

# Section 4

## Development Permits

### 4.1 Development Permit Applications

- 4.1.1 Every applicant for a development permit or an amendment to a development permit must 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 must 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 3 sets of any plans or drawings or as many sets as may be required by the Director of Planning, sufficient to identify the site and to describe fully the proposed development, which will, other than 1 set, become the property of the City, except that the Director of Planning may:
    - (i) 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,
    - (ii) require additional information to identify development within the immediate surroundings, and
    - (iii) 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.
- 4.1.3 All plans or drawings submitted must be in metric or imperial measurements in a form satisfactory to the Director of Planning, to a scale of not less than 1:100 metric or imperial or such lesser scale as the Director of Planning may approve, and must be fully dimensioned, accurately figured, explicit and complete.
- 4.1.4 The Director of Planning may accept with any development permit application submitted in preliminary form, plans or drawings that are 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.
- 4.1.5 No development permit may 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](#).

- 4.1.6 No development permit may be issued until plans or drawings have been submitted that show that the proposed development or change of use is in compliance with the provisions of any by-law regulating the provision of parking and loading within the City.

## 4.2 Development Permit Application Time Limits

- 4.2.1 Unless otherwise approved, refused or subject to limitations in time as may be imposed by the Director of Planning or Development Permit Board, any development permit application will be void 12 months from the date of application.
- 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, but in no case may any extension or extensions exceed 12 months in total.
- 4.2.3 If no development permit has been issued to the applicant within 30 days from the date on which the applicant has furnished all the information and material required by the Director of Planning in accordance with section 4.1 of this by-law, or such longer period as may be agreed by the applicant, then the development permit must be deemed to have been refused, so as to enable the applicant to exercise their right to appeal, provided always that if Council has withheld or has authorized its proper officer to withhold the issuance of a development or building permit relative to the property in question under section 570 of the Vancouver Charter (British Columbia), then the issue of a development permit will not be deemed to have been refused for as long as the issuance of such development permit continues to be withheld.

## 4.3 Development Permit Approvals

- 4.3.1 In dealing with applications for development permits the Director of Planning or 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.
- 4.3.2 In granting or refusing development permits, granting relaxations or imposing conditions, the Director of Planning must consider the intent and purposes of this by-law.
- 4.3.3 Despite any of the other provisions of this by-law, an application for a development permit may be refused if the development in respect of which application is made:
- (a) does not conform to an amendment to this 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 must refer the application to Council for authority 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 impact public safety;

- (f) would, in the opinion of the Director of Planning or Development Permit Board, adversely affect public amenity, except that 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.

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 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:

- (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) a rainwater management plan designed to achieve prescribed performance targets; and
- (b) a 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 until the property owner has entered into a rainwater and groundwater management agreement, to the satisfaction of the Director of Legal Services and the City Engineer, to:

- (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 greater than the peak pre-development flow rate for the return period specified in the City's

Intensity-Duration-Frequency curves (IDF curves) set out in **Schedule I** of this by-law, using the City'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 Director of Planning or Development Permit Board, the Director of Planning may approve, approve subject to conditions, or refuse any such development permit application unless, in the Director of Planning's opinion:

- (a) the development would have a significant impact 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
- (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 must refer the development permit application to the Development Permit Board who may approve, approve subject to conditions, or refuse such application.

4.3.8 The Director of Planning or Development Permit Board may refer any application for a development permit to the Urban Design Panel for advice, and may notify such property owners and tenants the Director of Planning or Development Permit Board deems necessary.

4.3.9 Despite anything to the contrary in this by-law, the Director of Planning or Development Permit Board must not issue a development permit for:

- (a) a multiple dwelling in the C-2, C-2B, C-2C1, RM-2, RM-3, RM-3A, RM-4, RM- 4N, RM-5, RM-5A, RM-5B, RM-5C, RM-5D, RM-6, or FM-1 districts;

- (b) a multiple conversion dwelling with 3 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, RM-5D, or FM-1 districts;
- (c) an infill multiple dwelling with 3 or more dwelling units in the RM-4, RM-4N, RM-5, RM-5A, RM-5B, RM-5C, RM-5D, or FM-1 districts; or
- (d) a mixed-use residential building containing 3 or more dwelling units in the C-2, C-2B, C-2C, or C2-C1 districts,

unless the development permit is subject to conditions that comply with the requirements of the applicable districts schedule or district schedule.

#### **4.4 Development Permit Issuance**

- 4.4.1 When an application for a development permit and the terms of the proposed development conform to this by-law, the Director of Planning must issue a development permit and return 1 set of the approved plans and drawings to the applicant, and the City may retain any remaining sets of plans or drawings as required for its records.
- 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 does not in any way relieve the applicant from full responsibility for the carrying out of the development in accordance with this by-law.
- 4.4.3 The approval of any application and plans or drawings, or the issuing of a development permit, does not prevent the Director of Planning from thereafter requiring the correction of errors or from prohibiting a development from being carried out when it is in violation of this or any other by-law.
- 4.4.4 Save and except as provided in this by-law, it is unlawful for any person to erase, alter or modify any development permit including the application therefor or any plans or drawings accompanying the same.
- 4.4.5 The issue of a development permit does not absolve the applicant from complying with all City by-laws.
- 4.4.6 In the event of a discrepancy between any written description and the plans or drawings, the written description prevails.
- 4.4.7 The Director of Planning must, upon application being made therefor, issue a development permit in accordance with any decision of the Board of Variance.

#### **4.5 Development Permit Amendment**

- 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 must be made, but 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.

## 4.6 Development Permit Time Limits

- 4.6.1 Any development permit issued will be void 12 months after the date of issue of the permit unless:
- (a) the development authorized thereunder has been commenced; or
  - (b) a building permit has been issued and is unexpired.
- 4.6.2 Any development permit issued will be void 24 months after the date it was issued unless the development authorized thereunder has been completed in compliance with all conditions attached thereto.
- 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](#) for additional periods if warranted by the circumstances.
- 4.6.4 The Director of Planning may renew on 1 occasion only, and for a period not exceeding 12 months, a development permit that 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.
- 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 the permit was issued.
- 4.6.6 Where a building has been destroyed or demolished, any development permit authorizing its use or form of development will be deemed to be void and expired.
- 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 will be issued a development permit authorizing its continuance in the repaired or reconstructed building if:
- (a) the use is configured in the same way as it lawfully existed immediately prior to the fire; and
  - (b) a development permit authorizing the repair and reconstruction of the building is issued within 90 days of the building's destruction or demolition.
- 4.6.8 The Director of Planning may renew a development permit issued with specified time limitations on more than 1 occasion if the conditions of approval have not changed.

## 4.7 Building Permit Validity

- 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 will be valid unless and until a development permit has been issued.
- 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:
- (a) the Director of Planning has issued a "prior-to permit issuance" letter for the development;

- (b) the 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 section 4.7.2(a);
- (c) the 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) the development must include 1 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:
- (a) provide the City with a certified Letter of Credit for an amount equal to the estimated cost of backfilling the excavation and shoring works to the satisfaction of the City Engineer; and
  - (b) 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.

## 4.8 Exemptions from Development Permit Requirements

- 4.8.1 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:
- (a) the maintenance or minor repair of any building, structure or use, other than a building, structure, use or site designated under the Heritage By-law or located in an HA district, except that the Director of Planning may exempt an applicant from the requirement to obtain a development permit in an HA District where the Director of Planning is satisfied that the maintenance or minor repair does not contravene this by-law or any applicable official development plan, or Council approved policies or guidelines;
  - (b) the construction or use of an accessory building or an accessory use that is permitted as an outright approval use in the applicable district schedule and is located on the same site as the principal building or use;

- (c) 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 is located on the same site or on an adjoining parcel;
- (d) 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;
- (e) the construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement;
- (f) the construction, widening, improvement, maintenance or repair of any highway, lane, street, bridge or other public thoroughfare;
- (g) the demolition of any building, except for a building:
  - (i) used for residential rental accommodation,
  - (ii) listed on the Vancouver Heritage Register, or
  - (iii) used for residential accommodation in the R1-1 or First Shaughnessy districts,
 except that this section **4.8.1(g)** does not apply to any building that is residential rental accommodation subject to the provisions of section **10.14.3**, subject to a demolition order, subject to demolition as a condition of subdivision approval, or used for residential accommodation in the R1-1 or First Shaughnessy districts, not listed on the Vancouver Heritage Register, and for which a building permit has been issued to demolish by deconstruction;
- (h) the placing or maintenance of any fence or similar enclosure structure except those requiring the permission of the Director of Planning or Development Permit Board;
- (i) the keeping of not more than 2 boarders or lodgers or the keeping of not more than 5 foster or 8 daycare children in each dwelling unit;
- (j) the keeping of animals or birds for domestic purposes, except as otherwise prohibited or regulated by the Animal Control By-law;
- (k) the renting of no more than 1 off-street parking space accessory to a single detached house or a duplex, provided that the space is surplus to the minimum parking requirements of the dwelling;
- (l) the provision of recreation rooms or extra bedrooms in the basement of a single detached house or duplex;
- (m) the engaging in a homecraft;
- (n) the change in use from a lawfully existing use listed in Column A to a use listed opposite in Column B:



<b>Column A: From</b>	<b>Column B: To</b>
(i) Multiple conversion dwelling or rooming house.	Single detached house.
(ii) Multiple conversion dwelling.	Multiple conversion dwelling containing the same or fewer units in total, except in the RT-4, RT-4A, RT-4AN, RT-4N, RT-5, RT-5N, RT-6, RT-7, RT-8, RT-9, RT-10, RT-10N, RT-11, RT-11N, RM-1, RM-1N, RM-7, RM-7N, RM-7AN, RM-8, RM-8A, RM-8N, RM-8AN, RM-9, RM-9A, RM-9N, RM-9AN, RM-9BN, RM-10, RM-10N, RM-11, RM-11N, RM-12N or First Shaughnessy districts.
(iii) Except as provided in section 4.8.1(n)(iv), any use located in any district and listed in the applicable district schedule as an outright or conditional approval use, except for live-work.	Any outright use listed in the same district schedule.
(iv) Any use located in an industrial district and listed in the applicable district schedule as an outright or conditional approval 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.
(v) 1 or more of the following outright or conditional approval uses in a district: general office, retail store, health care office, barber shop or beauty salon, and beauty and wellness centre;	Any of the other outright or conditional approval uses in a district listed in column A, provided the total floor space does not exceed 300m <sup>2</sup> .

- (o) the construction of antennae, including satellite dishes, provided:
  - (i) 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, and
  - (ii) if they are located in an R district, they are used for domestic purposes;
- (p) the installation of a mural on a hoarding where at least 50% of the hoarding is located on a street or lane;
- (q) 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;

- (r) 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 in any of the R1 district schedules;
- (s) the installation and maintenance of a public bike share station as part of public bike share, provided that the public bike share station:
  - (i) does not include any enclosed structures,
  - (ii) is automated,
  - (iii) does not interfere with any public works, facilities or amenities, and
  - (iv) is part of a network comprised of no fewer than 50 public bike share stations;
- (t) an arts and culture event;
- (u) an urban farm - class A, provided that the planting area of the parcel does not exceed 325 m<sup>2</sup>; and
- (v) short term rental accommodation.