

District of West Vancouver



Development Procedures Bylaw No. 3984, 1996

Effective Date – March 18, 1996

Consolidated for Convenience Only

This is a consolidation of the bylaws 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. 4434, 2005	June 27, 2005
Bylaw No. 4188, 1999	September 27, 1999

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Development Procedures Bylaw 3984, 1996). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Development Procedures Bylaw No. 3984, 1996

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District of West Vancouver

Development Procedures

Bylaw No. 3984, 1996

A bylaw to establish procedures to amend the Official Community Plan or Zoning Bylaw or to issue a permit.

Amendment Bylaws: 4188 and 4434.

WHEREAS Part 29 of the *Municipal Act*, RSBC 1979, c290, permits the establishment of a bylaw defining procedures for applications to amend an official community plan, a zoning bylaw, or to issue permits;

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

Scope

1. This bylaw applies to an application for:
 - a. an amendment to
 - i. the Official Community Plan, or
 - ii. Zoning Bylaw, or
 - b. the issuance or renewal of:
 - i. a Development Permit,
 - ii. a Development Variance Permit,
 - iii. an Alteration Permit, which includes an Alteration Permit for designated Heritage Conservation Areas and a Heritage Alteration Permit for designated building, feature or sites, which includes an Alteration Permit for designated Heritage Conservation Areas and a Heritage Alteration Permit for designated building, feature or sites.

Bylaw 4188

Application

- Bylaw 4434
2. An application shall be submitted in the prescribed form to the Director of Planning, Lands and Permits and shall include, but is not limited to, the information required by Schedule “A” to this bylaw.
 3. The application 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 reasons for the requested amendment, permit or renewal and compliance with the other requirements of this bylaw.

Deposit/Application Fee

4. A deposit or application fee (as the case may be) shall be paid in accordance with the “Development Application Fees Bylaw No. 3985, 1996” and amendments thereto.

Process

- Bylaw 4434
5. Section deleted by Bylaw 4434
 6. The Director of Planning and Development or designate (hereinafter referred to as “the Director”) shall provide a report to Council on all applications under this bylaw, other than applications which may be approved by the Director.
 7. The review of applications by the Council or the Director may include referrals to persons or groups for such reports or advice as is deemed necessary to evaluate the application.

Public Hearing and Meetings

8. Notwithstanding the provisions of Section 956(4) of the *Municipal Act*, Council shall hold a Public Hearing on any application to amend the Zoning Bylaw prior to consideration of the amending bylaw.
9. Council shall hold a Public Meeting prior to consideration of an application for a Development Permit unless it passes a resolution to waive the requirement for such meeting.

- Bylaw 4434
10. Section deleted by Bylaw 4434

Notification

11. Notice of the Public Hearing shall be given to 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.
12. Subject to section 9, notice of a Public Meeting shall be given to owners and occupants of all parcels of land, any part of which is the subject of the Development Permit application or within 100 metres of the perimeter of the subject parcel.
13. Notice of Council consideration of an application for a Development Variance Permit or renewal, or an Alteration Permit or renewal, shall be given to owners and occupants of all parcels of land, any part of which is the subject of the application or is situated within 50 metres of the perimeter of the subject parcel. Council may pass a resolution waiving the requirement for such notice.
14. Notice of a Public Hearing shall not be required for an amending bylaw where ten (10) or more parcels owned by ten (10) or more persons are the subject of the bylaw.
15. Notice of an application for an Alteration Permit which is issuable by the Director shall be given by the Director to owners and occupants of all parcels of land, any part of which is the subject of the application or is situated within 50 metres of the subject parcel.

Renewal

- Bylaw 4434 16. The date of approval for a Development Permit or Alteration Permit which is issued by Council or a Development Variance Permit is the date of Council resolution of approval.
- Bylaw 4434 17. Council or the Director, as the case may be, will consider one (1) application for the renewal of a Development Permit. Any further renewal shall require a new application for a Development Permit.
18. Council will consider one (1) application for the renewal of a Development Variance Permit or an Alteration Permit, provided,
 - a. no change of the approved permit is proposed, and
 - b. the term of the permit has not lapsed or, if lapsed, shall have lapsed by no more than six (6) months.Any further renewal shall require a new application for the permit.

Consideration

19. In the case of an application to amend the Official Community Plan or the Zoning Bylaw, Council shall consider the application and either reject the application or proceed with the consideration of an amending bylaw.

Bylaw 4434 20. In the case of an application for a Development Variance Permit, a Development Permit or an Alteration Permit which must be issued by Council, Council shall consider the application and either reject it or issue the permit which may include conditions.

Bylaw 4434 21. In the case of an application for a Development Permit or Alteration Permit which is issuable by the Director, the Director shall consider the application and either reject it or issue the permit, which may include conditions.

22. As a condition of the issuance of an Alteration Permit, the Council and the Director may require the owner of the subject parcel or the applicant to post security to ensure compliance with the terms and conditions of the Alteration Permit in a manner satisfactory to the Municipal Manager.

Bylaw 4434 23. In the event that the Director rejects a Development Permit or Alteration Permit, the applicant may apply to the Council for reconsideration of the application, in which case the provisions of sections 24(e) through (i) shall apply.

Bylaw 4434 Delegation of Council Powers

24. a. Subject to section (b), the Council delegates to the Director of Planning, Lands and Permits the powers of the Council under s.920(2) of the *Local Government Act* to issue development permits in respect of Development Permit Area NE13 (Watercourse Protection Development Permit Area) established by Official Community Plan Bylaw No. 4360, 2004, including the powers of the Council to require that the applicant provide security for the purposes of s.925 of the *Local Government Act*.

b. The Director may not issue a development permit for development on land that is designated as part of Development Permit Area NE13 and another development permit area.

c. In imposing security requirements under s.925 of the *Local Government Act*, the Director may require the applicant to provide as security:

i. undertaking works, construction or other activities to satisfy a condition in the permit respecting landscaping; plus

- ii. \$5000 per parcel or acre of land subject to the permit application, whichever yields the greater amount, to be applied by the District to the cost of undertaking works, construction or other activities to correct:
 - 1. an unsafe condition that has resulted as a consequence of the contravention of a condition in the permit; and
 - 2. damage to the environment that has resulted as a consequence of the contravention of a condition in the permit.
- d. In imposing the security requirements set out in section (c), the Director may require security to be maintained for so long as there is a reasonable possibility of contravention of a landscaping condition, the creation of an unsafe condition, and the causing of harm to the environment in connection with the development authorized by the permit.
- e. An owner of land whose development permit application is subject to this section may, within 10 business days of being notified in writing of the Director's decision on their application, request the Council to reconsider the Director's decision, by giving notice in writing to the Municipal Clerk setting out the grounds on which the applicant considers the decision is inappropriate and what decision, including what development permit conditions and what amounts of security the Council ought to substitute, and paying the applicable fee set out in Bylaw No. 4414, 2005.
- f. The Municipal Clerk must place each request for reconsideration on the agenda of a meeting of the Council to be held not earlier than 2 weeks from the date on which the request for reconsideration was delivered.
- g. The Municipal Clerk must notify the Director of each request for reconsideration and the Director must:
 - i. prior to the date of the meeting at which the reconsideration will occur, provide a written report to the Council setting out, at the level of detail the Director considers appropriate, the rationale for the Director's decision; or
 - ii. at the meeting at which the reconsideration occurs, provide an oral report on the rationale for the Director's decision.
- h. The Municipal Clerk must notify the applicant of the date of the meeting at which the reconsideration will occur, and sections 9 and 12 of this bylaw shall apply.

- i. The Council may either confirm the decision of the Director or substitute its own decision, including development permit conditions and amounts of security.

Bylaw 4434

Development Approval Information

25.
 - a. The requirements of this section apply to applicants for a development permit in respect of an area specified for the provision of development approval information under Policy NE 14 in Official Community Plan Bylaw No. 4360, 2004.
 - b. Applicants must submit the information set out in Schedule B to this bylaw to the Director of Planning, Lands and Permits.
 - c. 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.
 - d. The information that is provided to the municipality pursuant to this section is required by the municipality in the exercise of its powers under the *Local Government Act*. Every report or other document provided to the municipality pursuant to this section must accordingly contain an express grant of permission to the municipality to use and reproduce the information contained in the report or other document for non-commercial purposes.

Repeal

26. "Development Procedures Bylaw No. 3642, 1991" and any amendments thereto, is hereby repealed.

Title

27. This bylaw may be cited for all purposes as Development Procedures Bylaw No. 3984, 1996”.

PASSED by the Council on 1996 March 11.

RECONSIDERED and ADOPTED by the Council on 1996 March 18.

Mayor

Municipal Clerk

Schedule A

YEAR _____ NO. _____ TYPE _____ .

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER

DEVELOPMENT APPLICATION

This side to be completed by applicant:

This side for municipal use and outlines the required attachments to this application:

Applicant(s) name:

Date Received: _____

By: _____

Applicant(s) Address:

Attachments:

____ (1) Authorization of owner(s) of property to proceed with application, if applicable. AUTHORIZATION OF ALL OWNERS IS REQUIRED

Owner(s) of Property:

____ (2) Explanation of:
a) compliance with current zoning and proposed deviation, if applicable
b) type of development and/or land use proposed
c) community / neighbourhood benefit and impact of proposal

Legal Description of Property

____ (3) Full size sets of plans
____ (4) Reduced plans (Max'm 11" x 17")
____ (5) Deposit: \$ _____
____ (6) Additional information as required by the Director of Planning and Development

Street Address of Property:

____ Rezoning from ____ to ____ (if known)

____ Development Permit ____ Major ____ Minor

Person(s) to be contacted:

____ Development Variance Permit

____ Official Community Plan Amendment

Telephone No. (O) _____

____ Alteration Permit: ____ Council

(H) _____

____ Director of Planning and Development

(Fax) _____

Application and attachments reviewed by Planning _____

The undersigned wish to make the above-noted application to the Municipal Clerk and agree to pay any additional cost incurred in processing the application.

Signature of Owner / Agent

Title

Schedule B - Basic Information Requirements for Applications Under Development Permit Area NE 13

Development Procedures Bylaw 3984, 1996, Amendment Bylaw 4434, 2005

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 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, sediment and erosion control measures that are to be put in place during the site preparation and construction stage of the project.

Schedule C - Identifying Potential Streamside Protection and Enhancement Areas

Development Procedures Bylaw 3984, 1996, Amendment Bylaw 4434, 2005

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.