

CITY OF RICHMOND

**DEVELOPMENT PERMIT, DEVELOPMENT VARIANCE PERMIT
AND TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMIT
PROCEDURE BYLAW NO. 7273**

The Council of the City of Richmond enacts as follows:

PART ONE: PERMIT APPLICATION PROCEDURE

1.1 Duties of an Applicant

1.1.1 An **applicant** wishing to obtain:

- (a) a **development permit**,
- (b) a **development variance permit**, or
- (c) a **temporary use permit**,

must complete and file the appropriate application provided by the **City**.

1.1.2 At the time of filing an application in accordance with subsection 1.1.1, an **applicant** must pay to the **City**, the application fee specified in the **Development Application Fees Bylaw**, for the permit in question.

1.1.3 An **applicant** for a **development permit** must provide eight full size sets and one reduced size set of plans, perspectives, elevations, and diagrams, and a model illustrating the proposed development and its relationship to the surrounding area, for the purposes of analysis by staff and inspection by the public, unless the **applicant** has received written notification from the **Manager of Development Applications** varying this requirement.

1.1.4 An **applicant** for a **development variance permit** must provide eight full size sets and one reduced size set of plans and diagrams for the purposes of analysis by staff and inspection by the public.

1.1.5 An **applicant** for a **temporary use permit** must provide an undertaking, in accordance with the provisions of the *Local Government Act*, to:

- (a) demolish or remove any temporary buildings, structures or signs on the property in question;
- (b) restore the property to a condition specified in the **temporary use permit**; and
- (c) maintain and restore adjacent roads to a condition satisfactory to the **City**.

- 1.1.6 Where a request for a renewal of a **temporary use permit** is made, the **applicant** must pay to the **City**, the renewal fee specified in the **Development Application Fees Bylaw**.
- 1.2 **Sign Posting Requirements – Development Permits and Development Variance Permits**
- 1.2.1 After having complied with the requirements of the applicable provisions of section 1.1, an **applicant** for a **development permit** or a **development variance permit** must:
- (a) post a clearly visible sign on the subject site indicating the intent of the **development permit** or **development variance permit**, whichever is applicable, within three weeks of being notified of the sign requirements by the **Manager of Development Applications**, and
 - (b) inform the **Manager of Development Applications** when such sign has been posted, before the **development permit** application or **development variance permit** application, whichever is applicable, will be presented to the Development Permit Panel.
- 1.2.2 The sign required under the provisions of clause (a) of subsection 1.2.1:
- (a) must comply with the specifications shown on Schedule A or Schedule B, whichever is applicable, both of which are attached and form a part of this bylaw; and
 - (b) does not apply to **temporary use permit** applications.

PART TWO: PROCESSING OF PERMIT APPLICATIONS BY THE MANAGER OF DEVELOPMENT APPLICATIONS

2.1 General Responsibility

- 2.1.1 The **Manager of Development Applications** is responsible for processing applications for **development permits**, **development variance permits**, and **temporary use permits**.

2.2 Processing Development Permit Applications

- 2.2.1 In the case of an application for a **development permit**, the **Manager of Development Applications** must submit to the Development Permit Panel, a report consisting of a recommendation, a proposed **development permit** with appropriate plans, the recommendations and comments of the Advisory Design Panel, if applicable, and any other information the **Manager of Development Applications** considers to be relevant.
- 2.2.2 The **Manager of Development Applications** may decide not to refer a **development permit** application to the Advisory Design Panel where, in the opinion of the **Manager of Development Applications**, the application is of such a nature that review by the Advisory Design Panel is not warranted.

2.3 Processing Development Variance Permit Applications

- 2.3.1 In the case of an application for a **development variance permit**, the **Manager of Development Applications** must submit to the Development Permit Panel, a report consisting of a recommendation, a proposed **development variance permit** with appropriate plans, and any other information the **Manager of Development Applications** considers to be relevant.

2.4 Processing Temporary Use Permit Applications

- 2.4.1 The **Manager of Development Applications** is responsible for processing **temporary use permit** applications and must present to a **standing committee**, a report on each such application, consisting of a recommendation, a proposed **temporary use permit** with appropriate undertakings signed by the **applicant**, and any other information the **Manager of Development Applications** considers to be relevant.
- 2.4.2 Where a request for a renewal of a **temporary use permit** has been made, the **Manager of Development Applications** must process such application generally in the same manner as an application for a new permit under subsection 2.4.1.

PART THREE: NOTIFICATION OF PROPERTY OWNERS AND OCCUPIERS

3.1. Development Permits and Development Variance Permits – Notice Requirements

- 3.1.1 The **City Clerk** must, prior to consideration of a **development permit** application or a **development variance permit** application by the Development Permit Panel, mail or otherwise deliver written notice of the proposed **development permit** or **development variance permit**, and of the Development Permit Panel meeting at which such application will be considered, to:

- (a) the **applicant**;
- (b) the owners and occupiers of all real property:
 - (i) which is the subject of the proposed **development permit** or **development variance permit**; and
 - (ii) which is within 50 metres of, or situated at the same intersection of, any highways as the real property which is the subject of the proposed **development permit** or **development variance permit**,

at least ten days prior to such meeting.

- 3.1.2 The notice referred to in subsection 3.1.1 must:

- (a) identify by civic address or other means the property which is the subject of the proposed **development permit** or **development variance permit**;
- (b) state in brief general terms the intent of the proposed **development permit** or **development variance permit**;
- (c) include a sketch map showing the location of the proposed development;

- (d) state the place at which and the times during which a copy of the proposed **development permit** or **development variance permit** and other relevant material may be inspected; and
- (e) state the time, date and place of the Development Permit Panel meeting at which the application will be considered.

3.2 Temporary Use Permits – Notice Requirements

- 3.2.1 The **City Clerk** must, prior to approval by **Council** of a **temporary use permit** application, or renewal of such application, cause notice to be given in accordance with the requirements of the *Local Government Act*.

PART FOUR: THE DEVELOPMENT PERMIT PANEL

4.1 Establishment of the Development Permit Panel

- 4.1.1 A Development Permit Panel is established for the purposes of considering **development permit** applications and **development variance permit** applications, hearing representations from the public on such applications, and making recommendations to **Council** with respect to such applications.

4.2 Quorum and Membership and Chair

- 4.2.1 The Development Permit Panel:

- (a) comprises and has a quorum of any three **General Managers** or their alternates; and
- (b) must, if such member is present, be chaired by the **General Manager, Urban Development**.

4.3 Duties of the Chair

- 4.3.1 The Chair of the Development Permit Panel must, for each **development permit** application and **development variance permit** application:

- (a) invite the **applicant** to make a presentation or comment on the application;
- (b) invite the **Manager of Development Applications** to present an analysis and recommendations;
- (c) invite members of the public who are present to make a presentation or comment on the application;
- (d) identify any correspondence received in connection with the **development permit** application or **development variance permit** application, and at the Panel's discretion, summarize such correspondence for the benefit of those present,

and may request the **Manager of Development Applications** or the **applicant** to respond to submissions made to the Panel.

- 4.3.2 The Chair of the Advisory Design Panel, or an alternate, may attend meetings of the Development Permit Panel in a non-voting capacity, and must be given the opportunity to present the views of the Advisory Design Panel and to participate in the discussion on a **development permit** application.

4.4 Decisions of the Development Permit Panel

- 4.4.1 After considering all representations and submissions, the Development Permit Panel must, by resolution:

- (a) recommend to **Council** either:
 - (i) that the **development permit** or **development variance permit** proposed in the report of the **Manager of Development Applications** be issued; or
 - (ii) that the **development permit** or **development variance permit** as amended by a resolution of the Development Permit Panel, and consented to by the **applicant**, be issued; or
 - (iii) that the **development permit** or **development variance permit** application be denied; or
- (b) refer the **development permit** application or **development variance permit** application to the **Manager of Development Applications**, with direction as to modifications the Panel would like to see investigated or implemented.

- 4.4.2 In the event that no resolution in accordance with subsection 4.4.1 is adopted by Development Permit Panel, the Chair of the Panel must refer the **development permit** application or **development variance permit** application in question to **Council** with the recommendation that a **public hearing** be held on such application.

- 4.4.3 Where the Development Permit Panel determines that a **development permit** application or **development variance permit** application poses significant policy issues or public controversy, the Panel may recommend to **Council** that such application be forwarded to a **public hearing** for further input.

- 4.4.4 Where a **development permit** application or **development variance permit** application is forwarded to **Council**, the Chair of the Development Permit Panel must announce to those present the time, date and place of the meeting of **Council** at which it is anticipated that the recommendation on such application will be considered, and may cause such information to be mailed or otherwise delivered to any person who has made written submission to the Panel on the application which is the subject of that recommendation.

PART FIVE: CONSIDERATION OF APPLICATIONS BY COUNCIL

5.1 Reporting to Council on Development Permits and Development Variance Permits

- 5.1.1 The Chair of the Development Permit Panel must submit to **Council** a written report of all **development permit** applications or **development variance permit** applications in time for the meeting at which it is anticipated the recommendations on such applications will be considered.

- 5.1.2 The report referred to in subsection 5.1.1 must include the following for each **development permit** application or **development variance permit** application:
- (a) the location for which the **development permit** or **development variance permit** has been requested, and in general terms the intent of the proposed permit;
 - (b) a brief summary of the general nature of public response to the **development permit** application or **development variance permit** application, if any; and
 - (c) the recommendation of the Development Permit Panel on each **development permit** application and **development variance permit** application.
- 5.1.3 Upon receipt of the report from the Development Permit Panel on **development permit** applications or **development variance permit** applications, **Council** must:
- (a) identify those applications which **Council** wishes to refer to:
 - (i) a **public hearing** for consideration and more detail;
 - (ii) the Development Permit Panel for further consideration and give direction as to the matters of concern;
 - (iii) a future meeting of **Council**; and
 - (b) adopt the recommendations of the Development Permit Panel for the remaining applications to either:
 - (i) issue the **development permit** or **development variance permit** applications; or
 - (ii) deny the **development permit** or **development variance permit** applications.
- 5.1.4 In accordance with the provisions of the **Council Procedure Bylaw**, **Council** must not hear presentations from the **applicant** or members of the public on any **development permit** application or **development variance permit** application, other than at a **public hearing** to which such application has been referred.

5.2 Reporting to Council on Temporary Use Permits

- 5.2.1 A **standing committee**, having considered the report of the **Manager of Development Applications** on a **temporary use permit** in accordance with subsection 2.4.1, or a request for a renewal of a **temporary use permit** in accordance with subsection 2.4.2, must make a recommendation to **Council** on the application and may make other recommendations the committee deems appropriate.
- 5.2.2 Upon receipt of the recommendation from a **standing committee** on a **temporary use permit**, **Council** must either:
- (a) refer the **temporary use permit** to a **public hearing**;
 - (b) reject the application for a **temporary use permit** or the renewal of a **temporary use permit**; or

- (c) refer the application for a **temporary use permit** to:
 - (i) a **standing committee** for further consideration; or
 - (ii) the **Manager of Development Applications** with the direction to report further to the **standing committee** on the application.

5.2.3 Where an application for a **temporary use permit** has been referred to a **public hearing**, Council may:

- (a) issue the **temporary use permit** or approve the renewal of the **temporary use permit**; or
- (b) reject the application for a **temporary use permit** or the renewal of a **temporary use permit**.

PART SIX: CONSIDERATION OF A DEVELOPMENT PERMIT OR A DEVELOPMENT VARIANCE PERMIT AT A PUBLIC HEARING

6.1 Where **Council** refers a **development permit** application or **development variance permit** application to a **public hearing**, **Council** must, at such **public hearing**;

- (a) invite a presentation from the **applicant**;
- (b) direct the **City Clerk** to identify and summarize any correspondence received regarding the application; and
- (c) invite presentations from members of the public present.

6.2 Having complied with the provisions of subsection 6.1, **Council** must either:

- (a) issue the **development permit** or **development variance permit**:
 - (i) as proposed in the report of the **Manager of Development Applications**; or
 - (ii) as amended by **Council**;
- (b) deny the **development permit** application or **development variance permit** application, or
- (c) refer the **development permit** application or **development variance permit** application to a future meeting of **Council**.

PART SEVEN: NOTIFICATION WHERE A DEVELOPMENT PERMIT APPLICATION OR DEVELOPMENT VARIANCE PERMIT APPLICATION IS REFERRED

7.1 If:

- (a) a meeting of the Development Permit Panel, or of **Council**, at which a **development permit** application or **development variance permit** application is to be considered, is adjourned without consideration of such application having been completed; or
- (b) a **development permit** application or **development variance permit** application is referred by the Development Permit Panel, or by **Council** to a future meeting of the Development Permit Panel, or **Council**;

no further notice of such meeting is required, provided that the time, date and place of the future meeting at which the **development permit** application or **development variance permit** application is to be considered is announced at the time of the adjournment or referral.

- 7.2 Where an adjournment or referral to a future meeting is made without an announcement of the time, date and place of the future meeting being made at the time of the adjournment or referral, notice of that future meeting must be given, as specified in section 3.1, for those **development permit** applications and **development variance permit** applications affected by the adjournment or referral.

PART EIGHT: ISSUING OF PERMITS

8.1 Responsibilities of the City Clerk

8.1.1 Where **Council** issues:

- (a) a **development permit**;
- (b) a **development variance permit**; or
- (c) a **temporary use permit** or the renewal of a **temporary use permit**,

the **City Clerk** must ensure that such permit is properly executed and must mail or otherwise deliver such permit to the **applicant**, and cause the appropriate "Notice of Permit" to be filed in the Provincial Land Title Office.

PART NINE – CANCELLATION OF PERMITS

9.1 Request for Permit Cancellation

- 9.1.1 The holder of a **development permit** or **development variance permit** who wishes to cancel such permit after the "Notice of Permit" has been filed in the Provincial Land Title Office, and prior to the expiry of the two-year period specified in the *Local Government Act* during which the permit is valid, must advise the **Manager of Development Applications** of such request in writing.

9.2 Processing Permit Cancellation Request

- 9.2.1 Upon receipt of a request to cancel a **development permit** or **development variance permit**, the **Manager of Development Applications** must prepare a report and recommendation on such request for presentation to the Development Permit Panel.
- 9.2.2 After considering the report and recommendation submitted by the **Manager of Development Applications**, the Development Permit Panel must, by resolution, recommend to **Council** either that:
- (a) the request be granted and the permit cancelled, or
 - (b) the request be denied.
- 9.2.3 The Chair of the Development Permit Panel must submit to **Council** a recommendation regarding all such requests and **Council** must, upon receipt of such recommendations, either:
- (a) authorize the cancellation of the **development permit** or **development variance permit**; or
 - (b) deny the request.

PART TEN – POSTING OF SECURITY FOR PERMITS

10.1 Establishment of Security – All Permits

- 10.1.1 The **City** is authorized to require an **applicant** for:

- (a) a **development permit**;
- (b) a **development variance permit**; or
- (c) a **temporary use permit**,

to provide security to the **City** in an amount and form to be determined by the **Manager of Development Applications**, to ensure that development is carried out in accordance with the terms and conditions of the respective permit.

- 10.1.2 An **applicant** must submit the security required under subsection 10.1.1 to the **Manager of Development Applications**:

- (a) prior to consideration by **Council** of the recommendation of the Development Permit Panel on either a **development permit** application or a **development variance permit** application; and
- (b) prior to consideration by **Council** at a **public hearing** on the issuance of a **temporary use permit**.

10.2 Failure to Provide Security – Development Permits and Development Variance Permits

10.2.1 Where, within 180 days of the date of the Development Permit Panel meeting at which an **application** was considered, an **applicant** fails to provide the full amount of the security specified in subsection 10.1.2, the **Manager of Development Applications** must report to the next meeting of the Development Permit Panel and recommend that the support of the Panel for either the **development permit** or the **development variance permit**, whichever is applicable, be withdrawn and that the application be abandoned.

10.3 Failure to Provide Security – Temporary Use Permits

10.3.1 Where, prior to the notification required under the provisions of section 3.2, an **applicant** for a **temporary use permit** fails to provide the full amount of the security specified in subsection 10.1.1, the **Manager of Development Applications** must report to **Council** that the **temporary use permit** is deficient and that such application should be deleted from the agenda of that **Council** meeting.

PART ELEVEN - GENERAL COMPLIANCE RULINGS ON DEVELOPMENT PERMITS

11.1 Application Procedure

11.1.1 Where the holder of a **development permit** wishes to obtain a General Compliance Ruling to modify the specifications of such permit, the permit holder must advise the **Manager of Development Applications**, in writing, and must:

- (a) pay to the **City**, the applicable fee specified in the **Development Application Fees Bylaw**; and
- (b) provide a copy of the original **development permit** and a detailed set of plans, perspectives, elevations and diagrams illustrating the modifications which are being requested.

11.2 General Compliance Rulings - Criteria

11.2.1 Upon receipt of a request for a General Compliance Ruling in accordance with subsection 11.1.1, the **Manager of Development Applications** must reject such request where the proposed modification to the **development permit**:

- (a) requires any new variances or increases to approved variances;
- (b) increases the density of the development beyond the level specified in the **development permit**;
- (c) alters elements which, in the opinion of the **Manager of Development Applications**, were controversial, or which attracted considerable discussion from the public, the Advisory Design Panel or the Development Permit Panel during the original **development permit** application process;

- (d) alters, with the exception of minor changes and additions to buildings to accommodate **building code** or servicing requirements, the approved site coverage, siting, scale, spacing or configuration of buildings; or
- (e) contravenes the applicable **development permit** guidelines in the **Official Community Plan**.

11.2.2 The **Manager of Development Applications**, having determined that the request for a General Compliance Ruling does not contravene any of the provisions of subsection 10.2.1, must then determine if the request is consistent with the following:

- (a) that any proposed exterior modifications maintain or enhance the quality of the development and retain the basic form and character of the development;
- (b) that any proposed modifications to open space and amenity areas maintain open space and amenity areas;
- (c) that any proposed modifications to landscaping detail are both minor in nature and of an equivalent value to the approved plans; and
- (d) that any proposed modifications to the location and configuration of vehicle access and parking areas are minor in nature.

11.2.3 The **Manager of Development Applications**, having determined that a request for a General Compliance Ruling is consistent with the provisions of subsection 11.2.2, must present a report and recommendation to the Development Permit Panel.

11.3 Consideration of Requests for General Compliance Rulings by the Development Permit Panel

11.3.1 The Chair of the Development Permit Panel must, for each request for a General Compliance Ruling:

- (a) invite the **applicant** to make a presentation or comment; and
- (b) invite the **Manager of Development Applications** to present an analysis and recommendations.

11.3.2 After considering all representations and submissions, the Development Permit Panel must, by resolution, recommend to **Council** that the request for a General Compliance Ruling:

- (a) be granted:
 - (i) as proposed in the report of the **Manager of Development Applications**; or
 - (ii) as amended by a resolution of the Development Permit Panel, and consented to by the **applicant**; or
- (b) be denied.

11.4 Consideration of Requests for General Compliance Rulings by Council

- 11.4.1 The Chair of the Development Permit Panel must submit to **Council** a written report for each request for a General Compliance Ruling, stating:
- (a) the location for which the request for a General Compliance Ruling has been made and in general terms the intent of such ruling; and
 - (b) the recommendation of the Development Permit Panel on each request for a General Compliance Ruling.
- 11.4.2 Upon receipt of the report from the Development Permit Panel on requests for General Compliance Rulings, **Council** must:
- (a) identify those requests which **Council** wishes to refer:
 - (i) to the Development Permit Panel for further consideration and give direction as to the matters of concern; and
 - (ii) to a future meeting of **Council**; and
 - (b) adopt the recommendations of the Development Permit Panel for the remaining requests for General Compliance Rulings.
- 11.4.3 In accordance with the provisions of the **Council Procedure Bylaw**, **Council** must not hear presentations from the **applicant** or members of the public on requests for General Compliance Rulings.

11.5 Granting of Requests for General Compliance Rulings

- 11.5.1 Where **Council** either grants or denies a request for a General Compliance Ruling, the **City Clerk** must advise the **applicant** accordingly, in writing.

PART TWELVE: INTERPRETATION

- 12.1 In this bylaw, unless the context requires otherwise,

APPLICANT	means a person who is an owner of the property which is the subject of an application, or a person acting with the written consent of the owner.
BUILDING CODE	means the current edition of the British Columbia Building Code established by regulation under the <i>Local Government Act</i> .
CITY	means the City of Richmond.
CITY CLERK	means the corporate officer assigned responsibility for corporate administration under section 198 of the <i>Local Government Act</i> .
COUNCIL	means the Council of the City .

COUNCIL PROCEDURE BYLAW	means the current Council Procedure Bylaw of the City .
DEVELOPMENT APPLICATION FEES BYLAW	means the current Development Application Fees Bylaw of the City .
DEVELOPMENT PERMIT	means a development permit authorized under Section 920 of the <i>Local Government Act</i> .
DEVELOPMENT VARIANCE PERMIT	means a development variance permit authorized under Section 922 of the <i>Local Government Act</i> .
GENERAL MANAGER	means any General Manager specified in the current Officers Establishment Bylaw of the City .
GENERAL MANAGER, URBAN DEVELOPMENT	means the person appointed by Council to the position of General Manager, Urban Development, or an alternate.
MANAGER OF DEVELOPMENT APPLICATIONS	means the Manager of Development Applications in the Urban Development Division of the City , or an alternate.
OFFICIAL COMMUNITY PLAN	means the current Official Community Plan of the City .
PUBLIC HEARING	means a Regular Council meeting for public hearings specified under Section 1.2 of the Council Procedure Bylaw .
STANDING COMMITTEE	means the standing committee of Council appointed by the Mayor in accordance with Section 239 of the <i>Local Government Act</i> , whose mandate includes the consideration of temporary use permits .
TEMPORARY USE PERMIT	means a temporary commercial or industrial use permit authorized under Section 921 of the <i>Local Government Act</i> .

PART THIRTEEN: PREVIOUS BYLAW REPEAL

- 13.1 Development Permit Procedure Bylaw No. 5362 (adopted July 25, 1989) and Amendment Bylaw Nos. 5768 (adopted November 12, 1991) and 6437 (adopted February 13, 1995) are repealed.
- 13.2 Richmond Temporary Commercial Use Permit Procedure Bylaw No. 5934 (adopted July 13, 1992) is repealed.

PART FOURTEEN: SEVERABILITY AND CITATION

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

14.2 This bylaw is cited as "Development Permit, Development Variance Permit and Temporary Commercial and Industrial Use Permit Procedure Bylaw No. 7273".

FIRST READING

MAY 27 2002

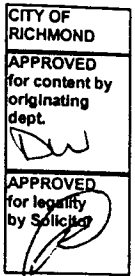
SECOND READING

MAY 27 2002

THIRD READING

MAY 27 2002

ADOPTED



MAYOR

CITY CLERK

SCHEDULE A to BYLAW NO. 7273

DEVELOPMENT PERMIT SIGN

100mm
LETTERING

NAME OF
APPLICANT

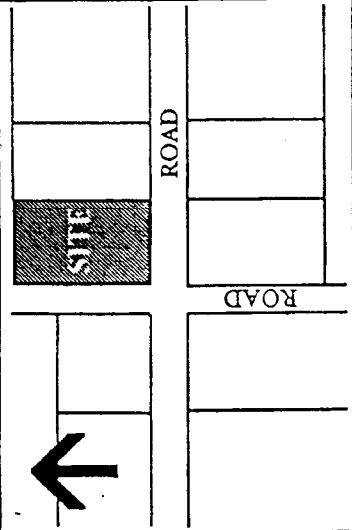
50mm
LETTERING

OUTLINE
DESCRIPTION
OF PROJECT

50mm
LETTERING

DEVELOPMENT PERMIT APPLICATION

has applied to the City of Richmond
for permission to _____



FURTHER INFORMATION

MAY BE OBTAINED AT THE URBAN DEVELOPMENT
DIVISION, CITY HALL (604) 276 - 4395
FILE No. _____

300mm

600mm

1200mm

300mm

150mm

1150mm

37.5mm LETTERING

1000mm

2450mm

150mm

SPECIFICATION

Blue background (Reflex Blue) with white Helvetica Medium lettering.

Site map will have white background with blue lines.

The map will show the project location, adjoining roads and properties, address and north arrow.

SCHEDULE B to BYLAW NO. 7273

DEVELOPMENT VARIANCE PERMIT SIGN

100mm
LETTERING

NAME OF
APPLICANT

50mm
LETTERING

OUTLINE
DESCRIPTION
OF VARIANCES

50mm
LETTERING

DEVELOPMENT VARIANCE PERMIT APPLICATION

has applied to the City of Richmond
for permission to _____

FURTHER INFORMATION

MAY BE OBTAINED AT THE URBAN DEVELOPMENT
DIVISION, CITY HALL (604) 276-4395
FILE NO. _____

ROAD

ROAD

150mm 1150mm 37.5mm LETTERING 1000mm 150mm

300mm 600mm 1200mm

2450mm

SPECIFICATION
Blue background (Reflex Blue) with white Helvetica Medium lettering.
Site map will have white background with blue lines.
The map will show the project location, adjoining roads and properties, address and north arrow.

Note: Drawing is not to scale.

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