



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

PUBLIC INFORMATION MEETING LIONS BAY ZONING BYLAW CONSOLIDATION

The public is invited to attend a Public Information Meeting regarding the consolidation of Lions Bay's two zoning bylaws to be held on:

Date: Thursday, April 6, 2017

Time: 7:00 – 9:00 pm

Location: Broughton Hall, 400 Centre Road, Lions Bay

The purpose of the meeting will be to provide residents with information about Lions Bay's initiative to consolidate and modernize its two existing zoning bylaws (for Lions Bay and Brunswick Beach) into a single bylaw.

As part of the bylaw modernization, new land use regulations are being proposed to deal with matters such as:

- regulation of short term rentals
- provision for detached cottages
- ensuring the community obtains tangible benefits from development through implementation of a Community Amenities Contribution policy and density bonusing provisions in the zoning bylaw
- regulating parking and storage of industrial or construction equipment or materials on residentially zoned parcels.
- updating the foreshore zoning.

A copy of the planning consultant's reports and the zoning bylaw as at 1st reading is attached for public input and discussion, along with draft policies regarding Short Term Rentals and Community Amenity Contributions.

For those who are unable to attend but wish to provide input, please send your comments and/or questions to: feedback@lionsbay.ca

Type	Information Report		
Title	Lions Bay Zoning Bylaw Review Report #1 – Zoning Definitions, Secondary Suites, Density and Development Permits		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, CAO
Date	November 8, 2016	Version	
Issued for	November 15, 2016 Council Strategy Committee Meeting		

Recommendation:

THAT the Information Report, “Lions Bay Zoning Bylaw Review Report #1 – Zoning Definitions, Secondary Suites, Density and Development Permits” be received.

Attachments:

1. Project Terms of Reference
2. Consolidated Definitions from Zoning Bylaws 362 and 785
3. Consolidated Definitions (blacklined version with comments)
4. Summary of Building Code Requirements for Secondary Suites

Background:

The purpose of the Lions Bay zoning bylaw review project is to deliver a new, consolidated zoning bylaw by the end of February in accordance with the project terms of reference (attached as Attachment 1). The first on the list of substantive deliverables for the project is to “utilize one set of consistent definitions applicable to all zones”. This report begins with a review of and proposed revisions to the zoning bylaw definitions. The report will then provide analysis and comment on how the new zoning bylaw might address secondary suites (especially off-street parking requirements), land use density (and opportunities/approaches to density bonusing) and development permits.

1. Zoning Definitions

Zoning Bylaw 785 applies to the Brunswick Beach area and was prepared by the Greater Vancouver Regional District prior to amalgamation with the Village of Lions Bay. Bylaw 785 originally applied to the entire GVRD electoral area and the zoning for Brunswick Beach was depicted on Map 2 of the bylaw. Zoning Bylaw 362 was adopted in 2004 and applies to land within the original village boundary. Zoning Bylaw 362 replaced Bylaw 139 and several other (amending) bylaws.

Attachment 2 to this report is an extract of existing definitions from Bylaws 362 and 785. Bylaw 362 definitions are depicted in Times New Roman font and Bylaw 785 definitions in Arial font.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Proposed amendments and new definitions are shown as underlined text while deletions are shown with ~~strike through~~ text. Comments are included in the sidebar.

A challenge with having two zoning bylaws in operation is reconciling different definitions of the same or similar terms. There are numerous instances where the same terms are defined somewhat differently in each bylaw. The term “grade”, for example, means:

“the ground level that existed at the time of the subdivision that created the parcel” (Bylaw 362)

and

“the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle, or pedestrian entrances need not be considered in the determination of average levels of finished ground” (Bylaw 785).

The first definition is often referred to as the *natural grade*. The second definition is often termed average finished grade. Application of these definitions can easily result in quite substantial differences in permitted building height when used in areas of strongly sloping topography. The new bylaw will address issues such as these where they occur.

The new bylaw will also include additional definitions for some terms used in the bylaws that are presently undefined.

Further, there are at least 16 terms that are defined but not used in the bylaws (primarily Bylaw 785) that will be deleted.

2. Secondary Suites

The Village of Lions Bay wishes to accommodate secondary suites, and potentially other forms of secondary accommodation, in a manner which recognizes the challenges of topography, especially with respect to off-street parking requirements. There is also a desire to update existing zoning provisions with respect to secondary suites based current best practices regarding secondary suite bylaws and the recommendations of Council, staff, and consideration of public feedback.

Background

Since 1995, the BC Building Code has included provisions for secondary suites that relaxed some of the code provisions of the time that prevented or seriously impaired the development of suites in single family dwellings. The regulation of secondary suites by local government is a responsibility that is shared by the building inspection and planning functions (with respect to code compliance and land use/zoning respectively). The District of Maple Ridge has compiled a convenience consolidation of the 2012 BC Building Code secondary suite requirements (copy attached as



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Attachment 3) that provides useful context for the discussion of regulation of secondary suites in the zoning bylaw.

Secondary suite zoning provisions were considered in Lions Bay in May, 2010 when draft regulations were introduced in a report from Councillors Ronsley and Akerhielm. The secondary suite zoning regulations were originally based on those developed by West Vancouver. The significant variations from the West Vancouver bylaw in the Lions Bay bylaw were the inclusion by Lions Bay of minimum safety requirements regarding smoke alarms, fire-rated doors and ceilings, and bedroom exit routes to allow existing illegal suites to be brought into compliance; and the requirement for a parking covenant acknowledging that the suite will not be occupied until driveway widening, tandem parking or other parking is provided to the Village's satisfaction.

Analysis

The following table contains a clause by clause analysis of existing Zoning Bylaw 362 provisions in Lions Bay for secondary suites; providing a general comment on each provision, and indicates if the regulation is consistent with best municipal practice for secondary suite regulation. If an existing regulation is not considered to be a best practice, a footnote is included which outlines how the situation may be addressed.

Table 1: Secondary Suite Regulations

s.32 (b)(ix)	Regulation	Comment	Zoning Best Practice?
(1)	Maximum one secondary suite/parcel	By definition under the BC Building Code (2012) a secondary suite must be located within a building of residential occupancy containing only one other dwelling unit	Yes
(2)	Suite must not be detached	Consistent with Building Code definition. Detached units are treated as single family dwellings under the Code. Zoning for "carriage houses" or similar use could be considered if there is a desire to accommodate detached secondary dwelling units.	Yes



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

(3)	Maximum suite floor area lesser of 90m ² or 40% total floor area	This is a Building Code requirement.	Yes
(4)	Owner must occupy	The BC government Guide to Secondary Suites states that in several jurisdictions (e.g., City of Abbotsford, City of North Vancouver) the bylaw states that dwellings with secondary suites must be occupied by the owner. However, an owner occupancy requirement may be unenforceable (as zoning regulates land use, not tenure).	No ¹
(5)	Minimum safety standards for existing suites	Consideration of alternatives where it is physically and/or financially not feasible to bring an existing suite up to Code is an important policy consideration for Council. From a technical perspective, this is a Building Bylaw/Building Code issue that should not be in the zoning bylaw.	No ²
(6)	New suites must fully comply with Code	This is a companion provision to (5) and the same comments apply with respect to the Building Code/Building Bylaw.	n/a
(7)	Suites must be inspected, approved and registered	Building Bylaw matter re: inspections and approval. Many municipalities maintain a registry; some have annual licensing fees.	Yes, re: registry.
(8)	Adequate on-site sewage disposal capacity	Confirmation from a qualified professional should be a condition of issuing a building permit. This should be in the Building Bylaw, or an operational policy.	No
(9)	Separate exterior entrance to suite	Most bylaws reviewed have this provision.	Yes
(10)	No subdivision of title by stratification	Prohibited under BC Building Code. Not necessary in either zoning or building bylaw. Could be included in information handout.	No



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

(11)	No separate water service or electrical metres.	There is an efficiency rationale for not duplicating water service. Not sure of the rationale for no separate electrical metering. Separate metering promotes energy conservation by tenants as they are financially responsible for their energy consumption.	No
(12)	One additional parking space	This is widely required by municipalities, though some jurisdictions (e.g. Town of Gibsons) do not require an additional parking space. The steep terrain in Lions Bay poses significant challenges on many, if not most properties. Options will be discussed further below.	Yes

Notes

1. The District of West Vancouver secondary suites bylaw originally had an owner occupancy restriction that has since been modified. West Van now allows non-resident occupancy of both the main dwelling and secondary suite where a North Shore based property manager, with authority to deal with complaints, is contracted to manage the tenancies and West Vancouver is provided written authorization to contact the property manager in the event of complaints. If the Village wishes to continue with residency restrictions, an alternative such as West Vancouver's could be considered, although the matter of regulating tenure would still remain.
2. The City of Nanaimo has developed an approach to existing secondary suites (i.e. suites existing on the date of adoption of the zoning amendment permitting secondary suites) where existing suites that can't be fully brought into compliance may be "authorized" if certain life-safety requirements are met. Nanaimo has two categories of "existing" secondary suites – "illegal (if not upgraded through a Building Permit) and "authorized with notice on title" - any suite existing prior to (October 21, 2014 in Lions Bay's case) and upgraded through a Building Permit to address life-safety issues. As the suite would have existing construction in place preventing the Building Inspector from seeing whether or not underlying work conforms to the Building Code, a notice (per Section 57 of the Community



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Charter) would be placed on the property title to advise future interested parties that a Building Permit was not obtained for this work and required inspections were not performed.

Secondary Suite Parking Requirements

A general challenge in Lions Bay for property owners wishing to create or legalize a secondary suite is compliance with the requirement for an additional parking space due to terrain constraints and the associated cost of providing a third parking space on site. There are several alternatives that could be considered in situations where compliance with the parking requirement is difficult or not feasible.

Option 1 – Eliminate the requirement for an additional space

Option 1 is based on the owner having sole responsibility for ensuring adequate onsite parking. If a tenant owns a vehicle, that vehicle must be parked on the same property. Any inconveniences associated with manoeuvring vehicles to provide access are borne by the residents. Enforcement of unauthorized parking on the road right of way would be required and would be a strong disincentive to residents considering that an “unofficial” option.

Option 2 – Eliminate parking space requirement when transit service is nearby

Many communities do not require an additional parking space for secondary suites (Gibsons, Victoria, Vancouver). However, where parking is not required public transit is usually a viable option for tenants. West Vancouver takes an approach where additional parking is not required if the walking distance from the lot to the sign indicating the location of a bus stop, in use and serviced by a public transit service, is 60 metres or less. While recognizing that Lions Bay has limited transit stops, consideration could be given to eliminating the third parking space requirement where a property is within a specified distance metres of a bus stop.

Option 3 – Amend the siting regulations for parking uses and structures for secondary suites

In areas of strongly sloping terrain, it is quite common for accessory parking structures to be located at or near street level, especially on downslope lots. Presently under the RS-1 zoning, accessory structures are required to be set back 7.6 metres from the front lot line. Option 3 would involve reducing the front setback to accommodate a single vehicle garage, carport or open air parking space.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Option 4 – Allow for parking siting variances through development variance permits

This option is essentially the same as Option 3, but provides for the case by case consideration of relaxation of the siting requirements for parking. This would provide the municipality the opportunity to review site lines, potential impact on neighbours and other considerations.

Option 5 – Licencing “on-street” parking for secondary suites

Under this option, a property owner would construct a parking space (to municipal specifications) for a secondary suite within or partly within the municipally owned road right of way and licence that space from the village on an annual basis.

Option 6 – Maintain the status quo

Presently, a property owner cannot obtain a building permit for a secondary suite if a third parking space cannot be provided. This is a particular concern for those wishing to legalize or authorize an existing suite. Maintaining the *status quo* is not recommended, as one or more of the above options could provide at least some improvement to the current situation with respect to parking for secondary suites.

3. Density – Development Potential under OCP/Zoning and Density Bonusing

Background

Density of residential development in the zoning bylaw is guided by the policies and designations in the Village of Lions Bay Official Community Plan (OCP). The Official Community Plan contains the following statements about future residential development in Lions Bay:

- development in Lions Bay... needs to be carefully managed if it is to maintain its unique sense of place and diversity.
- There is a limited supply of land within the Village to accommodate new development.
- ...opportunities for providing different housing forms for those at different stages of their life will be considered, within the context of compatibility with the character of the Village. This could take the form of suites within houses, and the development or redevelopment of specific sites undertaken in a socially and environmentally sensitive manner.
- Explore options in consultation with the community to provide alternative housing for a broader array of the community's existing and future demographic and socio-economic composition.... Options could include: converting single family dwellings into duplexes on a case by case basis subject to rezoning; and accommodating housing for areas designated Potential New Development (Works Yard and 2 lots at the south end of Kelvin Grove)



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

- areas [designated “Low Density Residential] allow an increase in density in the Village through additional secondary suites while still maintaining the primarily single detached housing character.
- [sites designated, and containing existing Multiple Family Residential] may be redeveloped over the long term.
- [Potential New Development] area includes the lands west of Highway 99, currently used by the Village public works yard, and land at the south end of Kelvin Grove Way. These sites are to be considered for the future re-development of the site for potential housing.

The regional context statement in the OCP notes the following:

The official community plan, through the designation on the Land Use Map of a new development area, potential redevelopment of the public works yard, and the possible long term use of the gravel pit for a broader range of housing alternatives, is making steps toward building a more complete community. Policies 4.3(a) and (b) speak to providing for secondary suites and limited development opportunities that will enhance housing options.

In 2014 a draft Master Plan presented several options for development in addition to those identified in the OCP that met with a mixed, but generally negative, reaction from the public. A takeaway from the 2014 process was, to restate the OCP: where future development is to occur, careful management is essential and to maintain the character of the community, development should be incremental.

Analysis – Development Potential

The OCP identifies making provision for secondary suites, development of specific sites and limited redevelopment as opportunities for smaller scale, incremental development in Lions Bay. The OCP has been partially implemented from a zoning perspective. A zoning amendment to Bylaw 362 in 2014 permitted secondary suites in the RS-1 zone. It is intended that the secondary suite provisions will be extended to Brunswick Beach as part of the new zoning bylaw. Lions Bay has not “pre-zoned” the Potential New Development Sites identified in the OCP. The minimum lot areas in the single detached residential zones remain at 0.4 hectare and 0.81 hectare under the Brunswick Beach and Lions Bay zoning bylaws respectively so few properties have subdivision potential. Immediate development potential is essentially limited to the few (~20) vacant residential zoned lots in the Village.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Discussion – Consideration of Density Bonusing

In addition to provision for secondary suites, small scale densification such as providing for duplexes, -permitting subdivision of “oversized” lots on a site specific rezoning basis could also be considered consistent with the OCP. Site specific zoning should also apply to the sites designated as Potential New Development. Such an approach would enable the Village to carefully manage growth and take specific site and neighbourhood considerations into account. Such an approach would also enable the Village to implement “density bonusing” and/or a “community amenities contribution” policy.

Section 482 of the Local Government Act (LGA) provides for density benefits for amenities, affordable housing or special needs housing, as follows:

- (1) A zoning bylaw may
 - (a) establish different density rules for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions under paragraph (b) are met, and
 - (b) establish conditions in accordance with subsection (2) that will entitle an owner to a higher density under paragraph (a).
- (2) The following are conditions that may be included under subsection (1) (b):
 - (a) conditions relating to the conservation or provision of amenities, including the number, kind and extent of amenities;
 - (b) conditions relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind and extent of the housing;
 - (c) a condition that the owner enter into a housing agreement under section 483 before a building permit is issued in relation to property to which the condition applies.

In Lions Bay, density bonusing provisions in the zoning bylaw could indicate that one “single family dwelling with secondary suite” per lot is permitted and/or one lot per hectare of lot area (the “base density”). The “density bonus” could be permitting a second dwelling (such as a “carriage house”) on a lot or creation of a second lot (with one new dwelling and suite) through subdivision if specified conditions are met and amenities provided.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Determination of the type and value of amenities ranges widely among local governments. Examples of three approaches are provided below, two from small communities (Roberts Creek, Pemberton) and one from a metropolitan municipality (Coquitlam).

In rural communities such as Roberts Creek on the Sunshine Coast for example, a policy has been adopted in the OCP that in order to achieve desired community amenities, greater residential densities than would otherwise be allowed may be permitted subject to a rezoning process that includes a public hearing. The Roberts Creek OCP policy is a good example of how a community can define the type of community contribution that is desired under a density bonusing scheme and that will be negotiated at the time of rezoning:

The following are the range of amenities that may be required and depending upon the scale and location of the site several amenities may be required:

- a) Provision of affordable and rental housing;
- b) Heritage conservation;
- c) Public access and/or use;
- d) Natural habitat conservation/restoration such as removal and control of invasive plant species;
- e) Protection of biodiversity;
- f) Park dedication;
- g) Community facilities;
- h) Bike lanes and trails;
- i) Energy efficient building design beyond that required by Provincial Building Regulations;
- j) Land for community agriculture/community forest;

The scale of amenity will depend upon the size and potential impact of the proposed development.

The Village of Pemberton, in developing its OCP, went through a community engagement process to identify and prioritize desired community amenities which, like the Sunshine Coast:



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

1 Top Priorities:

- Arena
- Indoor Pool
- Public Washrooms
- Parks (refer to Parks and Open Space Master Plan/Map G)
- Trails (refer to Pemberton and Area C Trails Master Plan/Map H)
- Agri-tourism amenities including a downtown multiuse public facility and community greenhouses
- Affordable and Special Needs Housing

2 Medium Priorities:

- Curling Rink
- Performing Arts Stage
- Outdoor Pool
- Seniors Centre
- Regulation indoor gym
- Seniors housing/care

3 Other Amenities:

- Community kitchen
- Outdoor skating rink
- Public use airport building
- Squash/racquet ball
- Bus shelters
- Track
- Public shower facility
- Indoor tennis
- Campground
- Equestrian stadium
- Clubhouses at playing fields

55

Pemberton has created a Residential (Amenity) RSA-1 Zone that uses a minimum lot size of 20,000m² as a base density and 930m² as the bonus density where a contribution toward community amenities has been provided through either a payment or specified in-kind contribution valued at \$9165 per single family lot to be created.

In the City of Coquitlam, the amount of additional density and financial contribution is set out in the zoning bylaw. The financial contribution is a portion of the increase land value that occurs at the time of rezoning. Coquitlam's Density Bonus program applies to floor space above 2.5 FAR. Density Bonus contributions can be spent on a wide range of amenities and infrastructure as determined by City Council and as identified in the City's Official Community Plan (OCP). As an example, in the city's highest density multi-family zone, the density bonus program is as follows:



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

- (a) All *buildings and structures* together must not exceed a base *density gross floor area* of 2.5 times the *lot area*;
- (b) The overall maximum base *density* of 2.5 times the *lot area* may be increased as follows:

Density Step	Condition of Additional Density	Additional Gross Floor Area Ratio	Maximum Total Gross Floor Area Ratio
Step 1	A financial contribution of 75% of the land value of the additional <i>density</i> towards amenities as identified in the Citywide Official Community Plan.	Up to 0.5 times the <i>lot area</i>	3.0 times the <i>lot area</i>
Step 2	A financial contribution of 65% of the land value of the additional <i>density</i> towards amenities as identified in the Citywide Official Community Plan.	Up to 0.5 times the <i>lot area</i>	3.5 times the <i>lot area</i>
Step 3	A financial contribution of 50% of the land value of the additional <i>density</i> , of which 50% will be towards amenities, and 50% towards affordable housing as identified in the Citywide Official Community Plan.	Up to 0.5 times the <i>lot area</i>	4.0 times the <i>lot area</i>

- (c) In-lieu of a financial contribution as identified in Sub-section (5)(b), the *City* may require the provision of an amenity, equivalent in value to the financial contribution for the additional *density* allowed.

Based on the above, if the Village of Lions Bay wishes to obtain community amenity contributions, it would be prudent to:

1. In general terms identify, in the OCP or by Council policy, the types of amenities desired (i.e. affordable housing, recreation facilities, trails, etc.)
2. use the density bonus approach authorized by s. 482 of the LGA
3. clearly specify the value of the amenity contribution or the method by which it would be calculated.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

4. Development Permits

The Local Government Act (section 488) authorizes local government in an OCP to designate areas within which development permits (DPs) will be required. An OCP amendment is required to identify and designate DP areas within the Village as DP as there is no authority under the LGA to designate DP areas in a zoning bylaw.

The project terms of reference indicate that the Village wishes to have DP areas cover all of Lions Bay. Guidelines such as those already in the zoning bylaw can be extended to residential development throughout the municipality by designating single family residential areas as an “Intensive Residential” DP area per s. 488(1)(e) of the LGA. Mapping of this type of development permit area is quite straightforward, as existing zone boundaries can be used. Mapping for other DP areas such as hazard lands may be more of a challenge, depending on the Village’s map resources and staff mapping capabilities.

The Local Government Act is very specific in terms of the type of requirements, conditions or standards a municipality may include in its development permits. The scope of requirements in s. 43 is significantly broader than authorized under the LGA for development permits. The following analysis outlines the appropriate approach for each of the requirements in s. 43:

s. 43:	Requirement	DP?	LGA authority/tool
a)	Regulate dimensions and siting of buildings & structures	✓	Primary authority under s.479(1)(c)(iii)(A) – zoning. s.491(7)(b) – intensive residential “character” DP with respect to siting, form, exterior design and finish
b)	Regulate siting & design of off-street parking/loading	×	s.525(1)(b) – regulate by bylaw (e.g. land use regulation bylaw)
c)	Require landscaping or screening around different uses	×	s.527 – landscaping and screening (zoning/land use regulation bylaw)
d)	Require paving of roads and parking areas to a standard	×	roads – s. 506 subdivision servicing bylaw parking – s. 525(1)(b)
e)	Require provision of sewerage, water, drainage & other infrastructure	×	s. 506 – subdivision servicing bylaw



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

f)	Subject to s.740 of the <i>Municipal Act</i> , require construction of buildings in accordance with permit	×	Community Charter s.8(3)(l) - bylaw to regulate, prohibit and impose requirements in relation to buildings & other structures and Division 8 – Building Regulation
g)	Require the preservation or dedication of watercourses to preserve and beautify them	✓	s.491(1)(b),(c), and (d) – DP to require natural features to be preserved, protected, restored or enhanced (b), natural water courses to be dedicated (c), require works to be constructed to preserve, protect, restore or enhance natural water courses (d)
h)	Require land in proximity to streams remain free of development	✓	s.491(1) (a) – DP.
i)	Require areas for play/recreation	×	s.510 – park dedication at time of subdivision s.482 – density bonus zoning for amenities
j)	Limit the number, size and type of signs; specify form, appearance and construction of signs	✓	s.526 – sign bylaw for number, size, type, form, appearance. Building bylaw for construction. DPs can address general “form and character” of signs.
k)	Regulate exterior finish of multi-family buildings	✓	s. 491(7)(c) – DP

Follow Up Action:

1. Prepare Report #2 to address the rest of the issues in the Terms of Reference regarding short term tourist accommodation rentals, marijuana dispensaries, and water zoning, etc. to come back to a Council Strategy Committee meeting in December.
2. Prepare draft consolidated zoning bylaw based on Council feedback and in consultation with Village staff by late-December

Communication Plan: schedule public information session for January



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Attachment 1 – Terms of Reference

Deliverables

1. The Consultant will, by February 28, 2017, deliver to the Municipality a new zoning bylaw to replace the existing zoning bylaws (the “Zoning Bylaw”), along with an OCP amendment bylaw to effect the changes referenced in sections 12-13 and the processes referenced in sections 21-24 of this Terms of Reference.
2. The Zoning Bylaw will incorporate the unique characteristics of the three primary neighbourhoods or areas of Lions Bay, namely, Kelvin Grove, Central Lions Bay and Brunswick Beach (including the non-residential areas presently not covered by Zoning Bylaw No. 362, as amended).
3. The Zoning Bylaw will utilize one set of consistent definitions applicable to all zones.
4. The Zoning Bylaw will regulate parking in a manner which recognizes the challenges of topography in Lions Bay, and the desire to accommodate secondary suites and potentially other forms of secondary accommodation.
5. The Zoning Bylaw will regulate secondary suites based on an updating of the existing provisions of Bylaw 362 with respect to secondary suites, and based on the recommendations of staff, Council and public feedback, and best municipal practices for secondary suite bylaws.
6. The Zoning Bylaw will address density in a manner which is consistent with the foregoing as well as with the objective of enabling the Municipality to implement Density Bonusing provisions and/or a Community Amenity Contributions Policy. The Consultant will make recommendations with respect to such policies and incorporate such provisions as are required under section 482 of the *Local Government Act*, including conditions related to affordable and/or special needs housing.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

7. As a starting point, the Zoning Bylaw will not, subject to Council and public feedback, include short term tourist accommodation as a permitted use in any residential zone.
8. The Zoning Bylaw will consider appropriate regulation of marijuana dispensaries in accordance with the best practices of municipalities seeking to severely limit the zones and conditions upon which such uses may be permitted, subject to any new federal enactments or regulations.
9. The Zoning Bylaw will include one or more zones covering the surface of the waters of Howe Sound out to 1000 feet (304.8m) from the high water mark of the land from the south end to the north end of Lions Bay. Such waters will be regulated in terms of permitted uses in accordance with staff, Council and public feedback, and in accordance with best municipal practices for such zoning regulations.
10. The Zoning Bylaw will prohibit the storage of blasting materials anywhere within the boundaries of the Village, subject to feedback on consultation.
11. The Zoning Bylaw will allow municipal-type uses in all zones throughout Lions Bay.
12. The Consultant will draft appropriate amendments to the OCP bylaw to move Development Permit Areas from Bylaw 362 to the OCP bylaw, in accordance with s.488 of the *Local Government Act*. It is anticipated that the DP Areas will cover all of Lions Bay in one form or another, such that no development will be possible without a Development Permit.
13. The Consultant will also provide guidelines in the OCP or the Zoning Bylaw related to the issuance of development permits in accordance with sections 488-491 of the *Local Government Act* and will include delegation of authority to the CAO to issue Development Permits.
14. The Zoning Bylaw will retain the 2 acre minimum parcel size for subdivision, subject to the ability of the Municipality to entertain a zoning amendment application for any particular subdivision or rezoning application and enter into



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

a Subdivision Servicing and Development Agreement or other means by which the Municipality can achieve the objectives referenced in section 19 of this Terms of Reference.

15. The Consultant will review the applicable Fees charged by the Municipality for all development related applications and make recommendations for staff to amend the current Fees and Charges bylaw.
16. The Consultant will assist staff with the development of a new Soil Deposit and Removal bylaw that will be consistent with the intent of the Zoning Bylaw and prohibit the use of residentially zoned parcels as a quarry or as a soil or other materials storage yard for construction or commercial purposes related to other parcels within or outside the boundaries of the Municipality.
17. Subject to consultation feedback, the Zoning Bylaw will prohibit the parking or storage of industrial or construction equipment or materials on residentially zoned parcels.
18. The Zoning Bylaw will contain such other provisions as recommended by the Consultant after consultation with staff and the receipt and consideration of feedback from Council and the public, in accordance with best practices for zoning bylaws in BC.
19. The Consultant will assist staff with the development of a Density Bonusing Policy and/or a Community Amenity Contributions Policy as noted in section 6 above, and provide advice and assistance with respect to the development of a Subdivision Servicing bylaw and/or a Subdivision Servicing and Development Agreement.
20. The Consultant will, upon request, review subdivision applications received by the Municipality and provide advice and recommendations to staff on the handling of such applications. .



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Process

21. The Consultant will meet with staff from the Municipality, including the CAO, the Building Inspector, the Public Works Manager, the Fire Chief and any other staff necessary in order to provide the Consultant with appropriate background information and feedback regarding key issues related to the Deliverables.
22. The Consultant will work with the CAO to formulate a public consultation plan with respect to the Deliverables. It is anticipated that informal public feedback will be obtained with respect to key issues prior to the formulation of a first draft of the Zoning Bylaw, and OCP amendment bylaw, and possibly again upon completion of a first draft of each.
23. It is anticipated that the Consultant may attend a Council Strategy Committee (CSC, otherwise known as a Committee of the Whole, or COW) meeting and will attend a Council meeting for the introduction of the draft Zoning Bylaw and OCP amendment bylaw for first and second reading of each, including a report from the Consultant.
24. The Consultant will lead the Public Hearing for the Zoning Bylaw and the OCP amendment bylaw and present a report to Council at the following and/or subsequent meeting where the bylaws will be considered for any amendments and/or third reading and adoption.

Type	Information Report		
Title	Lions Bay Zoning Bylaw Review Report #2 – Short term rentals, marijuana dispensaries, commercial/industrial storage and Water zoning		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, CAO
Date	December 14, 2016	Version	
Issued for	December 20, 2016		

Recommendation:

THAT the Information Report, “Lions Bay Zoning Bylaw Review Report #2 – Specific use regulations and creation of a Water Zone” be received and the recommendations in the report be endorsed.

Attachments: none

Background:

The zoning bylaw review terms of reference indicates the need for regulation or prohibition of several uses including short term (tourist accommodation) rentals, marijuana dispensaries, blasting material storage, and commercial/industrial equipment/material parking/storage. The terms of reference also outline the need to accommodate municipal service type uses as broadly as possible, to zone the surface of the ocean, and to retain the two acre minimum parcel area for subdivision in the residential zones.

Short term rentals

For many years, short term rentals of residential units such as cottages and secondary suites have been offered as nightly or weekly accommodation to travelers through ads placed in the classified sections of newspapers. In most localities, few properties were involved and there was little impact on neighbourhoods. However, with the advent of online booking services the number of short term rental accommodations on the market began increasing substantially about 4 or 5 years ago; and exponentially in the past year or two. In resort areas (e.g. Whistler) and communities where there are numerous seasonal residences (e.g. Sunshine Coast), or significant absentee ownership (e.g. parts of Vancouver), the opportunity to rent dwelling units out as short term rentals when unoccupied is seen as potentially lucrative.

The income potential for the property owner from short term rentals is far greater than income from renting to residential tenants. Superficially at least, the economic benefits seem quite obvious. However, there has been increasing concern expressed about the impact of short term rentals on neighbourhood character (noise, parking, loss of a sense of community) and the



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

decreasing supply of affordable rental housing by removing secondary suites from the housing market.

In Lions Bay at present there is a relatively small number of short term rental listings. With respect to the zoning of any of these properties, all are considered to be non-compliant with zoning as uses such as “vacation rental”, “short term rental” or “bed and breakfast” are neither defined nor listed as permitted uses in Zoning Bylaws 362 or 785. They are therefore prohibited.

Often, zoning bylaws permit “bed and breakfast” use of two or three bedrooms. The key parameters that differentiate a B&B from a nightly rental is that the B&B provides breakfast to guests and is operated by a resident manager while a nightly rental often provides neither.

OPTIONS FOR CONSIDERATION

1. Allow short term rentals
2. Prohibit short term rentals (*status quo*)
3. Permit short term rental of principal residences and prohibit STRs in secondary suites
4. Create site specific zoning and zone existing operations.
5. Consider temporary use permits on a site specific basis

ANALYSIS OF OPTIONS

1. Allow short term rental of single detached dwellings and secondary suites

Option 1 would involve including in the new zoning bylaw a definition of short term rentals and express permission for this use in all residential zones except the apartment and townhouse zones. Some communities (e.g. Sechelt) have adopted this approach. Option 1 would be the most business friendly approach to zoning. But how business friendly should a residential zoning be? Secondary suite zoning was recently adopted in Lions Bay presumably to recognize there can be a “win-win” situation - property owners get authorized mortgage helper suites and the community additional affordable housing options. If community wide conversion of secondary suites to short term rentals (whether limited to the suite or in conjunction with the house) is authorized through new zoning provisions, the purpose of the recent zoning initiative to allow for “legal” secondary suites in the RS-1 zone may ultimately be defeated.

2. Prohibit short term rental of single detached dwellings and secondary suites



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Option 2 would be the opposite of Option 1. Under Option 2, the language of the zoning bylaw would be strengthened by:

- a. including a definition and general prohibition of short term rentals; and
- b. clarifying that the use of secondary suites shall be for residential use “consistent with the provisions of the *Residential Tenancy Act*”.

Option 2 would work towards ensuring that zoning intended to accommodate residential use would also protect the supply of residential rental properties. Option 2 does not, however, recognize the positive aspects of short term rentals to the community. Some short term rentals may have been advertised and operated for years in many communities without complaint. And in a small community like Lions Bay, there are no hotels or other accommodation alternatives. This suggests that the existing prohibition against vacation rentals may not be the right one. That, however, does not imply that there should be no regulation.

3. Permit short term rental of principal residences and prohibit STRs in secondary suites

Option 3 is essentially the City of Vancouver approach, where Vancouver is considering a regulatory framework for STRs that involves prohibiting use of secondary suites and laneway housing as short term rentals, while allowing a principal residence to be used as a STR. This is believed to be an option that provides balance while protecting rental housing from conversion to short term rental use.

4. Site Specific Rezoning to allow for short term rentals on a case by case basis

Under this option a new “sub-zone” for short term rental businesses would be created and existing businesses included in the zone. This option would recognize that most short term rental businesses operate without incident. Existing businesses that have been problematic need not be included in the zone. Future businesses would require site specific rezoning, a process which provides for community input and review to ensure technical considerations (parking, sewage disposal, etc.) can be adequately addressed. One significant drawback to zoning for STRs is that zoning runs with the land, leading often to concerns that future owners may not be as community oriented as the initial applicants. Non-conforming status also comes into play if there are issues with an operation and the municipality decides to remove the short term rental zoning.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

5. Temporary Use Permits

An alternative to site specific rezoning is the use of temporary use permits (TUPs) to regulate short term rentals. Under Option 5, temporary use permit areas (the entire Village or specified zones) would be designated in the zoning bylaw as an area where TUPs can be considered. Applications for TUPs for short term rentals would then be made and considered on a case by case basis.

Under the *Local Government Act* a temporary use permit for any use can be issued for up to three years and can be renewed once. Unlike a rezoning, a TUP only grants a property owner use rights for the period defined in the permit and upon expiry the use must be ceased (or the permit renewed). The community is thus provided with an assurance that use of the site for a short term rental does not become permanent. In addition to having the discretion to allow a TUP to lapse upon expiry it should be noted that, in practice, temporary use permits can be issued and renewed indefinitely by application for a new TUP prior to the expiration of the initial permit. An advantage to implementing a system of TUP renewals and re-applications is that the TUP can address operational aspects of the business that are difficult to regulate through zoning. For example, Council could consider regulating in a TUP matters such as the following on a case by case basis:

- consider only principal residences and not secondary suites for short term rental TUPs;
- require a local manager if the short term rental is not managed by a resident of the property;
- maximum number of days in a year the business could operate;
- the hours when “quiet times” would be in effect;
- suitability of vehicle access, circulation and parking;
- proximity of a proposed short-term vacation rental to schools, daycares, seniors’ homes and other approved short-term vacation rentals;
- availability of water and septic disposal systems to handle the anticipated uses;
- proximity to and impacts on identified sensitive ecosystems;
- proximity to and impact on public rights-of-way, beach accesses and other public use areas;
- size of lot and location of the dwelling on the lot and in relation to neighbours;
- size of the dwelling unit;
- number of TUPs already issued for short-term vacation rentals in Lions Bay;
- prohibit short-term rental of houseboats;



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

- other activities that are of concern to the community, such as the use of hot tubs or equipment such as seadoos.

The municipality could, at the time of issuing a temporary use permit, require the posting of security to guarantee adherence to permit conditions (such as ceasing operations at expiry of the permit), and the form of security and the amount of security that will forfeit to the municipality if there is a failure to conform with the conditions. An initial term of one year with a one year renewal would provide an opportunity to assess the operation over the first two years before considering a second TUP for a further two or three year term with renewal.

RECOMMENDATIONS:

1. It is recommended that the new zoning bylaw:
 - a. Designate the entire municipality under section 492 of the *Local Government Act* as an area where temporary uses will be allowed and delegate the issuing of TUPs to the CAO.
 - b. Include definitions of residential use and short term rental, as follows:
 - residential use* means:
 - i. the occupancy or use of a dwelling unit for the permanent domicile of a person or persons and this use includes rental use other than short term rentals; or
 - ii. the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere, or by non-paying guests of such an owner, and this use does not include short term rentals.
 - short term rental* means use of a residential dwelling unit for the temporary accommodation of paying guests for a period of less than one month.
 - c. Prohibit short term rentals except where permitted under a temporary use permit.
 - d. Prohibit short term rental of secondary suites.
2. Adopt by resolution, as policy, the list of considerations in Option 5 (as may be amended) as the municipality's criteria for evaluating short term rental TUP applications.

Marijuana (Cannabis) Dispensaries

Under Federal law, neither the Marijuana Medical Access Regulations (MMARs) nor Marijuana for Medical Purposes Regulations (MMPRs) permit the retail sale of marijuana. A dispensary business which sells marijuana from a store front is operating contrary to the Controlled Drugs and Substances Act and is unlawful. The new Access to Cannabis for Medical Purposes Regulations



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

(ACMPRs) basically combine the MMPRs and MMARs: Part 1 relates to production and sale by licenced producers to authorized users via secure shipping only and Part 2 deals with personal production by registered persons and production by designated persons for registered persons (authorized users). Again, there is no provision for retail sale under the ACMPRs. Therefore, the municipality has authority to prohibit marijuana dispensaries, at least until federal law regarding marijuana changes again.

RECOMMENDATIONS:

2. It is recommended that the new zoning bylaw:
 - a. Include a definition of cannabis , as follows:

cannabis means cannabis as defined in the Controlled Drugs and Substances Act and includes any products containing cannabis;

storefront cannabis retailer means premises where cannabis is sold or otherwise provided to a person who attends at the premises.
 - b. Include a provision to the effect that storefront cannabis retailer, whether as a principal or accessory use, is prohibited in all zones.

Storage of Industrial equipment and materials

Lions Bay is a residential community with very limited commercial and no industrial activity. The word industrial is not even used in the official community plan. Any industrial type activity in residential zones is considered incompatible with the residential character of the community. A desire to prohibit parking and storage of industrial or commercial equipment or materials on residentially zoned parcels has been expressed. There is also a desire to prohibit the storage of blasting materials anywhere in the municipality.

RECOMMENDATIONS:

1. It is recommended that the new zoning bylaw:
 - a. Include general regulations regarding parking and storage of commercial/industrial equipment and materials as follows:



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

- i. The parking of vehicles with a primary function other than the transportation of passengers, including but not limited to dump trucks, forklifts, backhoes, tractors and similar types of construction equipment is prohibited in all Residential zones.
- ii. Outdoor storage or parking of any commercial trailer, construction equipment or materials, or any other industrial or commercial materials, equipment, vehicle, conveyance or craft is prohibited in all Residential zones.
- iii. Despite clause i, one licensed commercial vehicle per parcel may be parked on a lot in a residential zone provided that the vehicle, including any attached trailer, is not more than 4600 kilograms gross vehicle weight and is operated by a resident of the parcel;
- iv. Despite clauses i and ii, construction vehicles, materials, and equipment may be stored on a parcel for which the construction of a building or structure has been authorized by the Village through a site alteration permit or a building permit, provided all such vehicles, materials and equipment can be demonstrated to the satisfaction of the Public Works Manager to be directly related to and strictly necessary for the fulfillment of the construction so authorized by the Village and are removed within 20 days of final inspection related to the site alteration permit or the building permit, or such earlier date as the Public Works Manager determines such construction vehicles, materials and equipment are no longer needed to fulfill the scope of the applicable permit.
- v. An appeal of a decision of the Public Works Manager under subsection iv shall be heard by Council at the next regular meeting, subject to any requirements under Procedure Bylaw No. 476, 2015, as amended.

Various federal and provincial regulations govern aspects of explosives manufacturing, transportation, and storage. The Canadian federal government has guidelines and regulations such as the Explosive Act, Explosives Regulations, and Transportation of Dangerous Goods Regulations that are directly related to the safety and security of manufacturing explosives, their storage, import, and transportation into and within the country. Section 5(j) of the federal *Explosives Act* states that the federal government may make regulations “governing the establishment, location and maintenance of factories and magazines and the making, manufacture and **storage of explosives**. Under Part 11 of the federal Explosives Regulation, section 221 states: “a user may



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

acquire and store industrial explosives if they hold a licence or a manufacturing certificate or are authorized by a competent provincial or territorial authority to store such explosives at a mine site or quarry. A user who acquires industrial explosives must comply with this Part.” Section 223 of the regulations state: “a user who holds a licence must store their industrial explosives in the magazine specified in their licence.”

At the provincial level, a relevant factor to note with respect to Lions Bay is that, under the *Community Charter*, the definition of land “does not include ... (ii) mines or minerals belonging to the Crown, or (iii) mines or minerals for which title in fee simple has been registered in the land title office”. The *Mines Act* defines mine to include “a place where mechanical disturbance of the ground or any excavation is made to explore for or to produce... sand or gravel”. Any bylaw that the Village passed with respect to blasting or storage of explosives would therefore not apply to the Ministry of Transportation and Infrastructure gravel pit within municipal boundaries.

It would appear that federal and provincial legislation allow little if any scope for local government to regulate the storage of blasting materials. This conclusion would seem to be borne out by the fact that, while there are a few municipalities that have blasting bylaws; none of them have regulations relating to storage of explosives.

Zoning of the Foreshore

Concerns have been expressed regarding a houseboat that has moored for months at a time in front of Kelvin Grove beach as well as a more general concern that foreshore uses could be approved that are not considered to be in the community’s interest. Questions have been raised about what can be done to address these situations.

While “land” is defined in the Community Charter to include the surface of water, there are limits to the Village’s zoning authority over the ocean as senior governments have primary jurisdiction. The federal government has exclusive jurisdiction over navigation and shipping, beacons, and mooring buoys in navigable waters (s. 91, Constitution Act) and the province has jurisdiction over the foreshore. However, overlapping jurisdiction does not prevent the Village from regulating the activities that fall within its boundaries and within its powers. Long-term moorage of vessels has a dual jurisdictional aspect that is subject to both federal and provincial/local government regulation.

Apart from the commercial marina, the recommended approach to foreshore zoning is to allow for temporary moorage in foreshore areas. *Temporary* moorage actually must be permitted per Transport Canada regulations, as a “core area” of federal jurisdiction. Also, based on discussions with staff, wharfs are not considered appropriate due to the destructive Squamish winds. If an



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

upland property owner wishes to construct a private wharf a rezoning application could be considered.

RECOMMENDATIONS:

5. It is recommended that the new zoning bylaw:

Include general regulations regarding foreshore use as follows:

- (a) maintain existing foreshore zoning for the commercial marina;
- (b) include definitions of floating dock, houseboat and mooring system:

Floating dock means a structure used as a swimming raft or for the purpose of mooring one boat, excluding a houseboat, but which does not include permanent physical links to shore or the bed of the ocean, except cables;

houseboat means a special type of vessel that has been designed or modified for recreational residential use;

mooring system means a system of works that is used to secure a vessel and that consists of an anchor that is set in or on the bed of a navigable water, a single anchor line, a single buoy and a mooring line to attach to a vessel.

- (c) include a new Water – Marine Foreshore (W-1) zone based on the existing M-3 (Marine – Residential) zone in Bylaw 362 that permits only:
 - i. long-term moorage of vessels under 12 meters in length, excluding houseboats, to mooring systems or floating docks for periods in excess of 72 hours;
 - ii. short-term moorage of vessels, including houseboats, to mooring systems or floating docks for periods of up to 72 hours;
 - iii. public boat launching ramp.
- (d) in addition to regulations already within Lions Bay M-3 zoning, regulate within the new W-1 zone as follows:
 - i. the owner of a mooring system or floating dock shall not moor, or permit the mooring of a houseboat, or a vessel that is more than 12 meters in length, to a mooring system or floating dock for periods longer than 72 hours in a 30 day period;



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

- ii. all mooring systems shall meet all requirements, standards and guidelines of the Private Buoy Regulations, the Canadian Aids to Navigation System or Transport Canada directives as applicable;
- iii. private floating docks shall be located within the boundaries of a water lease or license of occupation granted or approved by the Province;
- iv. no portion of a floating dock or swimming raft shall exceed 3 meters in width, 3 meters in length or 1 meter above sea level, except for hand railings;
- v. no houseboat or motorized boat or vessel may moor to a public floating dock or swimming raft other than in cases of emergency or distress.

Type	Information Report		
Title	Lions Bay Zoning Bylaw Review Report #3 – Draft Bylaw for Discussion		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, CAO
Date	January 6, 2017	Version	
Issued for	January 10, 2017		

Recommendation:

THAT the Information Report, “Lions Bay Zoning Bylaw Review Report #3 – Draft Bylaw for Discussion” be received;

AND THAT a public information meeting to discuss the draft zoning bylaw be scheduled for 7:00 p.m., Thursday, January 19, 2017 at the Broughton Community Hall, Lions Bay.

Attachments: Draft Zoning Bylaw

Background:

The Zoning Bylaw review project commenced in mid-October, 2016 and to date has focussed on “in-house” review and revision of the two existing Lions Bay Zoning Bylaws (Bylaw 362 for Lions Bay and Bylaw 785 for Brunswick Beach). Initial work involved reconciling the terminology used in the two bylaws and, later, incorporating the specific zones and zoning provisions for Brunswick beach as seamlessly as possible into the new bylaw.

The zoning review has also focussed also on several substantive land use issues, including:

- regulation of short term rentals
- prohibiting retail marihuana stores and marihuana production
- ensuring the community obtains tangible benefits from development through implementation of a Community Amenities Contribution policy and density bonusing provisions in the zoning bylaw
- regulating parking and storage of industrial or construction equipment or materials on residentially zoned parcels.
- inclusion of secondary suite provisions for Brunswick Beach
- updating the foreshore zoning.

RECOMMENDATION:

Staff and the planning consultant believe that the zoning review is at the stage where public feedback on the proposed bylaw should be obtained. It is recommended that a public information meeting be scheduled for 7:00 p.m., January 19, 2017 at Broughton Hall to discuss the bylaw.

Type	Information Report		
Title	Proposed revisions to draft Zoning Bylaw based on Public Information Meeting and Council Feedback		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, CAO
Date	February 27, 2017	Version	
Issued for	March 7, 2017		

Recommendations:

1. THAT the Information Report, “Proposed revisions to draft Zoning Bylaw based on Public Information Meeting and Council Feedback” be received;
2. AND THAT applications for short term rentals be considered on a case by case basis for temporary use permits;
3. AND THAT Council adopt a policy that applications for short term rental temporary use permits be evaluated for consistency with the following recommended conditions:
 - a. The short term rental unit must be the short term rental operator’s primary residence (confirmation of which is to be required annually). [Or, could be a requirement that the operator be in residence there while the business is being run.]
 - b. If the short term rental operator is not the property owner, the operator must provide the Village with the owner’s authorization to carry on the short term rental business.
 - c. No more than five guest rooms with two guests each.
 - d. Off-street parking space requirements will be determined on a case by case basis.
 - e. No signs shall be permitted.
 - f. TUP shall specify quiet times between the hours of 10 pm and 8 am.
 - g. Operator contact information must be provided to neighbours within a 50 metre radius of the subject property of the short term rental.
 - h. If within a strata unit, the bylaws of the strata corporation must permit STR’s and the strata council must provide authorization of the TUP application.
 - i. Security in the form of an irrevocable letter of credit or similar instrument in an amount (e.g. \$10,000) to be determined by Council will be required in conjunction with issuance of a TUP.
 - j. Temporary use permits for short term rentals should not exceed a period of one year, initially.
 - k. Short term rentals will not be permitted if the premises contain a child home care business.
 - l. [Other considerations such as restrictions on the rental or use of personalized watercraft, etc.]
4. AND THAT, subject to legal review, a density bonus provision be included in the new RS-1 (Residential - Single Detached) zone to allow for cottages of up to 115 m² on lots having an area of at least 1,000 m², subject to a covenant being registered on title that prohibits registration of a strata plan and restrict use of the cottage the owner, members of the owner’s family and tenants.

5. AND THAT provisions be included in the new W-1 (Water – Residential Foreshore) zone to limit overnight accommodation on vessels to three nights every 30 days,
6. AND FURTHER THAT outdoor parking or storage of one commercial or industrial vehicle or piece of equipment be permitted to a maximum of 7,000 kilograms gross vehicle or operating weight.

Attachments:

Draft Zoning Bylaw with proposed revisions.

Key Information:

A Public Information Meeting regarding the proposed new Zoning Bylaw was held in Broughton Hall the evening of January 19, 2017. Notes from that meeting were received by Council on February 7th.

This report will discuss the following issues that arose out of the public information meeting:

1. short term rentals – permit or prohibit
2. zoning to accommodate detached secondary suites
3. water zoning, houseboats in particular
4. density bonusing scheme too aggressive

The report will also discuss the above plus ongoing considerations such as outdoor storage of equipment, siting issues in Brunswick Beach and clarification of the commercial marina zoning.

Short Term Rentals - Temporary Use Permits (TUPs)

Based on the comments and “show of hands” responses at the January 19th public meeting, using temporary use permits to regulate short term rentals is recommended. This approach will allow for consideration of the technical feasibility of a proposed short term rental as well as consideration of how it will “fit” within a neighbourhood.

The following are some general considerations that should be assessed in conjunction with an application for a short term rental TUP:

Technical feasibility:

1. Capacity of on-site sewage disposal systems to handle the anticipated uses.
2. Compliance with building bylaw and other applicable Village of Lions Bay bylaws.
3. Suitability of vehicle access and parking.

Neighbourhood “fit”

4. size of lot, location and orientation of the dwelling on the lot and in relation to neighbours;
5. number of TUPs already issued for short-term rentals in the neighbourhood;

Capacity of on-site sewage systems to handle increased flows (due to increased flows resulting from more frequent use of laundry, dishwasher and bath facilities) is essential, as is compliance with applicable Building Code regulations. Lack of parking is a recognized issue in Lions Bay – but may not automatically disqualify a property if on-street guest parking is feasible and the Village is prepared to consider that option or other options such as limiting the number of rental vehicles permitted under the permit.

If technical aspects can be addressed, neighbourhood “fit” needs to be considered. Although a public hearing is not required for a temporary use permit, it is good practice to require the applicant

to arrange a public information meeting to inform neighbours of the proposal and to identify how any concerns will be addressed.

In order to promote good neighbourliness between a short term rental property and neighbouring residents, Council could consider including standard conditions such as the following in all short term rental TUPs:

- ✓ The short term rental unit must be the short term rental operator's primary residence (confirmation of which is to be required annually). [Or, could be a requirement that the operator be in residence there while the business is being run.]
Rationale: As the STR operator's principal residence it is more likely that the operator will be present thereby resulting in adequate oversight. [Alternatively, see Operator contact information condition below.]
- ✓ If the short term rental operator is not the property owner, the operator must provide the Village with the owner's authorization to carry on the short term rental business.
Rationale: Standard practice with land use applications.
- ✓ No more than five guest rooms with two guests each.
Rationale: This is the maximum that can be accommodated without the need for a commercial kitchen if food (breakfast) is being to guests.
- ✓ Off-street parking space requirements will be determined on a case by case basis.
Rationale: The number of parking spaces required for a permit will depend upon the circumstances of each applicant, but will take into consideration whether the operator lives on site and how many vehicles they have, whether there's a monthly tenanted suite with parking needs, how many additional spaces are available on site for STR clients and that will dictate the number of vehicles permitted in total. For example, if owner/tenant requires 2 spaces and there's only 2 more, then no STR with more than 2 vehicles will be permitted under the terms of the permit.
- ✓ No signs shall be permitted.
Rationale: Consistency with regulations for home-based businesses.
- ✓ TUP to specify quiet times between the hours of 10 pm and 8 am.
Rationale: Good neighbour policy.
- ✓ Operator contact information must be provided to neighbours within a 50 metre radius of the subject property of the short term rental.
Rationale: Neighbours will have contact info in the event of a complaint.
- ✓ If within a strata unit, the bylaws of the strata corporation must permit STR's and the strata council must provide authorization of the TUP application.
Rationale: To ensure consistency between Village and Strata Council regulations.
- ✓ Security in the form of an irrevocable letter of credit or similar instrument in an amount (e.g. \$10,000) to be determined by Council will be required in conjunction with issuance of a TUP.

Rationale: Security authorized by s. 496 of the Local Government Act “to guarantee the performance of the terms of the permit.” The need for ongoing security can be assessed at the time of renewal of a TUP; if there have been few if any issues with a STR the security could be reduced or eliminated.

- ✓ Temporary use permits for short term rentals should not exceed a period of one year, initially.
Rationale: This provides an opportunity to not renew a TUP if there has been issues with the operation leading to a conclusion that the operation should cease. Again, if a STR is operated in a neighbourly manner, consideration could be given to renewals for periods of longer than a year.
- ✓ Short term rentals will not be permitted if the premises contain a child home care business.
Rationale: Safety and security. The Child Care Licensing Regulation (BC Reg. 332/2007) requires that “the licensee must not permit a person over the age of 12 to be ordinarily present on the premises of a community care facility while children are present, unless the person is of good character and the licensee has obtained a criminal record check for that person.”
- ✓ [Other considerations such as restrictions on the rental or use of personalized watercraft, etc.]

Finally, a question was asked at the public meeting about whether home exchanges were considered short term ranges. Based on some cursory research, it is recommended that home exchanges be excluded from the definition of short term rental. For the purposes of the zoning bylaw a home exchange would be defined as “the exchange of two homes, without a monetary transaction, where the residents of each home trade use of their homes at a time convenient to both parties.”

Detached Secondary Suites or “Cottages”

Council has indicated there is a need to consider additional housing options, including consideration of permitting detached secondary suites. The following table outlines a 90 m² and a 115 m² floor are option for detached secondary suites as well as duplexes in terms of off-street parking requirements and potential for stratification under the *Strata Property Act*. The 115 m² option would provide for a three bedroom detached suite or cottage.

	Max floor area	Off-street parking	Stratification	Comment
Secondary suite within dwelling	90 m ²	1	No	Building Code prohibits stratification
New detached secondary suite, existing main dwelling	90 m ²	1	Possible, local government authorization is necessary	Same as secondary suite, only detached. Servicing and parking implications should not be significantly different than a suite within a dwelling. Local government can by policy discourage strata conversions to maintain affordable rental housing
New dwelling + new detached suite (vacant lot or tear down scenario)	90 m ²	1	Yes, if “previously unoccupied”	On vacant land or where existing dwelling to be demolished, local government has no role in approval of building strata.
New detached cottage, existing main dwelling	115 m ²	2	Possible, local government authorization is necessary	Larger floor area will contribute to greater effluent flows and need for an additional parking space. Recommend this option, if considered, be subject to a 1000m ² minimum parcel area.
New dwelling + detached cottage	115 m ²	2	Yes, if “previously unoccupied”	Recommend 1000m ² minimum parcel area as above. Staff concern that stratification potential could accelerate the amount of tear downs.
Duplex	As per max floor area ratio	2 per dwelling unit	Yes, if “previously unoccupied”	Any two-unit dwelling with each unit > 90 m ² . Recommend 1000m ² minimum parcel area.

If the VoLB wishes to restrict any of the options to rental tenure only (i.e. no stratification), zoning could be made conditional on entering into a housing agreement with the municipality per s. 483 of the LGA:

Housing agreements for affordable housing and special needs housing

483 (1) A local government may, by bylaw, enter into a housing agreement under this section.

(2) A housing agreement may include terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions respecting one or more of the following:

(a) the form of tenure of the housing units; ...

However, a precondition for housing agreements is contained in s. 482(3):

(3) A zoning bylaw may designate an area within a zone for affordable or special needs housing, as such housing is defined in the bylaw, if the owners of the property covered by the designation consent to the designation.

If a primary objective of the Village is to create some affordable rental housing options, this would be the (rather cumbersome) way to go. The consent requirement highlighted also prevents a broad-brush zoning approach.

Alternatively, the Village could include text in the zoning bylaw such as the following: “where an occupied dwelling exists on a lot of 1,000 m² or greater, the following use is permitted: detached secondary suite.” This option requires legal review.

Another option, also subject to legal review, would be to incorporate a density bonus provision in the new RS-1 (Residential - Single Detached) zone to allow for cottages of up to 115 m² on lots having an area of at least 1,000 m², subject to a covenant being registered on title that prohibits registration of a strata plan and restricts use of the cottage the owner, members of the owner’s family and tenants. This option, if legally feasible, is the preferred option as it fits within the overall density bonusing framework being developed; it’s probably more legally sound than the second option, and is much simpler to implement than a housing agreement.

Water Zoning

Mooring of houseboats has been identified as an issue to address in the zoning bylaw. At the public info meeting, comments representing both sides of the issue were presented. The houseboat owner questioned why the bylaw discriminated against houseboats, while neighbouring property owners/area residents expressed concern about noise and pre-emption of public space by mooring/anchoring close to shore. Others questioned the need for water zoning at all.

The second draft of the W-1 zone has been revised to more closely reflect the existing terminology and provisions under Bylaws 362 and 785. Definitions have been added where none previously were included. To distinguish between a float used for residential - recreational purposes and one used in conjunction with the marina; the terms float (in the W-1 zone) and floating dock (in the C-3 zone) have been used. To be consistent with Federal regulations, reference is explicitly made in the permitted uses section to vessels 12 metres or less in length.

With respect to houseboat moorage, the concern that the language of the draft bylaw is discriminatory is likely a valid one and the wording in section 12.1.1 with respect to permitted short term moorage/anchoring has been amended to simply refer to all vessels. Section 12.1.1 (d) as proposed would allow a vessel to arrive on the Friday of a long weekend and depart on the following Monday.

The amended section 12.1.1 now reads as follows:

12.1 In a W-1 zone the following uses and no others shall be permitted:

.1 Principal Uses, Buildings and Structures

(a) float;

- (b) public boat launching ramp;
- (c) public or private mooring system for vessels 12 metres or less in length; including overnight accommodation on the moored vessel for a period not exceeding three nights every 30 days;
- (d) short term anchoring or mooring of vessels for periods not exceeding four calendar days every 30 days, including overnight accommodation on the anchored or moored vessel for a period not exceeding three nights every 30 days. For the purpose of this section, anchoring or mooring for any part of a day shall count as one calendar day.

Comments were made regarding the difficulties enforcing the overnight accommodation provision. To a certain degree this is true; however it is our intent that the overnight accommodation relates to accommodation within the area covered by the W-1 zone, not a specific anchoring or mooring place. A provision has also been incorporated into the draft bylaw to address attempts to avoid enforcement by moving a vessel within the zone based on how parking bylaws are sometimes enforced. Section 12.2.1 has been amended by adding clause (h) as follows:

- (h) the owner or operator of a vessel shall not cause, allow or permit the vessel to move from one location to another in the W-1 zone in an attempt to avoid the time limit in section 12.1.1(d).



Density Bonusing

Village staff are developing an approach to density bonusing that takes into account comments voiced at the public information meeting that the “75 percent of lift” approach would be too aggressive. Staff hope to present a revised density bonus framework soon.

Storage of Commercial and Industrial Vehicles and Equipment

Council was of the opinion that the 4,600 kilogram gross vehicle weight rating proposed in the first draft of the zoning bylaw was too limiting in terms of the type of vehicle that may be prohibited from parking on a residential lot.

To guide Council, a range of vehicle and equipment gross vehicle and operating weights was obtained from various web sources with a view to providing examples of the type of equipment that would be permitted if the maximum permitted weight was either 5,000 or 7,000 kilograms as follows:

5000 kg GVWR/operating weight or less	7000 kg GVWR/operating weight or less
<p data-bbox="203 1614 641 1646">Ford Transit 350HD – 4699 kg GVWR</p> 	<p data-bbox="831 1614 1291 1646">Ford E450 6578 kg GVWR; 6.6m length</p> 

<p>John Deere 5100R utility tractor 4450 kg length 3.75m</p> 	<p>Kubota M7-171 Tractor (6848 kg) length 4.8m</p> 
<p>Bobcat E45 Compact Excavator (4571 kg operating weight)</p> 	<p>Bobcat E63 Mini Excavator (6250 kg operating weight)</p> 
<p>Cat Multi Terrain Loader 297D2 XHP (4952 kg)</p> 	<p>Bobcat T870 Compact Track Loader (5863 kg)</p> 

Either of the above categories would be a relatively generous provision in a single detached residential zone for outdoor storage/parking of commercial vehicles or equipment, As there were a number of types of equipment (and probably vehicles) just marginally over 5,000 kg GVW noted while researching this matter, it is recommended that the allowance be 7,000 kg.

The Planning Consultant met with the owner of the Lions Bay Marina as well as the Brunswick Beach residents who had questions about the siting provisions for small lots. With respect to the Lions Bay Marina, the owner provided a history of the business and how it has evolved over the years. A survey plan of the site was made available. The owner plans to relocate the store in the future and requested that the zoning bylaw accommodate a maximum setback from Rundle Creek of 50 m (presently it's 24 m). This would not affect any neighbouring properties and there is no objection to this from a technical perspective.

As a result of the discussion about Brunswick Beach, the existing (and proposed) zoning was reviewed and it was discovered that there is presently no minimum building width in Brunswick

Beach and that an exemption for garages and storage of up to 40 m² had been omitted from the draft bylaw. This has been corrected and the draft zoning now should be essentially the same as the existing Brunswick Beach residential zoning.

Finally, a number of minor changes to improve clarity



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Zoning and Development Bylaw No. 520, 2017

VILLAGE OF LIONS BAY

ZONING and DEVELOPMENT BYLAW NO. 520, 2017

A Bylaw to Establish Zones and Regulate the Use of Land, Buildings and Structures Within the Zones

The Council of the Village of Lions Bay in open meeting assembled enacts as follows:

PART I TITLE

1.1 This bylaw may be cited for all purposes as "Zoning and Development Bylaw No.520, 2017".

Repeal

1.2 The following bylaws are hereby repealed:

- .1 Zoning Bylaw No. 362, 2004; and
- .2 Greater Vancouver Regional District Electoral Area C Zoning Bylaw No. 785, 1995, as amended, to the extent the bylaw applied within the *Municipality*, through Supplementary Letters Patent or otherwise.

PART II INTERPRETATION

Definitions

2.1 In this bylaw:

accessory use, building or structure means a *use, building or structure* that is subordinate, incidental and exclusively devoted to a *principal use, building or structure* on the same *parcel* as the *accessory use, building or structure*, or, in the case of common property in a strata plan, a *principal use, building or structure* on a strata lot within the same strata plan;

aisle space means the area of a *parcel* which provides space for motor vehicle access and maneuvering in respect of parking and does not include space for motor vehicle parking;

apartment means a *multi-unit dwelling* which has its principal access from a common entrance;

Approving Officer means the person appointed by Council as the Approving Officer for the *Municipality*;

building means a *structure* used or intended for supporting or sheltering a *use* or occupancy;

building or structure, accessory means a building or *structure* that is subordinate to and serves a *principal building* or *use*;

Building Official means the *Building Official* for the *Municipality*;

building, principal means a building in which is conducted the *principal use* of the *parcel* on which it is located;

cannabis means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis;

CAO means the Chief Administrative Officer of the *Municipality*;

carport means a *structure* which shelters an area used for the parking of one or more motor vehicles and is open at least 50 percent on all sides;

church means an assembly *building* used for religious but not commercial or residential purposes;

civic use means a *use* providing for public functions, including but not limited to government offices, public schools, colleges, and hospitals, community centres, courts, police stations, firehalls and fire department training facilities, ambulance stations, libraries, museums, parks, playgrounds, cemeteries, and *highways*;

Community Amenity Contribution Policy means the community amenity policy in the Official Community Plan of the *Municipality*;

conservation use means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

convenience store means a *retail store* where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other such *household* items are sold in small quantities, and may include the retail sale of alcoholic beverages;

cottage means a *building* containing a secondary *dwelling unit*, which is separate from, and accessory to, a principal *single detached dwelling* on the same lot;

density means any of the following: the number of *dwelling units* per hectare of *parcel* area, the *floor area ratio*, or the number of *parcels* per hectare;

dwelling unit means a set of habitable rooms within a *building*, used as a residence by not more than one *household*, that contains:

- (a) a separate entrance from the outdoors; and

(b) a gas range or stove or electric range or stove with 240 volt wiring;

dwelling, duplex means a *building* containing two *dwelling units*, neither of which is a *secondary suite*, divided horizontally or vertically, with each *dwelling unit* having a separate exterior entrance;

dwelling, multi-unit means a *building* containing three or more *dwelling units*;

dwelling, single detached means a *building* containing only one *dwelling unit*;

dwelling with secondary suite means a *building* containing two *dwelling units*, a larger principal *dwelling unit* and a smaller *secondary suite*;

emergency mooring means mooring for

- (a) safe harbour from inclement weather or marine conditions;
- (b) repairs to a vessel;
- (c) medical purposes;

environmental conservation means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

fence includes arbor, archway, gate, pergola, screen, trellis and *wall*;

float means a buoyant platform *structure*, affixed on the surface of water by a rope, chain or wire connected to an anchor located beneath the low water mark and which is customarily used for recreational purposes such as swimming or diving;

floating dock means a platform or ramp supported by pontoons usually joined to the shore with a gangway and usually held in place by vertical pilings which are embedded in the seafloor or by anchored cables;

floor area, gross means the total floor area of all *buildings* on a *parcel* measured to the outer limits of the *buildings* including all areas giving access thereto such as corridors, hallways, landings, foyers, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding unenclosed swimming pools, balconies or sundecks, elevators, up to 40 square metres of *garage* or *carport* area, ventilating machinery;

floor area ratio means the *gross floor area* divided by the area of a *parcel*;

garage means an *accessory building* or a portion of a *principal building* that is used for the parking of one or more motor vehicles and is totally enclosed with a roof, *walls*, and one or more doors;

grade, average is measured around the perimeter of a *building* or *structure* at or directly above or below the outermost projection of the exterior *walls* or the posts of *carports*, as described in section 4.8. A deck attached to a *building* is not considered in determining the *building* perimeter;

grade, finished means the ground level created by human action, excluding created localized depressions such as for vehicles or pedestrian entrances;

grade, natural means the undisturbed ground level formed without human intervention;

height means the vertical distance from the *average grade* of a *structure* to the highest point of the roof surface, in the case of a *structure* without a roof, to the highest point of the *structure*;

highway includes a *street*, road, *lane*, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;

home-based business means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain within a wholly enclosed *building* or *structure* so that the business use is not evident to passersby, and which is *accessory* to the principal *residential use* of the property;

home exchange for the purpose of this bylaw means the exchange of two homes, without a monetary transaction, where the residents of each home trade use of their homes at a time or times convenient to both parties;

houseboat means a special type of vessel that has been designed or modified for recreational residential use.

household means one or more persons related by blood, marriage, common law marriage or adoption; or a group of not more than 5 unrelated persons; all of whom are living together in one dwelling using common *kitchen* facilities.

infrastructure use means a use providing for the servicing of all or a portion of the *Municipality* with community water or sewer systems (including pump houses and sewage treatment plants), storm drainage systems, roads, community gas, electrical, telephone, broadcast transmission and similar public service facilities and equipment where such use is established by the *Municipality*, by another governmental body or by a company operating under a license or permit issued by a Provincial or Federal regulatory authority, and includes *public works yard*, maintenance *buildings* and offices;

kitchen means facilities intended or used for the preparation or cooking of meals, and includes any room or portion of a room containing cooking appliances, including stove, oven, and hotplates, as well as raised counters, cabinets, or where wiring exists for the installation of such facilities;

lane means a *highway* which is greater than 3 metres and less than 10 metres in width and which provides secondary access to a *parcel*

main floor means the floor of the *storey* which is nearest to the *finished grade* of the *parcel*;

mooring system means a system of works that is used to secure a vessel and that consists of an anchor that is set in or on the bed of a navigable water, a single anchor line, a single buoy and a mooring line to attach to a vessel;

Municipality means the municipality of the Village of Lions Bay or the area within the Lions Bay municipal boundaries as the context may require;

natural boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil;

panhandle lot means a *parcel* which gains access to a public *street* through a strip of land narrower than the typical frontage dimensions required for the *parcel*;

parcel means a lot, block, or other area in which land is held or into which land is subdivided;

parcel, through means a *parcel* that abuts two generally parallel *highways*;

parcel coverage means the total horizontal area within the outermost *walls* of the *buildings* on a *parcel*, expressed as a percentage of the *parcel* area;

parcel line, exterior side means the *parcel* line or lines not being the front or rear *parcel line*, common to the *parcel* and a *highway*;

parcel line, front means the *parcel* line common to the *parcel* and:

- (a) an abutting *highway*, and
- (b) where there is more than one *parcel* line abutting a *highway*, the shortest of these lines shall be the front;

parcel line, rear means the *parcel* line opposite to and most distant from the *front parcel line* or where the rear portion of the *parcel* is bounded by intersecting *side parcel lines*, it shall be the point of such intersection;

parcel line, side means a *parcel* line, other than a front or rear *parcel line*, common to two or more *parcels*;

parking space means an area on a *parcel* identified for the parking of one motor vehicle and does not include *aisle space*;

personal services establishment means use of a *building* or portion thereof to provide: (a) grooming services to a person including but not limited to hairstylists, aestheticians and spa services; or (b) clothing related services including shoe repairs, tailor or dressmaker and other similar services;

principal use means the main purpose for which land, *buildings* or *structures* are ordinarily used;

Public Works Manager means the Public Works Manager for the *Municipality*;

public works yard means premises operated by, or on behalf of, the *municipality*, for the storage, manufacture, maintenance or repair of *buildings*, infrastructure, materials or equipment including machine shop, paint shop, sign shop, woodworking shop, fuel storage, and repair *garage* used in connection with public works;

residential use means the occupancy or *use* of a *dwelling unit* for the permanent domicile of a person or persons, or the occasional or seasonal occupancy of a *dwelling unit* as a dwelling by an owner who has a permanent domicile elsewhere, or by non-paying guests of such an owner - this *use* does not include *short term rentals*;

resource use means a *use* providing for the extraction of primary forest, mineral and other resource materials, and in addition includes only the primary grading, cutting, crushing, pumping and filtering of such materials for shipment or distribution, and excludes all manufacturing of products, and any processing not specifically included in this definition;

retail store means a place where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own *use*;

retail store, cannabis means premises where *cannabis* is sold or otherwise provided to a person who attends at the premises, with or without a medical prescription;

retaining wall means a vertical *structure* used to retain soil for the construction of an artificial grade by either excavating from or adding fill to the *natural grade*;

secondary suite means a *dwelling unit* completely contained within what would otherwise be a *single detached dwelling* and having:

(a) a total floor area of not more than 90m² in area, and

(b) having a floor area less than 40 percent of the habitable floor area of the *building*, used only for *residential use* consistent with the provisions of the *Residential Tenancy Act*;

secondary use, building or structure means one or more *uses, buildings* or *structures* that are used in conjunction with a *principal use, building* or *structure* on the same *parcel*;

setback means the minimum permitted distance between a *building* or *structure* and a specified *parcel* line or *natural boundary*;

short term rental means the use of a *dwelling unit* for the temporary commercial accommodation of paying guests for a period of less than one month and excludes *home exchanges*;

street means a *highway* 10 metres or more in width;

storey means the portion of a *building* that is situated between the top of any floor and

- a) the top of the floor next above it; or
- b) if there is no floor above it, that portion between the top of such floor and the ceiling above it;

structure means any construction fixed to, supported by or sunk into land or water but excludes a *fence* less than 1.9 metres and a *retaining wall* less than 1.2 metres, and includes a *building*;

temporary structure means a *structure* which is:

- a) not a fixture fixed to or sunk into land; or
- b) not attached to land other than by its weight;

townhouse means a *multi-unit dwelling* not more than three *storeys* high with *dwelling units* located side by side under one roof, with private exits or entrances to each dwelling and with each dwelling sharing common *walls* or party *walls*;

use, includes actual *use*, intended *use* or designed for a particular *use*;

wall means any vertical *structure* used as an enclosure or screen where the thickness is greater than 8 centimetres, excluding rails and posts. Thinner *structures* are considered *fences*;

watercourse means a depression with a bed 0.6 metres or more below the average natural elevation of surrounding land:

- (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or
- (b) having a drainage area of 2 square kilometres or more.

Illustrations

- 2.2 Illustrations provided in this bylaw are provided for convenience only and do not form part of the bylaw. If a conflict exists between an illustration and the text, the text will prevail.

Rounding

- 2.3 Where calculation of maximum number of *dwelling units* or *parcels* per hectare, minimum number of *parking spaces* per specified *gross floor area* or similar calculation of permitted or required units results in a fraction, the required or permitted number of units shall be rounded to the next lower whole number.

PART III APPLICATION, ADMINISTRATION AND ENFORCEMENT

Application

3.1 This bylaw applies to all land within the *Municipality*, including the surface of water.

Compliance

3.2 Land shall not be used and *buildings* and *structures* shall not be constructed, altered, located or used except as specifically permitted by this bylaw.

Inspection

3.3 Officers or employees of the *Municipality*, or other persons authorized by Council, may enter on property, and enter into property, at reasonable times and in a reasonable manner, after taking reasonable steps to advise the owner or occupier before entering the property, and complying with any other requirements of the *Community Charter*, to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to this bylaw.

Offence

- 3.4 .1 Any person who violates, or causes or permits an act to be done in violation of a provision of this bylaw shall be deemed to be guilty upon summary conviction of an offence under this bylaw.
- .2 Each day's continuance of an offence under Section 3.4 constitutes a new and distinct offence.
- .3 Notwithstanding the foregoing, where the *Municipality* elects enforcement under Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, any bylaw contraventions under this zoning bylaw shall not constitute the creation of an offence.

Penalty

- 3.5 Every person who contravenes this bylaw is liable:
- .1 to a penalty for contravention as set out in Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended;
- .2 on summary conviction to a fine not exceeding \$10,000 and the costs of prosecution; or
- .3 to both a penalty under subsection 3.5.1 and a fine under subsection 3.5.2.

Severability

3.6 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

PART IV GENERAL REGULATIONS

Application

4.1 Except as otherwise specified in this bylaw, Part IV applies to all zones established under this bylaw.

Uses Permitted in All Zones

4.2 The following *uses* and *structures* are permitted in all zones:

.1 *Principal Uses, Buildings and Structures*

- (a) community garden;
- (b) *environmental conservation* activities;
- (c) parks, playgrounds and recreational trails;
- (d) *infrastructure use*;

.2 *Secondary Uses, Buildings and Structures*

- (a) temporary construction and project sales offices authorized by *building* permit as temporary *buildings*;

Uses Prohibited in All Zones

4.3 The following *uses* are expressly prohibited in all zones:

- .1 *residential use* of a mobile home, tent, trailer or recreation vehicle;
- .2 storage of boats exceeding 7 metres in length, except in the C-2 and C-3 Zones;
- .3 animal husbandry including the keeping of poultry, fish farming, the boarding of animals and the keeping of animals, except that *household* pets, other than poultry, may be kept;
- .4 a *use* with a drive-through service;
- .5 *cannabis retail store*.
- .6 *cannabis* production, except as permitted under Part 2 [Production for Own Medical Purposes and Production by a Designated Person] of the *Access to Cannabis for Medical Purposes Regulations*;
- .7 *short term rentals*; except where authorized under a temporary *use* permit;
- .8 any *use* not listed as a *principal* or *secondary use* in this Part or any of the zones.

Principal Uses, Buildings and Structures

4.4 Except where specifically permitted, not more than one *principal building* shall be located on a *parcel*.

Accessory Uses, Buildings and Structures

- 4.5 .1 *Principal uses* permitted by this bylaw do not include, except where specifically permitted, *accessory uses, buildings or structures*.
- .2 All *accessory buildings and structures* shall be located on the same *parcel* as the *principal building* to which it is *accessory*.
- .3 An *accessory building or structure* attached to the *principal building* shall be considered a part of the *principal building* and shall comply in all respects with the regulations of this bylaw applicable to the *principal building*.
- .4 For the purposes of section 4.5.3 “attached” means heated space with a minimum internal clear width of 860mm and a minimum finished floor area of 3.5 square metres.
- .5 An *accessory building or structure* shall not be used as a *dwelling unit*.
- .6 No *accessory building or structure* shall include *kitchen* facilities.

Temporary Use Permits

- 4.6 Pursuant to the *Local Government Act*, all lands within the *Municipality* are designated as areas where temporary *uses* may be allowed under a temporary *use* permit and the Council delegates to the *CAO* the authority to grant temporary *use* permits in accordance with the *Short Term Rental Policy*.

Siting Exemptions

- 4.7 .1 Interior *side parcel line* requirements shall not apply to strata *parcels* under the *Strata Property Act* where a common *wall* is shared by two or more *dwelling units* within a *building*.
- .2 The following features may project into the *setback* area required by this bylaw between a *building* and front, rear or *side parcel lines*:
- (a) gutters, cornices, sills, belt courses, bay windows, chimneys, heating or ventilating equipment if the projections do not exceed 0.6 metres;
 - (b) eaves, porches, canopies and sunshades if the projections, measured horizontally, do not exceed:
 - (i) 1.5 metres for front and *rear parcel lines*, or
 - (ii) 0.6 metres for *side parcel lines*
- provided that the foundation or supports for them do not encroach into any required front, side or rear *setback* area.
- .3 The following are exempted from the siting regulations:
- (a) *fences*,
 - (b) *retaining walls* not exceeding 1.2 metres in *height*;

- (c) stairs not exceeding two metres, exclusive of necessary handrails or guards, above existing ground elevation;
 - (d) free standing light poles, flag poles, warning devices, antennas, masts and clothes lines;
 - (e) sidewalks, patios and hard surfacing of the ground;
 - (f) uncovered swimming pools or tennis courts provided that the pool or tennis court is:
 - i. not within the required minimum siting distance from the *front parcel line*; and
 - ii. a minimum of 1.0 metre from any other *parcel line*; and
 - (g) underground *structures* that do not extend above the surface of the *parcel*.
- .4 In a zone in which *residential uses* are permitted, a free standing tool storage shed or greenhouse not exceeding 19 square metres in area or a combination of tool storage and greenhouse not exceeding 28 square metres in area may be placed within the *setback area* between the *principal building* and *rear parcel line*.

Calculation of Average Grade

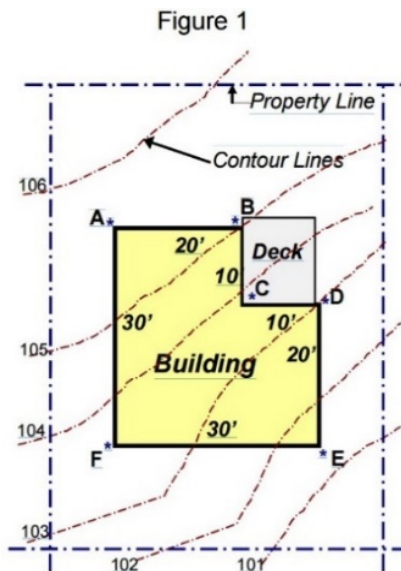
4.8 The *average grade* for a *building* or *structure* shall be calculated as follows:

- .1 (a) measure the ground elevation at each corner of the *building*; then
- (b) total the elevations of all corners; then
- (c) divide by the number of corners.

The result is *average grade* for the *building*, the reference point from which *height* will be measured.

Example:

Corner	Elevation
A	105.5 m
B	105.0 m
C	104.0 m
D	103.0 m
E	101.5 m
F	104.0 m
Total	623.0 m
÷ 6	103.8 m



- .2 Where the *natural grade* cannot be ascertained because of existing landscaping, *buildings* or *structures*, and appears to have been significantly altered, the level of *natural grade* shall be determined by the *Building Official*, who may rely on the professional opinion of a British Columbia Land Surveyor, at the cost of the property owner.

Height Exemptions

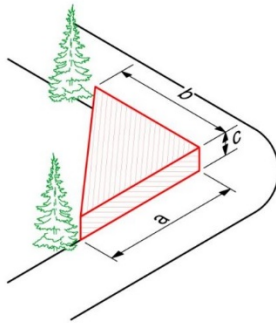
- 4.9 Any of the following may exceed the *height* limitations specified for each zone of this Bylaw provided that the *parcel coverage* of such *structures* does not exceed 1 percent or, if it is located on a *building*, the *structure* does not occupy more than 5 percent of the roof area of the *building*:
 - .1 dome or cupola;
 - .2 monument;
 - .3 chimney;
 - .4 spire, belfry;
 - .5 mast or antenna for any purpose other than the domestic reception of radio and television signals;
 - .6 mechanical appurtenance screened from view from a *highway*
 - .7 observation tower; or
 - .8 flagpole.

Fences and Retaining Walls

- 4.10 Except as otherwise specifically stated in this bylaw:
 - .1 the *height* of a *fence* or *wall* shall be determined by measurement from the average *finished grade* within 0.9 metres of both sides of the *fence* or *wall*;
 - .2 no *fence* shall exceed 1.9 metres in *height*;
 - .3 a site alteration permit, site plan, geotechnical report, and engineer's Letters of Assurance shall be required for *retaining walls* with *heights* greater than 1.2 metres or for any *wall* slope greater than 45 degrees. The *Building Official* may require an engineer's Letters of Assurance, for a series of terraced *retaining walls* with a combined *height* of greater than 1.2 metres;
 - .4 confirmation of siting by a British Columbia Land Surveyor (BCLS) is required where a *fence* or *wall* will be located within one metre of a property line;
 - .5 a registered professional shall supervise the design and construction of a *retaining wall* greater than or equal to 1.2 metres in *height*. Sealed copies of the design plan and field review reports prepared by the registered professional for all *retaining walls* greater than or equal to 1.2 metres in *height* shall be submitted to the *Building Official* prior to commencement of the work.

Visibility

- 4.11 Despite section 4.10.2, on a *parcel* contiguous to a *street* intersection in any zone, no *fence*, *retaining wall*, *wall*, *hedge* or other obstruction to the line of vision shall be allowed at a greater *height* than 0.9 metres above the established elevation of the centre point of the intersecting *streets*, at or within a distance of 4.5 metres from the corner of the *parcel* at the intersection of the *streets*.



a = 4.5 metres

b = 4.5 metres

c = 0.9 metres

Home-based business

- 4.12 *Home-based businesses*, where permitted as a *secondary use* in a zone, shall be subject to the following conditions:
- .1 the *home-based business* shall be carried on by persons resident on the *parcel*;
 - .2 all *home-based business* shall be conducted entirely within a completely enclosed *building* permitted under this bylaw;
 - .3 there shall be no signs or other variations from a primarily residential appearance of the land and premises where a *home-based business* is located;
 - .4 the *gross floor area* of the *home-based business* shall not exceed 100 m² or 40% of the *gross floor area* of the principal dwelling in which the *home-based business use* is located, whichever is less
 - .5 outdoor storage of materials or equipment is prohibited;
 - .6 any *use* which is or may become obnoxious, offensive, dangerous or a nuisance by reason of the presence or emission of odour, dust, smoke, noise, gas, fumes, cinders, vibration, electrical interference, refuse matter or water carried wastes is prohibited;
 - .7 for clarity, automobile body shop, automobile service, automobile salvage or wrecking yard; brewery; distillery; kennel; animal breeding for commercial purposes; restaurant; and the parking or storage of industrial or construction equipment or materials are specifically prohibited as *home-based businesses*;

Off-street Parking

- 4.13 .1 Except as otherwise specified in this bylaw, space for the off *street* parking and loading of motor vehicles for a class of *building* permitted under this bylaw shall be provided and maintained in accordance with the regulations of this section.
- .2 The number of off *street parking spaces* for motor vehicles required for any class of *building* shall be calculated according to Table 1 of this bylaw in which Column I classifies the types of *buildings* and Column II sets out the number of required off *street* parking and loading spaces that are to be provided for each *use* in Column I.
- .3 Where a class of *building* permitted under this bylaw is not specifically referred to in Column I of Table 1, the number of off *street parking spaces* shall be calculated using the requirements for a similar class of *building* that is listed in Table 1.
- .4 Where the calculation of the required off *street parking space* results in a fraction, the number of required *parking spaces* shall be rounded down.
- .5 Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.4 square metres of seating shall be deemed to be one seat.
- .6 Off *street parking spaces* shall be located on the same *parcel* as the *building* they serve and must, except for *single detached dwellings, cottages* and duplexes, have associated *aisle space* as set out in section 4.14.

Parking and Aisle Space Dimensions

- 4.14 .1 An off *street parking space* shall be not less than 2.75 metres in width and 6 metres in length with a minimum vertical clearance of 2.8 metres.
- .2 *Aisle space* shall be a minimum of:
- (a) 6 metres wide where the angle of the *parking space* to the *aisle space* is 61 degrees to 90 degrees;
 - (b) 5 metres wide where the angle of the *parking space* to the *aisle space* is 46 degrees to 60 degrees; or
 - (c) 4 metres wide where the angle of the *parking space* to the *aisle space* is 1 degree to 45 degrees.

TABLE 1

COLUMN I	COLUMN II
<u>Building Class, Use or Type</u>	<u>Required Number of Spaces</u>
Single family dwelling per <i>parcel</i>	2 for each <i>Single Detached Dwelling</i> without a <i>Secondary Suite</i> and 3 for each <i>Single Detached Dwelling</i> with a <i>Secondary Suite</i>
<i>Cottage</i>	2 per <i>cottage</i>
<i>Apartment building or townhouse</i>	1.5 for each <i>dwelling unit</i>
Shopping centre and individual <i>retail store</i>	1 per 18.6 square metres of <i>gross floor area</i>
Restaurant, coffee shop, facility licensed for consumption of alcohol	1 per 4 seats of maximum seating capacity
Public assembly places, <i>churches</i> , auditoriums, community centres, meeting halls, and recreation centres	1 for each 5 seats based on maximum capacity
Marina	1 per 2 berths or 1 per 7.5 metres of moorage

Parking and Storage of Heavy Commercial and Industrial Vehicles and Equipment

- 4.15 .1 The outdoor storage or parking of commercial or industrial vehicles, equipment, or machinery with a primary function other than the transportation of passengers, including but not limited to excavators, dump trucks, forklifts, backhoes, tractors, trailers and similar types of vehicles, equipment or machinery is prohibited in all Residential zones.
- .2 Outdoor storage or stockpiling of any commercial, industrial or construction materials, implements or supplies is prohibited in all Residential zones.
- .3 Despite clause 4.15.1, one commercial or industrial vehicle or piece of equipment per *parcel* may be parked or stored outdoors on a lot in a Residential zone provided that the vehicle or equipment:

- (a) has a gross vehicle weight rating (or manufacturer's specified operating weight in the case of equipment) of not more than 7,000 kilograms and
 - (b) is operated by a resident of the *parcel*.
- .4 Despite clauses 4.15.1 and 4.15.2, commercial and industrial vehicles, equipment, or machinery and commercial, industrial or construction materials, implements or supplies may be stored on a *parcel* for which the alteration of the land or the construction of a *building* or *structure* has been authorized by the Village through:
 - (a) a site alteration permit, or
 - (b) a *building* permit,
 provided that all such vehicles, equipment, supplies, and materials:
 - (c) can be demonstrated to the satisfaction of:
 - (i) the *Public Works Manager* or the *Building Official*, regarding site alteration permits, or
 - (ii) the *Building Official*, regarding *building* permits,
 to be directly related to and strictly necessary for the fulfillment of the construction so authorized by the Village, and
 - (d) are removed within 30 days of final inspection related to the site alteration permit or the *building* permit, or such earlier date as the *Public Works Manager* or *Building Official* determines such vehicles, equipment, supplies, and materials are no longer needed to fulfill the scope of the applicable permit.
- .5 A person may appeal the determination of the *Public Works Manager* or the *Building Official* under section 4.15.4 to the Council by submitting a request and the detailed reasons for appeal and any supporting documentation to the Corporate Officer, who shall add the matter to an upcoming Council meeting agenda.
- .6 On an appeal under section 4.15.5, the Council may uphold the determination and order of the *Public Works Manager* or *Building Official*, or may vary such order as it determines is reasonable in the circumstances.

Temporary Structures

- 4.16 Notwithstanding any other provision of this bylaw, a *temporary structure* is prohibited, except that:
 - .1 The CAO may issue a permit for a *temporary structure* on receipt of an application in writing requesting permission for the *temporary structure*.
 - .2 The CAO shall not issue a permit for a *temporary structure* if it would obstruct a public right of way or easement; or contravene a Village bylaw.

- .3 A *temporary structure* permit is valid for a period of not more than 60 days, provided that Council on receipt of an application in writing for an extension may extend the permit period for not more than one year.

Metal Shipping Containers

- 4.17 .1 A metal shipping container shall only be used for storage purposes.
- .2 A metal shipping container shall not be accessible to the general public, or rented or leased as part of a commercial storage facility.
- .3 Metal shipping containers are permitted only in the C-2, CU-1 and RU-1 zones.
- .4 Despite Section 4.17.3:
- (a) where a site alteration or *building* permit has been issued for construction on a *parcel* in any zone, metal shipping containers may be used for temporary storage provided that they are removed within 30 days of:
 - (i) final inspection of the *building* or *structure* for which the *building* permit has been issued;
 - (ii) expiry of the *building* permit;
 - (iii) completion of a site alteration for which a site alteration permit has been issued; or
 - (iv) a determination by the *Public Works Manager* or the *Building Official* that the shipping container is no longer needed to fulfill the scope of the applicable permit, in which case the provisions of sections 4.15.5 and 4.15.6 apply.
 - (b) metal shipping containers may be used for moving provided that they are not located on any *parcel* for longer than 60 days;
 - (c) metal shipping containers may be used for emergency purposes on a *parcel* in any zone provided they are not located on any *parcel* for longer than 90 days; and
 - (d) metal shipping containers may be used in conjunction with *infrastructure uses* and *civic uses* on a *parcel* in any zone.
- .5 Despite section 4.17.4, a metal shipping container is not permitted to remain on an RS-1 *parcel* longer than two years.
- .6 The maximum number of metal shipping containers on any *parcel* is 1, except on *parcels* used for fire department training facilities.

Solar Energy Devices

- 4.18 .1 Solar energy devices are permitted in any zone provided that where attached to a *building* or *structure*:

- (a) the device does not extend beyond the outermost edge of the roof or *structure*;
 - (b) the device does not extend above the highest point of the roof or *structure*; and
 - (c) roof connection details have been approved by a structural engineer.
- .2 Where a solar energy device is not attached to a *building* or *structure*, or is attached to a pole, it shall comply with the siting requirements for the *principal building* or *structure* on the *parcel* on which the device is located.

Flood Protection

- 4.19 No *building* or *structure* shall be constructed, erected or placed;
- .1 within 15 metres of the *natural boundary* of a *watercourse*;
 - .2 on ground surface less than:
 - (a) 0.7 metres above the 200 year flood level, which level has been established by the Ministry of Environment;
 - (b) 3.1 metres above the *natural boundary* of a *watercourse* where the 200 year flood level has not been established; and
 - (c) 1.6 metres above the *natural boundary* of the sea.

PART V GENERAL SUBDIVISION PROVISIONS AND REGULATIONS

Minimum Frontage Waiver

- 5.1 The *Approving Officer* may exempt, where a *parcel* of land fronts on a *highway*, a person proposing to subdivide land from the limitation provided under Section 512 of the *Local Government Act* after duly considering whether:
- .1 the proposed lot is capable of being further subdivided under existing regulations;
 - .2 an attempt is being made to assemble land which conforms substantially with the Official Community Plan;
 - .3 the lot with insufficient frontage is for municipal or public *use*; and
 - .4 unusual soil conditions exist or may develop as a result of the proposed subdivision.

Panhandle Lots

- 5.2 The area within the access strip of a *panhandle lot* in a residential zone shall not be included in the calculation of the area of the lot.

Minimum Parcel Area Exceptions

- 5.3 Minimum *parcel* area regulations required by the applicable zone shall not apply where:
- .1 a covenant is registered restricting the *use* of the *parcel* to non-sewage generating *uses* prohibiting the construction of *buildings* and *structures*;
 - .2 the *parcel* is intended for *infrastructure uses*, parks, fire halls, or fire department training facilities;
 - .3 an adjustment of lot lines dividing contiguous *parcels* to facilitate an existing development or improve a subdivision pattern does not create, or make it possible to create, additional *parcels* to those existing at the time of application; or
 - .4 a crown non-residential upland lease or aquatic lease is granted.

PART VI CREATION AND DEFINITIONS OF ZONES

Creation of Zones

6.1. The area of the *municipality* is divided into the zones identified in Column I and each zone is briefly described in Column II:

COLUMN I	COLUMN II
RS-1	Residential - Single Detached
RM-1	Residential – Multiple Unit
C-1	Commercial - Neighbourhood
C-2	Commercial - Marina
C-3	Commercial - Marina Foreshore
W-1	Water - Marine Foreshore
W-2	Water – Marine Community Recreation
CU-1	Community <i>Use</i>
RU-1	<i>Resource Use</i>

Definition of Zones

- 6.2 .1 The area of each zone is defined by Schedule A.
- .2 Where a zone boundary is shown on Schedule A as following a road right of way, rail right of way or a water course, the centre line of the road right of way, rail right of way or water course shall be the zone boundary.

PART VII ZONES

RS-1 Zone (Residential – Single Detached)

Permitted Uses

7.1 The following *uses* and no others are permitted in the RS-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in a single detached dwelling;*
 - (b) *residential use in a dwelling with secondary suite;*

- .2 *Secondary Uses, Buildings and Structures*
 - (a) *home-based business;*
 - (b) *accessory buildings and structures.*

Density and Area of Parcels

- 7.2 .1 The base *density* for existing *parcels* shall be a maximum of one *dwelling unit per parcel*, not including *secondary suites*.
- .2 The base *density* for *parcels* created by subdivision shall be a maximum of one *parcel* per 8000 m² of existing *parcel* area.
- .3 The minimum *parcel* area shall be 8000 m².

Density Benefits for Amenities

- 7.3 .1 Despite section 7.2, the maximum *density* may be increased to one *parcel* per 800 m², with a 700 m² minimum *parcel* area, to facilitate subdivision for a second *single detached dwelling* on a fee simple *parcel* where amenities identified in the *Community Amenity Contribution Policy* are provided.
- .2 Despite sections 7.2, and subject to section 7.9, the maximum *density* may be increased from one to two *principal buildings* per *parcel* containing dwellings to accommodate a *cottage* on *parcels* having a minimum area of 1,000 m², where a covenant and amenities identified in the *Community Amenity Contribution Policy* are provided.
- .3 The amenities provided under sections 7.3.1 or 7.3.2 shall be subject to negotiation with the owner based on a target contribution towards amenities identified in the *Community Amenity Contribution Policy*.

Size and Density of the Use of Land, Buildings and Structures

- 7.4 .1 Subject to section 7.3, no more than one *principal building* shall be located on a *parcel*.

- .2 The *floor area ratio* shall not exceed 0.35.
- .3 *Parcel coverage* shall not exceed 30 percent.
- .4 The minimum floor area of the *main floor* of a *principal building* shall be 93 m².

Siting

7.5 The minimum *setback* for a *building* or *structure* shall be:

- .1 7.5 metres from a front or rear *parcel line*; or
- .2 2.4 metres from a *side parcel line*.

Brunswick Beach Overlay Area

7.6 Despite sections 7.4, 7.5 and 7.8.2, the following regulations apply to the area outlined in a heavy black line on Schedule A (the Brunswick Beach Overlay Area):

- .1 Size and *Density* of the *Use of Land, Buildings and Structures*
 - (a) No more than one *principal building* shall be located on a *parcel*.
 - (b) The *floor area ratio* shall not exceed 0.25 plus 240 m².
 - (c) *Parcel coverage* shall not exceed 12.5 percent plus 180 m².
 - (d) The minimum *gross floor area* of a *principal building* shall be 75 m².
 - e) A floor area of up to 40 m² to accommodate *accessory storage* and a *garage* may be excluded from the *floor area ratio* and *parcel coverage* calculations in (b) and (c) above.
- .2 Siting
 - No *building* or *structure* shall be located within:
 - (a) 4.5 metres from a front or rear *parcel line* common to a public right of way whose opposite side adjoins the sea;
 - (b) the lesser of 7.5 metres or 20 percent of the *parcel* depth, to a minimum of 4.5 metres from any other *front parcel line*;
 - (c) 7.5 metres from any other rear *parcel line*;
 - (d) 1.5 metres of an interior *side parcel line*; or
 - (e) 3.0 metres of an *exterior side parcel line*.

.3 Minimum Width

There shall be no minimum width provision for *principal buildings* in the Brunswick Beach Overlay Area.

.4 Height

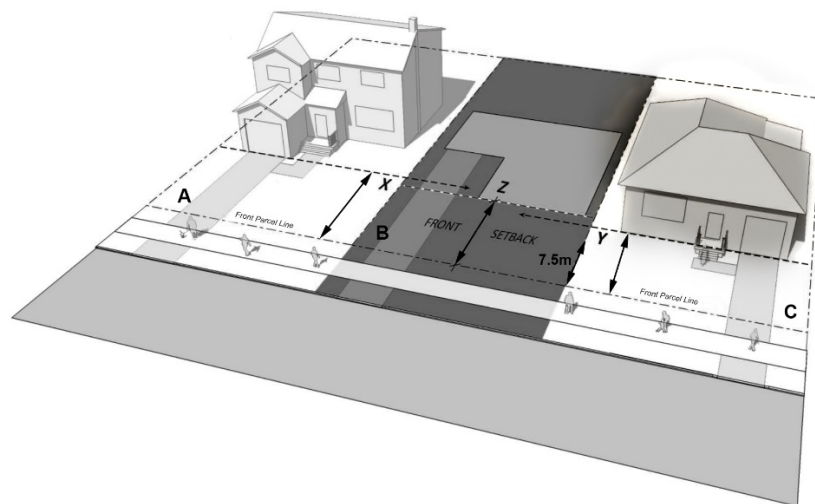
In the Brunswick Beach Overlay Area, *height* shall be measured from the *average grade* as follows:

- (a) to the highest point of the roof surface of a flat roof;
- (b) to the deck line of a mansard roof;
- (c) to the mean elevation between the eaves and the ridge of a gable, hip, gambrel, or other sloping roof; or
- (d) for a *structure* without a roof, to the highest point of the *structure*.

Front Setback Averaging

- 7.7 .1 Despite sections 7.5 and 7.6.2, where the average front *setback* of existing *principal buildings* on the adjacent *parcels* on each side of a subject *parcel* is more than the required front *setback* by at least 1.5 m, the front *setback* of the subject *parcel* shall be the average of the front *setbacks* on the adjacent *parcels*.

Example: Parcel B shares interior parcel lines with Parcels A and C and is not within the Brunswick Beach Overlay Area. The principal buildings on Parcel A and C are sited X metres and Y metres from the front parcel line respectively. The minimum front setback (Z) for Parcel B is calculated as follows: $(X + Y)/2 = Z$ and will apply if Z is greater than or equal to 9.0 metres metres (the required 7.5 metres + 1.5 m), as illustrated below:



- .2 Where a *parcel* has two *front parcel lines*, one facing a *highway* and one facing the ocean, front *setback* averaging shall apply only to the *front parcel line* facing the ocean.
- .3 Where a *parcel* is a *through parcel*, front *setback* averaging shall apply only to the *front parcel line* facing the *highway* which provides primary access to the *parcel*.

Height and Width of Buildings

- 7.8
- .1 The *height* of a *principal building* shall not exceed 9.0 metres for a sloping roof or 7.5 metres for a flat roof.
 - .2 The minimum width of a *principal building* shall be 5.1 metres.

Secondary Suites and Cottages

- 7.9
- .1 No more than one *secondary suite* or one *cottage*, but not both, shall be located on a *parcel*.
 - .2 A *secondary suite* shall not exceed a *gross floor area* of 90 m² or 40 percent of the *gross floor area* of the single detached dwelling, whichever is less.
 - .3 A *cottage* shall not exceed the *floor area ratio* in section 7.4.2 or 115m², whichever is less or a *height* of 9.0 metres for a sloping roof or 7.5 metres for a flat roof.

Accessory Buildings and Structures

- 7.10
- .1 No more than two *accessory buildings* or *structures* shall be located on a *parcel*.
 - .2 The *height* of an *accessory building* or *structure* shall not exceed 3.65 metres or, where the slope of the roof is greater than or equal to 3 in 12, 4.65 m.
 - .3 The maximum combined floor area of all *accessory buildings* shall not exceed 77 m².

Off-street Parking

- 7.11
- .1 *Off-street* parking shall be provided in accordance with sections 4.13 and 4.14 .

RM-1 Zone (Residential – Multiple Unit)

Permitted Uses

8.1 The following *uses* and no others shall be permitted in the RM-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in townhouses;*
 - (b) *residential use in duplex dwellings.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *accessory buildings and structures.*

Size and Density of the Use of Land, Buildings and Structures

- 8.2
- .1 More than one *principal building* may be located on a *parcel*.
 - .2 The *floor area ratio* shall not exceed 0.65.
 - .3 *Parcel coverage* shall not exceed 30 percent.
 - .4 The maximum *density* shall be 40 *dwelling units* per hectare of *parcel* area.

Siting of Principal Buildings

- 8.3 The minimum *setback* for a *principal building* shall be:
- .1 7.5 metres from a front or *rear parcel line*; or
 - .2 the greater of 3 m, or 50 percent of the *height* of a *principal building* on the *parcel*, from a *side parcel line*.

Height of Principal Buildings

- 8.4
- .1 The *height* of a *principal building* shall not exceed 9.0 m

Accessory Buildings and Structures

- 8.5
- .1 The *height* of an *accessory building or structure* shall not exceed 4.9 m.
 - .2 The minimum *setback* for an *accessory building or structure* shall be:
 - (a) 7.5 metres from a front or *exterior side parcel line*; or
 - (b) 2.4 metres from a side or *rear parcel line*.

Off-street Parking

- 8.6
- .1 Off-*street* parking shall be provided in accordance with sections 4.13 and 4.14.
 - .2 The minimum *setback* for an off-*street parking space* shall be 1.5 metres from a *parcel* line.

C-1 Zone (Commercial - Neighbourhood)

Permitted Uses

9.1 The following *uses* and no others shall be permitted in a C-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *convenience store;*
 - (b) *retail store;*
 - (c) *office, bank;*
 - (d) *personal services establishment;*
 - (e) *restaurant, excluding drive-in restaurant;*
 - (f) *apartment.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Size and Density of the Use of Land, Buildings and Structures

- 9.2
- .1 No more than one *principal building* shall be located on a *parcel*.
 - .2 *Parcel coverage* shall not exceed 60 percent.
 - .3 The maximum *gross floor area* for a *convenience store* shall be 340 m².

Siting of Principal Buildings

- 9.3 The minimum *setback* for a *principal building* shall be:
- .1 7.5 metres from a front or *rear parcel line*; or
 - .2 3.0 metres from a *side parcel line*.

Height of Principal Buildings

- 9.4
- .1 The *height* of a *principal building* shall not exceed 7.5 metres or two *storeys*, whichever is greater.

Off-street Parking and Loading

- 9.5
- .1 *Off-street* parking shall be provided in accordance with sections 4.13 and 4.14.
 - .2 One *off-street* loading space shall be provided on the *parcel*.
 - .3 An *off-street* loading space shall be prohibited in the required *side parcel line setback* area.

C-2 Zone (Commercial - Marina)

10.1 The following *uses* and no others shall be permitted in a C-2 zone:

.1 *Principal Uses, Buildings and Structures*

- (a) boat storage;
- (b) boat rentals,
- (c) marine fuel sales;
- (d) marina land facilities including boat maintenance and repair, restaurant, office, outboard and inboard engine repairs, store or sales room for the sale or rental of boats, engines, or marine supplies including food and sporting goods;
- (e) boat hoists and launching ramps.

.2 *Secondary Uses, Buildings and Structures*

- (a) not more than one accessory dwelling per *parcel*.

Site Specific Uses

10.2 Despite section 10.1, in the area delineated as **C-2A**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;
- (b) parking;
- (c) office.

Conditions of Use

- .2
- (a) The *height* of an office *building* shall not exceed the lesser of 7.5 metres or two *storeys*.
 - (b) The *height* of all other *buildings* and *structures* shall not exceed 3 m.
 - (c) The maximum *gross floor area* for an office *building* shall not exceed 47 m² per *storey* plus a deck area of 47 m².
 - (d) No part of an office *building* shall be located more than 24 metres from the *natural boundary* of Rundle Creek

10.3 Despite section 10.1, in the area delineated as **C-2B**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;

- (b) parking.

Conditions of Use

- .2 The *height* of a *building* or *structure* shall not exceed 9 m.

Size and Density of the Use of Land, Buildings and Structures

- 10.2 .1 *Parcel coverage* shall not exceed 60 percent.

Siting of Buildings, Structures and Uses

- 10.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a front or *rear parcel line*;
- .2 3.0 metres from a *side parcel line*;
- .3 0 metres from the *natural boundary* of the ocean, except the minimum *setback* for sewage disposal systems and public utility *uses* shall be 7.5 metres from the *natural boundary* of the ocean.

Height of Buildings and Structures

- 10.4 .1 The *height* of a *principal building* or *structure*, except boat hoists and gantries for stepping masts, shall not exceed 9.0 m.

Off-street Parking and Loading

- 10.5 .1 Off-*street* parking shall be provided in accordance with sections 4.13 and 4.14 .
- .2 Areas required for parking shall not be used for the sale or rental of boats.
- .3 Areas required for parking may only be used for the storage of boats and boat cradles between October 1st in any year and March 31st of the next year.
- .4 No person shall reside in a vessel stored in the C-2 zone.

C-3 Zone (Commercial - Marina Foreshore)

Permitted Uses

11.1 The following *uses* and no others shall be permitted in a C-3 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *floating dock*;
 - (b) fuel sales;
 - (c) launching ramp;
 - (d) buoy for the mooring of vessels.
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Conditions of Use

11.2 In a C-3 zone:

- .1 a *floating dock* or launching ramp shall be located within the boundaries of a water lease or license of the occupation granted or approved by the Province;
- .2 the location, shape, size and type of construction of a proposed *floating dock* or launching ramp shall be clearly shown on a plan and drawing submitted to the CAO before construction or installation;
- .3 no portion of a *floating dock*, other than a *floating dock* for fuel sales, shall exceed a width of 3 metres or a *height* above sea level of 1 m, except for hand railings;
- .4 no portion of a fuel *floating dock* shall exceed a width of 5 m, a length of 12 metres or a *height* of 1 metres above sea level, except for hand railings;
- .5 no portion of a launching ramp shall exceed a width of 5 metres or be located within 1 metre from the natural ocean bottom;
- .6 no *building*, shed or *structure* may be erected on a *floating dock* other than posts to carry lighting fixtures and the necessary wiring together with structural posts, rails and supports;
- .7 marina fueling facilities may be erected on a *floating dock*; and
- .8 no person shall reside on a *floating dock* or vessel moored in the C-3 zone.

W-1 Zone (Water - Marine Foreshore)

Permitted Uses

12.1 In a W-1 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) public or private mooring to a *mooring system* for vessels 12 metres or less in length;
 - (b) public or private *float*;
 - (c) public boat launching ramp;
 - (d) overnight accommodation on an anchored or moored vessel for a period not exceeding three nights every 30 days;
 - (e) *emergency mooring*.

- .2 *Secondary Uses, Buildings and Structures*
 - (a) None permitted.

Conditions of Use

- 12.2 .1 In a W-1 zone:
- (a) subject to a need for *emergency mooring*, no person shall anchor, moor, or permit the mooring of a vessel that is more than 12 metres in length, or a houseboat, for periods greater than 72 hours every 30 days;
 - (b) all *mooring systems* shall meet the requirements, standards and guidelines of the "Order Amending the Minor Works and Waters (Navigable Waters Protection Act) Order", the Private Buoy Regulations under the *Canada Shipping Act* and any other Transport Canada regulation, order or directive as applicable;
 - (c) private *floats* shall be located within the boundaries of a water lease or license of occupation granted or approved by the Province;
 - (d) no portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings;

- (e) the location, shape, size and type of construction of a proposed *float* shall be clearly shown on a plan and drawing submitted to the *CAO* before construction or installation;
- (f) no portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom;
- (g) no *building*, shed or *structure* shall be erected on a *float*; and
- (h) the owner or operator of a vessel shall not cause, allow or permit the vessel to move from one location to another in the W-1 zone in an attempt to avoid the time limit in section 12.1.1(d) or 12.2.1(a).

W-2 Zone (Water - Marine Community Recreation)

Permitted Uses

13.1 In a W-2 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

- (a) public beach;
- (b) public *float*;
- (c) public boat launching ramp.
- (d) *emergency mooring*.

.2 *Secondary Uses, Buildings and Structures*

- (a) None permitted.

Conditions of Use

13.2 In a W-2 zone:

- .1 No person shall anchor, moor, or permit the mooring of a vessel for periods greater than 72 hours every 30 days.
- .2 No portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings.
- .3 No portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom.
- .4 No *building or structure* shall be erected on a *float*.

CU-1 Zone (Community Use)

Permitted Uses

14.1 In a CU-1 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *civic use;*
 - (b) *church;*
 - (c) *community care use.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) None permitted.

Size and Density of the Use of Land, Buildings and Structures

14.2 .1 *Parcel coverage* shall not exceed 50 percent, except there shall be no maximum *parcel coverage* for firehalls, ambulance stations or other civic or *infrastructure uses*.

Siting of Buildings, Structures and Uses

14.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a *front parcel line*; except a school shall have a minimum *setback* of 10 metres from a *front parcel line*;
- .2 7.5 metres from a *rear parcel line*;
- .3 the greater of 2.4 metres or 10 percent of the length of the *front parcel line*, from a *side parcel line*.

Height of Buildings and Structures

14.4 .1 The *height* of a *principal building* shall not exceed 7.5 m.

Off-street Parking

14.5 .1 *Off-street parking* shall be provided in accordance with sections 4.13 and 4.14.

RU-1 (Resource Use)

Permitted Uses

15.1 In a RU-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

- (a) *resource use;*
- (b) *environmental conservation;*
- (c) *fire department training facility.*

.2 *Secondary Uses, Buildings and Structures*

- (a) *accessory buildings and structures.*

Siting of Buildings, Structures and Uses

15.2 The minimum *setback* for a *principal building* shall be 7.5 metres from a *parcel* line.

READ A FIRST TIME this 21st day of March, 2017

READ A SECOND TIME this _____ day of _____, 2017

PUBLIC HEARING HELD this _____ day of _____, 2017

APPROVED PURSUANT TO S.52 OF THE TRANSPORTATION ACT this
_____ day of _____, 2017

READ A THIRD TIME this _____ day of _____, 2017

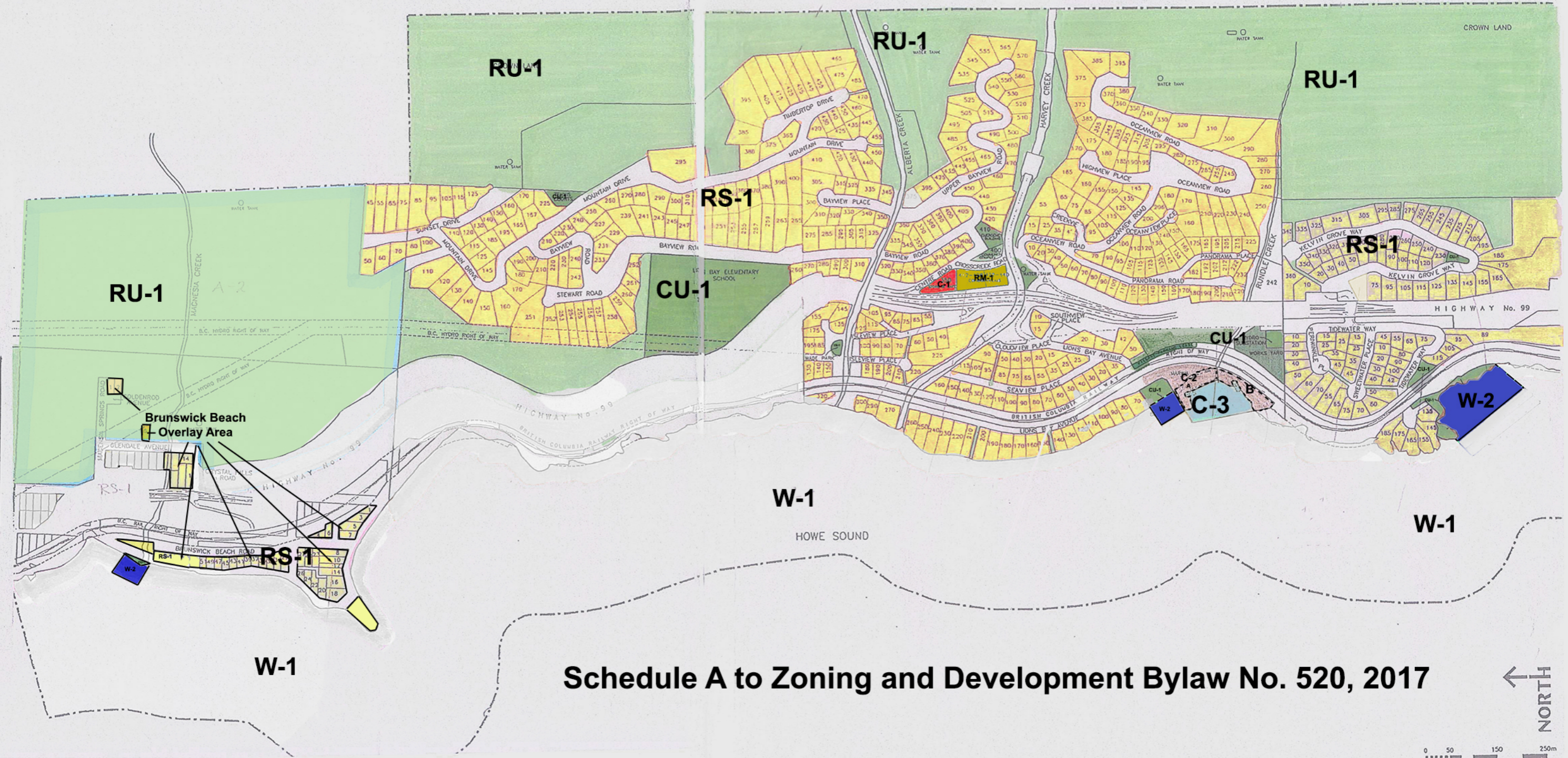
ADOPTED this _____ day of _____, 2017

Mayor

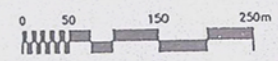
Corporate Officer

**Certified a true copy of Zoning and Development
Bylaw No.520, 2017 as at first reading.**

Corporate Officer



Schedule A to Zoning and Development Bylaw No. 520, 2017



Recreational



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	POLICY	Policy No	POL – 1703
Title	Community Amenity Contributions Policy		
Author	CAO	Reviewed By:	
Date	April 4, 2017	Version	1

Purpose

The purpose of this policy is to provide guidance for staff, elected officials, property owners and residents of the Village of Lions Bay regarding applications under Zoning and Development Bylaw No. 520, 2017 (Bylaw No. 520) to increase the maximum density permitted. The Village of Lions Bay Official Community Plan recognizes the need to assess and provide for infill housing opportunities on an incremental, site specific basis to provide alternative housing for a broader array of the community's existing and future demographic and socio-economic composition. It also recognizes specific parcels which have development opportunities. Community Amenity Contributions (CACs) are intended to help address the needs and impacts of growth and are linked to changes in use or density under Bylaw No. 520.

Section 482 of the *Local Government Act* provides for municipalities to introduce conditions upon which an owner of property may be entitled to a higher density than would otherwise be applicable to the property within a zoning classification. These conditions may relate to the conservation or provision of amenities, including the number, kind and extent of amenities. The property owner can decide if they wish to take advantage of the opportunity to increase density by providing a defined amenity contribution.

Municipalities may also address applications for changes in use and density, from one zoning classification to another. Such reclassifications generally result in upzoning of the land, which creates a gain in the value of the land, but which may also have short and long term impacts on the neighbourhood or the community as a whole. Municipalities and property owners may negotiate suitable amenities to address these impacts and community needs through a site specific rezoning agreement.

This policy document sets out the Village of Lions Bay's approach to seeking community benefits in association with zoning approvals for changes in land use and/or density so that

POL-1703: Community Amenity Contributions Policy



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

property owners and the public in general understand the purpose and mechanisms for these contributions. The Municipality wants its approach to Community Amenity Contributions to be clearly understood, predictable, consistently applied and reasonable.

Community Amenities

Renewal or replacement of fire hall
Replacement of all Lions Bay Fire Rescue apparatus
Renewal or replacement of park facilities
Construction of Transit Shelters
Construction of new trails linking neighbourhoods
Improvements to existing trails linking neighbourhoods
Dedication of land for parks and open spaces that exceed minimum requirements
Dedication of land for connecting trails
Improvement of on-street and off-street pedestrian walkways and bike paths
Improvements to Community Use Facilities
Development of Affordable, Rent Restricted, Special Needs and Seniors Housing
Other amenities of a similar nature to those listed above

Policy

1. New development should make a fair contribution to new or renewed community amenities, affordable housing and other community needs, in order to meet the needs of the community and address some of the impacts of new development.
2. The Municipality will set its targets for community amenity contributions such that the cost implications for new development will be reasonable and property owners will still see incentives to seek zoning for residential and commercial development. The Municipality will set targets for CACs in accordance with this principle.
3. The Municipality will negotiate CACs on a site specific basis during the rezoning process. In these negotiations, the Municipality will seek to obtain a target contribution that makes a meaningful contribution to community amenities while ensuring that property owners still have sufficient incentive to seek changes in use or density.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

4. The Municipality will establish a CAC reserve for cash-in-lieu contributions toward the amenities listed in this policy. Funds in the CAC reserve may only be used for expenses related to such amenities.
5. Generally, the Municipality will seek to negotiate the following target amenity contributions on a site specific basis in conjunction with increases in density resulting from:
 - a. subdivision of a parcel to create one or more additional parcels per section 7.3.1 of Zoning and Development Bylaw No. 520, 2017. Target amenity contribution: 33% of the land value of the parcels created as a result of the additional density, or an amenity of similar value;
 - b. increase in density to accommodate a cottage per section 7.3.2 of Zoning Bylaw No. 520, 2017. Target amenity contribution: registration of a covenant under section 219 of the *Land Title Act* restricting future subdivision under the Strata Property Act, plus a target amenity contribution of \$100/square metre of floor area of the cottage, or an amenity of similar value;
 - c. rezoning to facilitate construction of a duplex. Target amenity contribution: \$200/square metre of the maximum permissible floor area of the duplex building on the parcel multiplied by a factor of 0.50, or an amenity of similar value;
 - d. rezoning from RS-1 to RM-1 or similar to accommodate multi-unit residential development. Target amenity contribution: 50% of the land value of the parcels created as a result of the additional density, or an amenity of similar value;
 - e. rezoning from CU-1 to C1 or RM-1, or a combination thereof. Target amenity contribution: 50% of the land value of the parcels created as a result of the additional density, or an amenity of similar value.

Mayor

Corporate Officer

Adopted by Council:	[date]
Updated:	



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	POLICY	Policy No	POL – 1702
Title	Temporary Use Permits for Short Term Rentals		
Author	CAO	Reviewed By:	
Date	April 4, 2017	Version	2

Purpose

The purpose of this Policy is to provide guidance for staff, elected officials and property owners regarding applications for Temporary Use Permits (TUPs) for Short Term Rentals (STRs). Zoning and Development Bylaw No. 520, 2017 prohibits STRs in all zones, except where authorized under a TUP. The Municipality of the Village of Lions Bay (the Municipality) has delegated the authority to grant TUPs to the Chief Administrative Officer (CAO) in accordance with this policy.

Policy

1. TUPs for short term rentals shall not be granted in respect of:
 - a. houseboats,
 - b. secondary suites, or
 - c. premises which contain a child home care business or are located within 100 metres of a school or daycare.
2. An application for a TUP must be submitted by the property owner (Owner) along with a state of title certificate and stipulate whether the Owner will be living on the applicable parcel during the STRs. Preference in granting TUPs will be given to Owners living on site. Application fees are in accordance with Fees Bylaw No. 497, 2016, as amended.
3. If the Owner does not live on site or within Lions Bay, they must employ an agent within Lions Bay to manage the STRs and the name of the agent must be provided to the Municipality. Twenty-four hour per day contact information for the Owner and, if applicable, the agent, must be provided to the Municipality and neighbouring residents within 100 metres of the property. The Owner or agent must be capable of responding to complaints within 1 hour.

POL-1702: Temporary Use Permits for Short Term Rentals



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

4. All parking for STRs must be provided on the property. The number of rooms allowed to be rented shall be dependent on the number of parking spots available on the property, but shall not exceed 5 rooms on any parcel. The number of guests shall not exceed 10 on any parcel. The number of guest vehicles shall not exceed the number of guest vehicle parking spaces on the parcel, having regard to any parking spaces required for the Owner and/or a long term rental tenant of a secondary suite.
5. No more than one dwelling unit per parcel may be granted a TUP for STRs.
6. All premises which are subject to a TUP application for STRs shall be inspected for compliance with the Building Code in relation to the use intended under the application. Without limiting the generality of the foregoing, the application form will specify a pre-inspection checklist for STRs to assist applicants in meeting the requirements.
7. Decisions regarding the granting of TUPs may take into consideration any or all of the following:
 - a. safety considerations identified regarding the applicable premises;
 - b. the ability of water and septic disposal systems to handle the anticipated uses;
 - c. the proximity to and potential impacts on identified sensitive ecosystems;
 - d. the proximity to and impact on public rights-of-way, beach accesses and other public use areas;
 - e. the size of
 - i. the dwelling unit;
 - ii. the parcel; andthe location of the dwelling unit on the parcel in relation to neighbouring properties;
 - f. the impact of vehicles coming and going to and parking upon the property;
 - g. the intended form of management of the STR business;
 - h. previous history of complaints regarding STRs at the property;
 - i. potential impacts upon the neighbourhood;
 - j. the number of TUPs already issued for STRs in the neighbourhood and in Lions Bay.
8. The CAO may require the Owner to provide a report from an authorized person under the Sewerage System Regulation to confirm that a septic disposal system is capable of handling the anticipated uses related to a TUP.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

9. All TUPs shall specify quiet times between the hours of 10 pm and 8 am seven days per week and restrict the use of hot tubs accordingly.
10. No signs indicating the STR use are permitted on or off the property.
11. STRs within a strata unit must be supported by a resolution from the strata council.
12. Security in the form of an irrevocable letter of credit or similar instrument in the amount of \$5,000 is required in conjunction with the issuance of a TUP for STRs. This security may be drawn upon by the Municipality for:
 - a. any Bylaw Notices issued under Bylaw Notice Enforcement Bylaw No. 385, as amended;
 - b. any judgements obtained or legal expenses incurred in pursuit of remedies in BC Provincial or Supreme Court;
 - c. any of the grounds permitted under section 502 of the *Local Government Act*.

If drawn upon by the Municipality, this security shall be replenished by the Owner within 30 days or the TUP will be rescinded.
13. The term of the first TUP issued in respect of a property shall be no longer than 1 year. Within 60 days of the expiry of the term, the Owner may apply for a 1 year renewal term. Any subsequent use of the property for STRs beyond the renewal term shall be prohibited unless the Owner applies for and receives a new TUP for up to 3 years. All applications and renewal applications are subject to this policy.
14. If any objections to an application are received by the CAO, the CAO may not make a decision to issue or not issue a TUP and shall instead, refer the application to the next available Council meeting, once all application materials have been received.
15. A decision of the CAO under this policy may be reconsidered by Council if, within 30 days of the CAO's decision being conveyed to the Owner in writing via email, the Owner requests a reconsideration. The Owner may submit such a request in writing via email addressed to Council@lionsbay.ca and copied to cao@lionsbay.ca and agenda@lionsbay.ca . A reconsideration will be heard by Council at the next available regular Council meeting.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Mayor

Corporate Officer

Adopted by Council:	[date]
Updated:	

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