

CORPORATION OF THE CITY OF NEW WESTMINSTER



DEVELOPMENT APPROVAL PROCEDURES BYLAW NO. 5658, 1987

(Adopted March 30, 1987)

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 NO.</u>	<u>ADOPTION DATE</u>	<u>EFFECTIVE DATE</u>
5674	June 8, 1987	(if different from date of adoption)
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)	October 24, 2011	January 1, 2012
7551 (Sch B)	December 3, 2012	January 1, 2013
7574 (5(f.2), 5(h), 5(i))	January 14, 2013	
7633 (Sch B)	November 4, 2013	January 1, 2014
7654 (Sec 3(6), 5(f.3), Sch B)	February 3, 2014	

7683, 2014 (Sch B, Sec 4)	November 3, 2014	January 1, 2015
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	
8512, 2025	November 17, 2025	

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 The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the Legislative Services Department

CONSOLIDATED FOR CONVENIENCE ONLY
(December 1, 2025)

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 applications for the following:
 - (1) Amendments to:
 - (a) an official community plan
 - (b) a zoning bylaw
 - (2) Issuance of:
 - (a) development variance permits
 - (b) temporary commercial and industrial permits
 - (c) development permits

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

Application

- 3. (1) An application for an amendment approval or a permit shall be:
 - (a) made by the owner of the land involved or by a person authorized by the owner to the Director of Planning and Development on the applicable form; and
 - (b) accompanied by the records and documentation required by or pursuant to this bylaw.
- (2) An application for an amendment, approval or permit shall be accompanied by the following in a format established by the Director of Planning and Development:
 - (a) elevations of floor levels related to the site elevations;
 - (b) landscaping plans to scale 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 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

- (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 Director of Planning and Development at the time of application.
- (3) Prior to submitting the documentation required in subsection (2) above, an applicant for an amendment, approval or permit shall first submit to the Director of Planning and Development the following:
- (a) site plans to scale, 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) In addition to the requirements of subsections (2) and (3) above, an application for an official community plan amendment bylaw shall be accompanied by a cover letter or written rationale describing:
- (a) the amendment requested (e.g., land use designation change, text amendment);
 - (b) reasons and justification (planning rationale, alignment with community goals, public benefits); and
 - (c) proposed land use, density, form, or policy change.
- (5) For an amendment, approval or permit, the Director of Planning and Development may exempt the applicant from providing

information required by sections 3(2), 3(3) and 3(4) which the Director considers not pertinent to the application.

- (6) An application under this bylaw shall not be considered received by the City until:
 - (a) the applicant has submitted all forms, fees, plans, studies, letter of intent, reports and other documentation and materials required by this bylaw and any other City bylaws in connection with the application;
 - (b) the Director of Planning and Development has reviewed the submitted documents and materials and confirmed that all materials appear, based on that review, to have been provided, to be complete and to provide the required information; and
 - (c) the Director of Planning and Development has issued a written notice to the applicant confirming satisfactory review under paragraph (6)(a) and 6(b) above, that the application has been received and the date on which the application has been received.

- (7) When required by the Director of Planning and Development, an applicant shall submit additional or updated information below, within the timelines specified below, or as otherwise may be specified by the Director or directed by Council to the applicant:
 - (a) required technical reports and studies within 60 calendar days; and
 - (b) all other required documentation, including but not limited to: drawings, data updates, letters and revision, within 30 calendar days.

- (8) If an applicant does not provide required materials within the applicable submission timeline set out in subsection (7), the Director of Planning and Development may cancel the application.

- (9) All application forms, plans, drawings and other documents and materials submitted with or in connection with an application, will become the property of the City when submitted by the applicant.

4. (1) Despite any other provision in this bylaw, if, with respect to an application for amendment to a bylaw, Council does not:
 - (a) give three readings to the bylaw within 18 months of the date the application is considered to have been received under this bylaw; or
 - (b) adopt the bylaw within 18 months after the date Council gave third reading to the bylaw,

the application shall lapse, and will be of no force and effect, and an applicant who wishes to proceed with their application must submit a new application.

- (2) Notwithstanding subparagraph (1) above, prior to an application for bylaw amendment lapsing, an applicant may apply to the Director of Planning and Development for a time extension by submitting to the Director a written application in a form established by the Director, together with such documentation and materials as may be required by the Director and payment to the City of any fees payable under City bylaws in connection with such extension request, and upon receipt of a completed application for extension, together with all required documentation, materials and fees, the Director may, but is not obligated to, grant an extension of up to 18 months.

Process

5. Applications to amend the official community plan or a zoning bylaw or for a development permit or development variance permit shall be processed as follows:
 - (a) The Director of Planning and Development may 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, permit, agreement or covenant;
 - (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.
 - (viii) confirmation that the Director of Planning and Development has issued written notice to the applicant under section 3(6)(c).
- (b) The Council, following receipt of the report from the Director of Planning and Development, 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.

Delete subsections (c) and (d)

- (e) The Director of Planning and Development 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.
- (f) The Director of 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.
 - (f.1) The Director of 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 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

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

- (g) Every applicant has the right to have the decision of the Director of Planning and Development reconsidered by Council and for this purpose the procedure shall be as follows:
 - (i) within 30 days of the Director of Planning and Development's decision the applicant shall submit required fees to the City, and a letter to Council through the office of the City Clerk requesting that the decision of the Director of Planning and Development be reconsidered by Council;
 - (ii) the Director of Planning and Development shall submit a report to Council attaching the applicant's development permit application and setting out the Director of Planning and Development'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 Planning and Development's decision;
 - (iv) following the applicant's opportunity to be heard, Council will reconsider the application and either uphold the Director of Planning and Development's decision to deny the application or approve the application.
- (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.

Application Revisions

6. If, after the City has issued notice under section 3(6)(c), the applicant makes changes to the application that the Director of Planning and Development considers materially alters the application, including but not limited to changes to the form of development, tenure, proposed uses or amenities, the Director of Planning and Development may cancel the application in accordance with the following procedures:
 - (a) the City shall provide written notice to the applicant that the Director intends to cancel the application if the applicant does not withdraw the changes to the application;
 - (b) if a written response confirming the applicant has elected to withdraw the application changes is not received within 14 calendar days following notice under subparagraph (a) above, the Director may cancel the application; and
 - (c) if the application is cancelled, the applicant may immediately submit a new application in accordance with this bylaw.

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.

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 City committees or commissions;

- (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.

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.

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.

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:

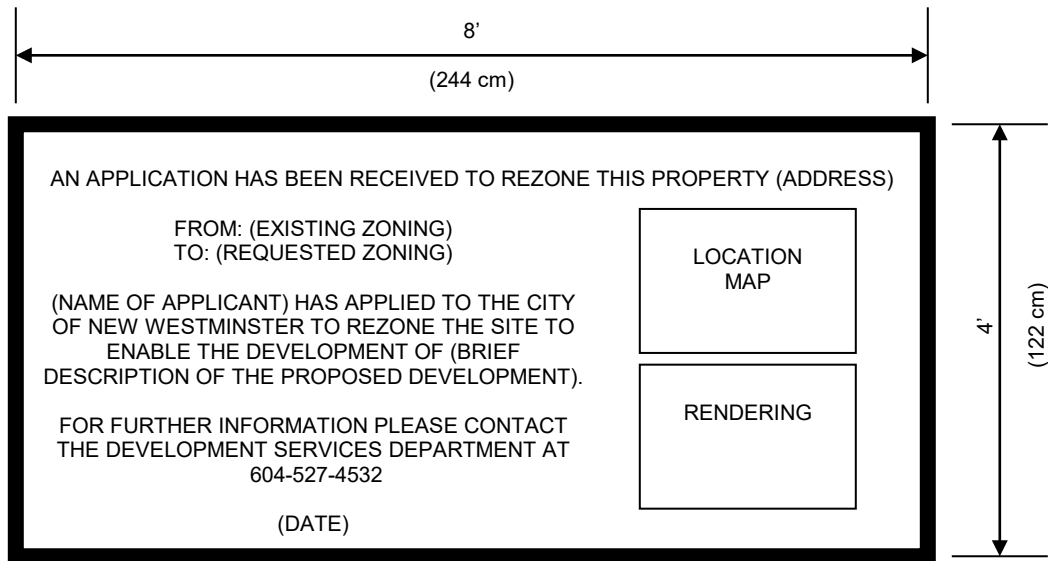
1. Applicants for rezoning are required to post one sign on each principle street frontage of the property or site to be rezoned.
2. Signs shall be posted at **least 14 days** prior to the Advisory Planning Commission meeting date.
3. The policy shall apply to all rezoning applications.
4. The applicant 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.
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.