



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Development Application Procedures and Fee Bylaw

Bylaw No. 431

Adopted June 6, 2011

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VILLAGE OF LIONS BAY

BYLAW NO. 431, 2011

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

WHEREAS Section 895 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 26;

AND WHEREAS Section 931 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 "Village of Lions Bay Development Application Procedures and Fees Bylaw No. 431, 2011."

Scope

2. This Bylaw shall apply to applications for:
 - a) amendments to an official community plan or zoning bylaw;
 - b) issuance of a development variance permit or a development permit;
 - c) a variance by the Board of Variance; and
 - d) subdivision approval.

Application Form

3. 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.
4. 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

5. 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 B of this Bylaw.
6. In the event that the Chief Administrative Officer or their designate determines that the application is more than ordinarily complex such that the application fee calculated

hereunder will not cover the actual costs of processing the application, the Chief Administrative Officer or their designate may request that the applicant enter into a cost recovery agreement to allow for recovery of extraordinary costs, including consultant planner and legal costs, which agreement shall provide that the Village will from time to time invoice the applicant for the excess amounts as incurred. If no such agreement is entered into the Chief Administrative Officer or their designate may refer applications to Council or the Approving Officer, as the case may be, with a recommendation that the application not be advanced unless and until funding is in place to cover such extraordinary costs.

Development Procedures

7. Every application pursuant to Section 2(a) and (b) shall be processed by staff and a report shall 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.

8. The Council may, upon receipt of the staff report, regarding an application submitted pursuant to Section 2(a):
 - a) proceed with an amendment bylaw;
 - b) refuse the application; or
 - c) refer the application back to staff for further analysis and information.

9. The Council may, upon receipt of the staff report, regarding an application submitted pursuant to Section 2(b):
 - 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.

10. Where an application of an amending bylaw or a permit has been rejected or refused by Council, the Chief Administrative Officer shall notify the applicant in writing within 15 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

11. 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.

12. 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

13. 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 the application pursuant to Section 2(a), 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.
14. 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.
15. The sign shall be erected on the subject property within 10 days of submitting an application.
16. The Village may request that the information on the sign be amended during the application process.
17. 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.

Reapplication

18. 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

19. In the case where a security deposit may be required by the Village, cash or an irrevocable 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.
20. The security deposit shall be returned to the applicant upon satisfactory completion of any and all conditions to the satisfaction of the Village.

Schedules

21. Schedules A, B, and C are attached hereto to this Bylaw and shall form an integral part of this Bylaw.

This Bylaw may be cited as “**Application Procedure and Fee Bylaw No.431, 2011**”.

READ A FIRST TIME	March 7, 2011
READ A SECOND TIME	April 18, 2011
READ A THIRD TIME	May 3, 2011
THIRD READING RESCINDED	May 16, 2011
AMENDED AND REREAD A THIRD TIME, AS AMENDED,	May 16, 2011
ADOPTED	June 6, 2011

Mayor

Village Manager

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

Village Manager

SCHEDULE A
APPLICATION FORMS



VILLAGE OF LIONS BAY
DEVELOPMENT APPLICATION FORM

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

a) Type of Development Application: **File No.** _____

- Amendment to Official Community Plan
- Amendment to Zoning Bylaw
- Development Permit
- Development Variance Permit
- Board of Variance
- Subdivision

b) Legal Description as per State of Title Certificate:

c) Civic Address: _____

d) Existing Land Use: _____

e) Existing Zoning: _____

f) Number of Lots / Units being created: _____

g) Proposed Water Supply: _____

h) Proposed Method of Sewage Disposal: _____

2. Please provide the following information about the owners/applicants:

a) Owner's name, address, telephone and fax numbers:
Name: _____
Address: _____
Phone #: _____ Fax #: _____ Email: _____

b) Applicant's name, address, telephone and fax numbers if not the Owner:
Name: _____
Address: _____
Phone #: _____ Fax #: _____ Email: _____

3. Please describe the nature of your application:

Amendment to Official Community: From _____ to _____

Amendment to Zoning Bylaw: From _____ to _____

Development Permit: _____

Development Variance Permit: _____

Board of Variance: _____

Subdivision: Number of Lots: _____

4. Please ensure that the following material is submitted with this application:

2 Copies of a Preliminary Plan or 8 copies if larger than 11" x 17"

a current (within 30 days) State of Title Certificate or Title Search

the application fee payable to the Village of Lions Bay in accordance with the Development Application Procedure and Fee Bylaw

an authorization letter from the Owner if the Applicant is not the Owner

a letter outlining the reasons and rationale for your application

5. Please ensure that your Preliminary Plan includes the following material:

Date, scale, north arrow

Approximate dimensions and sizes of all proposed development / lots

Approximate location of existing buildings

Approximate location of existing roads and trails

Approximate location, width, and grade of all proposed road allowances

Approximate location of existing watercourses and wetlands

Approximate location of all easements, covenant areas, rights of way, etc.

Approximate location of proposed accesses for development / lots

Approximate location of existing & proposed off site water, sewer, and utility systems

Approximate location of proposed on site water supply and sewage disposal

The preliminary development concept / subdivision plan need not be prepared by an Architect or a BC Land Surveyor. Please note that during the development review process, additional information may be required.

6. Please read and sign below

I certify that the information provided in this application is true, correct and complete.
I understand that this application is submitted for review purposes.

Signature of Applicant _____
Date

The information on this form is collected under the authority of the *Local Government Act* and will be used by the Village of Lions Bay to process your subdivision application.

SCHEDULE B
DEVELOPMENT APPLICATION FEES

	APPLICATION FEE (NOT INCLUDING HST)
Official Community Plan Amendment	\$2500 or \$3000 if combined with rezoning application with \$700 refunded if no public hearing
Zoning Bylaw Amendment	\$2500 with \$700 refunded if no public hearing
Development Permit	\$1000
Development Variance Permit	\$650
Board of Variance	As per Building Regulations Bylaw 234, 1994, as amended in Bylaw 330, 2002
Subdivision	\$1500 + \$200 per lot \$500 - lot line adjustment

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.*

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 _____.

Site Map showing subject site and abutting streets / properties.

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

Village Manager
PO Box 141
Lions Bay, BC V0N 2E0
Tel: 604-921-9333 ext.101
Email: admin@lionsbay.ca