



**DEVELOPMENT PERMIT, DEVELOPMENT VARIANCE  
PERMIT AND TEMPORARY COMMERCIAL AND INDUSTRIAL  
USE PERMIT PROCEDURE**

**BYLAW NO. 7273**

EFFECTIVE DATE – JUNE 24, 2002

**CONSOLIDATED FOR CONVENIENCE ONLY**

This is a consolidation of the bylaws 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>DATE OF ADOPTION</u>	<u>EFFECTIVE DATE</u> (If different from Date of Adoption)
Bylaw No. 8923	November 26, 2012	
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**CITY OF RICHMOND**

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COMMERCIAL AND INDUSTRIAL USE PERMIT PROCEDURE***

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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 **Director, Development** 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**.
- 1.1.7 Notwithstanding subsection 1.1.5 above, an **applicant** for a **temporary use permit** for a **mobile food vendor** is not required to provide the undertakings set out in subsection 1.1.5.

## 1.2 Sign Posting Requirements – Development Permits, Development Variance Permits, and Temporary Use Permits

- 1.2.1 After having complied with the requirements of the applicable provisions of section 1.1, an **applicant** for a **development permit**, a **development variance permit**, or a **temporary use permit** must:
  - (a) post a clearly visible sign on the subject site indicating the intent of the **development permit**, **development variance permit**, or **temporary use permit**, whichever is applicable, within three weeks of being notified of the sign requirements by the **Director, Development**;
  - (b) send a digital copy of the sign to the **Director, Development** for review and approval prior to posting on site;
  - (c) inform the **Director, Development** when such sign has been posted, before the **development permit** application, **development variance permit** application, or **temporary use permit** application, whichever is applicable, will be presented to the Development Permit Panel; and
  - (d) update the sign when informed of the meeting dates that involve public input as soon as possible, and notify the **Director, Development** for approval when such updates have been made prior to the Development Permit Panel.
- 1.2.2 The sign required under the provisions of clauses (a) and (b) of subsection 1.2.1:
  - (a) must comply with the specifications shown on Schedule A, Schedule B, or Schedule C, whichever is applicable, all of which are attached and form a part of this bylaw including the project address, the **City's** project file number, a general description of the proposed development, the applicant's name and contact number, the **City's** website address, the **City's** logo, a location map, a rendering image for **development permits**, information on public input opportunities, and a **City** contact for further information; and
  - (b) does not apply to **development permit** applications for a **granny flat** or a **coach house**.
- 1.2.3 Notwithstanding subsection 1.2.1 above, an **applicant** for a **temporary use permit** for a **mobile food vendor** is not required to provide signage as set out in subsections 1.2.1 and 1.2.2.

- 1.2.4 Notwithstanding subsection 1.2.1 above, an **applicant** for a **temporary use permit** for a **seasonal outdoor patio** is not required to provide signage as set out in subsections 1.2.1 and 1.2.2.

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

### **2.1 General Responsibility**

- 2.1.1 The **Director, Development** 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 **Director, Development** 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 **Director, Development** considers to be relevant.

- 2.2.2 The **Director, Development** may decide not to refer a **development permit** application to the Advisory Design Panel where, in the opinion of the **Director, Development**, 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 **Director, Development** 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 **Director, Development** considers to be relevant.

### **2.4 Processing Temporary Use Permit Applications**

- 2.4.1 The **Director, Development** 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 **Director, Development** considers to be relevant.

- 2.4.2 Where a request for a renewal of a **temporary use permit** has been made, the **Director, Development** must process such application generally in the same manner as an application for a new permit under subsection 2.4.1.

- 2.4.3 Notwithstanding subsections 2.1.1, 2.4.1 and 2.4.2 above:

- (a) the **General Manager, Community Safety** is responsible for processing and reviewing applications for **temporary use permits for mobile food vendors**;

- (b) where a request for a renewal of a **temporary use permit** for a **mobile food vendor** has been made, the **General Manager, Community Safety** must process and review such application generally in the same manner as an application for a new permit under subsection 2.4.3(a).

2.4.4 Notwithstanding subsections 2.1.1, 2.4.1 and 2.4.2 above:

- (a) the **General Manager, Community Safety** is responsible for processing and reviewing applications for **temporary use permits** for **seasonal outdoor patios**;
- (b) where a request for a renewal of a **temporary use permit** for a **seasonal outdoor patio** has been made, the **General Manager, Community Safety** must process and review such application generally in the same manner as an application for a new permit under subsection 2.4.4(a).

## **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 any three of the **Chief Administrative Officer** and **General Managers** or their alternates;
- (b) has a quorum of three; and
- (c) must, if such member is present, be chaired by the **Chief Administrative Officer**, or be chaired by the member so designated by the **Chief Administrative Officer**.

### 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 **Director, Development** 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 **Director, Development** 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 **Director, Development** 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 **Director, Development**, 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 **Director**, **Development** 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 **Director, Development** 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**.

### 5.3 Delegation of Temporary Use Permits for Mobile Food Vendors

5.3.1 Notwithstanding Section 5.2 above, **Council** delegates to the **General Manager, Community Safety** the authority to:

- (a) approve, issue, and renew **temporary use permits** for **mobile food vendors**;
- (b) reject applications for **temporary use permits** for **mobile food vendors**;
- (c) vary, and supplement **temporary use permits** for **mobile food vendors**, and impose conditions and requirements on said permits; and
- (d) cancel **temporary use permits** for **mobile food vendors** if a permit holder fails to comply with a term or condition of the permit.

5.3.2 The **General Manager, Community Safety** must send a notice of their decision in writing to the **applicant**, which notice shall be deemed to have been received by the **applicant** 10 days after the notice is mailed by the **City**.

5.3.3 An **applicant** for a **temporary use permit** for a **mobile food vendor** is entitled to have **Council** reconsider the decision of the **General Manager, Community Safety** in accordance with the following process:

- (a) the **applicant** must apply for the reconsideration by delivering to the **City Clerk**, and providing a copy to the **General Manager, Community Safety**, within 30 days after the decision of the **General Manager, Community Safety** is deemed to be received by the **applicant**, a reconsideration application in writing setting out the following:
  - (i) the date of the decision of the **General Manager, Community Safety** and the nature of the decision;
  - (ii) reasons why the **applicant** wishes the decision to be reconsidered by **Council**;
  - (iii) a request from the **applicant** that the decision be made by **Council**, with brief reasons in support of the request; and

- (iv) a copy of any materials the **applicant** considers to be relevant to the reconsideration by **Council**.
- (b) the **General Manager, Community Safety** must present to **Council**, a report on the application and decision to be reconsidered, consisting of a recommendation, and any other information the **General Manager, Community Safety** considers to be relevant;
- (c) reconsiderations must occur at a regular meeting of **Council** held at least two weeks after the date on which the reconsideration application is delivered to the **City Clerk** and notice shall be provided in accordance with Section 3.2 of this Bylaw;
- (d) the **applicant** may delegate to **Council** in accordance with Council Procedure Bylaw No. 7560 at the regular meeting of **Council** at which the **General Manager, Community Safety**'s report is on the agenda;
- (e) upon receipt of the recommendation from the **General Manager, Community Safety** and the delegation from the **applicant**, and **Council**'s reconsideration of the **General Manager, Community Safety**'s decision, **Council** must:
  - (i) confirm the decision of the **General Manager, Community Safety**;  
or
  - (ii) vary, or set aside the decision of the **General Manager, Community Safety** and substitute the decision of **Council**, and either:
    - (A) issue the **temporary use permit** for a **mobile food vendor**, or approve the renewal of the **temporary use permit**; or
    - (B) reject the application for a **temporary use permit** for a **mobile food vendor**, or the renewal of a **temporary use permit**."

#### 5.4 Delegation of Temporary Use Permits for Seasonal Outdoor Patios

- 5.4.1 Notwithstanding Section 5.2 above, **Council** delegates to the **General Manager, Community Safety** the authority to:
  - (a) approve, issue, and renew **temporary use permits** for **seasonal outdoor patios**;
  - (b) reject applications for **seasonal outdoor patios**;
  - (c) vary and supplement **seasonal outdoor patios** and impose conditions and requirements on said permits; and
  - (d) cancel **temporary use permits** for **seasonal outdoor patios** if a permit holder fails to comply with a term or condition of the permit.
- 5.4.2 The **General Manager, Community Safety** must send a notice of their decision in writing to the **applicant**, which notice shall be deemed to have been received by the **applicant** 10 days after the notice is mailed by the **City**.

- 5.4.3 An **applicant** for a **temporary use permit** for a **seasonal outdoor patio** is entitled to have **Council** reconsider the decision of the **General Manager, Community Safety** in accordance with the following process:
- (a) the **applicant** must apply for the reconsideration by delivering to the **City Clerk**, and providing a copy to the **General Manager, Community Safety**, within 30 days after the decision of the **General Manager, Community Safety** is deemed to be received by the **applicant**, a reconsideration application in writing setting out the following:
    - (i) the date of the decision of the **General Manager, Community Safety** and the nature of the decision;
    - (ii) reasons why the **applicant** wishes the decision to be reconsidered by **Council**;
    - (iii) a request from the **applicant** that the decision be made by **Council**, with brief reasons in support of the request; and
    - (iv) a copy of any materials the **applicant** considers to be relevant to the reconsideration by **Council**.
  - (b) the **General Manager, Community Safety** must present to **Council**, a report on the application and decision to be reconsidered, consisting of a recommendation, and any other information the **General Manager, Community Safety** considers to be relevant;
  - (c) reconsiderations must occur at a regular meeting of **Council** held at least two weeks after the date on which the reconsideration application is delivered to the **City Clerk** and notice shall be provided in accordance with Section 3.2 of this Bylaw;
  - (d) the **applicant** may delegate to **Council** in accordance with Council Procedure Bylaw No. 7560 at the regular meeting of **Council** at which the **General Manager, Community Safety**'s report is on the agenda;
  - (e) upon receipt of the recommendation from the **General Manager, Community Safety** and the delegation from the **applicant**, and **Council**'s reconsideration of the **General Manager, Community Safety**'s decision, **Council** must:
    - (i) confirm the decision of the **General Manager, Community Safety**;  
or
    - (ii) vary, or set aside the decision of the **General Manager, Community Safety** and substitute the decision of **Council**, and either:
      - (A) issue the **temporary use permit** for a **seasonal outdoor patio**, or approve the renewal of the **temporary use permit**; or
      - (B) reject the application for a **temporary use permit** for a **seasonal outdoor patio**, 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 **Director, Development**; 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.

8.1.2 Where the **General Manager, Community Safety** issues a **temporary use permit** for a **mobile food vendor** 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.

8.1.3 Where the **General Manager, Community Safety** issues a **temporary use permit** for a **seasonal outdoor patio** 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 **Director, Development** 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 **Director, Development** 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 **Director, Development**, 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 **Director, Development**, 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 **Director, Development**:

- (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**; and
- (c) prior to issuance by the **General Manger, Community Safety** of a **temporary use permit** for a **mobile food vendor**.
- (d) prior to issuance by the **General Manger, Community Safety** of a **temporary use permit** for a **seasonal outdoor patio**.

### **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 **Director, Development** 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,

- (a) the **Director, Development** 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; or
- (b) the **General Manager, Community Safety** must refrain from issuing the **temporary use permit**,

as applicable.

## 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 **Director, Development**, 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 **Director, Development** 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 **Director, Development**, 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 **Director, Development**, 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 **Director, Development**, 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 **Director, Development** 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 **Director, Development**; 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,

<b>APPLICANT</b>	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.
<b>BUILDING CODE</b>	means the current edition of the British Columbia Building Code established by regulation under the <i>Local Government Act</i> .
<b>CHIEF ADMINISTRATIVE OFFICER</b>	means the person appointed by <b>Council</b> to the position of Chief Administrative Officer and who has been assigned the duties of the position specified by bylaw and in accordance with section 147 of the <b>Community Charter</b> .
<b>CITY</b>	means the City of Richmond.
<b>CITY CLERK</b>	means the Corporate Officer assigned responsibility under section 148 of the <i>Community Charter</i> .

<b>COACH HOUSE</b>	means a detached or attached, self contained dwelling that is accessory to a principal dwelling unit and is located either entirely or partially above a garage used for parking purposes.
<b>COUNCIL</b>	means the Council of the <b>City</b> .
<b>COUNCIL PROCEDURE BYLAW</b>	means the current Council Procedure Bylaw of the <b>City</b> .
<b>DEVELOPMENT APPLICATION FEES BYLAW</b>	means the current Development Application Fees Bylaw of the <b>City</b> .
<b>DEVELOPMENT PERMIT</b>	means a development permit authorized under section 490 of the <i>Local Government Act</i> .
<b>DEVELOPMENT VARIANCE PERMIT</b>	means a development permit authorized under section 498 of the <i>Local Government Act</i> .
<b>DIRECTOR, DEVELOPMENT</b>	means the Director, Development in the Planning and Development Department of the <b>City</b> , or an alternate.
<b>FOOD SERVICE ESTABLISHMENT</b>	means a business which, in return for consideration, serves prepared food to the public for consumption on or off the premises, and includes coffee shop, restaurant or drive-in restaurant, cafeteria, dining lounge, ice cream parlour, and refreshment or food vending stand, but specifically excludes neighbourhood public house.
<b>GENERAL MANAGER</b>	means any General Manager specified in the current Officers Establishment Bylaw of the <b>City</b> .
<b>GENERAL MANAGER, COMMUNITY SAFETY</b>	means the General Manager, Community Safety of the City and his or her respective designates and authorized agents.
<b>GENERAL MANAGER, PLANNING AND DEVELOPMENT</b>	means the General Manager, Planning and Development, of the <b>City</b> and his or her respective designates and authorized agents.
<b>GRANNY FLAT</b>	means a detached, self contained dwelling that is accessory to a principal dwelling unit and is located entirely on the ground floor.
<b>LIQUOR PRIMARY ESTABLISHMENT</b>	means a premise, licensed under the Liquor Control and Licensing Act, where liquor is served for consumption on-site.
<b>MOBILE FOOD VENDOR</b>	means a business that sells, offers or attempts to sell, takes orders for, or solicits orders for prepared food and/or beverages, from a vehicle, cart, trailer, or stand and not from a permanent building or structure.
<b>NEIGHBOURHOOD PUBLIC HOUSE</b>	means a premise, licensed under the Liquor Control and Licensing Act, where liquor is served for consumption on-site, with a maximum occupant load of 125 persons.
<b>OFFICIAL COMMUNITY PLAN</b>	means the current Official Community Plan of the <b>City</b> .
<b>PUBLIC HEARING</b>	means a Regular Council meeting for public hearings specified under Section 1.2 of the <b>Council Procedure</b>

**Bylaw.****SEASONAL OUTDOOR PATIO**

means a patio constructed on private property adjacent to a **food service establishment, liquor primary establishment, marine public house, or neighbourhood public house** establishment which is subject to a temporary use permit, which can operate only from April 1 to October 31.

**STANDING COMMITTEE**

means the standing committee of **Council** appointed by the Mayor in accordance with section 141 of the *Community Charter* whose mandate includes community planning and development matters and the consideration of **temporary use permits**.

**TEMPORARY USE PERMIT**

means a temporary use permit authorized under section 493 of the *Local Government Act*.

**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**”.

SCHEDULE A to BYLAW NO. 7273

**Colours:**  
 Black  
 Pantone Reflex Blue C  
 Pantone Red 032 C  
 Pantone Yellow C

**Development Permit Application**  
**Application No. <number>**

**Address**  
 The City of Richmond has received and application to  
 <outline description of project>  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Applicant:** <Name of applicant>  
**Contact:** <Phone number of applicant>  
**richmond.ca**

**Rendering**

**Subject Property Map**

**Public input:**  
 Input on the application may be received throughout the process up to and including the Development Permit Panel.

**Project milestones**

**Application Received:** \_\_\_\_\_  
 Date

**Staff Review**

**Development Permit Panel**  
 TBD or Date, Time \_\_\_\_\_  
 Location

**For more information please contact:**  
 Planning and Development  
 Department  
 Richmond City Hall  
 6911 No. 3 Road  
 604-276-4395  
 DevApps@richmond.ca

**Richmond**

100mm 1125mm 50mm 500mm 50mm 100mm 525mm 100mm 50mm 750mm 100mm 1200mm

Arial Bold 120pt All Caps Arial Regular 80pt  
 Arial Bold All Caps 120pt  
 Arial Bold 80pt  
 Arial Regular 80pt  
 Circle diameters: 70mm  
 Arial Bold 100pt  
 Arial Regular 68pt

Arial Bold All Caps 250pt  
 Arial Bold 200pt  
 10pt rule  
 Arial Bold 200pt  
 Arial Regular 130pt  
 Arial Bold 130pt  
 Arial Bold 160pt

2450mm

\*Public Information Meeting details to be included only as applicable.

**Specification:**

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

### SCHEDULE B to BYLAW NO. 7273

**Colours:**  
 Black  
 Pantone Reflex Blue C  
 Pantone Red 032 C  
 Pantone Yellow C

**Development Variance Permit Application**  
**Application No. <number>**

**Address**  
 The City of Richmond has received and application to  
 <outline description of project>

**Applicant:** <Name of applicant>  
**Contact:** <Phone number of applicant>

**richmond.ca**

**Subject Property Map**

**Public input:**  
 input on the application may be received throughout the process up to and including the Development Permit Panel.

**Project milestones**

**Application Received:** Date Public Input

**Staff Review**

**Development Permit Panel** TBD or Date, Time Location Public Input

**For more information please contact:**  
 Planning and Development Department  
 Richmond City Hall  
 6911 No. 3 Road  
 604-278-4395  
 DevApps@richmond.ca

**richmond**

**Specification:**

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

**Dimensions:**  
 2450mm (Total width)  
 100mm (Left margin)  
 1125mm (Text area width)  
 50mm (Map area width)  
 500mm (Map area width)  
 50mm (Map area width)  
 100mm (Map area width)  
 525mm (Map area width)  
 100mm (Right margin)

**Font Specifications:**  
 Arial Bold 120pt All Caps  
 Arial Regular 80pt  
 Arial Bold 120pt All Caps  
 Arial Bold 80pt  
 Arial Regular 80pt  
 Circle diameters: 70mm  
 Arial Bold 100pt  
 Arial Regular 68pt

