



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



# Development Application Procedures and Fees Bylaw No. 431, 2011

## Office Consolidation

This document is an office consolidation of Development Application Procedures and Fees Bylaw No. 431, 2011 (formerly Village of Lions Bay Development Application Procedures and Fees Bylaw No. 431, 2011) with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Development Application Procedures and Fees Bylaw No. 431, 2011, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: [admin@lionsbay.ca](mailto:admin@lionsbay.ca)

### List of Amending Bylaws

Bylaw No.	Section	Description	Adopted or In Force
509	All	Various amendments to text and schedules	December 6, 2016
497	3, 12	Amends references to applicable Fee Bylaw	December 20, 2016 / January 1, 2017
531	3 (a-i)	Amends various text	July 4, 2017

# VILLAGE OF LIONS BAY

## BYLAW NO. 431, 2011

### A bylaw to establish procedures and a fee structure for development applications

WHEREAS Section 460 of the *Local Government Act* requires a local government by bylaw to establish procedures to:

- a) amend an official community plan, a zoning bylaw; or
- b) issue a permit pursuant to Part 14;

AND WHEREAS Section 462 of the *Local Government Act* authorizes a local government by bylaw to establish a fee structure for the following types of development applications:

- a) amendment to an official community plan or a zoning bylaw;
- b) issuance of a development permit or a development variance permit;
- c) granting of a variance by the Board of Variance; and
- d) subdivision approval including the administering and inspecting works and services;

the intent of which is for the amount of the application fee to not exceed the estimated costs of processing, advertising and administering the average application;

NOW THEREFORE the Municipal Council of the Village of Lions Bay in open meeting assembled enacts as follows:

#### **Title of Bylaw**

1. This bylaw may be cited for all purposes as "Development Application Procedures Bylaw No. 431, 2011.

#### **Scope**

2. This Bylaw shall apply to applications for:
  - a) amendments to the Official Community Plan (OCP)
  - b) amendments to the zoning bylaw;
  - c) issuance of a development permit or a development variance permit or a temporary use permit; and
  - d) subdivision.

[Amended by Bylaw No. 531]

#### **Development Procedures**

3. Before an application can be made under this bylaw, a prospective applicant must submit a Request for Preliminary Review of Development Proposal in accordance with Schedule A attached hereto and forming a part of this bylaw, pay the applicable fee set out in Schedule 2 of Fees Bylaw No. 497, 2016, as amended, and enter into a Preliminary Review Process with the Chief Administrative Officer and his or her designates.

[Amended by Fees Bylaw No. 497, 2016]

4. The Preliminary Review Process may consider, but is not restricted to, the following matters:

- a) presentation of the concept proposal in writing;
- b) review of intended legal status of the land for proposed use, including bare land strata, fee simple, RS-1 with or without a secondary suite, RM-1, or other zoning designations;
- c) topographical survey and staking of existing lot boundaries;
- d) preliminary concept plan showing:
  - (i) date, scale and north arrow;
  - (ii) dimensions and sizes of all existing and proposed lots;
  - (iii) approximate location and sizing of all existing and proposed dwelling units or other structures and any possible variances potentially required;
  - (iv) location of existing buildings, roads, trails, watercourses, wetlands, easements, rights of way and other covenanted areas;
  - (v) approximate location, width, grade and surface of all proposed road and parking allowances;
  - (vi) approximate location of accesses for proposed lots and legal status of lands required for accesses;
  - (vii) location of existing water, sewer or septic, streetlighting and utility systems;
  - (viii) approximate location of proposed water, sewer or septic, streetlighting and utility systems;
- e) hydrological assessment of estimated potable water consumption for existing and proposed dwelling units or other structures in relation to estimated water supply for potable use and fire flows for existing and proposed dwelling units or other structures;
- f) geohazard risk assessment;
- g) geotechnical assessment of grading and soils for storm drainage and slope stability;
- h) wildfire interface protection assessment;
- i) environmental impact assessment, including Migratory Birds and Species at Risk, vegetation impacts, regulatory requirements and proposed mitigation;
- j) description of water and energy conservation features and clean heating features of proposed development;
- k) assessment of flood or inundation risks and appropriate minimum flood construction levels;
- l) socio-economic analysis and/or commercial economic impact analysis, including market analysis of the quantity and type of development proposed;
- m) suitability of site for age friendly and/or affordable housing development potential;
- n) traffic and noise impact and mitigation study, including construction and highway noise mitigation measures and air quality considerations;
- o) preliminary review of development siting, landscape and design for visual impact analysis, including the impacts on view corridors, the creation of shadows and other experiential characteristics;
- p) developer's public information session; and
- q) Preliminary Review Process summary report.

5. Council may approve policy guidelines to provide additional detail and scope to the matters considered in the Preliminary Review Process and such guidelines may be used to assist with the interpretation of the requirements of the Preliminary Review Process.
6. Every application pursuant to Section 2(a), (b) and (c) shall be processed by staff with a report to be submitted to Council which may include:
  - a) a copy of the proposed bylaw amendment or proposed permit;
  - b) a review and analysis of the proposed bylaw amendment or proposed permit;
  - c) a recommended course of action for Council to consider; and
  - d) any additional relevant information.

[Amended by Bylaw No. 531]

7. The Council may, upon receipt of the staff report, regarding an application submitted pursuant to Section 2(a) and (b), or either of them:
  - a) proceed with an amendment bylaw;
  - b) refuse the application; or
  - c) refer the application back to staff for further analysis and information.
8. The Council may, upon receipt of the staff report, regarding an application submitted pursuant to Section 2(c):
  - a) authorize the issuance of the proposed permit;
  - b) authorize the issuance of the proposed permit as amended by Council;
  - c) refuse to authorize the issuance of the proposed permit; or
  - d) refer the application back to staff for further analysis and information;subject to any delegations of authority with respect to such applications.

[Amended by Bylaw No. 531]

9. Where an application for subdivision requires rezoning or amendment of the OCP, an application for subdivision approval shall not be made to, or accepted by, the Approving Officer, unless and until:
  - a) an application for rezoning, and OCP amendment if applicable, has been considered and the associated bylaw or bylaws have been adopted by Council;
  - b) any applicable development cost charges, community amenity contributions, parkland dedication or cash in lieu provisions have been complied with or security taken in respect thereof;
  - c) any applicable development permits or variances have been issued;
  - d) any applicable subdivision servicing and development agreements have been executed;
  - e) any external agency approvals have been obtained; and
  - f) the Approving Officer's detailed statement of conditions in the request for preliminary layout requirements have been fulfilled.

- 9.1 Where an application for subdivision does not require a zoning or OCP amendment, conditions 9 (b) through (f) must be satisfied before an application for subdivision approval may be made to, or accepted by, the Approving Officer

[Amended by Bylaw No. 531]

### **Application Form**

10. An application shall be submitted in the prescribed form to the Chief Administrative Officer or their designate and shall include, but is not limited to, the information required by Schedule A of this Bylaw.
11. The application form shall be signed by the registered owner of the land to which it relates, or by an agent authorized in writing by the owner, and shall be accompanied by a written description of the purpose and reason for the application.

### **Application Fee**

12. At the time of application for any of the types of application listed in Section 2, the applicant shall pay to the Village an application fee set out in Schedule 2 of Fees Bylaw No. 497, 2016, as amended.

[Amended by Fees Bylaw No. 497, 2016]

13. In the event that the Chief Administrative Officer or their designate determines that the matter is more than ordinarily complex such that the fee calculated hereunder will not cover the actual costs of processing the preliminary review or any subsequent application, the Chief Administrative Officer or their designate may request that the party enter into a cost recovery agreement to allow for recovery of extraordinary costs, including but not limited to staff costs and consultant engineering, planning, and legal costs, along with the costs of engaging peer reviews of any professional reports requested, which agreement shall provide that the Village will from time to time invoice the party for the excess amounts as incurred. If no such agreement is entered into, the Chief Administrative Officer or their designate may refer the matter to Council or the Approving Officer, as the case may be, with a recommendation that the matter not be advanced unless and until funding is in place to cover such extraordinary costs.
14. Where an application for an amending bylaw or a permit has been rejected or refused by Council, the Chief Administrative Officer shall notify the applicant in writing within 30 days following the date of rejection, including any reasons for rejection of a development permit and any application fees refunds that may be applicable.

### **Notice**

15. Where pursuant to the *Local Government Act* or *Community Charter*, the Village is required to mail or otherwise deliver notice of intended action, notice shall be given to owners and occupants of all parcels of land, any part of which is the subject of an amending bylaw or is situated within 100 meters of the perimeter of the subject property.
16. Where pursuant to the *Local Government Act* or *Community Charter*, the Village is required to mail or otherwise deliver notice of intended action, notice shall be given to owners and occupants of all parcels of land, any part of which is the subject of a proposed permit or is situated within 50 meters of the perimeter of the subject property.

### **Sign**

17. A sign shall be prepared by a professional sign company as set out in Schedule C of this Bylaw, shall be posted on the property that is the subject of an application pursuant to subsections 2(a)-(d), and shall include the following information:
  - a) that an application has been made;
  - b) name of the applicant or agent;
  - c) a map showing the subject property with surrounding properties;
  - d) the existing and proposed zoning classifications;
  - e) the particulars of the proposal; and
  - f) the location and time where the application can be viewed.
18. A draft of the sign content and its proposed location shall be submitted to the Chief Administrative Officer or his / her designate for approval prior to the erection of the sign along with a security deposit of \$500.00.
19. The sign shall be erected on the subject property within 10 days of submitting an application.
20. The Village may request that the information on the sign be amended during the application process.
21. The sign shall be removed within 30 days of the amending bylaw being either adopted or refused by Council at which time the security deposit will be returned to the applicant.

#### **Re-application**

22. Subject to the *Local Government Act*, re-application for a bylaw amendment or a permit that has been refused by Council shall not be considered within a six month time period immediately following the date of refusal.

#### **Security Deposit**

23. In the case where a security deposit may be required by the Village, cash or an irrevocable bond or letter of credit in a form satisfactory to the Village and in amount of 125% of the value of the required works and services shall be required to ensure satisfactory completion of any and all conditions.
24. The security deposit shall be returned to the applicant upon satisfactory completion of any and all conditions to the satisfaction of the Village.

#### **Schedules**

25. Schedules A, B, and C are attached hereto and form a part of this Bylaw.

#### **Severability**

26. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

<b>READ A SECOND TIME</b>	<b>April 18, 2011</b>
<b>READ A THIRD TIME</b>	<b>May 3, 2011</b>
<b>THIRD READING RESCINDED</b>	<b>May 16, 2011</b>
<b>AMENDED AND REREAD A THIRD TIME, AS AMENDED,</b>	<b>May 16, 2011</b>
<b>ADOPTED</b>	<b>June 6, 2011</b>

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Village Manager**

**Certified a true copy of  
Bylaw No. 431, 2011 as adopted.**

\_\_\_\_\_  
**Village Manager**

**SCHEDULE A**

File No. \_\_\_\_\_

**VILLAGE OF LIONS BAY  
REQUEST FOR PRELIMINARY  
REVIEW OF DEVELOPMENT PROPOSAL**

**1. Please provide the following general information on your proposal:**

**(a) Type of development proposal:**

- Amendment to Official Community Plan (OCP)
- Amendment to Zoning Bylaw
- Subdivision

**(b) Legal Description of your lands, per State of Title Certificate:**

PID: \_\_\_\_\_

\_\_\_\_\_  
(the "Lands")

**(c) Civic Address:** \_\_\_\_\_

**(d) Existing Land Use:** \_\_\_\_\_

**(e) Existing Zoning:** \_\_\_\_\_

**(f) Number of Lots/Units Proposed for the Lands:** \_\_\_\_\_

**2. Please provide the following information about the owner(s)/agent:**

**(a) Owner Name(s):** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Cell Phone:** \_\_\_\_\_ **Home Phone:** \_\_\_\_\_

**(b) Agent Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Cell Phone:** \_\_\_\_\_ **Home Phone:** \_\_\_\_\_



**3. Please provide the following materials with this Request for Preliminary Review of Development Proposal:**

- 2 paper copies and a digital copy of an 11x17 Topographical Survey and Preliminary Concept Plan, along with a large scale survey and plan (the large scale survey and plan can wait until after your initial meeting noted in paragraph 5 below).
- 1 current (within 30 days) State of Title Certificate or Title Search
- The fee set out in Schedule 2 of Fees and Charges Bylaw No. 462, as amended, for the Request for Preliminary Review of Development Proposal
- An authorization letter from the Owner if the Requestor is not the Owner of the Lands
- A letter outlining the reasons and rationale for the Proposal and the intended legal status of the Lands for the proposed use

**4. Please ensure that your Preliminary Concept Plan includes the following material:**

- Date, scale and north arrow
- Dimensions and sizes of all proposed lots
- Approximate location and sizing of all proposed dwelling units or other structures
- Location of existing buildings, roads, trails, watercourses, wetlands, easements, rights of way, and other covenanted areas
- Approximate location, width, grade and surface of all proposed road and parking allowances
- Approximate location of accesses for proposed lots and legal status of lands required for accesses
- Location of existing water, sewer or septic, streetlighting, and utility systems
- Approximate location of proposed water, sewer or septic, streetlighting and utility systems

**5. Please note that, depending on your application, the matters referenced in subsections 4 e) – q) of Bylaw No. 431, as amended, may also be required.** This will be clarified in your initial meeting with the Chief Administrative Officer (CAO) or his/her designate. Your Topographical Survey and Preliminary Concept Plan need not be drawn by a registered professional for your initial meeting with the CAO, but will be required in order to move forward with the review of your proposal.

**6. Please read and sign below:**

I understand that I must submit this form and my Preliminary Concept Plan before my meeting can be scheduled with the CAO. I have read the Village of Lions Bay Development Application Procedures and Fees Bylaw No. 431, 2014, as amended and will come prepared to discuss these matters.

The information on this form is collected under the authority of the Village of Lions Bay Development Application Procedures and Fees Bylaw No. 431, 2014 and is used to process your Request for Preliminary Review of Development Proposal and later statistical analysis. If you have questions about the collection and use of this information, please contact the Freedom of Information and Protection of Privacy Act Head for the Village of Lions Bay.

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Signature

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Date

## **SCHEDULE B**

*Intentionally left blank*

## **SCHEDULE C**

### **DEVELOPMENT APPLICATION SIGN REQUIREMENTS**

#### **Specifications:**

These requirements and a Development Proposal Sign Format Sheet will be attached to applications for:

1. Official Community Plan Amendment;
2. Zoning Bylaw Amendment;
3. Development Permit;
4. Development Variance Permit;

Development proposal signage shall be a minimum of 1.22m x 1.22m (4 feet x 4 feet) in size and constructed of 1.3cm (1/2 inch) plywood or other durable material with a white background and black lettering. It will include a 40cm x 40cm (15.75 inches x 15.75 inches) Site Map that is white with black highlights. Lettering and map highlights will be in accordance with the following:

- Headings to be in block capitals no less than 6cm (2.36 inches) in height;
- Proposal description text to be not less than 2.5cm (0.98 inches) in height;
- Site Map to show adjacent property addresses in lettering not less than 2.5cm (0.98 inches) in height.

Where a sign is mounted on a building, it must be unobstructed from the street, and the bottom edge shall be a minimum of 1.22m (4 feet) from the ground.

#### **Locations:**

The signage shall be posted in a location unobstructed to view from the street and:

- No further than 6m (19.7 feet) from the property line abutting the street;
- Where no property abuts 2 or more streets, excluding lanes, a sign shall be posted no further than 6m (19.7 feet) from each property line abutting a street, or, alternatively, at a 45 degree angle from the intersection point of the 2 streets;
- Where placement of a required sign on a property is not feasible, the notice may be posted on an abutting road right of way, subject to approval by the Village of Lions Bay.

**Timing:**

The required signage must be posted no later than 10 days following submission of an application to the Village of Lions Bay and must be removed within 30 days following completion of the public hearing or withdrawal / rejection of the application.

**Posting:**

It is the responsibility of the applicant to ensure that signage is created and installed in accordance with the requirement of this bylaw. Failure to do so will result in a postponement in the processing of the application.

*\*Note: Village-initiated map amendments involving multiple properties, and text amendments affecting multiple properties, are exempt from requirements to install development proposal signage.*

EXAMPLE:  
**REZONING APPLICATION**

\_\_\_\_\_  
(Applicant's Name)

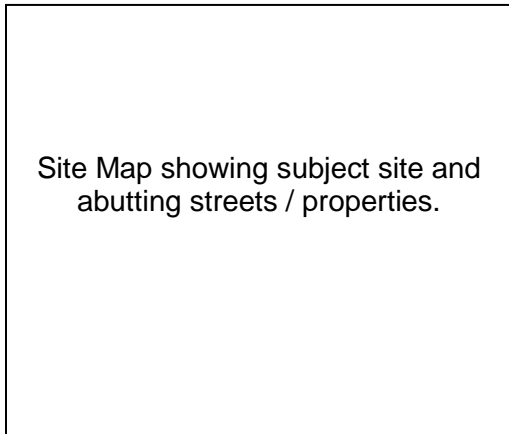
of

\_\_\_\_\_  
(Location)

has made an application to the Village of Lions Bay, which, if approved, would rezone this property

from \_\_\_\_\_

to \_\_\_\_\_.



For more information regarding the status of this proposal and the date, time, and location of the public hearing, please contact:

Chief Administrative Officer  
PO Box 141  
Lions Bay, BC V0N 2E0  
Tel: 604-921-9333 ext.101  
Email: cao@lionsbay.ca