

NEW WESTMINSTER REDEVELOPMENT ACT, 1989**CHAPTER 34**

Assented to June 28, 1989.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Interpretation**1. (1) In this Act**

"city" means the Corporation of the City of New Westminster;

"city planner" means the head of the city's planning department, that person's successors in office, that person's deputy and any other person the council of the city may designate to act for that person;

"design review panel" means the panel appointed under section 4 (2) (a) (i);

"development" means the improvement of, or the carrying out of work on, land within the development area;

"development agreement" means an agreement under section 2;

"development area" means

(a) the area covered by the official community plan, and

(b) any area designated as a development area by the Lieutenant Governor in Council on the recommendation of the city;

"official community plan" means the community plans of the city that have been designated as part of the official community plan by the council of the city in

(a) the bylaw cited as "Official Community Plan Designation Bylaw No. 5647, 1987, as amended from time to time, and

(b) the bylaw cited as "Official Community Plan Designation Bylaw No. 5761, 1988, as amended from time to time, as it applies to development permit area no. 3 under that bylaw;

"special development permit" means a permit issued under section 4 (4).

Development agreements

2. (1) Notwithstanding the *Municipal Act*, the city may, by bylaw, enter into an agreement respecting development with an owner of land within the development area under which the owner agrees to provide offsite works and services specified in the development agreement in addition to works and services on that land.

(2) A development agreement may be amended, by bylaw, if all owners of parcels of land that are covered by the amendment agree.

Acquisition and disposal of land

3. (1) The city may acquire and dispose of land within the development area for the purposes of achieving the objectives of the official community plan or for the purposes of the improvement or rehabilitation of areas within the development area that, in the opinion of the council of the city, have become or are tending to become blighted or substandard.

(2) The provisions of the *Municipal Act* respecting approval and procedural requirements for the acquisition and disposal of land do not apply to an acquisition or disposal under subsection (1).

(3) Where the city and the owner of land within the development area fail to agree on the terms of an acquisition by the city referred to in subsection (1), the council of the city may expropriate the land.

(4) The *Expropriation Act* applies to an expropriation under subsection (3).

Special development permits

4. (1) The council of the city may, by bylaw,

- (a) require that an owner of land within the development area obtain a special development permit under this section, in place of a development permit under the *Municipal Act*, before beginning development on the land,
- (b) impose rates or levels of application fees for special development permits in order to recover the costs to the city of processing, inspecting and advertising that are related to the permits, and
- (c) establish procedures respecting the issue of special development permits.

(2) Where a bylaw under subsection (1) (a) has been adopted,

- (a) the council of the city
 - (i) shall appoint a panel of 3 persons to serve at pleasure as a design review panel for the purposes of subsection (3), and
 - (ii) may require that an applicant for a special development permit, as a condition of the issue of the permit, provide security for completion of onsite and offsite works, services and landscaping, in a form and quantity satisfactory to the city, and
- (b) an owner proposing a development shall submit designs for the development to the city planner, in a form satisfactory to the city planner, for consideration by the city planner and the design review panel.

(3) On consideration of designs submitted under subsection (2) (b), the design review panel may specify conditions respecting landscaping, design, construction, siting, form, exterior finish and general appearance of buildings and structures and these specifications shall be imposed by the special development permit issued for the development.

(4) Where

- (a) the proposed development conforms to
 - (i) the official community plan, and
 - (ii) any applicable zoning bylaw, and
- (b) the owner has
 - (i) paid any fee imposed under subsection (1) (b), and
 - (ii) complied with any requirement for posting security imposed under subsection (2) (a) (ii),

the city planner may issue a special development permit that imposes the conditions, if any, specified by the design review panel under subsection (3).

(5) Land covered by a special development permit shall be developed strictly in accordance with the permit, which shall also be binding on the city.

(6) Interest earned on any security required under subsection (2) (a) (ii) shall

- (a) become part of the security, and
- (b) be returned to the holder of the permit on return of the security or retained by the city on default, as the case may be.

(7) A special development permit issued under this section lapses if the development authorized by the permit does not substantially commence within the time specified in the permit.

(8) Section 980 (8) to (11) of the *Municipal Act* applies to a special development permit.

Development cost charges

5. (1) In this section "construction" means new construction of a building or structure, or addition to an existing building or structure, but does not include the repair, renovation or interior alteration of an existing building or structure.

(2) The city may, by bylaw, for the purpose of providing funds to assist the city to pay the capital costs of

(a) providing, constructing, altering or expanding sewage, water, electrical, underground wiring, drainage, parking and highway facilities, and

(b) providing public open space

to service, directly or indirectly, the development for which the charge is being imposed, impose development cost charges on a person who obtains a special development permit under section 4 for construction on the land covered by the permit.

(3) Sections 983 to 986 of the *Municipal Act* apply to a bylaw under this section.

Parking facilities charges

6. (1) Where

(a) the city provides parking facilities for the purposes contemplated by the official community plan, and

(b) an owner of land within the development area elects to use the facilities to provide parking for the land,

the city may, by bylaw, impose as a charge, to be paid by the owner in the manner specified in the bylaw, all or a specified part of the cost of the facilities.

(2) A charge under subsection (1)

(a) may be collected in the same manner and with the same remedies as ordinary taxes on land and improvements under the *Municipal Act*, and

(b) where it is due and payable by December 31 and unpaid on that date, shall be deemed to be taxes in arrear and shall be entered on the tax roll by the collector.

(3) Section 330 of the *Municipal Act*, as it applies to a loan authorization bylaw to borrow money for a utility, applies to a loan authorization bylaw to borrow money for the provision of parking facilities referred to in subsection (1).

Conflict

7. In the event of conflict, this Act prevails over the *Municipal Act*.

Repeal

8. The *New Westminster Redevelopment Act, 1979*, S.B.C. 1979, c. 36, is repealed.