

Section 4

Development Permits

[Note: The content in the right margin is for information purposes only and does not form part of this By-law.]

Section		
4.1	Development Permit Applications 4.1.1 Every applicant for a development permit or an amendment to a development permit shall submit to the Director of Planning a written application on forms furnished for such purpose, and the Director of Planning may require the correctness of the information supplied in that application to be verified by statutory declaration. 4.1.2 Every application for a development permit or an amendment to a development permit shall include: (a) the legal description and location of the site, and the purpose of the proposed development, together with such further or additional information as the Director of Planning may require; and (b) no less than three plans or drawings as may be required by the Director of Planning, sufficient to identify the site and to describe fully the proposed development. All plans or drawings, other than one set, shall become the property of the City. The Director of Planning may, however, accept the submission of an application without plans or drawings if in the Director of Planning’s opinion the development is of a minor nature. The Director of Planning may require additional information to identify development within the immediate surroundings and may, if the Director of Planning deems it necessary, require the applicant to provide a survey plan of the site verified by a British Columbia Land Surveyor. <i>[continued on the next page...]</i>	Formerly 4.1.2 and 4.13

Section 4

	<p>4.1.3 All plans or drawings submitted shall be drawn in metric or imperial measurements on substantial paper, mylar or other material satisfactory to the Director of Planning, to a scale of not less than 1:100 metric or imperial or such less scale as the Director of Planning may approve, and shall be fully dimensioned, accurately figured, explicit and complete.</p> <p>4.1.4 The Director of Planning may, in the Director of Planning’s discretion, accept with any development permit application submitted in preliminary form, plans or drawings not in compliance with sections 4.1.2(b) and 4.1.3, provided that such plans or drawings are sufficient to identify the site and satisfactorily indicate preliminary development information.</p> <p>4.1.5 No development permit shall be issued without the prior submission of plans or drawings in compliance with the requirements of sections 4.1.2(b), 4.1.3 and 4.1.4.</p> <p>4.1.6 No development permit shall be issued without the prior submission of plans or drawings showing the proposed development or change of use to be in compliance with the provisions of any by-law regulating the provision of parking and loading within the City of Vancouver.</p>	<p>Formerly 4.14</p> <p>Formerly 4.15</p> <p>Formerly 4.16</p> <p>Formerly 4.17</p>
<p>4.2</p>	<p>Development Permit Application Time Limits</p> <p>4.2.1 Unless otherwise approved, refused or subject to limitations in time as may be imposed by the Director of Planning or the Development Permit Board, any development permit application shall be void 12 months from the date of application.</p> <p>4.2.2 The Director of Planning may allow an extension or extensions of the time period specified in section 4.2.1 for additional periods, if warranted by the circumstances. In no case shall any extension or extensions exceed in total 12 months.</p> <p>4.2.3 If within 30 days or such longer period as may be agreed by the applicant from the date on which the applicant has furnished all the information and material required by the Director of Planning in accordance with the last preceding section, no development permit has been issued to the applicant, then the issue of the development permit shall be deemed to have been refused, so as to enable the applicant to exercise their right to appeal, provided always that if the Council pursuant to the terms of Section 570 of the Vancouver Charter (British Columbia) has withheld or has authorized its proper officer to withhold the issuance of a development or building permit relative to the property in question, then the issue of a development or building permit shall not be deemed to have been refused during such period that issuance of such development or building permit so continues to be withheld.</p>	

4.3	Development Permit Approvals	
	<p>4.3.1 In dealing with applications for development permits the Director of Planning or the Development Permit Board may in every case and in accordance with the provisions of this By-law grant such permits either unconditionally or subject to conditions, including a limitation in time, or may refuse such applications.</p>	Formerly 3.3.1
	<p>4.3.2 The Director of Planning, in granting or refusing development permits, granting relaxations or imposing conditions, must give due regard to the spirit and intent of the By-law.</p>	Formerly 3.1.7
	<p>4.3.3 Notwithstanding the provisions of this By-law, an application for a development permit may be refused if the development in respect of which application is made:</p> <ul style="list-style-type: none"> (a) does not conform to an amendment to the Zoning and Development By-law for which a formal application has been made prior to the application for the development permit; (b) refers to a site or a portion thereof required for any civic purpose, in which case the Director of Planning shall refer the application to the City Council for authority either to negotiate with the applicant or to issue the development permit; (c) would prejudice the future subdivision of the property; (d) refers to a site where adequate drainage, sanitary facilities or water supply are not available; (e) would in the opinion of the City Engineer adversely affect the public safety; (f) would in the opinion of the Director of Planning or the Development Permit Board adversely affect public amenity. If matters of design are involved, the application may first be referred to the Urban Design Panel for consideration and advice; or (g) includes a conversion or demolition under the Single Room Accommodation By-law but Council has not approved issuance of a conversion or demolition permit for such conversion or demolition. 	Formerly 3.3.2
	<p>4.3.4 In making a determination regarding the adequacy of drainage under section 4.3.3(d) of this By-law, the Director of Planning or the Development Permit Board may require any development permit applicant to submit a Hydrogeological Study and an impact assessment, and may consider drainage to be inadequate if the proposed development will result in:</p>	Formerly 3.3.2A
	<i>[continued on the next page...]</i>	

- (a) any groundwater discharge from the site into the City collection system;
- (b) rainwater or stormwater discharge from the site into the City collection system that would increase the downstream flow; or
- (c) water infiltration that could reasonably be expected to compromise the underlying aquifer or geology.

4.3.5 In order to address the inadequacy of drainage the Director of Planning or Development Permit Board may impose conditions on development requiring the applicant to develop the proposed site in accordance with a:

Formerly 3.3.2B

- (a) rainwater management plan designed to achieve prescribed performance targets; and
- (b) groundwater management plan designed to prevent groundwater discharge into the City collection system and limit or reduce environmental impacts, including stricter targets if the development is below the water table.

4.3.6 In order to ensure compliance with a rainwater management plan or a groundwater management plan or both, the Director of Planning or Development Permit Board may refuse to issue the development permit unless the property owner has first entered into a rainwater and groundwater management agreement, to the satisfaction of the Director of Legal Services and the City Engineer, to:

Formerly 3.3.2C

- (a) construct a rainwater management system or groundwater management system, or both, on the site that is designed and certified by a Professional Engineer to:
 - (i) prevent groundwater discharge from entering the City’s collection system;
 - (ii) retain the first 24 mm of rainwater in a 24 hour period from all areas, including rooftops, paved areas, and landscape;
 - (iii) treat the first 24 mm of rainwater in a 24 hour period from all pervious and impervious surfaces to remove 80% Total Suspended Solids (TSS) by mass prior to discharge from the site;
 - (iv) treat an additional 24 mm of rainwater in a 24 hour period to remove 80% Total Suspended Solids (TSS) by mass prior to discharge from the site of all rainwater flowing from roads, driveways and parking lots; and
 - (v) limit the peak flow rate discharged to the sewer under post-development conditions to a flow not

[continued on the next page...]

greater than the peak pre-development flow rate for the return period specified in the City of Vancouver's Intensity-Duration-Frequency curves (IDF curves) set out in Schedule I of this By-law, using the City of Vancouver's 2014 IDF curve for pre-development design flow calculations, and the City's 2100 IDF curve for post-development design flow calculations.

- (b) maintain the rainwater management system or groundwater management system or both at the expense of the owner;
- (c) grant a statutory right of way and equitable charge to the City; and
- (d) release and indemnify the City from all liability related to the installation, operation and maintenance of the rainwater management system or groundwater management system or both.

4.3.7 Where in this By-law a development permit application requires the consent of either the Development Permit Board or the Director of Planning, the Director of Planning may in the Director of Planning's discretion approve, approve subject to conditions, or refuse any such development permit application unless, in the Director of Planning's opinion:

Formerly 3.3.3 and 3.3.4

- (a) the development would have a significant effect on the existing immediate environment;
- (b) the development would create traffic implications that could affect the general environment;
- (c) the height or density of any proposed building would not be in keeping with the general building heights or density in the immediate environment;
- (d) there may be possible significant buildings of heritage value on the site or in the surrounding area that may be adversely affected by the development;
- (e) the design is not of an acceptable standard and may adversely affect public amenity, in which case the Director of Planning may first request advice from the Urban Design Panel;
- (f) the development is such that special public amenities could be considered for additional density or other special advantages;
- (g) the proposed development could affect any public policy objectives, established or potential, including future transit locations and open space needs; or

[continued on the next page...]

Section 4

	<p>(h) the public response to the application is such that review by the Development Permit Board is warranted, in which case the Director of Planning shall refer the development permit application to the Development Permit Board who may approve, approve subject to conditions, or refuse such application.</p> <p>4.3.8 The Development Permit Board or the Director of Planning may refer any application for a development permit to the Urban Design Panel for advice and may notify such property owners and tenants it deems necessary.</p> <p>4.3.9 Despite anything to the contrary in this By-law, the Director of Planning or the Development Permit Board must not issue a development permit for:</p> <ul style="list-style-type: none"> (a) a multiple dwelling with three or more dwelling units in the C-2, C-2B, C-2C1, RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B, RM-5C and RM-5D, RM-6, or FM-1 districts; (b) a multiple conversion dwelling with three or more dwelling units in the C-2, C-2B, C-2C, C-2C1, RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B, RM-5C and RM-5D, or FM-1 districts; (c) an infill multiple dwelling with three or more dwelling units in the RM-4 and RM-4N, RM-5, RM-5A, RM-5B, RM-5C and RM-5D, or FM-1 districts, or (d) a building containing three or more dwelling units in conjunction with any of the uses listed in the applicable district schedule in the C-2, C-2B, C-2C, or C2-C1 districts, <p>unless the development permit is subject to conditions that comply with the requirements of the applicable districts schedule or district schedule.</p>	<p>Formerly 3.3.5 See By-law No. 4722, Appendix F</p> <p>Formerly 3.3.6</p>
<p>4.4</p>	<p>Development Permit Issuance</p> <p>4.4.1 When an application for a development permit and also the terms of the proposed development conform to the provisions of this By-law, the Director of Planning or the Director of Planning’s nominee shall issue a development permit and return one set of the approved plans to the applicant. Of the remaining sets of plans or drawings the City may retain such number as required for record purposes.</p> <p style="text-align: right;"><i>[continued on the next page...]</i></p>	<p>Formerly 4.3.1</p>

Section 4

	<p>4.4.2 The approval of plans or drawings and the issuing of a development permit and any inspection in connection therewith made by the Director of Planning or the Director of Planning’s accredited representatives shall not in any way relieve the applicant from full responsibility for the carrying out of the development in accordance with the provisions of this By-law.</p> <p>4.4.3 The approval of any application and plans or drawings, or issuing of a development permit, shall not prevent the Director of Planning from thereafter requiring the correction of errors or from prohibiting a development from being carried out when the same is in violation of this or any other By-law.</p> <p>4.4.4 Save and except as provided in this By-law, it shall be unlawful for any person to erase, alter or modify any development permit including the application therefor or any plans or drawings accompanying the same.</p> <p>4.4.5 The issue of a development permit shall not absolve the applicant from complying with all City by-laws.</p> <p>4.4.6 In the event of a discrepancy between any written description and the plans or drawings the written description shall prevail.</p> <p>4.4.7 The Director of Planning shall upon application being made therefor issue a development permit in accordance with any decision of the Board of Variance.</p>	<p>Formerly 4.3.2</p> <p>Formerly 4.3.3</p> <p>Formerly 4.3.4</p> <p>Formerly 4.3.5</p> <p>Formerly 4.3.6</p> <p>Formerly 4.3.7</p>
<p>4.5</p>	<p>Development Permit Amendment</p> <p>4.5.1 If at any time it is desired to alter in any manner, or to deviate from, the particulars of the application or plans or drawings previously submitted for which a development permit has already been issued, a new application shall be made. However, if an amendment is of a minor nature whereby a new application is deemed to be unnecessary, the Director of Planning may waive this requirement and endorse any necessary amendment to the application, plans or drawings and development permit accordingly.</p>	<p>Formerly 4.4.1</p>
<p>4.6</p>	<p>Development Permit Time Limits</p> <p>4.6.1 Any development permit issued shall be void 12 months after the date of issue of same unless:</p> <p>(a) the development authorized thereunder shall meanwhile have been commenced; or</p> <p style="text-align: right;"><i>[continued on the next page...]</i></p>	<p>Formerly 4.5.1</p>

Section 4

	<p>(b) a building permit has been issued and is unexpired.</p> <p>4.6.2 Any development permit issued shall be void 24 months after the date of issuing unless the development authorized thereunder shall meanwhile have been completed in compliance with all conditions attached thereto.</p> <p>4.6.3 The Director of Planning may allow an extension or extensions of the periods specified in sections 4.6.1 and 4.6.2 above for additional periods if warranted by the circumstances.</p> <p>4.6.4 The Director of Planning may renew on one occasion only, and for a period not exceeding 12 months, a development permit which has become void, provided that at the time of such renewal the permit has not been void for a period of more than 12 months.</p> <p>4.6.5 The Director of Planning may in the case of a public utility grant a development permit valid to such date as the Director of Planning may set but in no case for a period longer than 120 months after the date of issue of the permit.</p> <p>4.6.6 Where a building has been destroyed or demolished, any development permit authorizing its use or form of development shall be deemed to be void and expired.</p> <p>4.6.7 Where a building has been destroyed by fire, any conditional approval use of the building existing at the time of its destruction or demolition shall be issued a development permit authorizing its continuance in the repaired or reconstructed building if:</p> <p>(a) the use is configured in the same way as it lawfully existed immediately prior to the fire; and</p> <p>(b) a development permit authorizing the repair and reconstruction of the building is issued within 90 days of the building's destruction or demolition.</p> <p>4.6.8 The Director of Planning may renew, on more than one occasion, a development permit issued with specified time limitations where the conditions of approval have not changed.</p>	<p>Formerly 4.5.2</p> <p>Formerly 4.5.3</p> <p>Formerly 4.5.4</p> <p>Formerly 4.5.5</p> <p>Formerly 4.5.6</p> <p>Formerly 4.5.7</p> <p>Formerly 4.5.8</p>
4.7	<p>Building Permit Validity</p> <p>4.7.1 Unless issued in accordance with sections 4.7.2 and 4.7.3, no building permit issued for any operation with respect to which a development permit is required under this By-law shall be valid unless and until a development permit has been issued.</p> <p style="text-align: right;"><i>[continued on the next page...]</i></p>	<p>Formerly 4.6.1</p>

- 4.7.2 Despite section 4.7.1, the Director of Planning may recommend the issuance of a building permit to the City Building Inspector, provided that the:
- (a) Director of Planning has issued a “prior-to permit issuance” letter for the development;
 - (b) Director of Planning, in consultation with the City Engineer and Director of Legal Services, is satisfied that the applicant has made substantial progress in satisfying the conditions imposed under (a);
 - (c) City Building Inspector, in consultation with the City Engineer, is satisfied that a building permit may be issued, and the building permit:
 - (i) application is submitted by a Certified Professional, and
 - (ii) is limited only to excavation and shoring associated with the proposed development permit for the same site; and
 - (d) development must include one of the following uses:
 - (i) Cultural and Recreational Uses, limited to Artist Studio, Community Centre or Neighbourhood House, Library, Museum or Archives, and Park or Playground,
 - (ii) Dwelling Uses, developed as Social Housing or Secured Market Rental Housing,
 - (iii) Institutional Uses, or
 - (iv) any other use which the Director of Planning reasonably considers to be similar to the foregoing.
- 4.7.3 If the Director of Planning recommends that a building permit be issued pursuant to section 4.7.2, the City Building Inspector may issue a building permit, and in addition to any authority granted to the City Building Inspector under the Building By-law, may impose conditions on the building permit that require the owner to:
- (i) provide the City with a certified Letter of Credit for an amount equal to the estimated cost of

Section 4

	<p>backfilling the excavation and shoring works to the satisfaction of the City Engineer; and</p> <p>(ii) register a covenant on the title of the site, pursuant to section 219 of the Land Title Act, that is satisfactory to the Director of Legal Services.</p>	
<p>4.8</p>	<p>Exemptions from Development Permit Requirements</p> <p>A person who complies in all other respects with this By-law, the Parking By-law, other City by-laws, any Official Development Plan, and any development permit, to the extent any of them apply to that person’s site, need not obtain a development permit for the following development and uses:</p> <p>4.8.1 The maintenance or minor repair of any building, structure or use, except for a building, structure, use or site designated under the Heritage By-law or located in an HA District. The Director of Planning may exempt an applicant from the requirement of a development permit in an HA District where the Director of Planning is satisfied that the maintenance or repair does not contravene the relevant provisions of the By-law or any applicable Official Development Plan, policies or guidelines adopted by Council.</p> <p>4.8.2 The construction or use of an accessory building or an accessory use that is permitted outright in the District Schedule and located on the same site as the principal building or use.</p> <p>4.8.3 The construction or placing of tool sheds, construction shacks, scaffolding or similar temporary buildings, required for a limited period of time, intended solely to serve a development or activity that is being carried out in compliance with this By-law, and located on the same site or on an adjoining parcel.</p> <p>4.8.4 The installation, inspection, repair or renewal of sewers, mains, pipes, cables, wires or other similar apparatus required in connection with any lawful use of buildings or land.</p> <p>4.8.5 The construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement.</p> <p>4.8.6 The construction, widening, improvement, maintenance or repair of any highway, lane, street, bridge or other public thoroughfare.</p> <p>4.8.7 The demolition of any building, except for a building:</p> <p>(a) used for residential rental accommodation;</p> <p>(b) listed on the Heritage Register; or</p>	<p>Formerly 5.1</p> <p>Formerly 5.2</p> <p>Formerly 5.3</p> <p>Formerly 5.4</p> <p>Formerly 5.5</p> <p>Formerly 5.6</p> <p>Formerly 5.7</p>

(c) used for residential accommodation in the RS-1, RS-3 and RS-3A, RS-5, RS-6, RS-7 or First Shaughnessy District (FSD), except that this section 4.8.7 does not apply to any building that is:

[continued on the next page...]

- (i) residential rental accommodation subject to the provisions of section 10.8.3,
- (ii) subject to a demolition order,
- (iii) subject to demolition as a condition of subdivision approval, or
- (iv) used for residential accommodation in the RS-1, RS-3 and RS-3A, RS-5, RS-6, RS-7 or First Shaughnessy District (FSD), not listed on the Heritage Register, and for which a building permit has been issued to demolish by deconstruction.

4.8.8	The placing or maintenance of any fence or similar enclosure structure except those requiring the permission of the Director of Planning or the Development Permit Board.	Formerly 5.8
4.8.9	The keeping of not more than two boarders or lodgers or the keeping of not more than five foster or eight daycare children in each dwelling unit.	Formerly 5.9
4.8.10	The keeping of animals or birds for domestic purposes, except as otherwise prohibited or regulated by the Health By-law.	Formerly 5.10
4.8.11	The renting of no more than one off street parking space accessory to a one-family or a two-family dwelling, so long as the space is surplus to the minimum parking requirements of the dwelling.	Formerly 5.11
4.8.12	The provision of recreation rooms or extra bedrooms in the basement of a one- or two- family dwelling.	Formerly 5.12
4.8.13	The engaging in a homecraft, subject to the provisions of section 11 of this By-law.	Formerly 5.13
4.8.14	The change in use from a lawfully existing use that is listed in Column A to a use listed opposite in Column B.	Formerly 5.14 Check Parking By-law

COLUMN A

COLUMN B

From

To

1. Multiple conversion dwelling or rooming house.

One-family dwelling.

[continued on the next page...]

Section 4

2. Multiple conversion dwelling.

Multiple conversion dwelling containing the same or fewer units in total, except in RT-4, RT-4A, RT-4AN and RT-4N, RT-5 and RT-5N, RT-6, RT-7, RT-8, RT-9, RT-10 and RT-10N, RT-11 and RT-11N, RM-1 and RM-1N, RM-7, RM-7N and RM-7AN, RM-8, RM-8A, RM-8N and RM-8AN or RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN, RM-10 and RM-10N, RM-11

and RM-11N, and RM-12N district or districts and in the First Shaughnessy District (FSD).

3. Except as provided in clause 4 herein, any use located in any district and listed in the applicable District Schedule as an outright or conditional use, except for live-work use.

Any outright use listed in the same District Schedule.

4. Any use located in an industrial district and listed in the applicable District Schedule as an outright or conditional use, but not including a storage warehouse or any use where the number of parking and loading spaces has been relaxed.

Any outright use listed in the same District Schedule.

5. One or more of the following conditional or outright uses in a zoning district: General Office, Retail Store, Health Care Office, Barber Shop or Beauty Salon, and

Any other of the conditional or outright uses in a zoning district listed in column A, provided the total floor space does not exceed 300m².

	Beauty and Wellness Centre.	
4.8.15	The construction of antennae, including satellite dishes, provided: (a) they are used for domestic purposes if located in an R district; and <i>[continued on the next page...]</i> (b) they are located in the rear yard and are no higher than 1.9 m above the existing grade, or in the case of satellite dishes, comply with the height regulations of the district in which they are located and do not exceed 77 cm in diameter.	Formerly 5.15
4.8.16	The placing of a mural on a hoarding where at least 50% of the hoarding is located on a street or lane.	Formerly 5.16
4.8.17	The repair or alteration of any building, structure or use to rectify an unsafe condition if correction of such unsafe condition has been ordered by the City Building Inspector.	Formerly 5.17
4.8.18	Outside the projected area of the outermost walls of all principal or accessory buildings on the site, the installation, repair, or replacement of impermeable materials permitted under section 4.8 of each of the RS-1, RS-1A, RS-1B, RS-2, RS-3, RS-3A, RS-5, RS-6, and RS-7 District Schedules.	Formerly 5.18
4.8.19	The installation and maintenance of a Public Bike Share Station as part of a Public Bike Share use, provided that the Public Bike Share Station: (a) does not include any enclosed structures; (b) is automated; (c) does not interfere with any public works, facilities or amenities; and (d) is part of a network comprised of no fewer than 50 Public Bike Share Stations.	Formerly 5.19
4.8.20	An arts and culture indoor event.	Formerly 5.20
4.8.21	An Urban Farm - Class A, provided that: (a) the planting area of the parcel does not exceed 325 m ² (0.0325 hectares); and (b) the Urban Farm - Class A otherwise complies with sections 11.29.3 to 11.29.11 of the Zoning and Development By-law.	Formerly 5.21

Section 4

4.8.22 Short Term Rental Accommodation, provided that the Short Term Rental Accommodation otherwise complies with section 11.32 of the Zoning and Development By-law.	Formerly 5.22
---	---------------