



District of West Vancouver

Development Procedures Bylaw No. 4940, 2017

Effective Date: July 24, 2017

Consolidated for Convenience Only

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

| Amendment Bylaw | Effective Date |
|------------------------|-----------------------|
| Bylaw No. 5232, 2023 | June 26, 2023 |
| Bylaw No. 5224, 2022 | January 23, 2023 |
| Bylaw No. 5127, 2022 | April 11, 2022 |
| Bylaw No. 5156, 2021 | December 7, 2021 |
| Bylaw No. 5109, 2021 | May 10, 2021 |
| Bylaw No. 5077, 2020 | December 14, 2020 |
| Bylaw No. 5073, 2020 | December 7, 2020 |
| Bylaw No. 5043, 2019 | December 16, 2019 |
| Bylaw No. 5029, 2019 | July 22, 2019 |

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the parent bylaw (Development Procedures Bylaw No. 4940, 2017). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Development Procedures Bylaw No. 4940, 2017

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District of West Vancouver

Development Procedures Bylaw No. 4940, 2017

A bylaw to define procedures under which an owner of land may apply for an amendment to the Official Community Plan Bylaw, Zoning Bylaw or Land Use Contract, for the entry into a Heritage Revitalization Agreement, for the issuance of permits under Part 14 or Section 617 of the *Local Government Act*, to impose application fees, to specify notification distances, and to delegate Council's authority to make decisions in certain circumstances.

Previous amendments: *Amendment Bylaws 5029, 5043, 5073, 5077, 5109, 5127, 5156, 5224, and 5232.*

WHEREAS a local government that has adopted an official community plan or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for a permit under Part 14 or Section 617 of the *Local Government Act*;

AND WHEREAS the Council of The Corporation of the District of West Vancouver has adopted an Official Community Plan Bylaw and Zoning Bylaw;

AND WHEREAS a local government may, by bylaw, impose application fees for an application to initiate changes to an official community plan or zoning bylaw, the issuance of a permit under Part 14 or Section 617 of the *Local Government Act*, or an amendment to a Land Use Contract or a Heritage Revitalization Agreement;

AND WHEREAS a local government may, by bylaw, specify a distance from affected land for the purpose of notifying owners and occupants of proposed bylaw amendments and permits;

AND WHEREAS the Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver, in open meeting assembled, enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as "Development Procedures Bylaw No. 4940, 2017".

Part 2 Severability

- 2.1 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.

Part 3 Previous Bylaw Repeal

- 3.1 Development Procedures Bylaw No. 3984, 1996, as amended, is hereby repealed.

Part 4 Definitions

- 4.1 In this bylaw:

“Development Permit” or “DP” means a permit authorized by section 490 of the *Local Government Act*;

“Development Variance Permit” or “DVP” means a permit authorized by section 489 of the *Local Government Act*;

“Director” means the Director of Planning and Development Services for the District;

“District” means the District of West Vancouver;

“DRC” means the District’s Design Review Committee;

“Fees and Charges Bylaw” means the District’s “Fees and Charges Bylaw No. 4848, 2015”;

“Heritage Application” means an application for a Heritage Revitalization Agreement or Heritage Designation;

“Heritage Alteration Permit” or “HAP” means a permit authorized by section 617 of the *Local Government Act*;

“Heritage Revitalization Agreement” or “HRA” means an agreement authorized by section 610 of the *Local Government Act*;

“Heritage Designation” means a designation pursuant to section 611 of the *Local Government Act*;

“Land Use Contract” or “LUC” means a land use contract as defined in section 1 of the Schedule to the *Local Government Act*;

“Major Development Permit” means a development permit for:

- Multiple Family Areas BF-B4, BF-B7, BF-B8, BF-B9, BF-B10, BF-B12, BFB-13 and BF-B14;

- Commercial Areas BF-C3, BF-C5, BF-C6, BF-C8, BF-C9 and BF-C10;
- New Neighbourhood Areas BF-D1 and BF-D4;
- Sites with Difficult Terrain NE6 where as part of the development four or more lots are or will be created; and
- Upper Lands UL 8 and UL 9;
- Sites designated as a Development Permit Area as part of a Local Area Plan; and
- Any other site within a Development Permit Area excluding Minor Development Permits,

all as identified in the Official Community Plan;

“Minor Development Permit” means a development permit for:

- Accessory patio to a restaurant, microbrewery, winery and distillery, or liquor primary licensed premises in Commercial Areas BF-C3, BF-C5, BF-C8, BF-C9 and BF-C10;
- Duplex Areas BF-B11;
- Detached Secondary Suite (Coach House) BF-B3.1; and
- Sites with Difficult Terrain NE6 where as part of the development three or fewer lots are or will be created; and
- Neighbourhood Designated areas within the Horseshoe Bay Local Area Plan;

all as identified in the Official Community Plan;

Amendment
Bylaw 5127

Amendment
Bylaw 5224

Amendment
Bylaw 5232

“Official Community Plan” or “OCP” means the District’s “Official Community Plan Bylaw No. 4985, 2018”;

“Permit Application” means an application for a Development Permit, Development Variance Permit, Temporary Use Permit, or a Heritage Alteration Permit;

“Temporary Use Permit” means a permit authorized under section 493 of the *Local Government Act*;

“Sign Bylaw” means the District’s “Sign Bylaw No. 4499, 2007”;

“Strata Conversion” means conversion of a previously occupied building to strata lots under section 242 of the *Strata Property Act*; and

“Zoning Bylaw” means the District’s “Zoning Bylaw No. 4662, 2010”.

Part 5 Interpretation

- 5.1 A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated or replaced from time to time, and a reference to any bylaw of the Corporation of the District of West Vancouver is a reference to the

bylaw as amended, revised, consolidated or replaced from time to time.

Part 6 Scope

- 6.1 This bylaw establishes procedures in relation to an application for:
- 6.1.1 an amendment to the Official Community Plan;
 - 6.1.2 an amendment to the Zoning Bylaw;
 - 6.1.3 a Development Permit;
 - 6.1.4 a Development Variance Permit;
 - 6.1.5 a Temporary Use Permit;
 - 6.1.6 a Heritage Alteration Permit;
 - 6.1.7 an exemption to a Heritage Alteration Permit;
 - 6.1.8 a Heritage Revitalization Agreement;
 - 6.1.9 a Heritage Designation;
 - 6.1.10 discharge of, or an amendment to, a Land Use Contract; and
 - 6.1.11 a Strata Conversion.

Part 7 Application

7.1 At Application

- 7.1.1 The Director is authorized to establish and revise the application form for any application to be used from time to time pursuant to this Bylaw.
- 7.1.2 All applications shall be submitted in the prescribed form to the Director and shall be accompanied by:
- (a) all of the information and supporting documents specified in the application form;
 - (b) the fees and deposit as set out in the Fees and Charges Bylaw; and
 - (c) where the applicant is not the registered owner of the land to which the application relates, written authorization from owner or agent authorized by the owner.

7.2 Receipt of Applications

- 7.2.1 If a person submits a complete application to the Director, the Director shall process the application.

- 7.2.2 If a person submits an incomplete application to the Director, the Director may:
- (a) process the application; or
 - (b) refuse to process the application.
- 7.2.3 If the Director refuses to process an incomplete application, the Director must inform the applicant, either verbally or in writing, why the application is incomplete.
- 7.3 Processing of applications**
- 7.3.1 When processing an application, the Director or Council may refer the application to other agencies, associations, groups persons or other staff members for comment or evaluation.
- 7.3.2 The Director, Council or a Committee of Council may refer a development application or a Heritage Alteration Permit within the Lower Caulfeild Conservation Area to the Lower Caulfeild Advisory Committee (LCAC) for its recommendations concerning the design of the application or other matters within the LCAC's terms of reference.

Part 8 Application Fees

- 8.1 Application Fees and Costs**
- 8.1.1 The applicant for a development application shall pay the application fee as per the Fees and Charges Bylaw.
- 8.1.2 The fees prescribed in the Fees and Charges Bylaw apply to each parcel of land for which the application is made, as follows:
- (a) if an application involves two or more contiguous parcels of land, the parcels of land shall be considered as one parcel for the purposes of determining the applicable fees payable by the applicant;
 - (b) if an application involves two or more parcels of land that are not contiguous, the parcels of land shall be considered as separate parcels and separate applications for the purposes of determining the applicable fees payable by the applicant.
- 8.1.3 Any costs associated with the postponement of a Public Hearing, either at the request of the applicant, or due to the failure of the applicant to comply with the requirements of this Bylaw, shall be paid by the applicant as per the Fees and Charges Bylaw;
- 8.1.4 Refunds for applications are as set out in the Fees and Charges Bylaw.

Part 9 Public Hearing and Meetings

9.1 Public Hearings

9.1.1 In accordance with the *Local Government Act*, a Public Hearing is required before Council adopts a bylaw to:

- (a) amend the OCP;
- (b) amend the Zoning Bylaw;
- (c) amend a Land Use Contract, if the amendment relates to density or use of an area covered by the Land Use Contract; and
- (d) enter into or amend a Heritage Revitalization Agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the Zoning Bylaw;

9.1.2 Council may provide an opportunity for public comment in the form and to the extent Council considers appropriate before passing a resolution to issue:

- (a) a Development Variance Permit;
- (b) a Development Permit with variances; or
- (c) a Temporary Use Permit.

9.2 No Waiver of Public Hearing

9.2.1 Notwithstanding the provisions of the *Local Government Act*, Council shall hold a Public Hearing on any application to amend the OCP, Zoning Bylaw, or a Heritage Revitalization Agreement prior to consideration of the amending bylaw.

9.3 Community Consultation Meetings

9.3.1 Prior to Council's consideration of any bylaw to amend the OCP, the District will organize, host and conduct a community consultation meeting. The Director shall determine the scope, form, and content of the community consultation meeting.

Part 10 Notification

10.1 Notice of Public Hearing

10.1.1 Notice of a Public Hearing shall be given to all owners and occupants of all parcels of land, any part of which is the subject of the amending bylaw or is situated within 100 metres of the perimeter of the subject parcel.

10.2 Notice of Consideration

Amendment
Bylaw 5127

10.2.2 Notice of consideration of the applications shown in Column A below shall be given to owners and occupants of all parcels of land, any part of which is the subject of the application or within the distance specified in Column B below from the perimeter of the subject parcel:

| A. Development Application | B. Distance |
|---|---|
| Major Development Permit (with or without variances) | 100 metres |
| Discharge of, or amendment to, a Land Use Contract | 100 metres |
| Minor Development Permit (with or without variances) | 50 metres |
| Development Variance Permit | 50 metres |
| Temporary Use Permit | 50 metres |
| Heritage Alteration Permit | 50 metres |
| Heritage Alteration Permit in Lower Caulfeild Heritage Conservation Area | Entire Lower Caulfeild Heritage Conservation Area |
| Natural Environment and Hazardous Areas NE2, NE5, and NE13 (with variances) | 50 metres |
| Minor Development Variance Permit | 50 metres |

Amendment
Bylaw 5232

Amendment
Bylaw 5073

10.3 Where the consideration or issuance of any permit shown in Column A above has been delegated to the Director, the Director will notify all owners and occupants within the distance specified in Column B above from the perimeter of the subject parcel and will:

10.3.1 allow two weeks for residents to provide comments to the Director, and

10.3.2 where no concerns are received or where concerns are resolved, the Director may consider the application, or

10.3.3 where concerns are received that cannot be resolved, the application shall be forwarded and considered by Council.

10.4 Council or the Director may define an expanded notification area beyond the prescribed distances specified for an amending bylaw in s. 10.1 or consideration of an application described in s. 10.2.

Amendment
Bylaw 5029

10.5 For clarity, nothing in this Bylaw affects or modifies, or shall be construed as an attempt to affect or modify, the District’s obligation, under sections 494 or 499 of the *Local Government Act*, to give notice of a proposed resolution to issue a Temporary Use Permit or a Development Variance Permit.

Part 11 Application Sign Posting Requirements

- 11.1 A person who submits a Development Application must post signage in compliance with this Part.
- 11.2 For the following applications, a notice sign or signs shall be posted on the parcel or parcels subject to the application:
 - 11.2.1 an amendment to the Official Community Plan;
 - 11.2.2 an amendment to the Zoning Bylaw;
 - 11.2.3 a Major Development Permit;
 - 11.2.4 an application to amend a Land Use Contract, if the amendment relates to density or use of an area covered by the Land Use Contract;
 - 11.2.5 a Heritage Revitalization Agreement, if the agreement or an amendment to the agreement would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning; and
 - 11.2.6 a Temporary Use Permit;
- 11.3 The Director shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant.
- 11.4 The applicant shall, at its sole expense:
 - 11.4.1 prepare the sign or signs in accordance with the specifications provided by the District, and in compliance with the Sign Bylaw;
 - 11.4.2 post the sign or signs on the subject parcel or parcels for the period of time required by the Director;
 - 11.4.3 post additional meeting notices and additional signs if required by the Director; and
 - 11.4.4 maintain the sign or signs on the subject parcel or parcels until the Public Hearing for the application has been held or until after consideration of a permit.
- 11.5 The sign or signs shall be posted in a prominent location, clearly visible for the adjacent street, on each frontage and parcel subject to the application, or as specified by the Director.

Part 12 Public Consultation

12.1 Proposed Development Information Meetings

12.1.1 Unless waived in writing by the Director, the applicant shall organize, host and facilitate a “Proposed Development Information Meeting” in accordance with this Part, prior to Council’s consideration of a bylaw amending the OCP or Zoning Bylaw or authorization entry into a Heritage Revitalization Agreement, or an application for a Heritage Alteration Permit, a Temporary Use Permit, or a Major Development Permit with any requested variances.

Amendment
Bylaw 5232

12.1.2 For an application to amend the OCP, Zoning Bylaw, or to enter into a Heritage Revitalization Agreement, the Proposed Development Information Meeting shall be held after submission of the application and before first reading of the relevant bylaw.

Amendment
Bylaw 5232

12.1.3 For an application for a Heritage Alteration Permit, a Temporary Use Permit, or a Major Development Permit with any requested variances, the Proposed Development Information Meeting shall be held after submission of the application and prior to consideration of the application.

12.2 Proposed Development Information Meeting Procedures and Scheduling

12.2.1 The applicant is responsible for making all arrangements for the meeting, conducting the meeting, and paying all costs related to the meeting.

12.2.2 The meeting is to be held in a convenient, accessible location such as a local school, church or meeting room.

12.2.3 At the meeting:

- (a) visual material, such as sketches and models are to be provided;
- (b) the public is to have an opportunity to ask questions and informally discuss the project; and
- (c) District Planning and Development Services staff may attend as observers and be available to respond to questions on planning and process.

12.2.4 Where comment sheets are provided by the applicant, they are to be collected by the applicant and summarized to the District in writing no later than two business days prior to the holding of the Public Hearing or consideration of issuance of the permit, as applicable.

12.2.5 Where District staff have attended the meeting, staff may provide and present a summary of the meeting to Council or the Director.

12.3 Notification of Proposed Development Information Meetings

- 12.3.1 The applicant shall prepare a notice for approval by the Director prior to mailing or delivery.
- 12.3.2 The Director may prescribe the form of notice to be used by the applicant.
- 12.3.3 The applicant is to mail or otherwise deliver the notice and information package to all property owners and occupants consistent with the notification distance requirements set out in Part 10 of this bylaw.
- 12.3.4 The applicant is to mail or otherwise deliver the notice to registered ratepayer organizations and any community or resident associations in the area.
- 12.3.5 The meeting notice should be delivered a minimum of 10 calendar days prior to the meeting.

Part 13 Date of Issuance

- 13.1 The date of issuance for a Development Permit, Development Variance Permit, Temporary Use Permit, or Heritage Alteration Permit is the earlier of the date of approval of the permit by the Director, or the date of Council's resolution approving the permit.

Part 14 Renewal

- 14.1 Council, or the Director in the case of a permit that has been delegated, shall consider one application for renewal of a Development Permit, Development Variance Permit, Heritage Alteration Permit, or a Temporary Use Permit, provided:
 - 14.1.1 no change in the approved permit is proposed; and
 - 14.1.2 the term of the permit has not lapsed or, if lapsed, shall have lapsed by no more than six months.

Any further renewal shall require a new application for the permit.

Part 15 Lapse of Application

15.1 Determination

- 15.1.1 Upon determination of the Director that an application has been inactive for a period of 6 months or longer, the application will be closed.

Amendment
Bylaw 5109

15.2 Application Closure

- 15.2.1 Upon determination of incomplete or inactive applications, the applicant will be given written notice of the closure and any applicable refunds will be paid to the applicant in accordance with the Fees and Charges Bylaw.

15.3 Extensions

- 15.3.1 Upon written request by the applicant prior to the lapse of the application, the Director may extend the deadline for one period of 6 months.
- 15.3.2 If applicable, any refunds will be paid to the applicant in accordance with the Fees and Charges Bylaw.
- 15.3.3 In order for an application that has lapsed under Part 15 of this bylaw to proceed, a new application (including fee), will be required.

Part 16 Re-Application

- 16.1 If the Council does not approve an application submitted in accordance with this Bylaw, a person must not submit the same application within one year of the date of Council's decision to not approve the application.
- 16.2 Where an applicant intends to appeal to Council to vary the time limit set in section 16.1 pursuant to section 460(3) of the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.
- 16.3 Despite section 16.1, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.

Part 17 Change of Ownership

- 17.1 If there is a change of ownership of a parcel of land that is the subject of a development application, the District will require an updated title certificate and written authorization from the new owner prior to proceeding further with the application.

Part 18 Performance Security

18.1 Security required by Permits

- 18.1.1 Security required by Major Development Permits, Minor Development Permits, Temporary Use Permits, Heritage Alteration Permits and Development Variance Permits shall be in the form of cash or an irrevocable letter of credit, effective for the term of the permit. Such irrevocable letter of credit shall be clean and unconditional, automatically renewing, and redeemable at a local bank.
- 18.1.2 In imposing security requirements under s. 502 of the *Local Government Act*, Council may require the applicant to provide a security up to 125 percent of the cost of installation and/or construction of the works required under an approved permit.
- 18.1.3 At the request of Council or the Director, an applicant shall provide all information necessary or desirable for Council or the Director to determine the cost of installation and/or construction of the works required under an approved permit.

Part 19 Delegation

Amendment
Bylaw 5232

19.1 Approving Officer Delegations

Council delegates to the Approving Officer, appointed by Council pursuant to Section 77 of the Land Title Act, the following authority:

19.1.1 To enter into works and services agreements pursuant to Section 509 of the *Local Government Act*.

19.1.2 Under Section 512 of the *Local Government Act*, to exempt a parcel from a minimum highway frontage requirement.

Amendment
Bylaw 5232

19.2 Council delegates to the Director the authority to consider, issue, and/or refuse the types of permits listed in the table below, in accordance with the conditions set out in sections 19.8 to 19.21 below.

| Permit Type | Purpose | Development Permit Area Designation |
|-----------------------------------|---|---|
| Development Permits (19.15) | Multiple Family Areas, Commercial Areas, New Neighbourhood Areas, Natural Environment and Upper Lands Areas, excluding Development Permits delegated elsewhere in this bylaw. | BF-B4, B5, B7, B8, B9, B10, B12, B13, B14, BF-C3, C5, C6, C8, C9, C10, BF-D1, D4, NE5, NE6, UL8, UL9. |
| Development Permit | Detached Secondary Suite (Coach House) | BF-B3.1 |
| Development Permit | Duplex | BF-B11 |
| Heritage Alteration Permit | Heritage conservation in the LCHCA | HE 6 |
| Development Permit | Wildfire Hazard areas | NE 1 |
| Development Permit | Foreshore areas | NE 2 |
| Development Permit | Sites with difficult terrain | NE 6 |
| Development Permit | Watercourse protection and enhancement areas | NE 13 |
| Development Permit | Future Neighbourhoods | UL 8 |
| Development Permit | Rodgers Creek Area | UL 8.1 |
| Development Permit | Limited Use and Recreation Area | UL 9 |
| Development Permit | Neighbourhood Designated areas | Horseshoe Bay Local Area Plan |
| Permit Type | Purpose | Zoning Bylaw |
| Temporary Use Permit | Temporary uses and buildings | s.120.15 |
| Minor Development Variance Permit | Minor variances to the Zoning Bylaw | s. 120, 130, 140, 200 |

Amendment
Bylaw 5232

19.3 If a permit application does not comply with the conditions set out in sections 19.8 to 19.21 below, then the Director shall refuse the permit.

Amendment
Bylaw 5043

19.4 Delegation of the powers of Council under Part 19 of this bylaw includes the powers of the Council to require that the applicant

provide security for the purposes of s. 502 of the *Local Government Act*.

- 19.5 Before exercising the delegated authority to make a decision under this Bylaw, the Director may refer an application to other agencies, associations, groups, persons, or other staff members as required.
- 19.6 The Director may, in his or her sole discretion, elect not to make a decision under this Bylaw and instead send the development application directly to Council for Council's consideration.
- 19.7 If an application is refused by the Director, or if the applicant objects to a proposed provision of the permit or approval, the applicant may request that Council reconsider the decision of the Director pursuant to Part 20 of the Bylaw.

Detached Secondary Suite (Coach House) Development Permit

- 19.8 Development Permits in respect of Development Permit BF-B3.1 Detached Secondary Suite (Coach House) Development Permit Area may be issued by the Director if the proposed development:
 - 19.8.1 complies with Guidelines BF-B3.1; and
either
 - 19.8.2 conforms to the Zoning Bylaw; or
 - 19.8.3 requires a variance(s) to the Zoning Bylaw that, in the opinion of the Director, achieves superior siting that addresses natural site features, neighbourhood character and context, or steep topography.

Amendment
Bylaw 5232

Duplex Development Permit

- 19.9 Development Permits in respect of Development Permit BF-B11 (Duplex) Development Permit Area may be issued by the Director if the proposed development:
 - 19.9.1 complies with Guidelines BF-B11; and
either
 - 19.9.2 conforms to the Zoning Bylaw, or
 - 19.9.3 requires a variance(s) to the Zoning Bylaw that, in the opinion of the Director, addresses the contextual urban environment, natural features, or neighbouring development.

Sites with Difficult Terrain Development Permit

- 19.10 Development Permits in respect of Development Permit NE 6 (Sites with Difficult Terrain) Development Permit Area may be issued by the Director if the proposed development:

19.10.1 involves the creation of 3 or fewer lots;
 19.10.2 complies with Guidelines NE6; and
 either

19.10.3 conforms to the Zoning Bylaw; or

19.10.4 requires a variance(s) to the Zoning Bylaw that, in the opinion of the Director, achieves superior siting that protects the natural environment, neighbouring development, and addresses steep topography.

Watercourse Protection Development Permit

19.11 Development permits in respect of Development Permit NE 13 (Watercourse Protection Development Permit Area) may be issued by the Director if the proposed development:

19.11.1 complies with Guidelines NE 13; and
 either

19.11.2 conforms to the Zoning Bylaw; or

19.11.3 Requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, prevents loss of habitat within the watercourse protection area.

Amendment
Bylaw 5232

Rodgers Creek Form and Character Development Permits

Rodgers Creek Development Permits

19.12 Development permits in respect of Development Permit UL 8.1 (Rodgers Creek Development Permit Area) may be issued by the Director if the proposed development:

19.12.1 complies with Guidelines UL 8.1; and
 either

19.12.2 conforms to the Zoning Bylaw; or

19.12.3 Requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, achieves a superior design that protects the natural environment and/or addresses the neighbourhood context and character.

Amendment
Bylaw 5043

Amendment
Bylaw 5232

Wildfire Hazard Development Permit

19.13 Development permits in respect of Development Permit NE 1 (Wildfire Hazard Development Permit Area) may be issued by the Director if the proposed development:

Amendment
Bylaw 5077

19.13.1 complies with Guidelines NE 1.

Future Neighbourhoods Development Permits

Amendment
Bylaw 5073

19.14 Development permits in respect of Development Permit UL 8 (Future Neighbourhoods Development Permit Area) may be issued by the Director if the proposed development:

19.14.1 complies with Guidelines UL 8; and

19.14.2 is for a new non-residential building, or addition to an existing non-residential building that results in an aggregate floor area that does not exceed a maximum of 270m²; or

19.14.3 is for an amendment to an issued development permit where no additional dwelling units are being added; or

19.14.4 is for a subdivision creating three or fewer new lots; or

19.14.5 is for land alteration or tree removal not associated with a proposal to construct a non-residential building; and

either

19.14.6 conforms to the Zoning Bylaw; or

19.14.7 requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, achieves a superior proposal that protects the natural environment, protects development from hazardous conditions and/or addresses the neighbourhood context and character.

Amendment
Bylaw 5232

Limited Use and Recreation Development Permit Area

Amendment
Bylaw 5073

19.15 Development permits in respect of Development Permit UL 9 (Limited Use and Recreation Area Development Permit Area) may be issued by the Director if the proposed development:

19.15.1 complies with Guidelines UL 9; and

19.15.2 is for construction of a cabin, or an addition to an existing cabin, with a maximum floor area of 74.5m²; or

19.15.3 is for land alteration or tree removal to provide necessary access to a proposed or existing cabin from an existing District recognized vehicle or pedestrian access; or

19.15.4 is for a proposed subdivision to realign lot lines of existing lots; or

Amendment
Bylaw 5232

- 19.15.5 is for land alteration or tree removal not associated with a proposal to construct a non-residential building; and
either
- 19.15.6 conforms to the Zoning Bylaw; or
- 19.15.7 requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, achieves superior development that protects the natural environment and/or protects development from hazardous conditions.

Other Development Permit Delegations

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| Amendment Bylaw 5073 |
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- 19.16 Development permits for development in Multiple Family Areas, Commercial Areas, New Neighbourhood Areas, Natural Environment and Upper Lands Areas excluding Development Permits delegated elsewhere in this bylaw, may be issued by the Director if the proposed development would be exempt from the requirement from a development permit pursuant to each development permit area exemption criteria but one or more variances to the zoning bylaw is required.

Temporary Use Permit

- 19.17 Temporary Use Permits in respect of Section 120.15 of the Zoning Bylaw may be issued by the Director, including variances to the Zoning Bylaw, if the proposed use will comply with all of the following:
 - 19.17.1 operates at an intensity of use suitable to the surrounding area;
 - 19.17.2 be compatible with regard to the use, design, and operation of surrounding land uses; and
 - 19.17.3 operates on a temporary basis only and includes plans, or a letter of undertaking, to terminate the use prior to the expiry date of the permit.

Delegation of Minor Changes

- 19.18 Where a Development Permit, Heritage Alteration Permit or Temporary Use Permit has been issued by Council, Council delegates to the Director the power to approve minor changes to any Development Permit, Development Variance Permit, Heritage Alteration Permit or Temporary Use Permit approved and issued by Council where the proposed changes do not materially affect the intent of the plans attached to the Development Permit,

Development Variance Permit, Heritage Alteration Permit, or
Temporary Use Permit.

Horseshoe Bay Development Permit

Amendment
Bylaw 5156

- 19.19 Development in respect of Neighbourhood Designated areas within the Horseshoe Bay Local Area Plan may be issued by the Director if the proposed development:
- 19.19.1 complies with the applicable guidelines; and either
 - 19.19.2 conforms to the Zoning Bylaw, or
 - 19.19.3 requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, addresses the contextual urban environment, natural features, or neighbouring development.

Foreshore Development Permit

Amendment
Bylaw 5127

- 19.20 Development permits in respect of Development Permit NE 2 (Foreshore Development Permit Area) may be issued by the Director if the proposed development:
- 19.20.1 complies with Guidelines NE 2; and
- either
- 19.20.2 conforms to the Zoning Bylaw, or
 - 19.20.3 Requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, protects the dwelling from coastal flooding hazards.

Amendment
Bylaw 5232

Minor Development Variance Permits

- 19.21 Minor Development Variance Permits may be issued by the Director and for this purpose:
- 19.21.1 A variance is a minor variance if it is for a single-family site and it only varies provisions of the Zoning Bylaw with respect to the siting, size and dimensions of buildings or structures, or off-street parking requirements, and
 - 19.21.2 The Director must consider the following guidelines in deciding whether to issue the permit: protecting development from hazardous conditions, responding to neighbourhood context, character and streetscape, and minimizing potential impacts to adjacent or nearby properties, or the natural environment.

Part 20 Reconsideration

- 20.1 An applicant who is subject to a decision by the Director under Part 19 or 21 of this Bylaw is entitled to have the decision reconsidered by Council in accordance with this Part.
- 20.2 Within 10 business days of being notified in writing of the Director's decision under Part 19 or 21, the applicant may apply in writing to the District's Corporate Administrator to have Council reconsider the decision of the Director, which application must set out all of the following:
- 20.2.1 the date of the decision of the Director and the nature of the decision;
 - 20.2.2 reasons why the applicant wishes the decision to be reconsidered by Council;
 - 20.2.3 the decision the applicant request be made by Council, with brief reasons in support of the requested decision including, in the case of a Development Permit, Heritage Alteration Permit or Temporary Use Permit, what conditions and security amounts the Council ought to substitute and paying the applicable fee set out in the Fees and Charges Bylaw; and
 - 20.2.4 a copy of any materials the applicant considers to be relevant to the reconsideration by Council.
- 20.3 If after 10 business days of being notified in writing of the Director's decision under Part 19 or 21 the applicant does not apply in writing to

the District's Corporate Administrator, then the applicant may no longer apply for reconsideration.

- 20.4 Reconsiderations must occur at a regular meeting of Council held at least two weeks after the date on which the reconsideration application is delivered to the District's Corporate Administrator.
- 20.5 The District's Corporate Administrator must notify the applicant of the date of the meeting at which the reconsideration will occur, and give notice of each reconsideration by Council in accordance with any notice requirements or public meeting requirements to the original application that is set out in this Bylaw or the *Local Government Act*.
- 20.6 After having reconsidered a decision, Council may confirm the decision of the Director or substitute its own decision, including conditions of a permit or additional conditions of the permit.

Part 21 Development Approval Information Area

- 21.1 The requirements of this section apply to applicants for a permit in respect of an area specified for the provision of development approval information under Policy NE 14 in the OCP.
- 21.2 Applicants must submit to the Director the information set out in **Schedule A** to this Bylaw.
- 21.3 If the Director is not satisfied that the information is sufficient to comply with this section, either in scope, level of detail, accuracy or in any other respect, the Director may, within 30 business days of receipt of the information submitted by the applicant, require the applicant to provide, at the applicant's expense, further information reasonably required to comply with this section.
- 21.4 The information that is provided to the District pursuant to this section is required by the District in the exercise of its powers under the *Local Government Act*. Every report or other document provided to the District pursuant to this section must accordingly contain an express grant of permission to the District to use and reproduce the information contained in the report or other document for non-commercial purposes.

Part 22 Application Requirements

- 22.1 Applicants must submit the information set out in **Schedule B** for permit and amendment applications to the Director.
- 22.2 If the Director is not satisfied that the impact information is sufficient to

comply with this section, either in scope, level of detail, accuracy or in any other respect, the Director may, within 30 business days of receipt of the information submitted by the applicant, require the applicant to provide, at the applicant's expense, further information reasonably required to comply with this section.

- 22.3 The information that is provided to the District pursuant to this section is required by the District in the exercise of its powers under the *Local Government Act*. Every report or other document provided to the District pursuant to this section must accordingly contain an express grant of permission to the District to use and reproduce the information contained in the report or other document for non-commercial purposes.

Schedules

- A. Development Approval Information Area
- B. Application Submission Requirements
- C. Streamside Protection and Enhancement Areas Application Submission Requirements

READ A FIRST TIME on July 17, 2017

READ A SECOND TIME on July 17, 2017

READ A THIRD TIME on July 17, 2017

ADOPTED by the Council on July 24, 2017

[Original signed by Mayor]

Mayor

[Original signed by Municipal Clerk]

Municipal Clerk

Schedule A – Development Approval Information Area

Basic information requirements for applications under Development Permit Area NE 13:

1. Provide the following information to demonstrate existing conditions (baseline information) on the site:
 - a. All plan(s) drawn to scale, preferably 1:200, showing North arrow, and 1 metre contour intervals;
 - b. Parcel boundaries and adjacent streets and rights of way;
 - c. Natural features including watercourses, wetlands and top of bank;
 - d. All lands with slopes of 20% and separately identifying those over 35%;
 - e. Potential Streamside Protection and Enhancement Areas identified in accordance with **Schedule C**;
 - f. Any existing development including locations and dimensions of existing buildings, driveways, motor vehicle parking areas and landscaping; and
 - g. Trees within 15 metres of the top of the watercourse bank or edge of wetland that will be affected/removed by proposed development.
2. Detail the proposed development including:
 - a. Locations and dimensions of proposed buildings, driveways, motor vehicle parking areas and landscaping;
 - b. Conceptual building elevations; and
 - c. Points of vehicular ingress and egress.
3. Provide a written analysis by a certified professional with expertise in the subject matter, except where waived in writing by the Director, demonstrating that the proposed development is consistent with the applicable Development Permit Guidelines and, where appropriate, identifying mitigation measures that are consistent with the Guidelines including measures that may be specified as Development Permit conditions.
4. Describe, by plan and text prepared by a certified professional with expertise in the subject matter, except where waived in writing by the Director, sediment and erosion control measures that are to be put in place during the site preparation and construction stage of the project.

Schedule B – Application Submission Requirements

Basic application information requirements:

1. Completed application form.
2. Payment of fees as per the Fees and Charges Bylaw.
3. Owner authorization is required for an applicant who is not the owner to act on behalf of the registered owner(s) of the subject property (ies).
4. Certificate of Title that is less than 30 days old at the time of application and copies of all encumbrances, rights-of-ways, restrictions, notices, etc. registered on the title.
5. Site profile where required.
6. Site survey, drawing to scale and prepared by a BC Land Surveyor, showing:
 - a. Lot dimensions and area;
 - b. Topography and natural site features such as trees and watercourses;
 - c. Legal encumbrances such as easements and rights-of-ways; and
 - d. Features adjacent to the site including: trees and above ground infrastructure such as driveways, the edge of roadway, parking, utility poles, hydro kiosks, and street lamps.
7. Location and context plan showing the proposal in relation to roads and to buildings, driveways, and natural features on adjacent lands.
8. Project data and development statistics including confirmation of compliance with zoning bylaw and showing any required variances.
9. Site plan, drawn to scale (such as 1/8 inch or 1:100 metric) and dimensioned.
10. Building elevations, sections and finishes, drawn to scale (such as 1/8 inch or 1:100 metric), dimensioned and using a geodetic datum, showing all sides of the proposed building and cross section drawings showing the building and site development in relation to adjacent properties and public roads and lanes.
11. Landscape and streetscape plans, showing existing trees and site features, proposed tree removal, retention and site landscaping. When the site is within an area that is subject to Streetscape Standards, demonstrate how the plans are consistent with such standards.
12. Other information that may be required:
 - a. Traffic study;
 - b. Arborist report, reviewing the existing trees on the development site and immediately on adjacent lands;
 - c. Visual analysis showing photographs or drawings of the view of the project from important vantage points;
 - d. Environmental reports (e.g. for any development within 15 metres of top of watercourse bank or within 15 metres of the natural boundary of the ocean); and

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- e. Wildfire Hazard Report (e.g., for any development within the Wildfire Hazard Development Permit Area).
- f. Flood Hazard Assessment Report (e.g., for any development with habitable space within the Foreshore Development Permit Area).
- g. A Flood Hazard and Risk Assurance Statement signed by a Professional Engineer.

Schedule C – Streamside Protection and Enhancement Areas

Basic application information requirements:

1. Areas considered for streamside protection and enhancement are those areas determined with reference to the following existing vegetation conditions by measuring perpendicularly away from the top of the bank or top of the ravine bank on either side of a watercourse:
 - (a) intact and continuous areas of existing vegetation equal to or greater than 50 metres wide;
 - (b) limited but continuous areas of existing vegetation equal to 30 metres wide or discontinuous but occasionally wider areas of existing vegetation between 30 and 50 metres wide;
 - (c) narrow but continuous areas of existing vegetation equal to 15 metres wide or discontinuous but occasionally wider areas of existing vegetation between 15 and 30 metres wide;
 - (d) very narrow but continuous areas of existing or potential vegetation up to 5 metres wide or discontinuous but occasionally wider areas of existing vegetation between 5 and 15 metres wide interspersed with permanent structures.
2. With reference to vegetation conditions in Section 1., illustrate potential streamside protection and enhancement areas in accordance with the following:
 - (a) if section 1. (a) or (b) applies, at least 30 metres wide measured perpendicularly away from the top of the bank for all fish bearing watercourses or for non fish bearing watercourses that are permanent;
 - (b) if section 1. (a), (b) or (c) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non fish bearing watercourses that are non-permanent;
 - (c) if section 1. (c) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non-fish bearing watercourses that are permanent;
 - (d) if section 1. (c) or (d) applies, the greater of the widths determined under section 1. (c) or (d) or at least 15 metres wide measured perpendicularly away from the top of the bank for all fish bearing watercourses;
 - (e) if section 1. (d) applies, at least 5 and up to 15 metres wide measured perpendicularly away from the top of the bank for all non fish bearing watercourses.

3. If a watercourse is in a ravine that is less than 60 metres wide in total width from top of the ravine bank to top of ravine bank, not including the watercourse channel within its active floodplain boundaries, protection is to be consistent with section 2. (a) through (e), where appropriate, from the top of the ravine bank.
4. If a watercourse is in a ravine that is more than 60 metres in total width from top of ravine bank to top of ravine bank, not including the watercourse channel within its active floodplain boundaries, a protection and enhancement area must be at least 10 metres wide measured perpendicularly away from the top of the ravine bank.
5. In determining a potential streamside protection and enhancement area an applicant may provide information proposing to make allowances for one or more of the following:
 - (a) the potential to provide greater opportunity for streamside protection and enhancement than what would be achieved under sections 2. to 4.;
 - (b) the existence of obstacles that impair the ability to designate streamside protection and enhancement areas in accordance with subsections 2. to 4. including, but not limited to the following:
 - (i) biophysical conditions;
 - (ii) the utility of the existing parcel size;
 - (iii) existing roads, works or services;
 - (iv) proposed roads, works and services needed to provide access or services to otherwise developable land;
 - (v) the existence of artificial controls on the high water mark or water level of a watercourse.

Interpretation

In this Schedule:

"active floodplain" means an area of land within a boundary that is indicated by the visible high water mark or water level of a watercourse that is reached during annual flood events as evidenced by riparian area conditions described in the definition of "riparian area";

"fish" means all life stages of:

- (a) salmonids,
- (b) game fish, and
- (c) regionally significant fish;

"fish bearing watercourse" means a watercourse in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable for fish;

"non fish bearing watercourse" means a watercourse that:

- (a) is not inhabited by fish, and
- (b) provides water, food and nutrients to a downstream fish bearing watercourse or other water body;

"non-permanent watercourse" means a watercourse that typically contains surface waters or flows for periods less than 6 months in duration;

"permanent watercourse" means a watercourse that typically contains continuous surface waters or flows for a period more than 6 months in duration;

"permanent structure" means any building or structure that was lawfully constructed, placed or erected on a secure and long lasting foundation on land in accordance with any District or approval condition in effect at the time of construction, placement or erection;

"potential vegetation" is considered to exist if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, and is considered to not exist on that part of an area covered by a permanent structure;

"ravine" means a narrow, steep sided valley that is commonly eroded by running water and with slope grades greater than 3:1;

"riparian area" means the area adjacent to a watercourse that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water;

"streamside protection and enhancement area" means an area adjacent to a watercourse that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the watercourse, the width of which is determined according to section 2.;

"top of the bank" means:

- (a) the point closest to the boundary of the active floodplain of a watercourse where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break, and

(b) for a floodplain area not contained in a ravine, the edge of the active floodplain of a watercourse where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the edge;

"top of the ravine bank" means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

"watercourse" means a creek, pond, lake, river, stream, or brook, whether usually containing water or not and any spring or wetland that is integral to a watercourse;

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal conditions that supports vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse.