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.

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CITY OF RICHMOND

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

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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.

1.2 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 Director, Development, and

(b) inform the Director, Development 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 and development permit applications for a granny flat or a coach house.

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.

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.

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.

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.
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, 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.

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,

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 Local Government Act.

CHIEF ADMINISTRATIVE OFFICER means the person appointed by Council 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 Community Charter.

CITY means the City of Richmond.

CITY CLERK means the Corporate Officer assigned responsibility under section 148 of the Community Charter.
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”.
DEVELOPMENT PERMIT SIGN

DEVELOPMENT PERMIT APPLICATION

has applied to the City of Richmond for permission to

NAME OF APPLICANT

OUTLINE DESCRIPTION OF PROJECT

FURTHER INFORMATION

MAY BE OBTAINED AT THE URBAN DEVELOPMENT DIVISION, CITY HALL (604) 276 - 4395

FILE No.

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.
DEVELOPMENT VARIANCE PERMIT SIGN

DEVELOPMENT VARIANCE PERMIT APPLICATION

has applied to the City of Richmond for permission to ____________________________

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FURTHER INFORMATION

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

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.