

CORPORATION OF THE CITY OF NEW WESTMINSTER



DEVELOPMENT APPROVAL PROCEDURES BYLAW NO. 5658, 1987

EFFECTIVE DATE: March 30, 1987

CONSOLIDATED FOR CONVENIENCE ONLY
(April 26, 2016)

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

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 The number of any amending bylaw that has been repealed is not referred to in this consolidation.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

- 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;

BYLAW NO. 5746, 1988

- (b) made to the Development Services Department on the applicable form attached hereto as part of Schedule A; and
- (d) 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

- (5) Where an application for a development permit is for the purposes of improvements with a total value of \$100,000 or less or is for façade renovation for buildings affected by water penetration, the Director of Development Services may exempt the applicant from providing information required by section 3.(2) but not pertinent to such applications.
- (6) Where an application for a development permit is for an addition of less than the greater of 1,000 square feet of gross floor area and 10 percent of the existing gross floor area of the building, the Director of Development Services may exempt the applicant from providing information required by section 3.(2) but not pertinent to such applications.”

BYLAW NO. 7654, 2014

- (7) Where an application is for a Flood Hazard Development Permit the Director of Development Services may exempt the applicant from providing information required by section 3.(2) but not pertinent to such applications.

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

- (c) Permits and agreements issued pursuant to this bylaw shall be in substantially the same form as Schedules C-1 - C-5 of this bylaw.
- (d) The City may require an applicant for a temporary commercial or industrial permit, as a condition precedent to the issuance of a permit, to give an undertaking substantially in the form of Schedule D-1 of this bylaw.
- (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

- (f) Where an application for a development permit is for the purposes of improvements with a total value of \$100,000 or less or is for façade renovation for buildings affected by water penetration, the Director of Development Services may, upon receipt of the fees and accompanying information, exercise the authority of Council in relation to the application.

- (f.1) Where an application for a development permit is for an addition of less than the greater of 1,000 square feet of gross floor area and 10 percent of the existing gross floor area of the building, the Director of Development Services may, upon receipt of the fees and accompanying information, exercise the authority of Council in relation to the application.

BYLAW 7574, 2012

- (f.2) Where an application for a development permit is in relation to land
 - (a) within the Downtown Development Permit Area as established by the New Westminster Official Community Plan, being Schedule A to Bylaw 7435, 2011; and
 - (b) not within the Special Development Permit Area as established by the *New Westminster Redevelopment Act*, S.B.C. 1989, c.34,

the Director of Development Services may, upon receipt of the fees and accompanying information, exercise the authority of Council in relation to the application.

BYLAW NO. 7654, 2014

- (f.3) Where an application is for a Flood Hazard Development Permit the Director of Development Services may, upon receipt of the fees and accompanying information, exercise the authority of Council in relation to the application.

BYLAW NO.6528, 1999

- (g) Every applicant has the right to have the decision of the Director of Development Services reconsidered by Council and for this purpose the procedure shall be as follows:
 - (i) within 30 days of the Director of Development Services'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 Development Services be reconsidered by Council;
 - (ii) the Director of Development Services shall submit a report to Council attaching the applicant's development permit application and setting out the

Director of Development Services's reasons for denying the application;

- (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 Development Services's decision;
- (iv) following the applicant's opportunity to be heard, Council will reconsider the application and either uphold the Director of Development Services'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.

(7352, 2009)

12. For the purposes of Schedule B, Improved Site Area means;

Improved Site Area shall be defined as the whole or portion of the parcel to be improved as part of the development authorized by a building permit and all buildings, vehicular and pedestrian circulation areas, loading, parking, storage, works, decorative areas and landscaped areas required by the development permit.

BYLAW 7633, 2013

BYLAW 7683, 2014 – SCHEDULE “B” DELETED

