



Village Update

SPECIAL EDITION

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UPDATES FROM MUNICIPALITY

Proposed Zoning Bylaw Amendments – Questions and Answers

Q: Why is this Q&A resource being provided?

A:

This Q&A has been prepared because there appears to be some misunderstanding and uncertainty regarding the purpose, nature, and implications of the proposed *Zoning Bylaw* amendments.

The Village recognizes that zoning and land use matters can be complex and that residents may encounter information from a variety of sources that does not always provide complete context. Staff are of the view that the community is entitled to accurate, current, and understandable information regarding municipal initiatives that may be of public interest.

Accordingly, this document has been prepared as a courtesy informational resource to assist residents in understanding the proposed amendments, the legislative framework within which they are being considered, and their practical implications.

The purpose of this Q&A is to provide factual, planning-based, and legally informed information. It is not intended to advocate for any particular position, but rather to help ensure that public discussion is informed by accurate information and a clear understanding of the issues under consideration.

Q: What does the Official Community Plan (OCP) tell us regarding the proposed *Zoning Bylaw* amendments?

A:

The OCP does not speak directly to the specific zoning amendments being proposed. However, it does contain the following direction: "Lions Bay is open to densify, both to increase the tax base, and to produce a more complete community." The OCP also identifies most residential areas as "Low Density Residential."

Importantly, the OCP does not define what constitutes "Low Density Residential" in terms of minimum lot size, density calculations, or parcel dimensions. The OCP further states that: "Lions Bay is primarily a community of single detached housing."

At a minimum, this suggests that lands developed with single detached dwellings remain consistent with the OCP regardless of the specific lot size, provided the development otherwise complies with applicable regulations.

As such, the OCP provides broad policy guidance but does not establish a specific minimum parcel size that must be reflected in the *Zoning Bylaw*.

Q: Should the proposed Zoning Bylaw amendments wait until the OCP is updated?

A:

In staff's opinion, no.

It is unlikely that the updated OCP will materially alter the fundamental land use designation of "Low Density Residential" throughout the community. Consequently, it is unlikely that the OCP review will have any meaningful effect on the minimum parcel size provisions currently under consideration.

Furthermore, the amendments being proposed are primarily intended to address legal, administrative, and procedural deficiencies within the existing *Zoning Bylaw* rather than introduce a new land use regulatory direction.

Waiting for completion of the OCP process would unnecessarily prolong the existence of provisions that expose the municipality to legal and risk associated with procedural fairness.

Q: Does the proposed amendment create an opportunity for people to start subdividing properties throughout the community and thereby impact community character?

A:

No.

Subdivision potential within Lions Bay is constrained by numerous factors, including:

- Topographic limitations;
- Environmental considerations;
- Servicing availability;
- Road access requirements;
- Geotechnical constraints;
- Existing development patterns; and
- Utility infrastructure limitations.

The proposed amendments do not remove these constraints.

Subdivision applications are not approved by Council. Pursuant to provincial legislation, subdivision approval authority rests with the independent Approving Officer, who must ensure compliance with numerous technical requirements before approval can be granted.

Accordingly, the proposed amendment does not create a widespread or automatic ability to subdivide properties regardless of the existing lots size of the minimum lots size set out in a zoning bylaw.

Q: If the Bylaw was amended to permit a single minimum parcel size of 700 m², would that automatically facilitate the creation of new lots?

A:

No.

Compliance with zoning is only one of many requirements necessary to obtain subdivision approval.

A subdivision applicant must also demonstrate:

- Geotechnical suitability;
- Viable building envelopes;
- Environmental compliance;
- Adequate road access;
- Compliance with servicing requirements;
- Water supply capacity;
- Sewage disposal capability;
- Utility servicing requirements;
- Registration of restrictive covenants where required; and
- Compliance with all other municipal and provincial requirements.

These technical requirements significantly limit subdivision potential within Lions Bay.

Q: Is the reference to a 700 m² minimum lot size a new addition to the Zoning Bylaw?

A:

No.

The existing *Zoning and Development Bylaw No. 520, 2017* already contains provisions that contemplate a minimum parcel size of 700 m².

Specifically:

- Section 7.2 establishes a base density of one parcel per 8,000 m²; and
- Section 7.3 permits an average density of one parcel per 800 m² with a minimum parcel size of 700 m² where Community Amenity Contributions (CACs) are provided.

The proposed amendment does not create the 700 m² standard. Rather, it addresses the legal and administrative issues associated with how that standard is currently structured and implemented. This means that it is currently possible to subdivide a property to create new lots with a minimum lot size of 700 m², subject to technical requirements based on the current RS-1 provisions of the Bylaw, irrespective of the proposed amendments. The proposed amendments do not change this “right”, they only place them into a technically sound legal context.

Q: Is subdivision of a single-family residential lot into smaller single-family residential lots currently contemplated by the OCP?

A:

Yes.

The OCP identifies most residential neighbourhoods as Low Density Residential and states that: "Lions Bay is primarily a community of single detached housing." The OCP does not establish a minimum parcel size associated with this designation. Accordingly, single detached residential development on smaller lots can still be consistent with the OCP, provided all other applicable requirements are satisfied.

Q: Why are the proposed Zoning Bylaw amendments being advanced before completion of the OCP update?

A:

There are two primary reasons.

First, staff do not anticipate that the OCP update will materially affect the minimum parcel size provisions under discussion.

Second, the current CAC-related provisions are problematic from both a legal and administrative perspective.

The existing bylaw creates a scenario where:

- A reduced lot size is technically permitted;
- Achievement of that reduced lot size is dependent upon an undefined CAC framework; and
- No lawful and accessible process exists for applicants to achieve the density contemplated by the Bylaw.

This creates uncertainty and potential a “procedural fairness” vulnerability. The proposed amendments are intended to improve legal defensibility, transparency, and administrative certainty.

Q: If the CAC references are removed from the Zoning Bylaw, what impact would that have on amenities or infrastructure contributions?

A:

Practically speaking, essentially none.

The existing CAC provisions are not structured in a manner consistent with current provincial practice. In addition, other key considerations include:

- CACs are related to rezoning
- Lions Bay experiences essentially zero rezoning activity;
- Subdivision activity is limited; and
- There is currently no CAC policy framework in place.

Accordingly, the existing CAC provisions have not functioned as an effective mechanism for obtaining amenities. If Council wishes to establish infrastructure contribution programs in the future, the appropriate tools would generally be:

- A Development Cost Charge (DCC) Bylaw;
- An Amenity Cost Charge (ACC) Bylaw; or
- A properly structured density bonusing framework (residential units per acre versus lots per acre).

The legislation does not provide authority for a municipality to require a CAC as a condition of subdivision approval. In *Lorval Developments Ltd. v. Langley (Township)*, 2025 BCSC 1148, the Court found that the Township of Langley's Community Amenity Contribution (CAC) Policy operated as a mandatory payment regime and was therefore invalid. Langley's approach, the court found, crossed the line from policy into “coercion”. The decision reaffirmed that municipalities do not have statutory authority to require CACs as a condition of rezoning. Rather, CACs must be voluntary and negotiated. While local governments have legislated tools to recover growth-related costs and secure amenities, including Development Cost Charges, Density Bonus provisions, Amenity Cost Charges, and Phased Development Agreements, they cannot impose charges through a mandatory CAC framework outside the authority provided by the *Local Government Act*.

From a planning perspective, the rationale for the proposed amendments is simply that CACs are not an appropriate or reliable mechanism upon which to base subdivision entitlement or minimum parcel size standards. Minimum parcel sizes

should be tied to land use planning objectives, servicing capability, environmental considerations, and technical development standards, for example, rather than to the provision of a voluntary amenity contribution.

Q: Why are these zoning amendments being proposed now?

A:

The proposed amendments form part of a broader effort to modernize the municipality's regulatory framework. Many municipal bylaws are outdated and contain provisions that create uncertainty, inefficiency, or potential liability exposure.

The need for bylaw modernization was identified by the Provincial Advisor appointed early in this Council term and this directive has been incorporated into Council's Strategic Planning priorities.

The current zoning amendments, together with initiatives such as the proposed *Subdivision Servicing Bylaw* and other regulatory updates, are intended to improve clarity, transparency, consistency, and legal defensibility.

Q: Does the proposed amendment change the existing character of Lions

Bay?

A:

No.

The amendment does not change land use designations, building form, building height, setbacks, environmental regulations, or servicing requirements. The existing physical constraints that define development patterns in Lions Bay remain unchanged.

Community character will continue to be shaped by topography, environmental conditions, servicing limitations, and the predominance of single detached residential development.

Q: Could Council still refuse a rezoning application if it felt a proposal was inappropriate?

A:

Yes.

Rezoning applications remain entirely within Council's discretion.

The proposed amendment relates to subdivision standards within an existing zone. It does not affect Council's authority to consider and determine rezoning applications on their individual merits.

Q: Is Council the decision-maker for subdivision applications?

A:

No.

Pursuant to the *Local Government Act*, subdivision approval authority is delegated to the Approving Officer. Council has no role in deciding whether a subdivision application is approved or refused.

The Approving Officer must evaluate applications against applicable legislation, municipal bylaws, technical requirements, and professional recommendations before making a decision.

Q: Can the Municipality control or prohibit tree cutting or vegetation removal on private property? Can the Municipality require the submission of geotechnical, environmental, or other technical reports in relation to such activities?

A:

At present, the answer to both questions is no.

The municipality has not enacted a bylaw that regulates tree cutting or vegetation removal on private property, nor has it established a regulatory framework that requires the submission of geotechnical, environmental, arboricultural, or similar technical reports in association with such activities. This means it has no legal basis or legal authority to require the submission of such information. Accordingly, where tree removal or vegetation clearing occurs on private property, the Municipality's ability to regulate that activity is currently limited unless another municipal approval is required that independently triggers technical review requirements.

Importantly, the proposed *Zoning Bylaw* amendments have no bearing on this matter. The amendments under consideration relate to zoning provisions, minimum parcel size requirements, and the removal of problematic Community Amenity Contribution (CAC) provisions. They do not establish new powers relating to tree cutting, vegetation management, or technical report requirements.

That said, local governments do have legislative authority to regulate these matters through other planning and regulatory tools.

For example, Council could consider:

- Adoption of a Tree Cutting Bylaw regulating the removal of trees on private property which includes requirements for arborist reports, environmental assessments, or other technical studies under specified circumstances;
- Establishment of Hazard Development Permit Areas through the Official Community Plan and the establishment of Development Permit Areas addressing steep slope hazards, erosion potential, environmental protection, wildfire interface considerations, or riparian protection and associated technical report requirements to demonstrate that proposed activities can be undertaken safely and without unacceptable environmental or geotechnical impacts.

As part of the current Official Community Plan review process, Council will have the opportunity to consider whether additional regulatory tools of this nature are appropriate for Lions Bay.

Q: Can staff or Council receive additional information from community members after a Public Hearing?

A:

The answer differs for staff and Council.

Municipal staff may continue to receive information from residents following a Public Hearing and may meet with residents to discuss questions, concerns, or requests for clarification. Staff may also continue to provide information regarding municipal processes, applicable legislation, and technical matters associated with an application or bylaw.

Council's role is different. Once a Public Hearing has been concluded, Council must not receive additional representations, submissions, or evidence from members of the public regarding the subject matter of the Public Hearing prior to making its

decision. This requirement exists to ensure procedural fairness and to ensure that all persons have an equal opportunity to be heard through the Public Hearing process.

If Council determines that it wishes to consider additional information, submissions, or representations after the Public Hearing has closed, the appropriate course of action would generally be to provide an opportunity for that information to be considered through a further Public Hearing process before Council proceeds with its decision.

In practical terms, residents may continue to communicate with staff following a Public Hearing; however, Council members should not receive or consider new information relating to the subject matter of the Public Hearing once the hearing has concluded unless the matter is returned to a further Public Hearing process.

Q: How do I get more information about this?

A:

Residents seeking additional information are encouraged to stop by the Municipal Office, contact the Chief Administrative Officer by email at CAO@lionsbay.ca, or call the Municipal Office at **604-921-9333**. Staff would be pleased to answer questions and provide further information regarding any of these matters and the process.



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