

# CORPORATION OF THE CITY OF NEW WESTMINSTER



## DEVELOPMENT APPROVAL PROCEDURES BYLAW NO. 5658, 1987

EFFECTIVE DATE: March 30, 1987

CONSOLIDATED FOR CONVENIENCE ONLY  
(July 21, 2022)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
5674	June 8, 1987
5679 (notification)	June 22, 1987
5746	March 28, 1988
5755 (Section 3)	May 2, 1988
5973 (Sec 4, 5, 6 Sch. A-9,A-10,C-4)	January 7, 1991
6046 (fees)	March 23, 1992
6274 (fees)	August 17, 1995
6331 (fees)	June 10, 1996
6395 (fees, Sec 7)	June 16, 1997
6401	July 7, 1997
6528	May 3, 1999
6619 (fees)	July 10, 2000
6786 (fees)	December 16, 2002
6883 (fees)	November 17, 2003
6968 (fees)	November 8, 2004
7064 (fees)	November 28, 2005
7131 (fees)	November 20, 2006
7187 (fees)	November 5, 2007
7197 (Sch B)	November 5, 2007
7233 (SchB;Sec3,4,5,SchA)	May 12, 2008
7282 (Sch B)	November 24, 2008

7352 (Sec 12, Sch B)	December 14, 2009
7433 (Sch B)	November 29, 2010
7493 (Sch B)	January 1, 2012
7551 (Sch B)	January 1, 2013
7574 (5(f.2), 5(h), 5(i))	January 14, 2013
7633 (Sch B)	January 1, 2014
7654 (Sec 3(6), 5(f.3), Sch B)	February 3, 2014
7683, 2014 (Sch B, Sec 4)	January 1, 2014
7815, 2016 (subsection 3(2))	January 13, 2016
7825, 2016 (Sec. 2(2)(d), and Section 3)	April 18, 2016
7939, 2017 (adding 3.(8), 5.(f.4), replacing (5.(f.2)(a))	October 2, 2017
7332, 2009 (Sch E-1)	June 22, 2009
8152, 2019	January 27, 2020
8342, 2022 (various changes, incl. new Sch A, B, C)	July 11, 2022

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 5658, 1987. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

THE CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 5658, 1997

A bylaw to establish procedures to amend an Official Community Plan or a Zoning Bylaw or to issue a permit under Section 895 of the Local Government Act, and the forms and fees therefore

WHEREAS THE Council of the Corporation of the City of New Westminister has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS the Council has designated areas within which Temporary Commercial and Industrial Permits and Development Permits are required;

AND WHEREAS the Local Government Act, R.S.B.C. 1979, c. 290 (the "Act") empowers the Council by bylaw to define the procedures under which an owner of land may apply for amendment to the Official Community Plan, the Zoning Bylaw or the issue of a permit under Section 895 of the Act, and the forms and fees therefore;

NOW THEREFORE the Council of the Corporation of the City of New Westminister in open meeting assembled ENACTS AS FOLLOWS:

Citation

1. This bylaw may be cited for all purposes as "Development Approval Procedures Bylaw No. 5658, 1987"

Scope

2. This bylaw shall apply to the following:
  - (1) Amendments to:
    - (a) an official community plan
    - (b) a zoning bylaw
    - (c) a land use contract
  - (2) Issuance of:
    - (a) development variance permits
    - (b) temporary commercial and industrial permits
    - (c) development permits

**BYLAW NO. 5746, 1988;**  
**BYLAW NO. 7825, 2016 – section deleted**

**BYLAW NO. 6401, 1997**

- (d) heritage revitalization agreements

**BYLAW NO. 6401, 1997**

- (3) Approval of:
  - (a) heritage conservation covenants
  - (b) heritage revitalization agreements
  - (c) heritage designation bylaws

Application

**BYLAW NO. 8152, 2019**

- 3. (1) An application for an amendment or a permit shall be:
  - (a) made by the owner of the land involved or by a person authorized by the owner to the Development Services Department on the applicable form; and
  - (b) accompanied by the required information.

**BYLAW NO. 7815, 2016**

- (2) An application for a zoning bylaw amendment, heritage revitalization agreement, development permit, development variance permit, or temporary use permit shall be accompanied by the following:

**BYLAW 7825, 2015 – subsection deleted**

- (a) elevations of floor levels related to the site elevations;
- (b) landscaping plans to scale in quadruplicate showing:
  - (i) the number and type of plant material
  - (ii) the treatment of other surfaces of the site, and
  - (iii) the proposed treatment of the street boulevard and sidewalk crossings;

- (c) an arborist report, and a tree replacement plan, as those terms are defined in Tree Protection and Regulation Bylaw No. 7799, 2016, as amended from time to time;
- (d) plans to scale in quadruplicate showing the exterior elevations of all sides of the building or structure indicating the proposed exterior finish materials and colour;
- (e) a plan of each floor level, including the basement, showing the proposed use of each room or area;
- (f) a coloured perspective or scale mode of the finished building or structure and site development; and

**BYLAW NO. 5755, 1988**

- (g) drawings to scale indicating the location, size and type of all intended signs;
- (h) such further documents and information as may be requested by the Development Services Department at the time of application.

**BYLAW 7825, 2016**

- (3) Prior to submitting the documentation required in subsection (2) above, an applicant for a zoning bylaw amendment, heritage revitalization agreement, development permit, development variance permit, or temporary use permit shall first submit to the City the following:
  - (a) site plans to scale in quadruplicate, showing:
    - (i) site elevations at each corner of the site established to the City datum by survey by a registered British Columbia Land Surveyor, and
    - (ii) the locations of all off-street loading, buildings and landscaping;
  - (b) a tree survey, as that term is defined in Tree Protection and Regulation Bylaw No. 7799, 2016, as amended from time to time;
  - (c) development statistics for the proposed development, including proposed number of units and unit breakdown; and
  - (d) a letter of intent.

- (4) All application forms, plans, drawings and other documents accompanying an application, will become the property of the City when submitted by the applicant.

**BYLAW NO. 7233, 2008**

**BYLAW NO. 8152, 2019**

**BYLAW NO. 8342, 2022**

- (5) For an amendment or permit, the Director of Climate Action, Planning and Development may exempt the applicant from providing information required by section 3.(2) but not pertinent to such applications.

**BYLAW NO. 8152, 2019**

Delete subsections (6), (7) and (8)

Fees

**BYLAW NO. 5746, 1988**

**BYLAW NO. 7683, 2014 – SECTION 4 DELETED**

Process

**BYLAW NO. 5973, 1990**

5. Applications to amend the Official Community Plan, Zoning Bylaw no. 1743, 1940 as amended, a development permit, or a development variance permit shall be processed as follows:
- (a) The Development Services Department shall present a report to Council which may contain:
    - (i) a copy of the application including all information submitted with the application;
    - (ii) a copy of the proposed amendment bylaw, revised land use contract, or proposed permit;
    - (iii) a statement whether the approval of the Minister of Transportation and Highways and or the Minister of Municipal Affairs is required;
    - (iv) the amount of the application fee collected, if any;
    - (v) the amount of the security to be posted by the applicant, if any;
    - (vi) any other documentation, information or analysis pertinent to the amendment or permit;
    - (vii) a recommendation as to whether and on what terms the application should be approved.

- (b) The Council, following receipt of the report from the Development Services Department, may;
  - (i) accept the application in whole or in part, imposing whatever conditions it considers advisable; and
    - (A) proceed with an amending Bylaw, or
    - (B) proceed with the issuance of the permit; or
  - (ii) refuse the application.

**BYLAW NO. 5746, 1988**  
**BYLAW NO. 6401, 1997**  
**BYLAW NO. 8152, 2019**

Delete subsections (c) and (d)

- (e) The City may require an applicant for an amendment to the Zoning Bylaw to erect a sign on the property which is the subject of the application in accordance with Schedule E-1 of this bylaw.

**BYLAW NO. 7233, 2008**  
**BYLAW NO. 8152, 2019**  
**BYLAW NO. 8342, 2022**

- (f) The Director of Climate Action, Planning and Development may, upon receipt of the fees and accompanying information, exercise the authority of Council in relation to all Development Permit and Special Development Permit applications and amendments, provided that they do not include a variance to the Zoning Bylaw.

**BYLAW NO. 8342, 2022**

- (f.1) The Director of Climate Action, Planning and Development may, upon receipt of the fees and accompanying information, exercise the authority of Council in relation to the issuance of minor Development Variance Permits, also referenced in Delegation Bylaw No. 7176, 2015. The Director of Climate Action, Planning and Development shall evaluate if the proposed variance is minor in accordance with the evaluation criteria outlined in Schedule A and application evaluation criteria outlined in Schedule B of this bylaw. The Director of Climate Action, Planning and Development may

impose terms and conditions such as those outlined in Schedule C of this bylaw.

**BYLAW NO. 8152, 2019**

Delete subsections (f.1), (f.2), (f.3) and (f.4)

**BYLAW NO. 6528, 1999**

**BYLAW NO. 8342, 2022**

- (g) Every applicant has the right to have the decision of the Director of Climate Action, Planning and Development reconsidered by Council and for this purpose the procedure shall be as follows:

**BYLAW NO. 8342, 2022**

- (i) within 30 days of the Director of Climate Action, Planning and Development's decision the applicant shall submit a letter to Council through the office of the City Clerk requesting that the decision of the Director of Climate Action, Planning and Development be reconsidered by Council;

**BYLAW NO. 8342, 2022**

- (ii) the Director of Climate Action, Planning and Development shall submit a report to Council attaching the applicant's development permit application and setting out the Director of Climate Action, Planning and Development's reasons for denying the application;

**BYLAW NO. 8342, 2022**

- (iii) at a date and time set by Council, the applicant shall have the opportunity to appear before Council and be heard regarding the Director of Climate Action, Planning and Development's decision;

**BYLAW NO. 8342, 2022**

- (iv) following the applicant's opportunity to be heard, Council will reconsider the application and either uphold the Director of Climate Action, Planning and



Development's decision to deny the application or approve the application.

**BYLAW 7574, 2012**

- (h) Where this Bylaw delegates a power, duty or function to a named position, the delegation of the power, duty or function is to the person who from time to time holds the position and to any person who from time to time is appointed by Council as the deputy of that person.
- (i) For clarity, a person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

6. REPEALED BY COUNCIL 1991 JANUARY 7

**BYLAW NO. 5679, 1987**

Notification

- 7. Pursuant to the Local Government Act, a notice, where required, shall be mailed or otherwise delivered to owners and any tenants of land within the site and within a minimum distance of 100 feet from the site under consideration.

Re-Application

- 8. No application, if refused by the Council, shall be considered again for a period of six months.

**BYLAW NO. 6395, 1997**

Every application not approved within twelve months of the date of application, is deemed to have expired and requires reapplication.

City Amendments and Permits

- 9. Nothing in this bylaw shall be construed as:
  - (a) preventing the City from initiating an application to amend any plan, bylaw or land use contract or issuing to itself any permit;

- (b) affecting the referral of any plan, bylaw, amendment or permit to the Advisory Planning Commission, the Consultative Design Committee, the Downtown Design Review Panel, the Heritage Advisory Committee or any other City Committee;
- (c) preventing the Council from tabling or otherwise dealing with any application in the manner it deems appropriate.

### Repeal

10. The following bylaws and all amendments thereto are hereby repealed:
- (1) Temporary Use Procedures Bylaw No. 5535, 1985.
  - (2) Rezoning and Development Procedures Bylaw No. 5363, 1982.
  - (3) Development Approval Procedures Bylaw No. 5615, 1986.

### Severability

11. If any portion of this bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the portion that it is invalid shall not affect the validity of the remainder of this bylaw.

### **BYLAW NO. 7352, 2009**

### **BYLAW NO. 8342, 2022**

Delete Section 12.

### **BYLAW 7633, 2013**

### **BYLAW 8152, 2019**

Delete schedules A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-11, A-12, A-13, A-14, A-15, A-16, C-1, C-2, C-3, C-5, C-6-, C-7, and D-1

### **BYLAW 7683, 2014**

Delete Schedule B.

**BYLAW NO. 8342, 2022**

**SCHEDULE "A"**

**PROVISIONS OF DELEGATION OF MINOR VARIANCES**

**CRITERIA FOR DETERMINING WHEN A VARIANCE IS MINOR**

Minor variances in the following categories may be considered by the Director: 1) siting, size, and dimensions of buildings, structures and other permitted uses; 2) off street parking and loading for projects that include five or fewer units; 3) signs; 4) landscaping to screen or for natural environmental benefits. No variance may result in a change to the density or permitted use of the site.

A variance is considered to be minor where it is comparatively unimportant in size, or degree. The determination of degree must be done with regard to the particular circumstances involved. A minor variance may result in a significant change from a provision of the bylaw where that provision is determined to be comparatively unimportant under the particular circumstances. A minor variance cannot vary the application of a zoning bylaw in relation to residential rental tenure the terms for which are defined in section 481.1 of the Local Government Act.

A variance is minor if, given the provision of sufficient evidence, and the particular circumstances of the application, it can be determined that the variance would:

1. Be small enough to be relatively unnoticeable by the average user of the site, adjacent sites, and the surrounding public realm; or,
2. Be of a comparatively unimportant degree, as defined by the variance resulting in:
  - Construction that is consistent with the neighbourhood context;
  - Construction that is appropriate to existing buildings on the site;
  - Construction that maintains functionality (e.g. access and connectivity, accessibility, screening, fire access, weather protection) and/or livability (e.g. adequate outdoor space) of the subject site;
  - No more than minor adverse impacts to the functionality (e.g. loading, garbage collection, vehicle access location) and/or livability (e.g. views, shadowing, light, air, indoor or outdoor privacy) of neighbouring properties, including for any buildings that could be built on those properties under existing zoning;
  - No more than minor adverse impacts to the public realm (e.g. streetscape, lane, adjacent public open space), and/or other public assets (e.g. trees);
  - No more than minor adverse impacts to the future expansion or operation of existing permitted uses in the vicinity;

- Adequate safety for those using, accessing and/or traveling past the subject site and surrounding sites on foot, rolling or by vehicle; and,
- No loss of protected trees, except in circumstances where the Director determines the variance would support other priorities of Council or the City.

**BYLAW NO. 8342, 2022**

**SCHEDULE "B"**

**PROVISIONS OF DELEGATION OF MINOR VARIANCES**

**APPLICATION EVALUATION CRITERIA**

The Director shall evaluate minor Development Variance Permit applications using the following considerations, which are consistent with the City of New Westminster's Policy Approach to Considering Requests for Development Variances (2008), as updated from time to time:

1. There should be a valid reason why the bylaw requirements cannot be met. It is not sufficient that a variance would be convenient to an owner in order to justify its approval; nor is it required that a variance be justified due to hardship; however, requests for variances on new buildings will generally not be supported unless there is a hardship related to the site (such as slope and topography issues), or it would support a Council priority (e.g. affordable rental, retention of protected trees, etc.).
2. The applicant can demonstrate they have explored all reasonable alternative solutions and determined that none is available, to the satisfaction of the Director.
3. The applicant can demonstrate the possible mitigations to issues related to the variance have been identified and incorporated into the proposal, to the satisfaction of the Director.
4. The variance would result in a nonconformity that is satisfactory and acceptable from a planning standpoint, e.g. continues to meet the intent of the bylaw, fulfills related planning objectives, etc. This includes that the description or definition of the permitted use must be considered, to help frame what is the intent of the Zoning Bylaw and Official Community Plan and how the new use strays outside or continues to meet that intent.
5. The variance would result a nonconformity that is consistent with other related City policy that would otherwise support the limitations of the provision of the regulation being sought to vary.
6. The variance would result a nonconformity that maintains sufficient vehicle vision clearance (i.e. at street and lane corners, driveways), and/or required vehicle access to the site.
7. If the Director is not satisfied that the information provided with the application is sufficient to make a determination at the staff level, or if the Director does not believe that the impacts of the variance requested have been sufficiently mitigated, the Director reserves the right to send the DVP application to Council for their consideration.

**BYLAW NO. 8342, 2022**

**SCHEDULE "C"**

**PROVISIONS OF DELEGATION OF MINOR VARIANCES**

**TERMS AND CONDITIONS**

The following terms and conditions may apply to development variance permits approved through this process:

1. A Development Variance Permit shall apply to, and only to, those lands within the City described by the Permit, and any or all buildings, structures and other development thereon.
2. The provisions of Zoning Bylaw 6680, 2001, as updated and/or replaced from time-to-time, shall be varied or supplemented only as described by the Development Variance Permit.
3. The development shall be carried out within 24 months of the date of issuance of a Development Variance Permit.
4. As a condition of the issuance of a Development Variance Permit, the City may hold a Security in the amount set out by the Permit to ensure that related landscaping is carried out in accordance with the terms of the permit and that any unsafe condition that may occur as a result of contravention of the Permit is corrected. The City may undertake and complete the works required to satisfy the landscaping condition or carry out any construction required to correct the unsafe condition, or both, at the cost of the Owner and may apply the Security in payment of the cost of the works, with any excess to be returned to the Owner. Interest earned on the Security provided shall accrue to the Owner and be paid to them immediately on return of the Security or, in default, become part of the amount of the Security.
5. The land described by the Development Variance Permit shall be developed strictly in accordance with the terms and provisions of the Permit which shall form a part of the Permit.
6. If the Owner does not substantially commence the development permitted by a Development Variance Permit within 24 months of the date of the Permit, the Permit shall lapse.
7. All plans and specifications included in a Development Variance Permit are subject to any charges required by the Building Inspector or other officials of the City where such plans and specifications do not comply with any duly enacted law or bylaw, and such non-compliance is not specifically permitted by the Permit. Minor variations which do not

substantially alter the work referred to in the plans and specifications may be permitted if approved in writing by the Director.

## SCHEDULE "E-1"

### REZONING APPLICATIONS INFORMATION SIGN REQUIREMENTS

#### Sign Specifications

The requirements for Rezoning Application Information Signs are as follows:

1. Applicants for rezoning are required to post one sign on each principle street frontage of the property or site to be rezoned.
2. Signs shall be posted at **least 14 days** prior to the Advisory Planning Commission meeting date.
3. The policy shall apply to all rezoning applications.
4. The applicant or developer shall be responsible for the **preparation, posting and removal** of the signs in accordance with these specifications. There shall be no cost to the City.

#### **BYLAW NO. 8342, 2022**

5. The applicant developer shall receive instructions from the Development Services Department at the time of his/her application, indicating **when and where** the sign is to be posted; the content if the sign is to be approved by the Director of Climate Action, Planning and Development prior to posting.

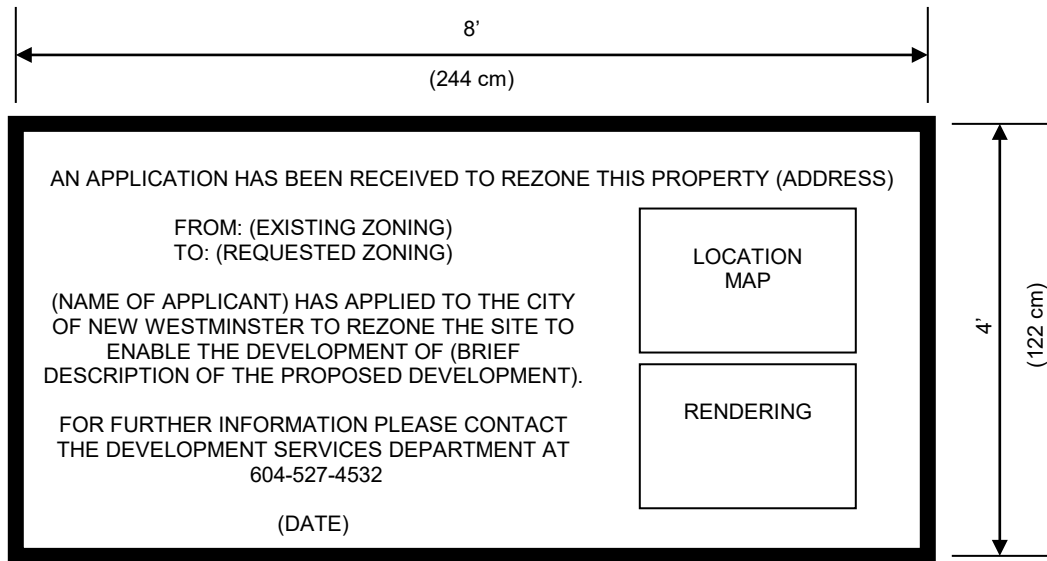
Once the sign is posted the applicant or developer shall notify the Development Services Department so that a field inspection may be undertaken.

6. The sign shall contain the following information:
  - a. The text "**An application has been received to rezone this property (street address)**".
  - b. The text "**FROM (existing zoning) TO (requested zoning)**".
  - c. A brief description of the application. The text "**(Name of applicant) has applied to the City of New Westminster to rezone the site to enable the development of (brief description of the proposed development)**".
  - d. The text "**For further information telephone the New Westminster Development Services Department 604-527-4532 (or City Planners number)**".



- e. The date the sign was erected.
  - f. A location map indicating which parcel(s) are intended for rezoning.
  - g. A rendering of the principle street frontage.
7. The sign shall be located on the property in a conspicuous location and shall remain posted until the proposal is either rejected by City Council or until after the Public Hearing. The sign shall be removed within **48 hours** of the Public Hearing date.
  8. The sign shall have a white background with royal blue lettering and a 2” (5.0 cm) royal blue border around the sign. Lettering should be in block Helvetica capitals.
  9. The sign shall have a width of 8’ (244 cm) and a height of 4’ (122 cm). A freestanding sign should have a clearance of at least 3.3 feet (100 cm). The appropriate mechanisms should be used to ensure that the sign is securely fastened.

Example of Sign:



Failure to comply with any or all of these requirements could delay the processing of the application.