation Meeting for an Official Community Plan Bylaw Amendment, or the meeting will be delayed;
   iii. Signs must be updated a minimum of 10 calendar days prior to a Public Hearing for a Zoning Bylaw Amendment, or the Hearing will be delayed; and,

iv. Signs must remain on site until the development application is approved or denied or the application abandoned and be removed within 7 days of a Council decision.

b) The signage shall be placed approximately 3 metres inside the property line and must be clearly visible to the general public. The City may require at least one sign every 100 metres. Where a site abuts more than one road, the City may require one sign for each road frontage.

c) The size, layout and arrangement of text on the sign(s) shall be in general accordance with the Sign template sample supplied by staff if public notice is required. The overall dimensions of each sign shall be 1.2 metres by 2.4 metres.

d) The sign text shall be subject to the City's approval and shall contain the following information:
   i. The City-assigned Application number.
   ii. The purpose of the application.
   iii. The civic address and legal description of the subject property.
   iv. A map measuring 0.6 metres by 0.6 metres showing the subject property in relation to surrounding properties.
   v. Existing and, when applicable, proposed Official Community Plan and Zoning designations.
   vi. The date, place and time of the Public Consultation Meeting or Public Hearing.
   vii. Developer's name and phone number.
   viii. City's Planning and Development phone number.
   ix. Any additional information the Administrator or their delegate may require.

e) A proof of the sign must be approved by the City before the sign is built and installed.

f) The applicant will notify the City when the sign is installed and again upon removal.

11. Council Consideration

a) Council shall consider every application for Official Community Plan Amendment, Zoning Bylaw Amendment, Temporary Use Permit, or Development Variance Permit, or Development Permit, not delegated to staff, together with staff's report and recommendations, and may:
   i. Approve or deny an application for a development permit, temporary use permit, development variance permit, or bylaw amendment;
   ii. Give the amending bylaw first and second reading;
   iii. Forward the amending bylaw to a public hearing or waive the holding of a public hearing;
   iv. defer the application to be considered at a later date;

b) Council will only give final reading for a Zoning Bylaw Amendment with prior approval of an Official Community Plan Bylaw Amendment required for enabling the proposed new land uses.

c) Where a Development Application or Bylaw Amendment requires the approval of any Provincial Ministry, Council will consider approval of the application after receiving the respective Ministry approval(s).

d) Where a Development Application has been refused by Council, re-application shall not be considered within a six-month period beginning from the date of refusal.

12. Severability

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME this 27th day of May, 2025

READ A SECOND TIME this 27th day of May, 2025

READ A THIRD TIME this 27th day of May, 2025

ADOPTED as amended this 10th day of June, 2025

Michael Goetz
Mayor

Linda Brick
Corporate Officer