

VILLAGE OF LIONS BAY NOTICE OF PUBLIC HEARING

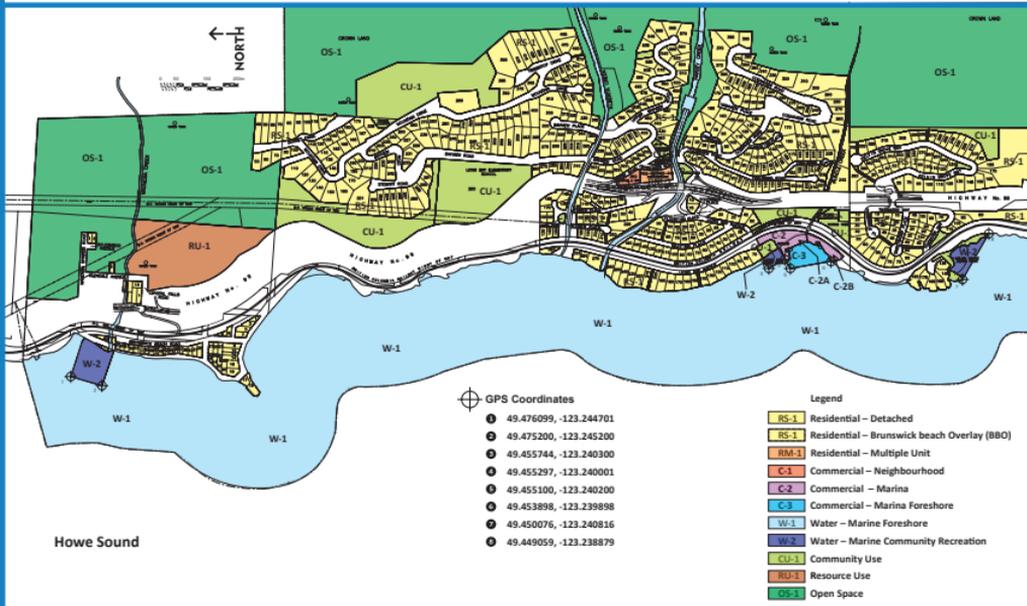
Date of Hearing: 7:00 p.m., Thursday May 4, 2017
Location of Hearing: Broughton Hall, 400 Centre Road, Lions Bay, BC

Pursuant to the provisions of the Local Government Act, a public hearing will be held to consider the following bylaw of the Village of Lions Bay (the "Municipality"):

ZONING AND DEVELOPMENT BYLAW NO. 520, 2017

The purpose of Zoning and Development Bylaw No. 520 is to replace the Municipality's two existing zoning bylaws with a harmonized and modernized zoning and development bylaw. Zoning Bylaw No. 520 eliminates inconsistencies in terminology and land use regulations as a result of having two zoning bylaws applying to separate areas of the Municipality. Specific purposes of Bylaw No. 520 include: to regulate short term rentals; to provide for detached cottages; to ensure the community obtains tangible benefits from development by introducing density bonusing for provision of amenities in conjunction with cottage development and subdivision of land; to regulate parking and storage of heavy commercial and industrial vehicles and equipment; and to update the foreshore zoning. Bylaw No. 520 includes two new zones: a new, limited use W-2 (Water – Marine Community Recreation) zone on foreshore adjacent to Municipal waterfront parks and leased areas; and an OS-1 (Open Space Areas) zone which provides for community watershed management, natural areas and recreation trails on the upper slopes above the developed areas of the Municipality.

Bylaw No. 520 applies to all land and water within the Village of Lions Bay's jurisdictional boundaries, as noted on the Zoning Map below:



All persons who consider their interest in property to be affected by the proposed bylaw will be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw. Written submissions may also be sent in advance of the public hearing and must be received by Village of Lions Bay by 4:00 p.m. on May 4, 2017. Please send written submissions to:

E-mail: cao@lionsbay.ca
Mail: Village of Lions Bay
PO Box 141, 400 Centre Road,
Lions Bay, B.C. V0N 2E0

The above is a synopsis and is not deemed to be an interpretation of the bylaw. Copies of the bylaw and all relevant reports, plans and other documents are available online at lionsbay.ca, or for inspection at the office of the Village of Lions Bay located at 400 Centre Road, Lions Bay, BC, between the hours of 10:00 a.m. - 4:00 p.m., Monday, Tuesday, Thursday and Friday, beginning April 20, 2017 and ending May 4, 2017.

The identity of persons who make written or verbal submissions will form part of the public record.

The Village of Lions Bay Council will not consider any verbal or written representations or submissions from the public after close of the public hearing.

For additional information please contact: cao@lionsbay.ca.

Type	Information Report		
Title	Lions Bay Zoning Bylaw Review Report #1 – Zoning Definitions, Secondary Suites, Density and Development Permits		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, CAO
Date	November 8, 2016	Version	
Issued for	November 15, 2016 Council Strategy Committee Meeting		

Recommendation:

THAT the Information Report, “Lions Bay Zoning Bylaw Review Report #1 – Zoning Definitions, Secondary Suites, Density and Development Permits” be received.

Attachments:

1. Project Terms of Reference
2. Consolidated Definitions from Zoning Bylaws 362 and 785
3. Consolidated Definitions (blacklined version with comments)
4. Summary of Building Code Requirements for Secondary Suites

Background:

The purpose of the Lions Bay zoning bylaw review project is to deliver a new, consolidated zoning bylaw by the end of February in accordance with the project terms of reference (attached as Attachment 1). The first on the list of substantive deliverables for the project is to “utilize one set of consistent definitions applicable to all zones”. This report begins with a review of and proposed revisions to the zoning bylaw definitions. The report will then provide analysis and comment on how the new zoning bylaw might address secondary suites (especially off-street parking requirements), land use density (and opportunities/approaches to density bonusing) and development permits.

1. Zoning Definitions

Zoning Bylaw 785 applies to the Brunswick Beach area and was prepared by the Greater Vancouver Regional District prior to amalgamation with the Village of Lions Bay. Bylaw 785 originally applied to the entire GVRD electoral area and the zoning for Brunswick Beach was depicted on Map 2 of the bylaw. Zoning Bylaw 362 was adopted in 2004 and applies to land within the original village boundary. Zoning Bylaw 362 replaced Bylaw 139 and several other (amending) bylaws.

Attachment 2 to this report is an extract of existing definitions from Bylaws 362 and 785. Bylaw 362 definitions are depicted in Times New Roman font and Bylaw 785 definitions in Arial font.



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Proposed amendments and new definitions are shown as underlined text while deletions are shown with ~~strike through~~ text. Comments are included in the sidebar.

A challenge with having two zoning bylaws in operation is reconciling different definitions of the same or similar terms. There are numerous instances where the same terms are defined somewhat differently in each bylaw. The term “grade”, for example, means:

“the ground level that existed at the time of the subdivision that created the parcel” (Bylaw 362)

and

“the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle, or pedestrian entrances need not be considered in the determination of average levels of finished ground” (Bylaw 785).

The first definition is often referred to as the *natural grade*. The second definition is often termed average finished grade. Application of these definitions can easily result in quite substantial differences in permitted building height when used in areas of strongly sloping topography. The new bylaw will address issues such as these where they occur.

The new bylaw will also include additional definitions for some terms used in the bylaws that are presently undefined.

Further, there are at least 16 terms that are defined but not used in the bylaws (primarily Bylaw 785) that will be deleted.

2. Secondary Suites

The Village of Lions Bay wishes to accommodate secondary suites, and potentially other forms of secondary accommodation, in a manner which recognizes the challenges of topography, especially with respect to off-street parking requirements. There is also a desire to update existing zoning provisions with respect to secondary suites based current best practices regarding secondary suite bylaws and the recommendations of Council, staff, and consideration of public feedback.

Background

Since 1995, the BC Building Code has included provisions for secondary suites that relaxed some of the code provisions of the time that prevented or seriously impaired the development of suites in single family dwellings. The regulation of secondary suites by local government is a responsibility that is shared by the building inspection and planning functions (with respect to code compliance and land use/zoning respectively). The District of Maple Ridge has compiled a convenience consolidation of the 2012 BC Building Code secondary suite requirements (copy attached as



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Attachment 3) that provides useful context for the discussion of regulation of secondary suites in the zoning bylaw.

Secondary suite zoning provisions were considered in Lions Bay in May, 2010 when draft regulations were introduced in a report from Councillors Ronsley and Akerhielm. The secondary suite zoning regulations were originally based on those developed by West Vancouver. The significant variations from the West Vancouver bylaw in the Lions Bay bylaw were the inclusion by Lions Bay of minimum safety requirements regarding smoke alarms, fire-rated doors and ceilings, and bedroom exit routes to allow existing illegal suites to be brought into compliance; and the requirement for a parking covenant acknowledging that the suite will not be occupied until driveway widening, tandem parking or other parking is provided to the Village's satisfaction.

Analysis

The following table contains a clause by clause analysis of existing Zoning Bylaw 362 provisions in Lions Bay for secondary suites; providing a general comment on each provision, and indicates if the regulation is consistent with best municipal practice for secondary suite regulation. If an existing regulation is not considered to be a best practice, a footnote is included which outlines how the situation may be addressed.

Table 1: Secondary Suite Regulations

s.32 (b)(ix)	Regulation	Comment	Zoning Best Practice?
(1)	Maximum one secondary suite/parcel	By definition under the BC Building Code (2012) a secondary suite must be located within a building of residential occupancy containing only one other dwelling unit	Yes
(2)	Suite must not be detached	Consistent with Building Code definition. Detached units are treated as single family dwellings under the Code. Zoning for "carriage houses" or similar use could be considered if there is a desire to accommodate detached secondary dwelling units.	Yes



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(3)	Maximum suite floor area lesser of 90m ² or 40% total floor area	This is a Building Code requirement.	Yes
(4)	Owner must occupy	The BC government Guide to Secondary Suites states that in several jurisdictions (e.g., City of Abbotsford, City of North Vancouver) the bylaw states that dwellings with secondary suites must be occupied by the owner. However, an owner occupancy requirement may be unenforceable (as zoning regulates land use, not tenure).	No ¹
(5)	Minimum safety standards for existing suites	Consideration of alternatives where it is physically and/or financially not feasible to bring an existing suite up to Code is an important policy consideration for Council. From a technical perspective, this is a Building Bylaw/Building Code issue that should not be in the zoning bylaw.	No ²
(6)	New suites must fully comply with Code	This is a companion provision to (5) and the same comments apply with respect to the Building Code/Building Bylaw.	n/a
(7)	Suites must be inspected, approved and registered	Building Bylaw matter re: inspections and approval. Many municipalities maintain a registry; some have annual licensing fees.	Yes, re: registry.
(8)	Adequate on-site sewage disposal capacity	Confirmation from a qualified professional should be a condition of issuing a building permit. This should be in the Building Bylaw, or an operational policy.	No
(9)	Separate exterior entrance to suite	Most bylaws reviewed have this provision.	Yes
(10)	No subdivision of title by stratification	Prohibited under BC Building Code. Not necessary in either zoning or building bylaw. Could be included in information handout.	No



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(11)	No separate water service or electrical metres.	There is an efficiency rationale for not duplicating water service. Not sure of the rationale for no separate electrical metering. Separate metering promotes energy conservation by tenants as they are financially responsible for their energy consumption.	No
(12)	One additional parking space	This is widely required by municipalities, though some jurisdictions (e.g. Town of Gibsons) do not require an additional parking space. The steep terrain in Lions Bay poses significant challenges on many, if not most properties. Options will be discussed further below.	Yes

Notes

1. The District of West Vancouver secondary suites bylaw originally had an owner occupancy restriction that has since been modified. West Van now allows non-resident occupancy of both the main dwelling and secondary suite where a North Shore based property manager, with authority to deal with complaints, is contracted to manage the tenancies and West Vancouver is provided written authorization to contact the property manager in the event of complaints. If the Village wishes to continue with residency restrictions, an alternative such as West Vancouver's could be considered, although the matter of regulating tenure would still remain.
2. The City of Nanaimo has developed an approach to existing secondary suites (i.e. suites existing on the date of adoption of the zoning amendment permitting secondary suites) where existing suites that can't be fully brought into compliance may be "authorized" if certain life-safety requirements are met. Nanaimo has two categories of "existing" secondary suites – "illegal (if not upgraded through a Building Permit) and "authorized with notice on title" - any suite existing prior to (October 21, 2014 in Lions Bay's case) and upgraded through a Building Permit to address life-safety issues. As the suite would have existing construction in place preventing the Building Inspector from seeing whether or not underlying work conforms to the Building Code, a notice (per Section 57 of the Community



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Charter) would be placed on the property title to advise future interested parties that a Building Permit was not obtained for this work and required inspections were not performed.

Secondary Suite Parking Requirements

A general challenge in Lions Bay for property owners wishing to create or legalize a secondary suite is compliance with the requirement for an additional parking space due to terrain constraints and the associated cost of providing a third parking space on site. There are several alternatives that could be considered in situations where compliance with the parking requirement is difficult or not feasible.

Option 1 – Eliminate the requirement for an additional space

Option 1 is based on the owner having sole responsibility for ensuring adequate onsite parking. If a tenant owns a vehicle, that vehicle must be parked on the same property. Any inconveniences associated with manoeuvring vehicles to provide access are borne by the residents. Enforcement of unauthorized parking on the road right of way would be required and would be a strong disincentive to residents considering that an “unofficial” option.

Option 2 – Eliminate parking space requirement when transit service is nearby

Many communities do not require an additional parking space for secondary suites (Gibsons, Victoria, Vancouver). However, where parking is not required public transit is usually a viable option for tenants. West Vancouver takes an approach where additional parking is not required if the walking distance from the lot to the sign indicating the location of a bus stop, in use and serviced by a public transit service, is 60 metres or less. While recognizing that Lions Bay has limited transit stops, consideration could be given to eliminating the third parking space requirement where a property is within a specified distance metres of a bus stop.

Option 3 – Amend the siting regulations for parking uses and structures for secondary suites

In areas of strongly sloping terrain, it is quite common for accessory parking structures to be located at or near street level, especially on downslope lots. Presently under the RS-1 zoning, accessory structures are required to be set back 7.6 metres from the front lot line. Option 3 would involve reducing the front setback to accommodate a single vehicle garage, carport or open air parking space.



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Option 4 – Allow for parking siting variances through development variance permits

This option is essentially the same as Option 3, but provides for the case by case consideration of relaxation of the siting requirements for parking. This would provide the municipality the opportunity to review site lines, potential impact on neighbours and other considerations.

Option 5 – Licencing “on-street” parking for secondary suites

Under this option, a property owner would construct a parking space (to municipal specifications) for a secondary suite within or partly within the municipally owned road right of way and licence that space from the village on an annual basis.

Option 6 – Maintain the status quo

Presently, a property owner cannot obtain a building permit for a secondary suite if a third parking space cannot be provided. This is a particular concern for those wishing to legalize or authorize an existing suite. Maintaining the *status quo* is not recommended, as one or more of the above options could provide at least some improvement to the current situation with respect to parking for secondary suites.

3. Density – Development Potential under OCP/Zoning and Density Bonusing

Background

Density of residential development in the zoning bylaw is guided by the policies and designations in the Village of Lions Bay Official Community Plan (OCP). The Official Community Plan contains the following statements about future residential development in Lions Bay:

- development in Lions Bay... needs to be carefully managed if it is to maintain its unique sense of place and diversity.
- There is a limited supply of land within the Village to accommodate new development.
- ...opportunities for providing different housing forms for those at different stages of their life will be considered, within the context of compatibility with the character of the Village. This could take the form of suites within houses, and the development or redevelopment of specific sites undertaken in a socially and environmentally sensitive manner.
- Explore options in consultation with the community to provide alternative housing for a broader array of the community's existing and future demographic and socio-economic composition.... Options could include: converting single family dwellings into duplexes on a case by case basis subject to rezoning; and accommodating housing for areas designated Potential New Development (Works Yard and 2 lots at the south end of Kelvin Grove)



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- areas [designated “Low Density Residential] allow an increase in density in the Village through additional secondary suites while still maintaining the primarily single detached housing character.
- [sites designated, and containing existing Multiple Family Residential] may be redeveloped over the long term.
- [Potential New Development] area includes the lands west of Highway 99, currently used by the Village public works yard, and land at the south end of Kelvin Grove Way. These sites are to be considered for the future re-development of the site for potential housing.

The regional context statement in the OCP notes the following:

The official community plan, through the designation on the Land Use Map of a new development area, potential redevelopment of the public works yard, and the possible long term use of the gravel pit for a broader range of housing alternatives, is making steps toward building a more complete community. Policies 4.3(a) and (b) speak to providing for secondary suites and limited development opportunities that will enhance housing options.

In 2014 a draft Master Plan presented several options for development in addition to those identified in the OCP that met with a mixed, but generally negative, reaction from the public. A takeaway from the 2014 process was, to restate the OCP: where future development is to occur, careful management is essential and to maintain the character of the community, development should be incremental.

Analysis – Development Potential

The OCP identifies making provision for secondary suites, development of specific sites and limited redevelopment as opportunities for smaller scale, incremental development in Lions Bay. The OCP has been partially implemented from a zoning perspective. A zoning amendment to Bylaw 362 in 2014 permitted secondary suites in the RS-1 zone. It is intended that the secondary suite provisions will be extended to Brunswick Beach as part of the new zoning bylaw. Lions Bay has not “pre-zoned” the Potential New Development Sites identified in the OCP. The minimum lot areas in the single detached residential zones remain at 0.4 hectare and 0.81 hectare under the Brunswick Beach and Lions Bay zoning bylaws respectively so few properties have subdivision potential. Immediate development potential is essentially limited to the few (~20) vacant residential zoned lots in the Village.



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Discussion – Consideration of Density Bonusing

In addition to provision for secondary suites, small scale densification such as providing for duplexes, -permitting subdivision of “oversized” lots on a site specific rezoning basis could also be considered consistent with the OCP. Site specific zoning should also apply to the sites designated as Potential New Development. Such an approach would enable the Village to carefully manage growth and take specific site and neighbourhood considerations into account. Such an approach would also enable the Village to implement “density bonusing” and/or a “community amenities contribution” policy.

Section 482 of the Local Government Act (LGA) provides for density benefits for amenities, affordable housing or special needs housing, as follows:

- (1) A zoning bylaw may
 - (a) establish different density rules for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions under paragraph (b) are met, and
 - (b) establish conditions in accordance with subsection (2) that will entitle an owner to a higher density under paragraph (a).
- (2) The following are conditions that may be included under subsection (1) (b):
 - (a) conditions relating to the conservation or provision of amenities, including the number, kind and extent of amenities;
 - (b) conditions relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind and extent of the housing;
 - (c) a condition that the owner enter into a housing agreement under section 483 before a building permit is issued in relation to property to which the condition applies.

In Lions Bay, density bonusing provisions in the zoning bylaw could indicate that one “single family dwelling with secondary suite” per lot is permitted and/or one lot per hectare of lot area (the “base density”). The “density bonus” could be permitting a second dwelling (such as a “carriage house”) on a lot or creation of a second lot (with one new dwelling and suite) through subdivision if specified conditions are met and amenities provided.



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Determination of the type and value of amenities ranges widely among local governments. Examples of three approaches are provided below, two from small communities (Roberts Creek, Pemberton) and one from a metropolitan municipality (Coquitlam).

In rural communities such as Roberts Creek on the Sunshine Coast for example, a policy has been adopted in the OCP that in order to achieve desired community amenities, greater residential densities than would otherwise be allowed may be permitted subject to a rezoning process that includes a public hearing. The Roberts Creek OCP policy is a good example of how a community can define the type of community contribution that is desired under a density bonusing scheme and that will be negotiated at the time of rezoning:

The following are the range of amenities that may be required and depending upon the scale and location of the site several amenities may be required:

- a) Provision of affordable and rental housing;
- b) Heritage conservation;
- c) Public access and/or use;
- d) Natural habitat conservation/restoration such as removal and control of invasive plant species;
- e) Protection of biodiversity;
- f) Park dedication;
- g) Community facilities;
- h) Bike lanes and trails;
- i) Energy efficient building design beyond that required by Provincial Building Regulations;
- j) Land for community agriculture/community forest;

The scale of amenity will depend upon the size and potential impact of the proposed development.

The Village of Pemberton, in developing its OCP, went through a community engagement process to identify and prioritize desired community amenities which, like the Sunshine Coast:



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1 Top Priorities:

- Arena
- Indoor Pool
- Public Washrooms
- Parks (refer to Parks and Open Space Master Plan/Map G)
- Trails (refer to Pemberton and Area C Trails Master Plan/Map H)
- Agri-tourism amenities including a downtown multiuse public facility and community greenhouses
- Affordable and Special Needs Housing

2 Medium Priorities:

- Curling Rink
- Performing Arts Stage
- Outdoor Pool
- Seniors Centre
- Regulation indoor gym
- Seniors housing/care

3 Other Amenities:

- Community kitchen
- Outdoor skating rink
- Public use airport building
- Squash/racquet ball
- Bus shelters
- Track
- Public shower facility
- Indoor tennis
- Campground
- Equestrian stadium
- Clubhouses at playing fields

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Pemberton has created a Residential (Amenity) RSA-1 Zone that uses a minimum lot size of 20,000m² as a base density and 930m² as the bonus density where a contribution toward community amenities has been provided through either a payment or specified in-kind contribution valued at \$9165 per single family lot to be created.

In the City of Coquitlam, the amount of additional density and financial contribution is set out in the zoning bylaw. The financial contribution is a portion of the increase land value that occurs at the time of rezoning. Coquitlam's Density Bonus program applies to floor space above 2.5 FAR. Density Bonus contributions can be spent on a wide range of amenities and infrastructure as determined by City Council and as identified in the City's Official Community Plan (OCP). As an example, in the city's highest density multi-family zone, the density bonus program is as follows:



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- (a) All *buildings and structures* together must not exceed a base *density gross floor area* of 2.5 times the *lot area*;
- (b) The overall maximum base *density* of 2.5 times the *lot area* may be increased as follows:

Density Step	Condition of Additional Density	Additional Gross Floor Area Ratio	Maximum Total Gross Floor Area Ratio
Step 1	A financial contribution of 75% of the land value of the additional <i>density</i> towards amenities as identified in the Citywide Official Community Plan.	Up to 0.5 times the <i>lot area</i>	3.0 times the <i>lot area</i>
Step 2	A financial contribution of 65% of the land value of the additional <i>density</i> towards amenities as identified in the Citywide Official Community Plan.	Up to 0.5 times the <i>lot area</i>	3.5 times the <i>lot area</i>
Step 3	A financial contribution of 50% of the land value of the additional <i>density</i> , of which 50% will be towards amenities, and 50% towards affordable housing as identified in the Citywide Official Community Plan.	Up to 0.5 times the <i>lot area</i>	4.0 times the <i>lot area</i>

- (c) In-lieu of a financial contribution as identified in Sub-section (5)(b), the *City* may require the provision of an amenity, equivalent in value to the financial contribution for the additional *density* allowed.

Based on the above, if the Village of Lions Bay wishes to obtain community amenity contributions, it would be prudent to:

1. In general terms identify, in the OCP or by Council policy, the types of amenities desired (i.e. affordable housing, recreation facilities, trails, etc.)
2. use the density bonus approach authorized by s. 482 of the LGA
3. clearly specify the value of the amenity contribution or the method by which it would be calculated.



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4. Development Permits

The Local Government Act (section 488) authorizes local government in an OCP to designate areas within which development permits (DPs) will be required. An OCP amendment is required to identify and designate DP areas within the Village as DP as there is no authority under the LGA to designate DP areas in a zoning bylaw.

The project terms of reference indicate that the Village wishes to have DP areas cover all of Lions Bay. Guidelines such as those already in the zoning bylaw can be extended to residential development throughout the municipality by designating single family residential areas as an “Intensive Residential” DP area per s. 488(1)(e) of the LGA. Mapping of this type of development permit area is quite straightforward, as existing zone boundaries can be used. Mapping for other DP areas such as hazard lands may be more of a challenge, depending on the Village’s map resources and staff mapping capabilities.

The Local Government Act is very specific in terms of the type of requirements, conditions or standards a municipality may include in its development permits. The scope of requirements in s. 43 is significantly broader than authorized under the LGA for development permits. The following analysis outlines the appropriate approach for each of the requirements in s. 43:

s. 43:	Requirement	DP?	LGA authority/tool
a)	Regulate dimensions and siting of buildings & structures	✓	Primary authority under s.479(1)(c)(iii)(A) – zoning. s.491(7)(b) – intensive residential “character” DP with respect to siting, form, exterior design and finish
b)	Regulate siting & design of off-street parking/loading	×	s.525(1)(b) – regulate by bylaw (e.g. land use regulation bylaw)
c)	Require landscaping or screening around different uses	×	s.527 – landscaping and screening (zoning/land use regulation bylaw)
d)	Require paving of roads and parking areas to a standard	×	roads – s. 506 subdivision servicing bylaw parking – s. 525(1)(b)
e)	Require provision of sewerage, water, drainage & other infrastructure	×	s. 506 – subdivision servicing bylaw



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f)	Subject to s.740 of the <i>Municipal Act</i> , require construction of buildings in accordance with permit	×	Community Charter s.8(3)(l) - bylaw to regulate, prohibit and impose requirements in relation to buildings & other structures and Division 8 – Building Regulation
g)	Require the preservation or dedication of watercourses to preserve and beautify them	✓	s.491(1)(b),(c), and (d) – DP to require natural features to be preserved, protected, restored or enhanced (b), natural water courses to be dedicated (c), require works to be constructed to preserve, protect, restore or enhance natural water courses (d)
h)	Require land in proximity to streams remain free of development	✓	s.491(1) (a) – DP.
i)	Require areas for play/recreation	×	s.510 – park dedication at time of subdivision s.482 – density bonus zoning for amenities
j)	Limit the number, size and type of signs; specify form, appearance and construction of signs	✓	s.526 – sign bylaw for number, size, type, form, appearance. Building bylaw for construction. DPs can address general “form and character” of signs.
k)	Regulate exterior finish of multi-family buildings	✓	s. 491(7)(c) – DP

Follow Up Action:

1. Prepare Report #2 to address the rest of the issues in the Terms of Reference regarding short term tourist accommodation rentals, marijuana dispensaries, and water zoning, etc. to come back to a Council Strategy Committee meeting in December.
2. Prepare draft consolidated zoning bylaw based on Council feedback and in consultation with Village staff by late-December

Communication Plan: schedule public information session for January



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Attachment 1 – Terms of Reference

Deliverables

1. The Consultant will, by February 28, 2017, deliver to the Municipality a new zoning bylaw to replace the existing zoning bylaws (the “Zoning Bylaw”), along with an OCP amendment bylaw to effect the changes referenced in sections 12-13 and the processes referenced in sections 21-24 of this Terms of Reference.
2. The Zoning Bylaw will incorporate the unique characteristics of the three primary neighbourhoods or areas of Lions Bay, namely, Kelvin Grove, Central Lions Bay and Brunswick Beach (including the non-residential areas presently not covered by Zoning Bylaw No. 362, as amended).
3. The Zoning Bylaw will utilize one set of consistent definitions applicable to all zones.
4. The Zoning Bylaw will regulate parking in a manner which recognizes the challenges of topography in Lions Bay, and the desire to accommodate secondary suites and potentially other forms of secondary accommodation.
5. The Zoning Bylaw will regulate secondary suites based on an updating of the existing provisions of Bylaw 362 with respect to secondary suites, and based on the recommendations of staff, Council and public feedback, and best municipal practices for secondary suite bylaws.
6. The Zoning Bylaw will address density in a manner which is consistent with the foregoing as well as with the objective of enabling the Municipality to implement Density Bonusing provisions and/or a Community Amenity Contributions Policy. The Consultant will make recommendations with respect to such policies and incorporate such provisions as are required under section 482 of the *Local Government Act*, including conditions related to affordable and/or special needs housing.



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7. As a starting point, the Zoning Bylaw will not, subject to Council and public feedback, include short term tourist accommodation as a permitted use in any residential zone.
8. The Zoning Bylaw will consider appropriate regulation of marijuana dispensaries in accordance with the best practices of municipalities seeking to severely limit the zones and conditions upon which such uses may be permitted, subject to any new federal enactments or regulations.
9. The Zoning Bylaw will include one or more zones covering the surface of the waters of Howe Sound out to 1000 feet (304.8m) from the high water mark of the land from the south end to the north end of Lions Bay. Such waters will be regulated in terms of permitted uses in accordance with staff, Council and public feedback, and in accordance with best municipal practices for such zoning regulations.
10. The Zoning Bylaw will prohibit the storage of blasting materials anywhere within the boundaries of the Village, subject to feedback on consultation.
11. The Zoning Bylaw will allow municipal-type uses in all zones throughout Lions Bay.
12. The Consultant will draft appropriate amendments to the OCP bylaw to move Development Permit Areas from Bylaw 362 to the OCP bylaw, in accordance with s.488 of the *Local Government Act*. It is anticipated that the DP Areas will cover all of Lions Bay in one form or another, such that no development will be possible without a Development Permit.
13. The Consultant will also provide guidelines in the OCP or the Zoning Bylaw related to the issuance of development permits in accordance with sections 488-491 of the *Local Government Act* and will include delegation of authority to the CAO to issue Development Permits.
14. The Zoning Bylaw will retain the 2 acre minimum parcel size for subdivision, subject to the ability of the Municipality to entertain a zoning amendment application for any particular subdivision or rezoning application and enter into



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a Subdivision Servicing and Development Agreement or other means by which the Municipality can achieve the objectives referenced in section 19 of this Terms of Reference.

15. The Consultant will review the applicable Fees charged by the Municipality for all development related applications and make recommendations for staff to amend the current Fees and Charges bylaw.
16. The Consultant will assist staff with the development of a new Soil Deposit and Removal bylaw that will be consistent with the intent of the Zoning Bylaw and prohibit the use of residentially zoned parcels as a quarry or as a soil or other materials storage yard for construction or commercial purposes related to other parcels within or outside the boundaries of the Municipality.
17. Subject to consultation feedback, the Zoning Bylaw will prohibit the parking or storage of industrial or construction equipment or materials on residentially zoned parcels.
18. The Zoning Bylaw will contain such other provisions as recommended by the Consultant after consultation with staff and the receipt and consideration of feedback from Council and the public, in accordance with best practices for zoning bylaws in BC.
19. The Consultant will assist staff with the development of a Density Bonusing Policy and/or a Community Amenity Contributions Policy as noted in section 6 above, and provide advice and assistance with respect to the development of a Subdivision Servicing bylaw and/or a Subdivision Servicing and Development Agreement.
20. The Consultant will, upon request, review subdivision applications received by the Municipality and provide advice and recommendations to staff on the handling of such applications. .



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Process

21. The Consultant will meet with staff from the Municipality, including the CAO, the Building Inspector, the Public Works Manager, the Fire Chief and any other staff necessary in order to provide the Consultant with appropriate background information and feedback regarding key issues related to the Deliverables.
22. The Consultant will work with the CAO to formulate a public consultation plan with respect to the Deliverables. It is anticipated that informal public feedback will be obtained with respect to key issues prior to the formulation of a first draft of the Zoning Bylaw, and OCP amendment bylaw, and possibly again upon completion of a first draft of each.
23. It is anticipated that the Consultant may attend a Council Strategy Committee (CSC, otherwise known as a Committee of the Whole, or COW) meeting and will attend a Council meeting for the introduction of the draft Zoning Bylaw and OCP amendment bylaw for first and second reading of each, including a report from the Consultant.
24. The Consultant will lead the Public Hearing for the Zoning Bylaw and the OCP amendment bylaw and present a report to Council at the following and/or subsequent meeting where the bylaws will be considered for any amendments and/or third reading and adoption.

Type	Information Report		
Title	Lions Bay Zoning Bylaw Review Report #2 – Short term rentals, marijuana dispensaries, commercial/industrial storage and Water zoning		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, CAO
Date	December 14, 2016	Version	
Issued for	December 20, 2016		

Recommendation:

THAT the Information Report, “Lions Bay Zoning Bylaw Review Report #2 – Specific use regulations and creation of a Water Zone” be received and the recommendations in the report be endorsed.

Attachments: none

Background:

The zoning bylaw review terms of reference indicates the need for regulation or prohibition of several uses including short term (tourist accommodation) rentals, marijuana dispensaries, blasting material storage, and commercial/industrial equipment/material parking/storage. The terms of reference also outline the need to accommodate municipal service type uses as broadly as possible, to zone the surface of the ocean, and to retain the two acre minimum parcel area for subdivision in the residential zones.

Short term rentals

For many years, short term rentals of residential units such as cottages and secondary suites have been offered as nightly or weekly accommodation to travelers through ads placed in the classified sections of newspapers. In most localities, few properties were involved and there was little impact on neighbourhoods. However, with the advent of online booking services the number of short term rental accommodations on the market began increasing substantially about 4 or 5 years ago; and exponentially in the past year or two. In resort areas (e.g. Whistler) and communities where there are numerous seasonal residences (e.g. Sunshine Coast), or significant absentee ownership (e.g. parts of Vancouver), the opportunity to rent dwelling units out as short term rentals when unoccupied is seen as potentially lucrative.

The income potential for the property owner from short term rentals is far greater than income from renting to residential tenants. Superficially at least, the economic benefits seem quite obvious. However, there has been increasing concern expressed about the impact of short term rentals on neighbourhood character (noise, parking, loss of a sense of community) and the



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decreasing supply of affordable rental housing by removing secondary suites from the housing market.

In Lions Bay at present there is a relatively small number of short term rental listings. With respect to the zoning of any of these properties, all are considered to be non-compliant with zoning as uses such as “vacation rental”, “short term rental” or “bed and breakfast” are neither defined nor listed as permitted uses in Zoning Bylaws 362 or 785. They are therefore prohibited.

Often, zoning bylaws permit “bed and breakfast” use of two or three bedrooms. The key parameters that differentiate a B&B from a nightly rental is that the B&B provides breakfast to guests and is operated by a resident manager while a nightly rental often provides neither.

OPTIONS FOR CONSIDERATION

1. Allow short term rentals
2. Prohibit short term rentals (*status quo*)
3. Permit short term rental of principal residences and prohibit STRs in secondary suites
4. Create site specific zoning and zone existing operations.
5. Consider temporary use permits on a site specific basis

ANALYSIS OF OPTIONS

1. Allow short term rental of single detached dwellings and secondary suites

Option 1 would involve including in the new zoning bylaw a definition of short term rentals and express permission for this use in all residential zones except the apartment and townhouse zones. Some communities (e.g. Sechelt) have adopted this approach. Option 1 would be the most business friendly approach to zoning. But how business friendly should a residential zoning be? Secondary suite zoning was recently adopted in Lions Bay presumably to recognize there can be a “win-win” situation - property owners get authorized mortgage helper suites and the community additional affordable housing options. If community wide conversion of secondary suites to short term rentals (whether limited to the suite or in conjunction with the house) is authorized through new zoning provisions, the purpose of the recent zoning initiative to allow for “legal” secondary suites in the RS-1 zone may ultimately be defeated.

2. Prohibit short term rental of single detached dwellings and secondary suites



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Option 2 would be the opposite of Option 1. Under Option 2, the language of the zoning bylaw would be strengthened by:

- a. including a definition and general prohibition of short term rentals; and
- b. clarifying that the use of secondary suites shall be for residential use “consistent with the provisions of the *Residential Tenancy Act*”.

Option 2 would work towards ensuring that zoning intended to accommodate residential use would also protect the supply of residential rental properties. Option 2 does not, however, recognize the positive aspects of short term rentals to the community. Some short term rentals may have been advertised and operated for years in many communities without complaint. And in a small community like Lions Bay, there are no hotels or other accommodation alternatives. This suggests that the existing prohibition against vacation rentals may not be the right one. That, however, does not imply that there should be no regulation.

3. Permit short term rental of principal residences and prohibit STRs in secondary suites

Option 3 is essentially the City of Vancouver approach, where Vancouver is considering a regulatory framework for STRs that involves prohibiting use of secondary suites and laneway housing as short term rentals, while allowing a principal residence to be used as a STR. This is believed to be an option that provides balance while protecting rental housing from conversion to short term rental use.

4. Site Specific Rezoning to allow for short term rentals on a case by case basis

Under this option a new “sub-zone” for short term rental businesses would be created and existing businesses included in the zone. This option would recognize that most short term rental businesses operate without incident. Existing businesses that have been problematic need not be included in the zone. Future businesses would require site specific rezoning, a process which provides for community input and review to ensure technical considerations (parking, sewage disposal, etc.) can be adequately addressed. One significant drawback to zoning for STRs is that zoning runs with the land, leading often to concerns that future owners may not be as community oriented as the initial applicants. Non-conforming status also comes into play if there are issues with an operation and the municipality decides to remove the short term rental zoning.



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5. Temporary Use Permits

An alternative to site specific rezoning is the use of temporary use permits (TUPs) to regulate short term rentals. Under Option 5, temporary use permit areas (the entire Village or specified zones) would be designated in the zoning bylaw as an area where TUPs can be considered. Applications for TUPs for short term rentals would then be made and considered on a case by case basis.

Under the *Local Government Act* a temporary use permit for any use can be issued for up to three years and can be renewed once. Unlike a rezoning, a TUP only grants a property owner use rights for the period defined in the permit and upon expiry the use must be ceased (or the permit renewed). The community is thus provided with an assurance that use of the site for a short term rental does not become permanent. In addition to having the discretion to allow a TUP to lapse upon expiry it should be noted that, in practice, temporary use permits can be issued and renewed indefinitely by application for a new TUP prior to the expiration of the initial permit. An advantage to implementing a system of TUP renewals and re-applications is that the TUP can address operational aspects of the business that are difficult to regulate through zoning. For example, Council could consider regulating in a TUP matters such as the following on a case by case basis:

- consider only principal residences and not secondary suites for short term rental TUPs;
- require a local manager if the short term rental is not managed by a resident of the property;
- maximum number of days in a year the business could operate;
- the hours when “quiet times” would be in effect;
- suitability of vehicle access, circulation and parking;
- proximity of a proposed short-term vacation rental to schools, daycares, seniors’ homes and other approved short-term vacation rentals;
- availability of water and septic disposal systems to handle the anticipated uses;
- proximity to and impacts on identified sensitive ecosystems;
- proximity to and impact on public rights-of-way, beach accesses and other public use areas;
- size of lot and location of the dwelling on the lot and in relation to neighbours;
- size of the dwelling unit;
- number of TUPs already issued for short-term vacation rentals in Lions Bay;
- prohibit short-term rental of houseboats;



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- other activities that are of concern to the community, such as the use of hot tubs or equipment such as seadoos.

The municipality could, at the time of issuing a temporary use permit, require the posting of security to guarantee adherence to permit conditions (such as ceasing operations at expiry of the permit), and the form of security and the amount of security that will forfeit to the municipality if there is a failure to conform with the conditions. An initial term of one year with a one year renewal would provide an opportunity to assess the operation over the first two years before considering a second TUP for a further two or three year term with renewal.

RECOMMENDATIONS:

1. It is recommended that the new zoning bylaw:
 - a. Designate the entire municipality under section 492 of the *Local Government Act* as an area where temporary uses will be allowed and delegate the issuing of TUPs to the CAO.
 - b. Include definitions of residential use and short term rental, as follows:
 - residential use* means:
 - i. the occupancy or use of a dwelling unit for the permanent domicile of a person or persons and this use includes rental use other than short term rentals; or
 - ii. the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere, or by non-paying guests of such an owner, and this use does not include short term rentals.
 - short term rental* means use of a residential dwelling unit for the temporary accommodation of paying guests for a period of less than one month.
 - c. Prohibit short term rentals except where permitted under a temporary use permit.
 - d. Prohibit short term rental of secondary suites.
2. Adopt by resolution, as policy, the list of considerations in Option 5 (as may be amended) as the municipality's criteria for evaluating short term rental TUP applications.

Marijuana (Cannabis) Dispensaries

Under Federal law, neither the Marijuana Medical Access Regulations (MMARs) nor Marijuana for Medical Purposes Regulations (MMPRs) permit the retail sale of marijuana. A dispensary business which sells marijuana from a store front is operating contrary to the Controlled Drugs and Substances Act and is unlawful. The new Access to Cannabis for Medical Purposes Regulations



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(ACMPRs) basically combine the MMPRs and MMARs: Part 1 relates to production and sale by licenced producers to authorized users via secure shipping only and Part 2 deals with personal production by registered persons and production by designated persons for registered persons (authorized users). Again, there is no provision for retail sale under the ACMPRs. Therefore, the municipality has authority to prohibit marijuana dispensaries, at least until federal law regarding marijuana changes again.

RECOMMENDATIONS:

2. It is recommended that the new zoning bylaw:
 - a. Include a definition of cannabis , as follows:

cannabis means cannabis as defined in the Controlled Drugs and Substances Act and includes any products containing cannabis;

storefront cannabis retailer means premises where cannabis is sold or otherwise provided to a person who attends at the premises.
 - b. Include a provision to the effect that storefront cannabis retailer, whether as a principal or accessory use, is prohibited in all zones.

Storage of Industrial equipment and materials

Lions Bay is a residential community with very limited commercial and no industrial activity. The word industrial is not even used in the official community plan. Any industrial type activity in residential zones is considered incompatible with the residential character of the community. A desire to prohibit parking and storage of industrial or commercial equipment or materials on residentially zoned parcels has been expressed. There is also a desire to prohibit the storage of blasting materials anywhere in the municipality.

RECOMMENDATIONS:

1. It is recommended that the new zoning bylaw:
 - a. Include general regulations regarding parking and storage of commercial/industrial equipment and materials as follows:



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- i. The parking of vehicles with a primary function other than the transportation of passengers, including but not limited to dump trucks, forklifts, backhoes, tractors and similar types of construction equipment is prohibited in all Residential zones.
- ii. Outdoor storage or parking of any commercial trailer, construction equipment or materials, or any other industrial or commercial materials, equipment, vehicle, conveyance or craft is prohibited in all Residential zones.
- iii. Despite clause i, one licensed commercial vehicle per parcel may be parked on a lot in a residential zone provided that the vehicle, including any attached trailer, is not more than 4600 kilograms gross vehicle weight and is operated by a resident of the parcel;
- iv. Despite clauses i and ii, construction vehicles, materials, and equipment may be stored on a parcel for which the construction of a building or structure has been authorized by the Village through a site alteration permit or a building permit, provided all such vehicles, materials and equipment can be demonstrated to the satisfaction of the Public Works Manager to be directly related to and strictly necessary for the fulfillment of the construction so authorized by the Village and are removed within 20 days of final inspection related to the site alteration permit or the building permit, or such earlier date as the Public Works Manager determines such construction vehicles, materials and equipment are no longer needed to fulfill the scope of the applicable permit.
- v. An appeal of a decision of the Public Works Manager under subsection iv shall be heard by Council at the next regular meeting, subject to any requirements under Procedure Bylaw No. 476, 2015, as amended.

Various federal and provincial regulations govern aspects of explosives manufacturing, transportation, and storage. The Canadian federal government has guidelines and regulations such as the Explosive Act, Explosives Regulations, and Transportation of Dangerous Goods Regulations that are directly related to the safety and security of manufacturing explosives, their storage, import, and transportation into and within the country. Section 5(j) of the federal *Explosives Act* states that the federal government may make regulations “governing the establishment, location and maintenance of factories and magazines and the making, manufacture and **storage of explosives**. Under Part 11 of the federal Explosives Regulation, section 221 states: “a user may



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acquire and store industrial explosives if they hold a licence or a manufacturing certificate or are authorized by a competent provincial or territorial authority to store such explosives at a mine site or quarry. A user who acquires industrial explosives must comply with this Part.” Section 223 of the regulations state: “a user who holds a licence must store their industrial explosives in the magazine specified in their licence.”

At the provincial level, a relevant factor to note with respect to Lions Bay is that, under the *Community Charter*, the definition of land “does not include ... (ii) mines or minerals belonging to the Crown, or (iii) mines or minerals for which title in fee simple has been registered in the land title office”. The *Mines Act* defines mine to include “a place where mechanical disturbance of the ground or any excavation is made to explore for or to produce... sand or gravel”. Any bylaw that the Village passed with respect to blasting or storage of explosives would therefore not apply to the Ministry of Transportation and Infrastructure gravel pit within municipal boundaries.

It would appear that federal and provincial legislation allow little if any scope for local government to regulate the storage of blasting materials. This conclusion would seem to be borne out by the fact that, while there are a few municipalities that have blasting bylaws; none of them have regulations relating to storage of explosives.

Zoning of the Foreshore

Concerns have been expressed regarding a houseboat that has moored for months at a time in front of Kelvin Grove beach as well as a more general concern that foreshore uses could be approved that are not considered to be in the community’s interest. Questions have been raised about what can be done to address these situations.

While “land” is defined in the Community Charter to include the surface of water, there are limits to the Village’s zoning authority over the ocean as senior governments have primary jurisdiction. The federal government has exclusive jurisdiction over navigation and shipping, beacons, and mooring buoys in navigable waters (s. 91, Constitution Act) and the province has jurisdiction over the foreshore. However, overlapping jurisdiction does not prevent the Village from regulating the activities that fall within its boundaries and within its powers. Long-term moorage of vessels has a dual jurisdictional aspect that is subject to both federal and provincial/local government regulation.

Apart from the commercial marina, the recommended approach to foreshore zoning is to allow for temporary moorage in foreshore areas. *Temporary* moorage actually must be permitted per Transport Canada regulations, as a “core area” of federal jurisdiction. Also, based on discussions with staff, wharfs are not considered appropriate due to the destructive Squamish winds. If an



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upland property owner wishes to construct a private wharf a rezoning application could be considered.

RECOMMENDATIONS:

5. It is recommended that the new zoning bylaw:

Include general regulations regarding foreshore use as follows:

- (a) maintain existing foreshore zoning for the commercial marina;
- (b) include definitions of floating dock, houseboat and mooring system:

Floating dock means a structure used as a swimming raft or for the purpose of mooring one boat, excluding a houseboat, but which does not include permanent physical links to shore or the bed of the ocean, except cables;

houseboat means a special type of vessel that has been designed or modified for recreational residential use;

mooring system means a system of works that is used to secure a vessel and that consists of an anchor that is set in or on the bed of a navigable water, a single anchor line, a single buoy and a mooring line to attach to a vessel.

- (c) include a new Water – Marine Foreshore (W-1) zone based on the existing M-3 (Marine – Residential) zone in Bylaw 362 that permits only:
 - i. long-term moorage of vessels under 12 meters in length, excluding houseboats, to mooring systems or floating docks for periods in excess of 72 hours;
 - ii. short-term moorage of vessels, including houseboats, to mooring systems or floating docks for periods of up to 72 hours;
 - iii. public boat launching ramp.
- (d) in addition to regulations already within Lions Bay M-3 zoning, regulate within the new W-1 zone as follows:
 - i. the owner of a mooring system or floating dock shall not moor, or permit the mooring of a houseboat, or a vessel that is more than 12 meters in length, to a mooring system or floating dock for periods longer than 72 hours in a 30 day period;



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- ii. all mooring systems shall meet all requirements, standards and guidelines of the Private Buoy Regulations, the Canadian Aids to Navigation System or Transport Canada directives as applicable;
- iii. private floating docks shall be located within the boundaries of a water lease or license of occupation granted or approved by the Province;
- iv. no portion of a floating dock or swimming raft shall exceed 3 meters in width, 3 meters in length or 1 meter above sea level, except for hand railings;
- v. no houseboat or motorized boat or vessel may moor to a public floating dock or swimming raft other than in cases of emergency or distress.

Type	Information Report		
Title	Lions Bay Zoning Bylaw Review Report #3 – Draft Bylaw for Discussion		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, CAO
Date	January 6, 2017	Version	
Issued for	January 10, 2017		

Recommendation:

THAT the Information Report, “Lions Bay Zoning Bylaw Review Report #3 – Draft Bylaw for Discussion” be received;

AND THAT a public information meeting to discuss the draft zoning bylaw be scheduled for 7:00 p.m., Thursday, January 19, 2017 at the Broughton Community Hall, Lions Bay.

Attachments: Draft Zoning Bylaw

Background:

The Zoning Bylaw review project commenced in mid-October, 2016 and to date has focussed on “in-house” review and revision of the two existing Lions Bay Zoning Bylaws (Bylaw 362 for Lions Bay and Bylaw 785 for Brunswick Beach). Initial work involved reconciling the terminology used in the two bylaws and, later, incorporating the specific zones and zoning provisions for Brunswick beach as seamlessly as possible into the new bylaw.

The zoning review has also focussed also on several substantive land use issues, including:

- regulation of short term rentals
- prohibiting retail marihuana stores and marihuana production
- ensuring the community obtains tangible benefits from development through implementation of a Community Amenities Contribution policy and density bonusing provisions in the zoning bylaw
- regulating parking and storage of industrial or construction equipment or materials on residentially zoned parcels.
- inclusion of secondary suite provisions for Brunswick Beach
- updating the foreshore zoning.

RECOMMENDATION:

Staff and the planning consultant believe that the zoning review is at the stage where public feedback on the proposed bylaw should be obtained. It is recommended that a public information meeting be scheduled for 7:00 p.m., January 19, 2017 at Broughton Hall to discuss the bylaw.



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Type	Information Report		
Title	Notes from Public Information Meeting re. Zoning Bylaw		
Author	Peter DeJong	Reviewed By:	
Date	February 2, 2017	Version	
Issued for	February 7, 2017		

Recommendation:

THAT the Information Report, “Notes from Public Information Meeting re. Zoning Bylaw” be received.

Attachments:

- (1) CAO’s Notes from Public Information Meeting January 19, 2017 re. Zoning Bylaw;
- (2) Mayor Buhr’s Consolidated Notes from Zoning Bylaw Information Meeting;
- (3) Councillor Bain’s Notes from Zoning Bylaw Information Meeting.

Key Information:

A Public Information Meeting regarding the proposed new Zoning Bylaw was held in Broughton Hall the evening of January 19, 2017. The planning consultant, Steve Olmstead, gave a powerpoint presentation and then the public were invited to ask questions and make comments. The attached sets of Notes provide a snapshot of the questions and comments received at the meeting.

A couple of additional comments were received after the meeting, one dealing with potential reasons why young families may or may not be moving to Lions Bay, with cost being only one possible factor, given that there seems to be no shortage of young families with money living in West Vancouver or the West Side of Vancouver where prices are much higher than Lions Bay.

Another writer is a former long-time resident of Lions Bay whose parents still live here and could benefit from a change in zoning bylaws to allow for a small carriage house on their property, either to move into themselves or have a caregiver move in to look after them.



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The writer is a builder and spoke of the great opportunities for small, highly energy efficient homes that could provide opportunities for older residents to age in place or young families to share a property with their parents but still have some sense of privacy.

Staff has not yet had an opportunity to consult further with the planner on potential changes to the draft bylaw, but there is a good deal of guidance which can be taken from the Public Information Session, subject to Council's further input on key issues.

Follow Up Action: Council to provide staff with further input on key issues. Staff will then consult further with the planner on incorporation of changes to the draft bylaw for further discussion.

Notes from Public Information Meeting re. Draft Zoning Bylaw

1. Introductions
2. Presentation by Planning Consultant, Steven Olmstead
3. Question and Answer Period

(Began with staff reading out some feedback received prior to the Public Information Meeting)

- a. Resident wrote in to complain of short term rentals in their Kelvin Grove neighbourhood and noted the difference between these kinds of rentals and rentals where the owner is on site (eg: traditional B&Bs, secondary suites with owner in main house, etc.)
- b. One of the houseboat owners wrote in suggesting that the elimination of a certain class of vessel from mooring seems highly discriminatory and sought to know the Village's rationale for singling out houseboats. Perhaps other options would be more reasonable and in keeping with the objectives of the foreshore zoning.
- c. A resident wrote in to advise of the constant disruption from a short term rental in her Kelvin Grove neighbourhood. She noted that some guests were respectful and others were not. Lions Bay is a quiet residential neighbourhood – not a resort community and party destination. She called on Council to limit short term rentals as they do not add value or stability to the community.

(Commenced questions/comments from speakers' list)

- d. All bylaws apply within boundaries so don't need water zoning – just enforce noise bylaw and good neighbour bylaw, etc. Wharf would require a variance over current zoning. Boats only in water 6 months of the year.

Planner noted that zoning over water currently exists in old GVRD bylaw and BL362, so should that be repealed? Staff noted that water zoning provides the municipality with control over Province granting foreshore leases contrary to municipal preferences.

- e. Resident currently in business of long-term rentals, but could see a day when short term rentals (STRs) may be wanted. Why should everyone else be penalized for those who are bad property managers?

- f. If houseboats allowed, there should be a minimum setback from the shore. Currently, you can't even throw a stick for the dog without knocking over someone on the boat. Not sure whether 72 hour provision will work (can't they just untether/retether?)
- g. Would like to see consideration of OCP before Zoning – 8 key themes in OCP. Density bonusing seems to involve a weighing of monetary benefits vs. the intangible benefits of lower density. Increased costs of having to provide amenities would add to the cost of the additional housing to be built.

Staff spoke to some of the tangible benefits from density bonusing, examples of which are noted on pages 8-13 of the website materials.

- h. Should've done OCP review. Short-term rentals okay. Different map colour for Kelvin Grove RS-1 is because they have underground services. Brunswick Beach was supposed to conform to Lions Bay zoning. Filming isn't listed as a permitted use and should be included.

Planner noted that filming is usually dealt with under other licensing processes or bylaws. Also, the Brunswick zoning was inherited with the boundary expansion and is applicable until changed, which is what we're doing now.

- i. Resident with issues re. neighbour parking all over the cul-de-sac and running home occupation business that presents pollution problems for others and there's no enforcement. And why can't I park a boat over 7 metres in length on my property?

Staff noted that attempts are being made to work with MOTI re. the parking issue (their ROW is being used) and the 7 m boat restriction is already in the current zoning bylaw.

- j. Resident thanked planner to completing this zoning job that he and others tried to do years ago – very complicated. Brunswick Beach setbacks are difficult with small lots and some hooked parcels. Off street parking difficult when rail is on road ROW.

Planner offered to meet with resident and building inspector to ensure full understanding of Brunswick Beach nuances.

- k. What is the definition of a "short term rental"? Does it include "home exchange"? This issue needs some clarity.

- l. Concern expressed regarding whether density bonusing would even be possible in more than a few lots due to the challenges of Lions Bay's topography. What would the process be? Concern re. monetary focus vs. creation of extra housing.

Planner discussed some examples of how this works in other places, with Roberts Creek, Pemberton and Coquitlam being examples of 3 different approaches. Community Amenity Contributions, which should be identified in the OCP and/or a Council Policy, can provide a framework for various different opportunities that are important to the community.

- m. Resident expressed desire for small affordable housing and said she would prefer this over amenities, to help families move to or stay in Lions Bay.

Staff noted that affordable housing agreements can be used in conjunction with bonus density provisions.

- n. Would not be that easy to put detached structures on existing lots.

Planner noted that engineering can solve a great many issues related to space and topography and may be worthwhile at local values. It may be that people would need to upgrade their septic systems to more modern systems which are small but expensive.

- o. Resident indicated support for the idea of small detached dwellings, but the amenity contribution of "up to 75% of the lift in value" was too steep. Need to find a more reasonable balance.

- p. What about water shortages and parking issues? [related to additional housing opportunities].

- q. What is the status of zoning vs. the school district lands?

Planner made some comments about the topic area and suggested he would take the position that SD45 lands would be subject to municipal zoning. Topic has been noted for further clarification.

- r. A question was asked about subdivision. *Planner noted that a detached dwelling on a lot has the potential for stratification. This needs further discussion and clarification.*

- s. A question was asked about grandfathering. *Planner gave a short description of circumstances under which a use may become a legal non-conforming use.*
 - t. A resident commented on a question/comment card that they would like to see exclusion of boat moorage directly in front of the beach, as they would like to appreciate the beauty of the view, without someone's personal property in the way.
4. Mayor Buhr wrapped up, stating that beyond some important housekeeping, the intent of reviewing the bylaw was ultimately to provide a suite of new regulations that would address many of the issues raised here, all within the parameters of the OCP. On a non-binding basis among engaged Lions Bay residents, he took a straw poll of the presented options related to short term rentals and parking for secondary suites:

Noting that enforcement of the zoning bylaw is triggered by complaint rather than proactive staff inquiries, and that we seek to propose rules that induce compliance, options for Short Term Rentals (STRs):

- i. Allow STRs – about 15 people in favour
 - ii. Prohibit STRs (i.e. maintain status quo) – about 10
 - iii. Permit in principal residence and prohibit in suites – about 5
 - iv. Create site specific zoning and zone existing operations – about 5
 - v. Consider temporary use permits on a site specific basis – about 15
-
- i. Parking for Secondary Suites Options for Consideration: Eliminate requirement for an additional space – 0
 - ii. Eliminate requirement for an additional space if transit nearby – 0
 - iii. Amend siting regulations for parking uses within setbacks – about 10
 - iv. Allow parking uses within setbacks via dev't variance permits – 10
 - v. License "on street" parking for secondary suites – 0
 - vi. Maintain the status quo – 10

The mayor thanked staff and the planner for the work to date and noted there will be more to come, including work on a new building bylaw this spring. Council is very conscious of water issues. Council sees a need to provide for additional housing options to ensure that young families can afford to live here and so that long-time residents can downsize.

Mayor Buhr's Consolidated Notes from the ZB Public Info Meeting:

1. Need to expand on carriage house/cottage/detached SS concepts: >110 sq.m needed, but only on lots > 10,000 sq.m
2. Need to speak to W-1 zone being a result of a new understanding that by its letters patent (define/explain), Lions Bay's municipal boundary extends 1000 feet from the high water mark
3. Do we need the "resource use" designation?
4. We should change "infrastructure use" to "municipal use" to make it broader
5. Do current setback requirements disallow the landside mounting of wharves? Should they?
6. Do we need a separate Mooring Zone, or is that covered by W-1? Could we instead *allow* houseboats by requiring their mooring lines to be X feet from shore?
7. Does the new bylaw address other uses inconsistent with residential zoning, specifically car repair, coffee roasting, glass kilning?
8. How do STR provisions impact home swaps?
9. The boat length allowed in the front yard may need to increase slightly to 24 feet actual [actual is important: my own boat, for example, is a 240 model, nominally 24 feet long, but actually 28.5, from rear deck to front anchor]

Notes from Public Info Meeting re. ZB (FB)

	A	B	C	D	E	F	G	H	I	J	K
	W1	STR	OCP	D. BONUSS	ZONING AMALG.	AMMENITIES	TAX BASE	INDUSTRIAL	BUSINESS	FILMING	PARKING
	3	3	2	3	2	4	1	0	1	1	2

Some of the questions:

- A** Is W1 necessary? Should we repeal W1 zoning? No Need.
- B** Is a single (or few) instances of poor management justify prohibition for STR?
- A** Mooring set backs would help. 72 hour limit inadequate as occupant could just untie and retie.
- C** OCP, then zoning (x2)
- G** Do proposals affect tax base?
- ?** 1 person's violation shouldn't penalize the rest of us.
- J** Filming should be in the bylaw
- I** Issue of clean business vs "dirty business.
- ?** Dumping of green waste. (Can't remember about what the speaker was speaking.)
- E** Buiding limits in zoning? Impacts of rezoning?
- K** Parking in Brunswick. Right of way issues, re: railway & varience issues.
- B** Re: STR. How about a home exchange?
- F** Community Amenity Charges. Cities get addicted. We need to be clear as to what amenities are of real value to the community vs "cash grab".
- D** Density should be based on lot's ability to absorb due to terrain & size, and periferral issues such as parking. What's the benefit vs cost of developement?
- ?** Need a provision for smaller housing on smaller lots.
- D** Small detached housing is a good idea (x4)
- F** 75% of lot value for amenities is excessive
- E** A single lot with a private home addon should be exempt from high amenitie charges

Some comments were missed due to writing the previous speaker's note.

The letters to the left of the text refer, somewhat, to the category to which the text is related.

Type	Information Report		
Title	Proposed revisions to draft Zoning Bylaw based on Public Information Meeting and Council Feedback		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, CAO
Date	February 27, 2017	Version	
Issued for	March 7, 2017		

Recommendations:

1. THAT the Information Report, “Proposed revisions to draft Zoning Bylaw based on Public Information Meeting and Council Feedback” be received;
2. AND THAT applications for short term rentals be considered on a case by case basis for temporary use permits;
3. AND THAT Council adopt a policy that applications for short term rental temporary use permits be evaluated for consistency with the following recommended conditions:
 - a. The short term rental unit must be the short term rental operator’s primary residence (confirmation of which is to be required annually). [Or, could be a requirement that the operator be in residence there while the business is being run.]
 - b. If the short term rental operator is not the property owner, the operator must provide the Village with the owner’s authorization to carry on the short term rental business.
 - c. No more than five guest rooms with two guests each.
 - d. Off-street parking space requirements will be determined on a case by case basis.
 - e. No signs shall be permitted.
 - f. TUP shall specify quiet times between the hours of 10 pm and 8 am.
 - g. Operator contact information must be provided to neighbours within a 50 metre radius of the subject property of the short term rental.
 - h. If within a strata unit, the bylaws of the strata corporation must permit STR’s and the strata council must provide authorization of the TUP application.
 - i. Security in the form of an irrevocable letter of credit or similar instrument in an amount (e.g. \$10,000) to be determined by Council will be required in conjunction with issuance of a TUP.
 - j. Temporary use permits for short term rentals should not exceed a period of one year, initially.
 - k. Short term rentals will not be permitted if the premises contain a child home care business.
 - l. [Other considerations such as restrictions on the rental or use of personalized watercraft, etc.]
4. AND THAT, subject to legal review, a density bonus provision be included in the new RS-1 (Residential - Single Detached) zone to allow for cottages of up to 115 m² on lots having an area of at least 1,000 m², subject to a covenant being registered on title that prohibits registration of a strata plan and restrict use of the cottage the owner, members of the owner’s family and tenants.

5. AND THAT provisions be included in the new W-1 (Water – Residential Foreshore) zone to limit overnight accommodation on vessels to three nights every 30 days,
6. AND FURTHER THAT outdoor parking or storage of one commercial or industrial vehicle or piece of equipment be permitted to a maximum of 7,000 kilograms gross vehicle or operating weight.

Attachments:

Draft Zoning Bylaw with proposed revisions.

Key Information:

A Public Information Meeting regarding the proposed new Zoning Bylaw was held in Broughton Hall the evening of January 19, 2017. Notes from that meeting were received by Council on February 7th.

This report will discuss the following issues that arose out of the public information meeting:

1. short term rentals – permit or prohibit
2. zoning to accommodate detached secondary suites
3. water zoning, houseboats in particular
4. density bonusing scheme too aggressive

The report will also discuss the above plus ongoing considerations such as outdoor storage of equipment, siting issues in Brunswick Beach and clarification of the commercial marina zoning.

Short Term Rentals - Temporary Use Permits (TUPs)

Based on the comments and “show of hands” responses at the January 19th public meeting, using temporary use permits to regulate short term rentals is recommended. This approach will allow for consideration of the technical feasibility of a proposed short term rental as well as consideration of how it will “fit” within a neighbourhood.

The following are some general considerations that should be assessed in conjunction with an application for a short term rental TUP:

Technical feasibility:

1. Capacity of on-site sewage disposal systems to handle the anticipated uses.
2. Compliance with building bylaw and other applicable Village of Lions Bay bylaws.
3. Suitability of vehicle access and parking.

Neighbourhood “fit”

4. size of lot, location and orientation of the dwelling on the lot and in relation to neighbours;
5. number of TUPs already issued for short-term rentals in the neighbourhood;

Capacity of on-site sewage systems to handle increased flows (due to increased flows resulting from more frequent use of laundry, dishwasher and bath facilities) is essential, as is compliance with applicable Building Code regulations. Lack of parking is a recognized issue in Lions Bay – but may not automatically disqualify a property if on-street guest parking is feasible and the Village is prepared to consider that option or other options such as limiting the number of rental vehicles permitted under the permit.

If technical aspects can be addressed, neighbourhood “fit” needs to be considered. Although a public hearing is not required for a temporary use permit, it is good practice to require the applicant

to arrange a public information meeting to inform neighbours of the proposal and to identify how any concerns will be addressed.

In order to promote good neighbourliness between a short term rental property and neighbouring residents, Council could consider including standard conditions such as the following in all short term rental TUPs:

- ✓ The short term rental unit must be the short term rental operator's primary residence (confirmation of which is to be required annually). [Or, could be a requirement that the operator be in residence there while the business is being run.]
Rationale: As the STR operator's principal residence it is more likely that the operator will be present thereby resulting in adequate oversight. [Alternatively, see Operator contact information condition below.]
- ✓ If the short term rental operator is not the property owner, the operator must provide the Village with the owner's authorization to carry on the short term rental business.
Rationale: Standard practice with land use applications.
- ✓ No more than five guest rooms with two guests each.
Rationale: This is the maximum that can be accommodated without the need for a commercial kitchen if food (breakfast) is being to guests.
- ✓ Off-street parking space requirements will be determined on a case by case basis.
Rationale: The number of parking spaces required for a permit will depend upon the circumstances of each applicant, but will take into consideration whether the operator lives on site and how many vehicles they have, whether there's a monthly tenanted suite with parking needs, how many additional spaces are available on site for STR clients and that will dictate the number of vehicles permitted in total. For example, if owner/tenant requires 2 spaces and there's only 2 more, then no STR with more than 2 vehicles will be permitted under the terms of the permit.
- ✓ No signs shall be permitted.
Rationale: Consistency with regulations for home-based businesses.
- ✓ TUP to specify quiet times between the hours of 10 pm and 8 am.
Rationale: Good neighbour policy.
- ✓ Operator contact information must be provided to neighbours within a 50 metre radius of the subject property of the short term rental.
Rationale: Neighbours will have contact info in the event of a complaint.
- ✓ If within a strata unit, the bylaws of the strata corporation must permit STR's and the strata council must provide authorization of the TUP application.
Rationale: To ensure consistency between Village and Strata Council regulations.
- ✓ Security in the form of an irrevocable letter of credit or similar instrument in an amount (e.g. \$10,000) to be determined by Council will be required in conjunction with issuance of a TUP.

Rationale: Security authorized by s. 496 of the Local Government Act “to guarantee the performance of the terms of the permit.” The need for ongoing security can be assessed at the time of renewal of a TUP; if there have been few if any issues with a STR the security could be reduced or eliminated.

- ✓ Temporary use permits for short term rentals should not exceed a period of one year, initially.
Rationale: This provides an opportunity to not renew a TUP if there has been issues with the operation leading to a conclusion that the operation should cease. Again, if a STR is operated in a neighbourly manner, consideration could be given to renewals for periods of longer than a year.
- ✓ Short term rentals will not be permitted if the premises contain a child home care business.
Rationale: Safety and security. The Child Care Licensing Regulation (BC Reg. 332/2007) requires that “the licensee must not permit a person over the age of 12 to be ordinarily present on the premises of a community care facility while children are present, unless the person is of good character and the licensee has obtained a criminal record check for that person.”
- ✓ [Other considerations such as restrictions on the rental or use of personalized watercraft, etc.]

Finally, a question was asked at the public meeting about whether home exchanges were considered short term ranges. Based on some cursory research, it is recommended that home exchanges be excluded from the definition of short term rental. For the purposes of the zoning bylaw a home exchange would be defined as “the exchange of two homes, without a monetary transaction, where the residents of each home trade use of their homes at a time convenient to both parties.”

Detached Secondary Suites or “Cottages”

Council has indicated there is a need to consider additional housing options, including consideration of permitting detached secondary suites. The following table outlines a 90 m² and a 115 m² floor are option for detached secondary suites as well as duplexes in terms of off-street parking requirements and potential for stratification under the *Strata Property Act*. The 115 m² option would provide for a three bedroom detached suite or cottage.

	Max floor area	Off-street parking	Stratification	Comment
Secondary suite within dwelling	90 m ²	1	No	Building Code prohibits stratification
New detached secondary suite, existing main dwelling	90 m ²	1	Possible, local government authorization is necessary	Same as secondary suite, only detached. Servicing and parking implications should not be significantly different than a suite within a dwelling. Local government can by policy discourage strata conversions to maintain affordable rental housing
New dwelling + new detached suite (vacant lot or tear down scenario)	90 m ²	1	Yes, if “previously unoccupied”	On vacant land or where existing dwelling to be demolished, local government has no role in approval of building strata.
New detached cottage, existing main dwelling	115 m ²	2	Possible, local government authorization is necessary	Larger floor area will contribute to greater effluent flows and need for an additional parking space. Recommend this option, if considered, be subject to a 1000m ² minimum parcel area.
New dwelling + detached cottage	115 m ²	2	Yes, if “previously unoccupied”	Recommend 1000m ² minimum parcel area as above. Staff concern that stratification potential could accelerate the amount of tear downs.
Duplex	As per max floor area ratio	2 per dwelling unit	Yes, if “previously unoccupied”	Any two-unit dwelling with each unit > 90 m ² . Recommend 1000m ² minimum parcel area.

If the VoLB wishes to restrict any of the options to rental tenure only (i.e. no stratification), zoning could be made conditional on entering into a housing agreement with the municipality per s. 483 of the LGA:

Housing agreements for affordable housing and special needs housing

483 (1) A local government may, by bylaw, enter into a housing agreement under this section.

(2) A housing agreement may include terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions respecting one or more of the following:

(a) the form of tenure of the housing units; ...

However, a precondition for housing agreements is contained in s. 482(3):

(3) A zoning bylaw may designate an area within a zone for affordable or special needs housing, as such housing is defined in the bylaw, if the owners of the property covered by the designation consent to the designation.

If a primary objective of the Village is to create some affordable rental housing options, this would be the (rather cumbersome) way to go. The consent requirement highlighted also prevents a broad-brush zoning approach.

Alternatively, the Village could include text in the zoning bylaw such as the following: “where an occupied dwelling exists on a lot of 1,000 m² or greater, the following use is permitted: detached secondary suite.” This option requires legal review.

Another option, also subject to legal review, would be to incorporate a density bonus provision in the new RS-1 (Residential - Single Detached) zone to allow for cottages of up to 115 m² on lots having an area of at least 1,000 m², subject to a covenant being registered on title that prohibits registration of a strata plan and restricts use of the cottage the owner, members of the owner’s family and tenants. This option, if legally feasible, is the preferred option as it fits within the overall density bonusing framework being developed; it’s probably more legally sound than the second option, and is much simpler to implement than a housing agreement.

Water Zoning

Mooring of houseboats has been identified as an issue to address in the zoning bylaw. At the public info meeting, comments representing both sides of the issue were presented. The houseboat owner questioned why the bylaw discriminated against houseboats, while neighbouring property owners/area residents expressed concern about noise and pre-emption of public space by mooring/anchoring close to shore. Others questioned the need for water zoning at all.

The second draft of the W-1 zone has been revised to more closely reflect the existing terminology and provisions under Bylaws 362 and 785. Definitions have been added where none previously were included. To distinguish between a float used for residential - recreational purposes and one used in conjunction with the marina; the terms float (in the W-1 zone) and floating dock (in the C-3 zone) have been used. To be consistent with Federal regulations, reference is explicitly made in the permitted uses section to vessels 12 metres or less in length.

With respect to houseboat moorage, the concern that the language of the draft bylaw is discriminatory is likely a valid one and the wording in section 12.1.1 with respect to permitted short term moorage/anchoring has been amended to simply refer to all vessels. Section 12.1.1 (d) as proposed would allow a vessel to arrive on the Friday of a long weekend and depart on the following Monday.

The amended section 12.1.1 now reads as follows:

12.1 In a W-1 zone the following uses and no others shall be permitted:

.1 Principal Uses, Buildings and Structures

(a) float;

- (b) public boat launching ramp;
- (c) public or private mooring system for vessels 12 metres or less in length; including overnight accommodation on the moored vessel for a period not exceeding three nights every 30 days;
- (d) short term anchoring or mooring of vessels for periods not exceeding four calendar days every 30 days, including overnight accommodation on the anchored or moored vessel for a period not exceeding three nights every 30 days. For the purpose of this section, anchoring or mooring for any part of a day shall count as one calendar day.

Comments were made regarding the difficulties enforcing the overnight accommodation provision. To a certain degree this is true; however it is our intent that the overnight accommodation relates to accommodation within the area covered by the W-1 zone, not a specific anchoring or mooring place. A provision has also been incorporated into the draft bylaw to address attempts to avoid enforcement by moving a vessel within the zone based on how parking bylaws are sometimes enforced. Section 12.2.1 has been amended by adding clause (h) as follows:

- (h) the owner or operator of a vessel shall not cause, allow or permit the vessel to move from one location to another in the W-1 zone in an attempt to avoid the time limit in section 12.1.1(d).

Density Bonusing

Village staff are developing an approach to density bonusing that takes into account comments voiced at the public information meeting that the “75 percent of lift” approach would be too aggressive. Staff hope to present a revised density bonus framework soon.

Storage of Commercial and Industrial Vehicles and Equipment

Council was of the opinion that the 4,600 kilogram gross vehicle weight rating proposed in the first draft of the zoning bylaw was too limiting in terms of the type of vehicle that may be prohibited from parking on a residential lot.

To guide Council, a range of vehicle and equipment gross vehicle and operating weights was obtained from various web sources with a view to providing examples of the type of equipment that would be permitted if the maximum permitted weight was either 5,000 or 7,000 kilograms as follows:

5000 kg GVWR/operating weight or less	7000 kg GVWR/operating weight or less
<p data-bbox="203 1614 641 1646">Ford Transit 350HD – 4699 kg GVWR</p> 	<p data-bbox="831 1614 1291 1646">Ford E450 6578 kg GVWR; 6.6m length</p> 

<p>John Deere 5100R utility tractor 4450 kg length 3.75m</p> 	<p>Kubota M7-171 Tractor (6848 kg) length 4.8m</p> 
<p>Bobcat E45 Compact Excavator (4571 kg operating weight)</p> 	<p>Bobcat E63 Mini Excavator (6250 kg operating weight)</p> 
<p>Cat Multi Terrain Loader 297D2 XHP (4952 kg)</p> 	<p>Bobcat T870 Compact Track Loader (5863 kg)</p> 

Either of the above categories would be a relatively generous provision in a single detached residential zone for outdoor storage/parking of commercial vehicles or equipment, As there were a number of types of equipment (and probably vehicles) just marginally over 5,000 kg GVW noted while researching this matter, it is recommended that the allowance be 7,000 kg.

The Planning Consultant met with the owner of the Lions Bay Marina as well as the Brunswick Beach residents who had questions about the siting provisions for small lots. With respect to the Lions Bay Marina, the owner provided a history of the business and how it has evolved over the years. A survey plan of the site was made available. The owner plans to relocate the store in the future and requested that the zoning bylaw accommodate a maximum setback from Rundle Creek of 50 m (presently it's 24 m). This would not affect any neighbouring properties and there is no objection to this from a technical perspective.

As a result of the discussion about Brunswick Beach, the existing (and proposed) zoning was reviewed and it was discovered that there is presently no minimum building width in Brunswick

Beach and that an exemption for garages and storage of up to 40 m² had been omitted from the draft bylaw. This has been corrected and the draft zoning now should be essentially the same as the existing Brunswick Beach residential zoning.

Finally, a number of minor changes to improve clarity



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Revisions to draft Zoning Bylaw and Consideration of First Reading		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, Chief Administrative Officer
Date	March 15, 2017	Version	1
Issued for	March 21, 2017		

Recommendations:

1. THAT the Information Report, "Revisions to draft Zoning Bylaw and Consideration of First Reading" dated March 15, 2017 be received;
2. AND THAT the recommendations in the March 15, 2017 report be endorsed, including deletion of reference to community care facilities;
3. AND THAT Zoning and Development Bylaw No. 520, 2017 be read a first time;
4. AND FURTHER THAT a public information meeting regarding Zoning and Development Bylaw No. 520, 2017 as at first reading be held at 7:00 p.m. on April 6, 2017 at Broughton Hall, 400 Centre Road, Lions Bay.

Attachment:

Zoning and development Bylaw No. 520, 2017

Key Information:

At the CSC meeting on March 7th, Council, staff and the planning consultant reviewed comments and input received at the January 19, 2017 public information meeting. Based on that review the following amendments have been incorporated into the bylaw, with some additional amendments to improve clarity:

1. Section 2.1 definitions of Approving Officer, Building Official, Community Amenity Policy, cottage, and Public Works Manager added or amended for clarity.
2. Section 4.3.7 regarding prohibited uses in all zones - is amended to read "short term rentals, except where authorized under a temporary use permit".
3. Sections 4.7.2(a) "bay windows" and 4.7.3(c) "stairs not exceeding two metres" added to siting exemptions.
4. Section 4.9 duplicate reference to mast and aerial (antenna) deleted.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

5. Section 4.12.7 removed the words “making of any food product that involves a commercial kitchen” from the list of specifically prohibited uses.
6. Section 4.8 regarding large vehicles is deleted as this is dealt with in section 4.15.
7. Section 4.13.6 has been clarified to indicate that single detached dwellings, cottages and duplexes do not require aisle space in conjunction with off-street parking.
8. Section 4.17 reference to no stacking of shipping containers has been removed, as only one container per parcel is permitted (except on parcels used for fire department training facilities – s.4.17.7).
9. Section 4.17(b) has been changed to allow shipping containers for moving for 60 days as opposed to 30.
10. S. 4.17(d) clarifies that metal shipping containers in conjunction with infrastructure uses may be used on a parcel in any zone.
11. S.4.17.6 provision relating to not keeping storage containers in the front yard was deleted.
12. Section 4.18.2 language regarding solar energy device siting has been amended.
13. Section 4.19.1 watercourse setback changed from 17m to 15m to be consistent with provincial guidelines and regulations.
14. Section 6.1 zone names have been re-formatted for consistency.
15. Section 7.3 density benefits for amenities provisions have been amended based on advice from the municipal solicitor.
16. Section 7.4.1 cross reference to s. 7.3 added.
17. Section 7.6.4 height measurement approach from Brunswick Beach zoning bylaw restored.
18. Section 7.9.1 amended to clarify that “No more than one secondary suite or one cottage, but not both, shall be located on a parcel.” Confirmation that this is Council’s intent is required.
19. Section 10.1(d) “marina land facilities” use is clarified to outline which uses are included; based on West Vancouver’s zoning bylaw.



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20. Section 13 – Water – Marine Community Recreation zone has been created to zone the ocean areas fronting municipal waterfront parks. Permitted uses restricted to public beach, public (swimming) float and public boat ramp.
21. Section 4.18 has been reworded to improve clarity.
22. Section 6.1 Natural Area Conservation zone has been deleted as community watershed areas are very limited in the Village and in some cases conflict with existing uses. Environmental conservation has been added to the list of permitted uses in the Resource Use zone (s. 15.1(b)).
23. Section 15.1(b) environmental conservation has been added to the list of permitted uses to recognize that parts of community watersheds are covered by the zoning bylaw.

Concerns have also recently expressed to staff about recognizing community care facilities as permitted uses in all zones in that potentially undesirable uses fall within this land use category. While understanding that provincial legislation specifically pre-empts local government zoning where a use is consistent with the *Community Care and Assisted Living Act*, the bylaw does not need to explicitly acknowledge these uses as permitted in all zones.

Staff seek Council direction on whether section 4.2.1(e), which reads as follows:

community care facility, licensed under the *Community Care and Assisted Living Act*, that is being, or is to be, used as a day care for no more than 8 persons in care, or as a residence for no more than 10 persons, not more than 6 of whom are persons in care,

and its associated definition should be deleted.

Next Steps

A second public information meeting to obtain additional feedback from the community is warranted as there is now a zoning map to review and substantive changes have been made to the bylaw since it was presented to the public in January. This should be scheduled for the earliest convenient date in late March or early April.

If Bylaw 520 is given first reading, the bylaw will be forwarded to the Ministry of Transportation and Infrastructure for approval under section 52 of the Transportation Act.

Upon consideration of the comments received at the public information meeting, Council can make further amendments to the bylaw as necessary, read the bylaw a second time and schedule the public hearing for early May.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Zoning and Development Bylaw No. 520, 2017

VILLAGE OF LIONS BAY

ZONING and DEVELOPMENT BYLAW NO. 520, 2017

A Bylaw to Establish Zones and Regulate the Use of Land, Buildings and Structures Within the Zones

The Council of the Village of Lions Bay in open meeting assembled enacts as follows:

PART I TITLE

1.1 This bylaw may be cited for all purposes as "Zoning and Development Bylaw No.520, 2017".

Repeal

1.2 The following bylaws are hereby repealed:

- .1 Zoning Bylaw No. 362, 2004; and
- .2 Greater Vancouver Regional District Electoral Area C Zoning Bylaw No. 785, 1995, as amended, to the extent the bylaw applied within the *Municipality*, through Supplementary Letters Patent or otherwise.

PART II INTERPRETATION

Definitions

2.1 In this bylaw:

accessory use, building or structure means a *use, building or structure* that is subordinate, incidental and exclusively devoted to a *principal use, building or structure* on the same *parcel* as the *accessory use, building or structure*, or, in the case of common property in a strata plan, a *principal use, building or structure* on a strata lot within the same strata plan;

aisle space means the area of a *parcel* which provides space for motor vehicle access and maneuvering in respect of parking and does not include space for motor vehicle parking;

apartment means a *multi-unit dwelling* which has its principal access from a common entrance;

Approving Officer means the person appointed by Council as the Approving Officer for the *Municipality*;

building means a *structure* used or intended for supporting or sheltering a *use* or occupancy;

building or structure, accessory means a building or *structure* that is subordinate to and serves a *principal building* or *use*;

Building Official means the *Building Official* for the *Municipality*;

building, principal means a building in which is conducted the *principal use* of the *parcel* on which it is located;

cannabis means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis;

CAO means the Chief Administrative Officer of the *Municipality*;

carport means a *structure* which shelters an area used for the parking of one or more motor vehicles and is open at least 50 percent on all sides;

church means an assembly *building* used for religious but not commercial or residential purposes;

civic use means a *use* providing for public functions, including but not limited to government offices, public schools, colleges, and hospitals, community centres, courts, police stations, firehalls and fire department training facilities, ambulance stations, libraries, museums, parks, playgrounds, cemeteries, and *highways*;

Community Amenity Contribution Policy means the community amenity policy in the Official Community Plan of the *Municipality*;

community care use means a *use* providing for the care of persons in premises licensed or registered under the *Community Care and Assisted Living Act*;

conservation use means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

convenience store means a *retail store* where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other such *household* items are sold in small quantities, and may include the retail sale of alcoholic beverages;

cottage means a *building* containing a secondary *dwelling unit*, which is separate from, and accessory to, a principal *single detached dwelling* on the same lot;

density means any of the following: the number of *dwelling units* per hectare of *parcel* area, the *floor area ratio*, or the number of *parcels* per hectare;

dwelling unit means a set of habitable rooms within a *building*, used as a residence by not more than one *household*, that contains:

- (a) a separate entrance from the outdoors; and
- (b) a gas range or stove or electric range or stove with 240 volt wiring;

dwelling, duplex means a *building* containing two *dwelling units*, neither of which is a *secondary suite*, divided horizontally or vertically, with each *dwelling unit* having a separate exterior entrance;

dwelling, multi-unit means a *building* containing three or more *dwelling units*;

dwelling, single detached means a *building* containing only one *dwelling unit*;

dwelling with secondary suite means a *building* containing two *dwelling units*, a larger principal *dwelling unit* and a smaller *secondary suite*;

environmental conservation means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

fence includes arbor, archway, gate, pergola, screen, trellis and *wall*;

float means a buoyant platform *structure*, affixed on the surface of water by a rope, chain or wire connected to an anchor located beneath the low water mark and which is customarily used for recreational purposes such as swimming or diving;

floating dock means a platform or ramp supported by pontoons usually joined to the shore with a gangway and usually held in place by vertical pilings which are embedded in the seafloor or by anchored cables;

floor area, gross means the total floor area of all *buildings* on a *parcel* measured to the outer limits of the *buildings* including all areas giving access thereto such as corridors, hallways, landings, foyers, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding unenclosed swimming pools, balconies or sundecks, elevators, up to 40 square metres of *garage* or *carport* area, ventilating machinery;

floor area ratio means the *gross floor area* divided by the area of a *parcel*;

garage means an *accessory building* or a portion of a *principal building* that is used for the parking of one or more motor vehicles and is totally enclosed with a roof, *walls*, and one or more doors;

grade, average is measured around the perimeter of a *building* or *structure* at or directly above or below the outermost projection of the exterior *walls* or the posts of *carports*, as described in section 4.8. A deck attached to a *building* is not considered in determining the *building* perimeter;

grade, finished means the ground level created by human action, excluding created localized depressions such as for vehicles or pedestrian entrances;

grade, natural means the undisturbed ground level formed without human intervention;

height means the vertical distance from the *average grade* of a *structure* to the highest point of the roof surface, in the case of a *structure* without a roof, to the highest point of the *structure*;

highway includes a *street*, road, *lane*, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;

home-based business means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain within a wholly enclosed *building* or *structure* so that the business use is not evident to passersby, and which is *accessory* to the principal *residential use* of the property;

home exchange for the purpose of this bylaw means the exchange of two homes, without a monetary transaction, where the residents of each home trade use of their homes at a time or times convenient to both parties;

household means one or more persons related by blood, marriage, common law marriage or adoption; or a group of not more than 5 unrelated persons; all of whom are living together in one dwelling using common *kitchen* facilities.

infrastructure use means a use providing for the servicing of all or a portion of the *Municipality* with community water or sewer systems (including pump houses and sewage treatment plants), storm drainage systems, roads, community gas, electrical, telephone, broadcast transmission and similar public service facilities and equipment where such use is established by the *Municipality*, by another governmental body or by a company operating under a license or permit issued by a Provincial or Federal regulatory authority, and includes *public works yard*, maintenance *buildings* and offices;

kitchen means facilities intended or used for the preparation or cooking of meals, and includes any room or portion of a room containing cooking appliances, including stove, oven, and hotplates, as well as raised counters, cabinets, or where wiring exists for the installation of such facilities;

lane means a *highway* which is greater than 3 metres and less than 10 metres in width and which provides secondary access to a *parcel*

main floor means the floor of the *storey* which is nearest to the *finished grade* of the *parcel*;

mooring system means a system of works that is used to secure a vessel and that consists of an anchor that is set in or on the bed of a navigable water, a single anchor line, a single buoy and a mooring line to attach to a vessel;

Municipality means the municipality of the Village of Lions Bay or the area within the Lions Bay municipal boundaries as the context may require;

natural boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil;

panhandle lot means a *parcel* which gains access to a public *street* through a strip of land narrower than the typical frontage dimensions required for the *parcel*;

parcel means a lot, block, or other area in which land is held or into which land is subdivided;

parcel, through means a *parcel* that abuts two generally parallel *highways*;

parcel coverage means the total horizontal area within the outermost *walls* of the *buildings* on a *parcel*, expressed as a percentage of the *parcel* area;

parcel line, exterior side means the *parcel* line or lines not being the front or rear *parcel line*, common to the *parcel* and a *highway*;

parcel line, front means the *parcel* line common to the *parcel* and:

- (a) an abutting *highway*, and
- (b) where there is more than one *parcel* line abutting a *highway*, the shortest of these lines shall be the front;

parcel line, rear means the *parcel* line opposite to and most distant from the *front parcel line* or where the rear portion of the *parcel* is bounded by intersecting *side parcel lines*, it shall be the point of such intersection;

parcel line, side means a *parcel* line, other than a front or rear *parcel line*, common to two or more *parcels*;

parking space means an area on a *parcel* identified for the parking of one motor vehicle and does not include *aisle space*;

personal services establishment means *use* of a *building* or portion thereof to provide: (a) grooming services to a person including but not limited to hairstylists, aestheticians and spa services; or (b) clothing related services including shoe repairs, tailor or dressmaker and other similar services;

principal use means the main purpose for which land, *buildings* or *structures* are ordinarily used;

Public Works Manager means the Public Works Manager for the *Municipality*;

public works yard means premises operated by, or on behalf of, the *municipality*, for the storage, manufacture, maintenance or repair of *buildings*, infrastructure, materials or

equipment including machine shop, paint shop, sign shop, woodworking shop, fuel storage, and repair *garage* used in connection with public works;

residential use means the occupancy or *use* of a *dwelling unit* for the permanent domicile of a person or persons, or the occasional or seasonal occupancy of a *dwelling unit* as a dwelling by an owner who has a permanent domicile elsewhere, or by non-paying guests of such an owner - this *use* does not include *short term rentals*;

resource use means a *use* providing for the extraction of primary forest, mineral and other resource materials, and in addition includes only the primary grading, cutting, crushing, pumping and filtering of such materials for shipment or distribution, and excludes all manufacturing of products, and any processing not specifically included in this definition;

retail store means a place where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own *use*;

retail store, cannabis means premises where *cannabis* is sold or otherwise provided to a person who attends at the premises, with or without a medical prescription;

retaining wall means a vertical *structure* used to retain soil for the construction of an artificial grade by either excavating from or adding fill to the *natural grade*;

secondary suite means a *dwelling unit* completely contained within what would otherwise be a *single detached dwelling* and having:

- (a) a total floor area of not more than 90m² in area, and
- (b) having a floor area less than 40 percent of the habitable floor area of the *building*, used only for *residential use* consistent with the provisions of the *Residential Tenancy Act*;

secondary use, building or structure means one or more *uses, buildings* or *structures* that are used in conjunction with a *principal use, building* or *structure* on the same *parcel*;

setback means the minimum permitted distance between a *building* or *structure* and a specified *parcel* line or *natural boundary*;

short term rental means the use of a *dwelling unit* for the temporary commercial accommodation of paying guests for a period of less than one month and excludes *home exchanges*;

street means a *highway* 10 metres or more in width;

storey means the portion of a *building* that is situated between the top of any floor and

- a) the top of the floor next above it; or
- b) if there is no floor above it, that portion between the top of such floor and the ceiling above it;

structure means any construction fixed to, supported by or sunk into land or water but excludes a *fence* less than 1.9 metres and a *retaining wall* less than 1.2 metres, and includes a *building*;

temporary structure means a *structure* which is:

- a) not a fixture fixed to or sunk into land; or
- b) not attached to land other than by its weight;

townhouse means a *multi-unit dwelling* not more than three *storeys* high with *dwelling units* located side by side under one roof, with private exits or entrances to each dwelling and with each dwelling sharing common *walls* or party *walls*;

use, includes actual *use*, intended *use* or designed for a particular *use*;

wall means any vertical *structure* used as an enclosure or screen where the thickness is greater than 8 centimetres, excluding rails and posts. Thinner *structures* are considered *fences*;

watercourse means a depression with a bed 0.6 metres or more below the average natural elevation of surrounding land:

- (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or
- (b) having a drainage area of 2 square kilometres or more.

Illustrations

- 2.2 Illustrations provided in this bylaw are provided for convenience only and do not form part of the bylaw. If a conflict exists between an illustration and the text, the text will prevail.

Rounding

- 2.3 Where calculation of maximum number of *dwelling units* or *parcels* per hectare, minimum number of *parking spaces* per specified *gross floor area* or similar calculation of permitted or required units results in a fraction, the required or permitted number of units shall be rounded to the next lower whole number.

PART III APPLICATION, ADMINISTRATION AND ENFORCEMENT

Application

3.1 This bylaw applies to all land within the *Municipality*, including the surface of water.

Compliance

3.2 Land shall not be used and *buildings* and *structures* shall not be constructed, altered, located or used except as specifically permitted by this bylaw.

Inspection

3.3 Officers or employees of the *Municipality*, or other persons authorized by Council, may enter on property, and enter into property, at reasonable times and in a reasonable manner, after taking reasonable steps to advise the owner or occupier before entering the property, and complying with any other requirements of the *Community Charter*, to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to this bylaw.

Offence

- 3.4 .1 Any person who violates, or causes or permits an act to be done in violation of a provision of this bylaw shall be deemed to be guilty upon summary conviction of an offence under this bylaw.
- .2 Each day's continuance of an offence under Section 3.4 constitutes a new and distinct offence.
- .3 Notwithstanding the foregoing, where the *Municipality* elects enforcement under Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, any bylaw contraventions under this zoning bylaw shall not constitute the creation of an offence.

Penalty

- 3.5 Every person who contravenes this bylaw is liable:
- .1 to a penalty for contravention as set out in Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended;
- .2 on summary conviction to a fine not exceeding \$10,000 and the costs of prosecution; or
- .3 to both a penalty under subsection 3.5.1 and a fine under subsection 3.5.2.

Severability

3.6 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

PART IV GENERAL REGULATIONS

Application

4.1 Except as otherwise specified in this bylaw, Part IV applies to all zones established under this bylaw.

Uses Permitted in All Zones

4.2 The following *uses* and *structures* are permitted in all zones:

- .1 *Principal Uses, Buildings and Structures*
 - (a) community garden;
 - (b) *environmental conservation* activities;
 - (c) parks, playgrounds and recreational trails;
 - (d) *infrastructure use*;
 - (e) *community care* facility, licensed under the *Community Care and Assisted Living Act*, that is being, or is to be, used as a day care for no more than 8 persons in care, or as a residence for no more than 10 persons, not more than 6 of whom are persons in care.
- .2 *Secondary Uses, Buildings and Structures*
 - (a) temporary construction and project sales offices authorized by *building* permit as temporary *buildings*;

Uses Prohibited in All Zones

4.3 The following *uses* are expressly prohibited in all zones:

- .1 *residential use* of a mobile home, tent, trailer or recreation vehicle;
- .2 storage of boats exceeding 7 metres in length, except in the C-2 and C-3 Zones;
- .3 animal husbandry including the keeping of poultry, fish farming, the boarding of animals and the keeping of animals, except that *household* pets, other than poultry, may be kept;
- .4 a *use* with a drive-through service;
- .5 *cannabis retail store*.
- .6 *cannabis* production, except as permitted under Part 2 [Production for Own Medical Purposes and Production by a Designated Person] of the *Access to Cannabis for Medical Purposes Regulations*;
- .7 *short term rentals*; except where authorized under a temporary *use* permit;
- .8 any *use* not listed as a *principal* or *secondary use* in this Part or any of the zones.

Principal Uses, Buildings and Structures

4.4 Except where specifically permitted, not more than one *principal building* shall be located on a *parcel*.

Accessory Uses, Buildings and Structures

- 4.5 .1 *Principal uses* permitted by this bylaw do not include, except where specifically permitted, *accessory uses, buildings or structures*.
- .2 All *accessory buildings and structures* shall be located on the same *parcel* as the *principal building* to which it is *accessory*.
- .3 An *accessory building or structure* attached to the *principal building* shall be considered a part of the *principal building* and shall comply in all respects with the regulations of this bylaw applicable to the *principal building*.
- .4 For the purposes of section 4.5.3 “attached” means heated space with a minimum internal clear width of 860mm and a minimum finished floor area of 3.5 square metres.
- .5 An *accessory building or structure* shall not be used as a *dwelling unit*.
- .6 No *accessory building or structure* shall include *kitchen* facilities.

Temporary Use Permits

- 4.6 Pursuant to the *Local Government Act*, all lands within the *Municipality* are designated as areas where temporary *uses* may be allowed under a temporary *use* permit and the Council delegates to the *CAO* the authority to grant temporary *use* permits in accordance with the *Short Term Rental Policy*.

Siting Exemptions

- 4.7 .1 Interior *side parcel line* requirements shall not apply to strata *parcels* under the *Strata Property Act* where a common *wall* is shared by two or more *dwelling units* within a *building*.
- .2 The following features may project into the *setback* area required by this bylaw between a *building* and front, rear or *side parcel lines*:
- (a) gutters, cornices, sills, belt courses, bay windows, chimneys, heating or ventilating equipment if the projections do not exceed 0.6 metres;
 - (b) eaves, porches, canopies and sunshades if the projections, measured horizontally, do not exceed:
 - (i) 1.5 metres for front and *rear parcel lines*, or
 - (ii) 0.6 metres for *side parcel lines*
- provided that the foundation or supports for them do not encroach into any required front, side or rear *setback* area.
- .3 The following are exempted from the siting regulations:
- (a) *fences*,
 - (b) *retaining walls* not exceeding 1.2 metres in *height*;

- (c) stairs not exceeding two metres, exclusive of necessary handrails or guards, above existing ground elevation;
- (d) free standing light poles, flag poles, warning devices, antennas, masts and clothes lines;
- (e) sidewalks, patios and hard surfacing of the ground;
- (f) uncovered swimming pools or tennis courts provided that the pool or tennis court is:
 - i. not within the required minimum siting distance from the *front parcel line*; and
 - ii. a minimum of 1.0 metre from any other *parcel line*; and
- (g) underground *structures* that do not extend above the surface of the *parcel*.

.4 In a zone in which *residential uses* are permitted, a free standing tool storage shed or greenhouse not exceeding 19 square metres in area or a combination of tool storage and greenhouse not exceeding 28 square metres in area may be placed within the *setback area* between the *principal building* and *rear parcel line*.

Calculation of Average Grade

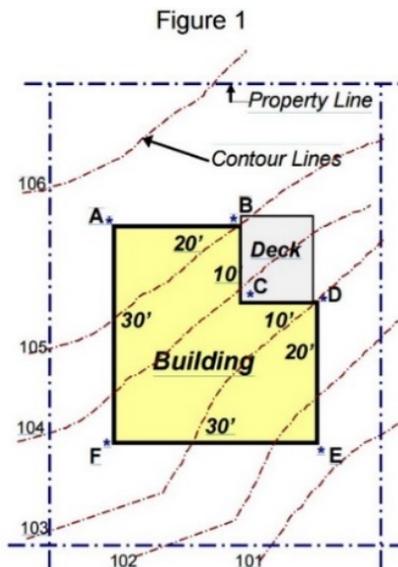
4.8 The *average grade* for a *building* or *structure* shall be calculated as follows:

- .1 (a) measure the ground elevation at each corner of the *building*; then
- (b) total the elevations of all corners; then
- (c) divide by the number of corners.

The result is *average grade* for the *building*, the reference point from which *height* will be measured.

Example:

Corner	Elevation
A	105.5 m
B	105.0 m
C	104.0 m
D	103.0 m
E	101.5 m
F	104.0 m
Total	623.0 m
÷ 6	103.8 m



- .2 Where the *natural grade* cannot be ascertained because of existing landscaping, *buildings* or *structures*, and appears to have been significantly altered, the level of *natural grade* shall be determined by the *Building Official*, who may rely on the professional opinion of a British Columbia Land Surveyor, at the cost of the property owner.

Height Exemptions

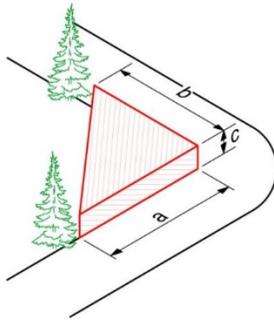
- 4.9 Any of the following may exceed the *height* limitations specified for each zone of this Bylaw provided that the *parcel coverage* of such *structures* does not exceed 1 percent or, if it is located on a *building*, the *structure* does not occupy more than 5 percent of the roof area of the *building*:
 - .1 dome or cupola;
 - .2 monument;
 - .3 chimney;
 - .4 spire, belfry;
 - .5 mast or antenna for any purpose other than the domestic reception of radio and television signals;
 - .6 mechanical appurtenance screened from view from a *highway*
 - .7 observation tower; or
 - .8 flagpole.

Fences and Retaining Walls

- 4.10 Except as otherwise specifically stated in this bylaw:
 - .1 the *height* of a *fence* or *wall* shall be determined by measurement from the average *finished grade* within 0.9 metres of both sides of the *fence* or *wall*;
 - .2 no *fence* shall exceed 1.9 metres in *height*;
 - .3 a site alteration permit, site plan, geotechnical report, and engineer's Letters of Assurance shall be required for *retaining walls* with *heights* greater than 1.2 metres or for any *wall* slope greater than 45 degrees. The *Building Official* may require an engineer's Letters of Assurance, for a series of terraced *retaining walls* with a combined *height* of greater than 1.2 metres;
 - .4 confirmation of siting by a British Columbia Land Surveyor (BCLS) is required where a *fence* or *wall* will be located within one metre of a property line;
 - .5 a registered professional shall supervise the design and construction of a *retaining wall* greater than or equal to 1.2 metres in *height*. Sealed copies of the design plan and field review reports prepared by the registered professional for all *retaining walls* greater than or equal to 1.2 metres in *height* shall be submitted to the *Building Official* prior to commencement of the work.

Visibility

- 4.11 Despite section 4.10.2, on a *parcel* contiguous to a *street* intersection in any zone, no *fence*, *retaining wall*, *wall*, *hedge* or other obstruction to the line of vision shall be allowed at a greater *height* than 0.9 metres above the established elevation of the centre point of the intersecting *streets*, at or within a distance of 4.5 metres from the corner of the *parcel* at the intersection of the *streets*.



a = 4.5 metres

b = 4.5 metres

c = 0.9 metres

Home-based business

- 4.12 *Home-based businesses*, where permitted as a *secondary use* in a zone, shall be subject to the following conditions:
- .1 the *home-based business* shall be carried on by persons resident on the *parcel*;
 - .2 all *home-based business* shall be conducted entirely within a completely enclosed *building* permitted under this bylaw;
 - .3 there shall be no signs or other variations from a primarily residential appearance of the land and premises where a *home-based business* is located;
 - .4 the *gross floor area* of the *home-based business* shall not exceed 100 m² or 40% of the *gross floor area* of the principal dwelling in which the *home-based business use* is located, whichever is less
 - .5 outdoor storage of materials or equipment is prohibited;
 - .6 any *use* which is or may become obnoxious, offensive, dangerous or a nuisance by reason of the presence or emission of odour, dust, smoke, noise, gas, fumes, cinders, vibration, electrical interference, refuse matter or water carried wastes is prohibited;
 - .7 for clarity, automobile body shop, automobile service, automobile salvage or wrecking yard; brewery; distillery; kennel; animal breeding for commercial purposes; restaurant; and the parking or storage of industrial or construction equipment or materials are specifically prohibited as *home-based businesses*;

Off-street Parking

- 4.13 .1 Except as otherwise specified in this bylaw, space for the off *street* parking and loading of motor vehicles for a class of *building* permitted under this bylaw shall be provided and maintained in accordance with the regulations of this section.
- .2 The number of off *street parking spaces* for motor vehicles required for any class of *building* shall be calculated according to Table 1 of this bylaw in which Column I classifies the types of *buildings* and Column II sets out the number of required off *street* parking and loading spaces that are to be provided for each *use* in Column I.
- .3 Where a class of *building* permitted under this bylaw is not specifically referred to in Column I of Table 1, the number of off *street parking spaces* shall be calculated using the requirements for a similar class of *building* that is listed in Table 1.
- .4 Where the calculation of the required off *street parking space* results in a fraction, the number of required *parking spaces* shall be rounded down.
- .5 Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.4 square metres of seating shall be deemed to be one seat.
- .6 Off *street parking spaces* shall be located on the same *parcel* as the *building* they serve and must, except for *single detached dwellings, cottages* and duplexes, have associated *aisle space* as set out in section 4.14.

Parking and Aisle Space Dimensions

- 4.14 .1 An off *street parking space* shall be not less than 2.75 metres in width and 6 metres in length with a minimum vertical clearance of 2.8 metres.
- .2 *Aisle space* shall be a minimum of:
- (a) 6 metres wide where the angle of the *parking space* to the *aisle space* is 61 degrees to 90 degrees;
 - (b) 5 metres wide where the angle of the *parking space* to the *aisle space* is 46 degrees to 60 degrees; or
 - (c) 4 metres wide where the angle of the *parking space* to the *aisle space* is 1 degree to 45 degrees.

TABLE 1

COLUMN I	COLUMN II
<u>Building Class, Use or Type</u>	<u>Required Number of Spaces</u>
Single family dwelling per <i>parcel</i>	2 for each <i>Single Detached Dwelling</i> without a <i>Secondary Suite</i> and 3 for each <i>Single Detached Dwelling</i> with a <i>Secondary Suite</i>
<i>Cottage</i>	2 per <i>cottage</i>
<i>Apartment building or townhouse</i>	1.5 for each <i>dwelling unit</i>
Shopping centre and individual <i>retail store</i>	1 per 18.6 square metres of <i>gross floor area</i>
Restaurant, coffee shop, facility licensed for consumption of alcohol	1 per 4 seats of maximum seating capacity
Public assembly places, <i>churches</i> , auditoriums, community centres, meeting halls, and recreation centres	1 for each 5 seats based on maximum capacity
Marina	1 per 2 berths or 1 per 7.5 metres of moorage

Parking and Storage of Heavy Commercial and Industrial Vehicles and Equipment

- 4.15 .1 The outdoor storage or parking of commercial or industrial vehicles, equipment, or machinery with a primary function other than the transportation of passengers, including but not limited to excavators, dump trucks, forklifts, backhoes, tractors, trailers and similar types of vehicles, equipment or machinery is prohibited in all Residential zones.
- .2 Outdoor storage or stockpiling of any commercial, industrial or construction materials, implements or supplies is prohibited in all Residential zones.

- .3 Despite clause 4.15.1, one commercial or industrial vehicle or piece of equipment per *parcel* may be parked or stored outdoors on a lot in a Residential zone provided that the vehicle or equipment:
- (a) has a gross vehicle weight rating (or manufacturer's specified operating weight in the case of equipment) of not more than 7,000 kilograms and
 - (b) is operated by a resident of the *parcel*.
- .4 Despite clauses 4.15.1 and 4.15.2, commercial and industrial vehicles, equipment, or machinery and commercial, industrial or construction materials, implements or supplies may be stored on a *parcel* for which the alteration of the land or the construction of a *building* or *structure* has been authorized by the Village through:
- (a) a site alteration permit, or
 - (b) a *building* permit,
- provided that all such vehicles, equipment, supplies, and materials:
- (c) can be demonstrated to the satisfaction of:
 - (i) the *Public Works Manager* or the *Building Official*, regarding site alteration permits, or
 - (ii) the *Building Official*, regarding *building* permits,to be directly related to and strictly necessary for the fulfillment of the construction so authorized by the Village, and
 - (d) are removed within 30 days of final inspection related to the site alteration permit or the *building* permit, or such earlier date as the *Public Works Manager* or *Building Official* determines such vehicles, equipment, supplies, and materials are no longer needed to fulfill the scope of the applicable permit.
- .5 A person may appeal the determination of the *Public Works Manager* or the *Building Official* under section 4.15.4 to the Council by submitting a request and the detailed reasons for appeal and any supporting documentation to the Corporate Officer, who shall add the matter to an upcoming Council meeting agenda.
- .6 On an appeal under section 4.15.5, the Council may uphold the determination and order of the *Public Works Manager* or *Building Official*, or may vary such order as it determines is reasonable in the circumstances.

Temporary Structures

- 4.16 Notwithstanding any other provision of this bylaw, a *temporary structure* is prohibited, except that:
- .1 The CAO may issue a permit for a *temporary structure* on receipt of an application in writing requesting permission for the *temporary structure*.

- .2 The CAO shall not issue a permit for a *temporary structure* if it would obstruct a public right of way or easement; or contravene a Village bylaw.
- .3 A *temporary structure* permit is valid for a period of not more than 60 days, provided that Council on receipt of an application in writing for an extension may extend the permit period for not more than one year.

Metal Shipping Containers

- 4.17 .1 A metal shipping container shall only be used for storage purposes.
- .2 A metal shipping container shall not be accessible to the general public, or rented or leased as part of a commercial storage facility.
- .3 Metal shipping containers are permitted only in the C-2, CU-1 and RU-1 zones.
- .4 Despite Section 4.17.3:
 - (a) where a site alteration or *building* permit has been issued for construction on a *parcel* in any zone, metal shipping containers may be used for temporary storage provided that they are removed within 30 days of:
 - (i) final inspection of the *building* or *structure* for which the *building* permit has been issued;
 - (ii) expiry of the *building* permit;
 - (iii) completion of a site alteration for which a site alteration permit has been issued; or
 - (iv) a determination by the *Public Works Manager* or the *Building Official* that the shipping container is no longer needed to fulfill the scope of the applicable permit, in which case the provisions of sections 4.15.5 and 4.15.6 apply.
 - (b) metal shipping containers may be used for moving provided that they are not located on any *parcel* for longer than 60 days;
 - (c) metal shipping containers may be used for emergency purposes on a *parcel* in any zone provided they are not located on any *parcel* for longer than 90 days; and
 - (d) metal shipping containers may be used in conjunction with *infrastructure uses* and *civic uses* on a *parcel* in any zone.
- .5 Despite section 4.17.4, a metal shipping container is not permitted to remain on an RS-1 *parcel* longer than two years.
- .6 The maximum number of metal shipping containers on any *parcel* is 1, except on *parcels* used for fire department training facilities.

Solar Energy Devices

- 4.18 .1 Solar energy devices are permitted in any zone provided that where attached to a *building* or *structure*:
- (a) the device does not extend beyond the outermost edge of the roof or *structure*;
 - (b) the device does not extend above the highest point of the roof or *structure*; and
 - (c) roof connection details have been approved by a structural engineer.
- .2 Where a solar energy device is not attached to a *building* or *structure*, or is attached to a pole, it shall comply with the siting requirements for the *principal building* or *structure* on the *parcel* on which the device is located.

Flood Protection

- 4.19 No *building* or *structure* shall be constructed, erected or placed;
- .1 within 15 metres of the *natural boundary* of a *watercourse*;
 - .2 on ground surface less than:
 - (a) 0.7 metres above the 200 year flood level, which level has been established by the Ministry of Environment;
 - (b) 3.1 metres above the *natural boundary* of a *watercourse* where the 200 year flood level has not been established; and
 - (c) 1.6 metres above the *natural boundary* of the sea.

PART V GENERAL SUBDIVISION PROVISIONS AND REGULATIONS

Minimum Frontage Waiver

- 5.1 The *Approving Officer* may exempt, where a *parcel* of land fronts on a *highway*, a person proposing to subdivide land from the limitation provided under Section 512 of the *Local Government Act* after duly considering whether:
- .1 the proposed lot is capable of being further subdivided under existing regulations;
 - .2 an attempt is being made to assemble land which conforms substantially with the Official Community Plan;
 - .3 the lot with insufficient frontage is for municipal or public *use*; and
 - .4 unusual soil conditions exist or may develop as a result of the proposed subdivision.

Panhandle Lots

- 5.2 The area within the access strip of a *panhandle lot* in a residential zone shall not be included in the calculation of the area of the lot.

Minimum Parcel Area Exceptions

- 5.3 Minimum *parcel* area regulations required by the applicable zone shall not apply where:
- .1 a covenant is registered restricting the *use* of the *parcel* to non-sewage generating *uses* prohibiting the construction of *buildings* and *structures*;
 - .2 the *parcel* is intended for *infrastructure uses*, parks, fire halls, or fire department training facilities;
 - .3 an adjustment of lot lines dividing contiguous *parcels* to facilitate an existing development or improve a subdivision pattern does not create, or make it possible to create, additional *parcels* to those existing at the time of application; or
 - .4 a crown non-residential upland lease or aquatic lease is granted.

PART VI CREATION AND DEFINITIONS OF ZONES

Creation of Zones

6.1. The area of the *municipality* is divided into the zones identified in Column I and each zone is briefly described in Column II:

COLUMN I	COLUMN II
RS-1	Residential - Single Detached
RM-1	Residential – Multiple Unit
C-1	Commercial - Neighbourhood
C-2	Commercial - Marina
C-3	Commercial - Marina Foreshore
W-1	Water - Marine Foreshore
W-2	Water – Marine Community Recreation
CU-1	Community <i>Use</i>
RU-1	<i>Resource Use</i>

Definition of Zones

- 6.2 .1 The area of each zone is defined by Schedule A.
- .2 Where a zone boundary is shown on Schedule A as following a road right of way, rail right of way or a water course, the centre line of the road right of way, rail right of way or water course shall be the zone boundary.

PART VII ZONES

RS-1 Zone (Residential – Single Detached)

Permitted Uses

7.1 The following *uses* and no others are permitted in the RS-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in a single detached dwelling;*
 - (b) *residential use in a dwelling with secondary suite;*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *home-based business;*
 - (b) *accessory buildings and structures.*

Density and Area of Parcels

- 7.2
- .1 The base *density* for existing *parcels* shall be a maximum of one *dwelling unit per parcel*, not including *secondary suites*.
 - .2 The base *density* for *parcels* created by subdivision shall be a maximum of one *parcel* per 8000 m² of existing *parcel* area.
 - .3 The minimum *parcel* area shall be 8000 m².

Density Benefits for Amenities

- 7.3
- .1 Despite section 7.2, the maximum *density* may be increased to one *parcel* per 800 m², with a 700 m² minimum *parcel* area, to facilitate subdivision for a second *single detached dwelling* on a fee simple *parcel* where amenities identified in the *Community Amenity Contribution Policy* are provided.
 - .2 Despite sections 7.2, and subject to section 7.9, the maximum *density* may be increased from one to two *principal buildings* per *parcel* containing dwellings to accommodate a *cottage* on *parcels* having a minimum area of 1,000 m², where a covenant and amenities identified in the *Community Amenity Contribution Policy* are provided.
 - .3 The amenities provided under sections 7.3.1 or 7.3.2 shall be subject to negotiation with the owner based on a target contribution towards amenities identified in the *Community Amenity Contribution Policy*.

Size and Density of the Use of Land, Buildings and Structures

- 7.4
- .1 Subject to section 7.3, no more than one *principal building* shall be located on a *parcel*.

- .2 The *floor area ratio* shall not exceed 0.35.
- .3 *Parcel coverage* shall not exceed 30 percent.
- .4 The minimum floor area of the *main floor* of a *principal building* shall be 93 m².

Siting

7.5 The minimum *setback* for a *building* or *structure* shall be:

- .1 7.5 metres from a front or *rear parcel line*; or
- .2 2.4 metres from a *side parcel line*.

Brunswick Beach Overlay Area

7.6 Despite sections 7.4, 7.5 and 7.8.2, the following regulations apply to the area outlined in a heavy black line on Schedule A (the Brunswick Beach Overlay Area):

- .1 *Size and Density of the Use of Land, Buildings and Structures*
 - (a) No more than one *principal building* shall be located on a *parcel*.
 - (b) The *floor area ratio* shall not exceed 0.25 plus 240 m².
 - (c) *Parcel coverage* shall not exceed 12.5 percent plus 180 m².
 - (d) The minimum *gross floor area* of a *principal building* shall be 75 m².
 - (e) A floor area of up to 40 m² to accommodate *accessory storage* and a *garage* may be excluded from the *floor area ratio* and *parcel coverage* calculations in (b) and (c) above.
- .2 Siting
No *building* or *structure* shall be located within:
 - (a) 4.5 metres from a front or *rear parcel line* common to a public right of way whose opposite side adjoins the sea;
 - (b) the lesser of 7.5 metres or 20 percent of the *parcel* depth, to a minimum of 4.5 metres from any other *front parcel line*;
 - (c) 7.5 metres from any other *rear parcel line*;
 - (d) 1.5 metres of an interior *side parcel line*; or
 - (e) 3.0 metres of an *exterior side parcel line*.
- .3 Minimum Width

There shall be no minimum width provision for *principal buildings* in the Brunswick Beach Overlay Area.

.4 *Height*

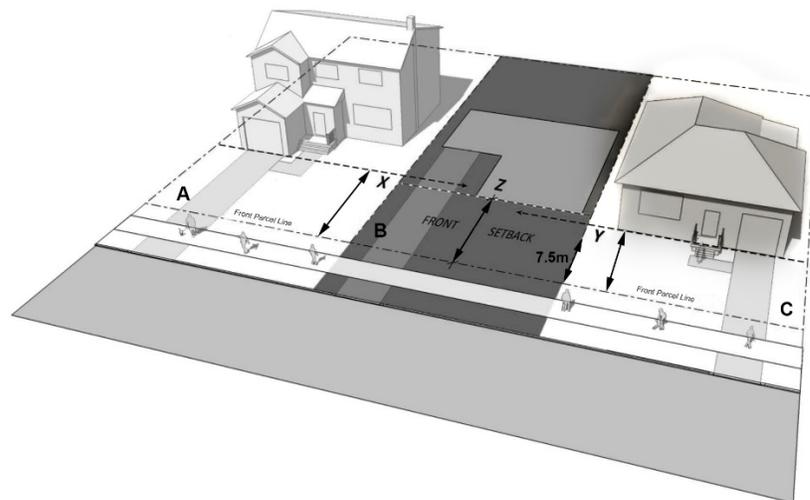
In the Brunswick Beach Overlay Area, *height* shall be measured from the *average grade* as follows:

- (a) to the highest point of the roof surface of a flat roof;
- (b) to the deck line of a mansard roof;
- (c) to the mean elevation between the eaves and the ridge of a gable, hip, gambrel, or other sloping roof; or
- (d) for a *structure* without a roof, to the highest point of the *structure*.

Front Setback Averaging

- 7.7 .1 Despite sections 7.5 and 7.6.2, where the average front *setback* of existing *principal buildings* on the adjacent *parcels* on each side of a subject *parcel* is more than the required front *setback* by at least 1.5 m, the front *setback* of the subject *parcel* shall be the average of the front *setbacks* on the adjacent *parcels*.

Example: Parcel B shares interior parcel lines with Parcels A and C and is not within the Brunswick Beach Overlay Area. The principal buildings on Parcel A and C are sited X metres and Y metres from the front parcel line respectively. The minimum front setback (Z) for Parcel B is calculated as follows: $(X + Y)/2 = Z$ and will apply if Z is greater than or equal to 9.0 metres metres (the required 7.5 metres + 1.5 m), as illustrated below:



- .2 Where a *parcel* has two *front parcel lines*, one facing a *highway* and one facing the ocean, front *setback* averaging shall apply only to the *front parcel line* facing the ocean.
- .3 Where a *parcel* is a *through parcel*, front *setback* averaging shall apply only to the *front parcel line* facing the *highway* which provides primary access to the *parcel*.

Height and Width of Buildings

- 7.8 .1 The *height* of a *principal building* shall not exceed 9.0 metres for a sloping roof or 7.5 metres for a flat roof.
- .2 The minimum width of a *principal building* shall be 5.1 metres.

Secondary Suites and Cottages

- 7.9 .1 No more than one *secondary suite* or one *cottage*, but not both, shall be located on a *parcel*.
- .2 A *secondary suite* shall not exceed a *gross floor area* of 90 m² or 40 percent of the *gross floor area* of the single detached dwelling, whichever is less.
- .3 A *cottage* shall not exceed the *floor area ratio* in section 7.4.2 or 115m², whichever is less or a *height* of 9.0 metres for a sloping roof or 7.5 metres for a flat roof.

Accessory Buildings and Structures

- 7.10 .1 No more than two *accessory buildings* or *structures* shall be located on a *parcel*.
- .2 The *height* of an *accessory building* or *structure* shall not exceed 3.65 metres or, where the slope of the roof is greater than or equal to 3 in 12, 4.65 m.
- .3 The maximum combined floor area of all *accessory buildings* shall not exceed 77 m².

Off-street Parking

- 7.11 .1 Off-*street* parking shall be provided in accordance with sections 4.13 and 4.14 .

RM-1 Zone (Residential – Multiple Unit)

Permitted Uses

8.1 The following *uses* and no others shall be permitted in the RM-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in townhouses;*
 - (b) *residential use in duplex dwellings.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *accessory buildings and structures.*

Size and Density of the Use of Land, Buildings and Structures

- 8.2
- .1 More than one *principal building* may be located on a *parcel*.
 - .2 The *floor area ratio* shall not exceed 0.65.
 - .3 *Parcel coverage* shall not exceed 30 percent.
 - .4 The maximum *density* shall be 40 *dwelling units* per hectare of *parcel* area.

Siting of Principal Buildings

- 8.3 The minimum *setback* for a *principal building* shall be:
- .1 7.5 metres from a front or *rear parcel line*; or
 - .2 the greater of 3 m, or 50 percent of the *height* of a *principal building* on the *parcel*, from a *side parcel line*.

Height of Principal Buildings

- 8.4
- .1 The *height* of a *principal building* shall not exceed 9.0 m

Accessory Buildings and Structures

- 8.5
- .1 The *height* of an *accessory building or structure* shall not exceed 4.9 m.
 - .2 The minimum *setback* for an *accessory building or structure* shall be:
 - (a) 7.5 metres from a front or *exterior side parcel line*; or
 - (b) 2.4 metres from a side or *rear parcel line*.

Off-street Parking

- 8.6
- .1 Off-*street* parking shall be provided in accordance with sections 4.13 and 4.14.
 - .2 The minimum *setback* for an off-*street parking space* shall be 1.5 metres from a *parcel* line.

C-1 Zone (Commercial - Neighbourhood)

Permitted Uses

9.1 The following *uses* and no others shall be permitted in a C-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *convenience store;*
 - (b) *retail store;*
 - (c) *office, bank;*
 - (d) *personal services establishment;*
 - (e) *restaurant, excluding drive-in restaurant;*
 - (f) *apartment.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Size and Density of the Use of Land, Buildings and Structures

- 9.2
- .1 No more than one *principal building* shall be located on a *parcel*.
 - .2 *Parcel coverage* shall not exceed 60 percent.
 - .3 The maximum *gross floor area* for a *convenience store* shall be 340 m².

Siting of Principal Buildings

- 9.3 The minimum *setback* for a *principal building* shall be:
- .1 7.5 metres from a front or *rear parcel line*; or
 - .2 3.0 metres from a *side parcel line*.

Height of Principal Buildings

- 9.4
- .1 The *height* of a *principal building* shall not exceed 7.5 metres or two *storeys*, whichever is greater.

Off-street Parking and Loading

- 9.5
- .1 *Off-street* parking shall be provided in accordance with sections 4.13 and 4.14.
 - .2 One *off-street* loading space shall be provided on the *parcel*.
 - .3 An *off-street* loading space shall be prohibited in the required *side parcel line setback* area.

C-2 Zone (Commercial - Marina)

10.1 The following *uses* and no others shall be permitted in a C-2 zone:

.1 *Principal Uses, Buildings and Structures*

- (a) boat storage;
- (b) boat rentals,
- (c) marine fuel sales;
- (d) marina land facilities including boat maintenance and repair, restaurant, office, outboard and inboard engine repairs within a *building*, store or sales room for the sale or rental of boats, engines, or marine supplies including food and sporting goods;
- (e) boat hoists and launching ramps.

.2 *Secondary Uses, Buildings and Structures*

- (a) not more than one accessory dwelling per *parcel*.

Site Specific Uses

10.2 Despite section 10.1, in the area delineated as **C-2A**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;
- (b) parking;
- (c) office.

Conditions of Use

- .2
- (a) The *height* of an office *building* shall not exceed the lesser of 7.5 metres or two *storeys*.
 - (b) The *height* of all other *buildings* and *structures* shall not exceed 3 m.
 - (c) The maximum *gross floor area* for an office *building* shall not exceed 47 m² per *storey* plus a deck area of 47 m².
 - (d) No part of an office *building* shall be located more than 24 metres from the *natural boundary* of Rundle Creek

10.3 Despite section 10.1, in the area delineated as **C-2B**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;
- (b) parking.

Conditions of Use

- .2 The *height* of a *building* or *structure* shall not exceed 9 m.

Size and Density of the Use of Land, Buildings and Structures

- 10.2 .1 *Parcel coverage* shall not exceed 60 percent.

Siting of Buildings, Structures and Uses

- 10.3 The minimum *setback* for a *principal building* shall be:
 - .1 7.5 metres from a front or *rear parcel line*;
 - .2 3.0 metres from a *side parcel line*;
 - .3 0 metres from the *natural boundary* of the ocean, except the minimum *setback* for sewage disposal systems and public utility *uses* shall be 7.5 metres from the *natural boundary* of the ocean.

Height of Buildings and Structures

- 10.4 .1 The *height* of a *principal building* or *structure*, except boat hoists and gantries for stepping masts, shall not exceed 9.0 m.

Off-street Parking and Loading

- 10.5 .1 *Off-street* parking shall be provided in accordance with sections 4.13 and 4.14 .
- .2 Areas required for parking shall not be used for the sale or rental of boats.
- .3 Areas required for parking may only be used for the storage of boats and boat cradles between October 1st in any year and March 31st of the next year.
- .4 No person shall reside in a vessel stored in the C-2 zone.

C-3 Zone (Commercial - Marina Foreshore)

Permitted Uses

11.1 The following *uses* and no others shall be permitted in a C-3 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *floating dock*;
 - (b) fuel sales;
 - (c) launching ramp;
 - (d) buoy for the mooring of vessels.
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Conditions of Use

11.2 In a C-3 zone:

- .1 a *floating dock* or launching ramp shall be located within the boundaries of a water lease or license of the occupation granted or approved by the Province;
- .2 the location, shape, size and type of construction of a proposed *floating dock* or launching ramp shall be clearly shown on a plan and drawing submitted to the CAO before construction or installation;
- .3 no portion of a *floating dock*, other than a *floating dock* for fuel sales, shall exceed a width of 3 metres or a *height* above sea level of 1 m, except for hand railings;
- .4 no portion of a fuel *floating dock* shall exceed a width of 5 m, a length of 12 metres or a *height* of 1 metres above sea level, except for hand railings;
- .5 no portion of a launching ramp shall exceed a width of 5 metres or be located within 1 metre from the natural ocean bottom;
- .6 no *building*, shed or *structure* may be erected on a *floating dock* other than posts to carry lighting fixtures and the necessary wiring together with structural posts, rails and supports;
- .7 marina fueling facilities may be erected on a *floating dock*; and
- .8 no person shall reside on a *floating dock* or vessel moored in the C-3 zone.

W-1 Zone (Water - Marine Foreshore)

Permitted Uses

12.1 In a W-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

- (a) public or private *mooring system* for vessels 12 metres or less in length;
- (b) public or private *float*;
- (c) public boat launching ramp;
- (d) overnight accommodation on an anchored or moored vessel for a period not exceeding three nights every 30 days.

.2 *Secondary Uses, Buildings and Structures*

- (a) None permitted.

Conditions of Use

12.2 .1 In a W-1 zone:

- (a) no person shall anchor, moor, or permit the mooring of a vessel that is more than 12 metres in length for periods greater than 72 hours every 30 days;
- (b) all *mooring systems* shall meet the requirements, standards and guidelines of the "Order Amending the Minor Works and Waters (Navigable Waters Protection Act) Order", the Private Buoy Regulations under the *Canada Shipping Act* and any other Transport Canada regulation, order or directive as applicable;
- (c) private *floats* shall be located within the boundaries of a water lease or license of occupation granted or approved by the Province;
- (d) no portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings;
- (e) the location, shape, size and type of construction of a proposed *float* shall be clearly shown on a plan and drawing submitted to the CAO before construction or installation;
- (f) no portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom;

- (g) no *building*, shed or *structure* shall be erected on a *float*; and
- (h) the owner or operator of a vessel shall not cause, allow or permit the vessel to move from one location to another in the W-1 zone in an attempt to avoid the time limit in section 12.1.1(d) or 12.2.1(a).

W-2 Zone (Water - Marine Community Recreation)

Permitted Uses

13.1 In a W-2 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) public beach;
 - (b) public *float*;
 - (c) public boat launching ramp.

- .2 *Secondary Uses, Buildings and Structures*
 - (a) None permitted.

Conditions of Use

13.2 In a W-2 zone:

- .1 No person shall anchor, moor, or permit the mooring of a vessel for periods greater than 72 hours every 30 days.
- .2 No portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings.
- .3 No portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom.
- .4 No *building* or *structure* shall be erected on a *float*.

CU-1 Zone (Community Use)

Permitted Uses

14.1 In a CU-1 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *civic use;*
 - (b) *church;*
 - (c) *community care use.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) None permitted.

Size and Density of the Use of Land, Buildings and Structures

14.2 .1 *Parcel coverage* shall not exceed 50 percent, except there shall be no maximum *parcel coverage* for firehalls, ambulance stations or other civic or *infrastructure uses*.

Siting of Buildings, Structures and Uses

14.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a *front parcel line*; except a school shall have a minimum *setback* of 10 metres from a *front parcel line*;
- .2 7.5 metres from a *rear parcel line*;
- .3 the greater of 2.4 metres or 10 percent of the length of the *front parcel line*, from a *side parcel line*.

Height of Buildings and Structures

14.4 .1 The *height* of a *principal building* shall not exceed 7.5 m.

Off-street Parking

14.5 .1 *Off-street parking* shall be provided in accordance with sections 4.13 and 4.14.

RU-1 (Resource Use)

Permitted Uses

15.1 In a RU-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

- (a) *resource use;*
- (b) *environmental conservation;*
- (c) *fire department training facility.*

.2 *Secondary Uses, Buildings and Structures*

- (a) *accessory buildings and structures.*

Siting of Buildings, Structures and Uses

15.2 The minimum *setback* for a *principal building* shall be 7.5 metres from a *parcel* line.

READ A FIRST TIME this _____ day of _____, 2017

READ A SECOND TIME this _____ day of _____, 2017

PUBLIC HEARING HELD this _____ day of _____, 2017

APPROVED PURSUANT TO S.52 OF THE TRANSPORTATION ACT this
_____ day of _____, 2017

READ A THIRD TIME this _____ day of _____, 2017

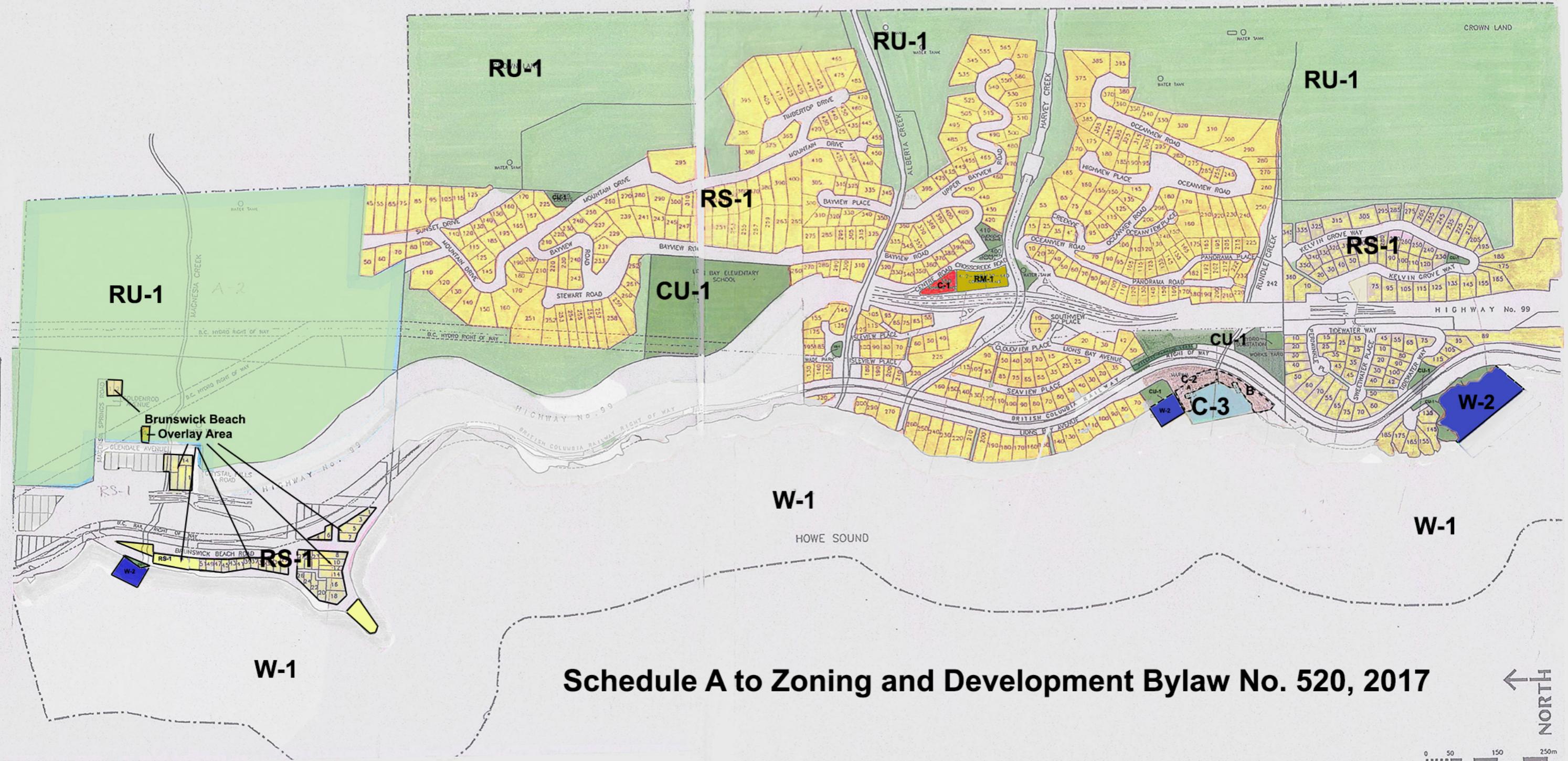
ADOPTED this _____ day of _____, 2017

Mayor

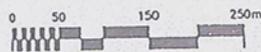
Corporate Officer

**Certified a true copy of Zoning and Development
Bylaw No.520, 2017 as adopted.**

Corporate Officer



Schedule A to Zoning and Development Bylaw No. 520, 2017



Recreational



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Zoning and Development Bylaw No. 520, 2017

VILLAGE OF LIONS BAY

ZONING and DEVELOPMENT BYLAW NO. 520, 2017

A Bylaw to Establish Zones and Regulate the Use of Land, Buildings and Structures Within the Zones

The Council of the Village of Lions Bay in open meeting assembled enacts as follows:

PART I TITLE

1.1 This bylaw may be cited for all purposes as "Zoning and Development Bylaw No.520, 2017".

Repeal

1.2 The following bylaws are hereby repealed:

- .1 Zoning Bylaw No. 362, 2004; and
- .2 Greater Vancouver Regional District Electoral Area C Zoning Bylaw No. 785, 1995, as amended, to the extent the bylaw applied within the *Municipality*, through Supplementary Letters Patent or otherwise.

PART II INTERPRETATION

Definitions

2.1 In this bylaw:

accessory use, building or structure means a *use, building or structure* that is subordinate, incidental and exclusively devoted to a *principal use, building or structure* on the same *parcel* as the *accessory use, building or structure*, or, in the case of common property in a strata plan, a *principal use, building or structure* on a strata lot within the same strata plan;

aisle space means the area of a *parcel* which provides space for motor vehicle access and maneuvering in respect of parking and does not include space for motor vehicle parking;

apartment means a *multi-unit dwelling* which has its principal access from a common entrance;

Approving Officer means the person appointed by Council as the Approving Officer for the *Municipality*;

building means a *structure* used or intended for supporting or sheltering a *use* or occupancy;

building or structure, accessory means a building or *structure* that is subordinate to and serves a *principal building* or *use*;

Building Official means the *Building Official* for the *Municipality*;

building, principal means a building in which is conducted the *principal use* of the *parcel* on which it is located;

cannabis means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis;

CAO means the Chief Administrative Officer of the *Municipality*;

carport means a *structure* which shelters an area used for the parking of one or more motor vehicles and is open at least 50 percent on all sides;

church means an assembly *building* used for religious but not commercial or residential purposes;

civic use means a *use* providing for public functions, including but not limited to government offices, public schools, colleges, and hospitals, community centres, courts, police stations, firehalls and fire department training facilities, ambulance stations, libraries, museums, parks, playgrounds, cemeteries, and *highways*;

Community Amenity Contribution Policy means the community amenity policy in the Official Community Plan of the *Municipality*;

conservation use means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

convenience store means a *retail store* where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other such *household* items are sold in small quantities, and may include the retail sale of alcoholic beverages;

cottage means a *building* containing a secondary *dwelling unit*, which is separate from, and accessory to, a principal *single detached dwelling* on the same lot;

density means any of the following: the number of *dwelling units* per hectare of *parcel* area, the *floor area ratio*, or the number of *parcels* per hectare;

dwelling unit means a set of habitable rooms within a *building*, used as a residence by not more than one *household*, that contains:

- (a) a separate entrance from the outdoors; and

(b) a gas range or stove or electric range or stove with 240 volt wiring;

dwelling, duplex means a *building* containing two *dwelling units*, neither of which is a *secondary suite*, divided horizontally or vertically, with each *dwelling unit* having a separate exterior entrance;

dwelling, multi-unit means a *building* containing three or more *dwelling units*;

dwelling, single detached means a *building* containing only one *dwelling unit*;

dwelling with secondary suite means a *building* containing two *dwelling units*, a larger principal *dwelling unit* and a smaller *secondary suite*;

emergency mooring means mooring for

- (a) safe harbour from inclement weather or marine conditions;
- (b) repairs to a vessel;
- (c) medical purposes;

environmental conservation means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

fence includes arbor, archway, gate, pergola, screen, trellis and *wall*;

float means a buoyant platform *structure*, affixed on the surface of water by a rope, chain or wire connected to an anchor located beneath the low water mark and which is customarily used for recreational purposes such as swimming or diving;

floating dock means a platform or ramp supported by pontoons usually joined to the shore with a gangway and usually held in place by vertical pilings which are embedded in the seafloor or by anchored cables;

floor area, gross means the total floor area of all *buildings* on a *parcel* measured to the outer limits of the *buildings* including all areas giving access thereto such as corridors, hallways, landings, foyers, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding unenclosed swimming pools, balconies or sundecks, elevators, up to 40 square metres of *garage* or *carport* area, ventilating machinery;

floor area ratio means the *gross floor area* divided by the area of a *parcel*;

garage means an *accessory building* or a portion of a *principal building* that is used for the parking of one or more motor vehicles and is totally enclosed with a roof, *walls*, and one or more doors;

grade, average is measured around the perimeter of a *building* or *structure* at or directly above or below the outermost projection of the exterior *walls* or the posts of *carports*, as described in section 4.8. A deck attached to a *building* is not considered in determining the *building* perimeter;

grade, finished means the ground level created by human action, excluding created localized depressions such as for vehicles or pedestrian entrances;

grade, natural means the undisturbed ground level formed without human intervention;

height means the vertical distance from the *average grade* of a *structure* to the highest point of the roof surface, in the case of a *structure* without a roof, to the highest point of the *structure*;

highway includes a *street*, road, *lane*, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;

home-based business means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain within a wholly enclosed *building* or *structure* so that the business use is not evident to passersby, and which is *accessory* to the principal *residential use* of the property;

home exchange for the purpose of this bylaw means the exchange of two homes, without a monetary transaction, where the residents of each home trade use of their homes at a time or times convenient to both parties;

houseboat means a special type of vessel that has been designed or modified for recreational residential use.

household means one or more persons related by blood, marriage, common law marriage or adoption; or a group of not more than 5 unrelated persons; all of whom are living together in one dwelling using common *kitchen* facilities.

infrastructure use means a use providing for the servicing of all or a portion of the *Municipality* with community water or sewer systems (including pump houses and sewage treatment plants), storm drainage systems, roads, community gas, electrical, telephone, broadcast transmission and similar public service facilities and equipment where such use is established by the *Municipality*, by another governmental body or by a company operating under a license or permit issued by a Provincial or Federal regulatory authority, and includes *public works yard*, maintenance *buildings* and offices;

kitchen means facilities intended or used for the preparation or cooking of meals, and includes any room or portion of a room containing cooking appliances, including stove, oven, and hotplates, as well as raised counters, cabinets, or where wiring exists for the installation of such facilities;

lane means a *highway* which is greater than 3 metres and less than 10 metres in width and which provides secondary access to a *parcel*

main floor means the floor of the *storey* which is nearest to the *finished grade* of the *parcel*;

mooring system means a system of works that is used to secure a vessel and that consists of an anchor that is set in or on the bed of a navigable water, a single anchor line, a single buoy and a mooring line to attach to a vessel;

Municipality means the municipality of the Village of Lions Bay or the area within the Lions Bay municipal boundaries as the context may require;

natural boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil;

panhandle lot means a *parcel* which gains access to a public *street* through a strip of land narrower than the typical frontage dimensions required for the *parcel*;

parcel means a lot, block, or other area in which land is held or into which land is subdivided;

parcel, through means a *parcel* that abuts two generally parallel *highways*;

parcel coverage means the total horizontal area within the outermost *walls* of the *buildings* on a *parcel*, expressed as a percentage of the *parcel* area;

parcel line, exterior side means the *parcel* line or lines not being the front or rear *parcel line*, common to the *parcel* and a *highway*;

parcel line, front means the *parcel* line common to the *parcel* and:

- (a) an abutting *highway*, and
- (b) where there is more than one *parcel* line abutting a *highway*, the shortest of these lines shall be the front;

parcel line, rear means the *parcel* line opposite to and most distant from the *front parcel line* or where the rear portion of the *parcel* is bounded by intersecting *side parcel lines*, it shall be the point of such intersection;

parcel line, side means a *parcel* line, other than a front or rear *parcel line*, common to two or more *parcels*;

parking space means an area on a *parcel* identified for the parking of one motor vehicle and does not include *aisle space*;

personal services establishment means use of a *building* or portion thereof to provide: (a) grooming services to a person including but not limited to hairstylists, aestheticians and spa services; or (b) clothing related services including shoe repairs, tailor or dressmaker and other similar services;

principal use means the main purpose for which land, *buildings* or *structures* are ordinarily used;

Public Works Manager means the Public Works Manager for the *Municipality*;

public works yard means premises operated by, or on behalf of, the *municipality*, for the storage, manufacture, maintenance or repair of *buildings*, infrastructure, materials or equipment including machine shop, paint shop, sign shop, woodworking shop, fuel storage, and repair *garage* used in connection with public works;

residential use means the occupancy or *use* of a *dwelling unit* for the permanent domicile of a person or persons, or the occasional or seasonal occupancy of a *dwelling unit* as a dwelling by an owner who has a permanent domicile elsewhere, or by non-paying guests of such an owner - this *use* does not include *short term rentals*;

resource use means a *use* providing for the extraction of primary forest, mineral and other resource materials, and in addition includes only the primary grading, cutting, crushing, pumping and filtering of such materials for shipment or distribution, and excludes all manufacturing of products, and any processing not specifically included in this definition;

retail store means a place where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own *use*;

retail store, cannabis means premises where *cannabis* is sold or otherwise provided to a person who attends at the premises, with or without a medical prescription;

retaining wall means a vertical *structure* used to retain soil for the construction of an artificial grade by either excavating from or adding fill to the *natural grade*;

secondary suite means a *dwelling unit* completely contained within what would otherwise be a *single detached dwelling* and having:

(a) a total floor area of not more than 90m² in area, and

(b) having a floor area less than 40 percent of the habitable floor area of the *building*, used only for *residential use* consistent with the provisions of the *Residential Tenancy Act*;

secondary use, building or structure means one or more *uses, buildings* or *structures* that are used in conjunction with a *principal use, building* or *structure* on the same *parcel*;

setback means the minimum permitted distance between a *building* or *structure* and a specified *parcel* line or *natural boundary*;

short term rental means the use of a *dwelling unit* for the temporary commercial accommodation of paying guests for a period of less than one month and excludes *home exchanges*;

street means a *highway* 10 metres or more in width;

storey means the portion of a *building* that is situated between the top of any floor and

- a) the top of the floor next above it; or
- b) if there is no floor above it, that portion between the top of such floor and the ceiling above it;

structure means any construction fixed to, supported by or sunk into land or water but excludes a *fence* less than 1.9 metres and a *retaining wall* less than 1.2 metres, and includes a *building*;

temporary structure means a *structure* which is:

- a) not a fixture fixed to or sunk into land; or
- b) not attached to land other than by its weight;

townhouse means a *multi-unit dwelling* not more than three *storeys* high with *dwelling units* located side by side under one roof, with private exits or entrances to each dwelling and with each dwelling sharing common *walls* or party *walls*;

use, includes actual *use*, intended *use* or designed for a particular *use*;

wall means any vertical *structure* used as an enclosure or screen where the thickness is greater than 8 centimetres, excluding rails and posts. Thinner *structures* are considered *fences*;

watercourse means a depression with a bed 0.6 metres or more below the average natural elevation of surrounding land:

- (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or
- (b) having a drainage area of 2 square kilometres or more.

Illustrations

- 2.2 Illustrations provided in this bylaw are provided for convenience only and do not form part of the bylaw. If a conflict exists between an illustration and the text, the text will prevail.

Rounding

- 2.3 Where calculation of maximum number of *dwelling units* or *parcels* per hectare, minimum number of *parking spaces* per specified *gross floor area* or similar calculation of permitted or required units results in a fraction, the required or permitted number of units shall be rounded to the next lower whole number.

PART III APPLICATION, ADMINISTRATION AND ENFORCEMENT

Application

3.1 This bylaw applies to all land within the *Municipality*, including the surface of water.

Compliance

3.2 Land shall not be used and *buildings* and *structures* shall not be constructed, altered, located or used except as specifically permitted by this bylaw.

Inspection

3.3 Officers or employees of the *Municipality*, or other persons authorized by Council, may enter on property, and enter into property, at reasonable times and in a reasonable manner, after taking reasonable steps to advise the owner or occupier before entering the property, and complying with any other requirements of the *Community Charter*, to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to this bylaw.

Offence

- 3.4
- .1 Any person who violates, or causes or permits an act to be done in violation of a provision of this bylaw shall be deemed to be guilty upon summary conviction of an offence under this bylaw.
 - .2 Each day's continuance of an offence under Section 3.4 constitutes a new and distinct offence.
 - .3 Notwithstanding the foregoing, where the *Municipality* elects enforcement under Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, any bylaw contraventions under this zoning bylaw shall not constitute the creation of an offence.

Penalty

- 3.5 Every person who contravenes this bylaw is liable:
- .1 to a penalty for contravention as set out in Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended;
 - .2 on summary conviction to a fine not exceeding \$10,000 and the costs of prosecution; or
 - .3 to both a penalty under subsection 3.5.1 and a fine under subsection 3.5.2.

Severability

3.6 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

PART IV GENERAL REGULATIONS

Application

4.1 Except as otherwise specified in this bylaw, Part IV applies to all zones established under this bylaw.

Uses Permitted in All Zones

4.2 The following *uses* and *structures* are permitted in all zones:

.1 *Principal Uses, Buildings and Structures*

- (a) community garden;
- (b) *environmental conservation* activities;
- (c) parks, playgrounds and recreational trails;
- (d) *infrastructure use*;

.2 *Secondary Uses, Buildings and Structures*

- (a) temporary construction and project sales offices authorized by *building* permit as temporary *buildings*;

Uses Prohibited in All Zones

4.3 The following *uses* are expressly prohibited in all zones:

- .1 *residential use* of a mobile home, tent, trailer or recreation vehicle;
- .2 storage of boats exceeding 7 metres in length, except in the C-2 and C-3 Zones;
- .3 animal husbandry including the keeping of poultry, fish farming, the boarding of animals and the keeping of animals, except that *household* pets, other than poultry, may be kept;
- .4 a *use* with a drive-through service;
- .5 *cannabis retail store*.
- .6 *cannabis* production, except as permitted under Part 2 [Production for Own Medical Purposes and Production by a Designated Person] of the *Access to Cannabis for Medical Purposes Regulations*;
- .7 *short term rentals*; except where authorized under a temporary *use* permit;
- .8 any *use* not listed as a *principal* or *secondary use* in this Part or any of the zones.

Principal Uses, Buildings and Structures

4.4 Except where specifically permitted, not more than one *principal building* shall be located on a *parcel*.

Accessory Uses, Buildings and Structures

- 4.5 .1 *Principal uses* permitted by this bylaw do not include, except where specifically permitted, *accessory uses, buildings or structures*.
- .2 All *accessory buildings and structures* shall be located on the same *parcel* as the *principal building* to which it is *accessory*.
- .3 An *accessory building or structure* attached to the *principal building* shall be considered a part of the *principal building* and shall comply in all respects with the regulations of this bylaw applicable to the *principal building*.
- .4 For the purposes of section 4.5.3 “attached” means heated space with a minimum internal clear width of 860mm and a minimum finished floor area of 3.5 square metres.
- .5 An *accessory building or structure* shall not be used as a *dwelling unit*.
- .6 No *accessory building or structure* shall include *kitchen* facilities.

Temporary Use Permits

- 4.6 Pursuant to the *Local Government Act*, all lands within the *Municipality* are designated as areas where temporary *uses* may be allowed under a temporary *use* permit and the Council delegates to the CAO the authority to grant temporary *use* permits in accordance with the *Short Term Rental Policy*.

Siting Exemptions

- 4.7 .1 Interior *side parcel line* requirements shall not apply to strata *parcels* under the *Strata Property Act* where a common *wall* is shared by two or more *dwelling units* within a *building*.
- .2 The following features may project into the *setback* area required by this bylaw between a *building* and front, rear or *side parcel lines*:
- (a) gutters, cornices, sills, belt courses, bay windows, chimneys, heating or ventilating equipment if the projections do not exceed 0.6 metres;
 - (b) eaves, porches, canopies and sunshades if the projections, measured horizontally, do not exceed:
 - (i) 1.5 metres for front and *rear parcel lines*, or
 - (ii) 0.6 metres for *side parcel lines*
- provided that the foundation or supports for them do not encroach into any required front, side or rear *setback* area.
- .3 The following are exempted from the siting regulations:
- (a) *fences*,
 - (b) *retaining walls* not exceeding 1.2 metres in *height*;

- (c) stairs not exceeding two metres, exclusive of necessary handrails or guards, above existing ground elevation;
- (d) free standing light poles, flag poles, warning devices, antennas, masts and clothes lines;
- (e) sidewalks, patios and hard surfacing of the ground;
- (f) uncovered swimming pools or tennis courts provided that the pool or tennis court is:
 - i. not within the required minimum siting distance from the *front parcel line*; and
 - ii. a minimum of 1.0 metre from any other *parcel line*; and
- (g) underground *structures* that do not extend above the surface of the *parcel*.

.4 In a zone in which *residential uses* are permitted, a free standing tool storage shed or greenhouse not exceeding 19 square metres in area or a combination of tool storage and greenhouse not exceeding 28 square metres in area may be placed within the *setback area* between the *principal building* and *rear parcel line*.

Calculation of Average Grade

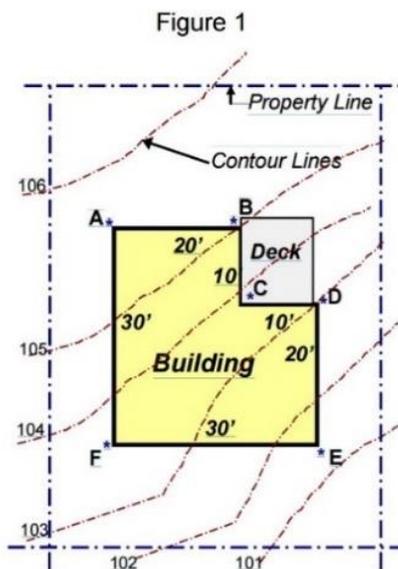
4.8 The *average grade* for a *building* or *structure* shall be calculated as follows:

- .1 (a) measure the ground elevation at each corner of the *building*; then
- (b) total the elevations of all corners; then
- (c) divide by the number of corners.

The result is *average grade* for the *building*, the reference point from which *height* will be measured.

Example:

Corner	Elevation
A	105.5 m
B	105.0 m
C	104.0 m
D	103.0 m
E	101.5 m
F	104.0 m
Total	623.0 m
÷ 6	103.8 m



- .2 Where the *natural grade* cannot be ascertained because of existing landscaping, *buildings* or *structures*, and appears to have been significantly altered, the level of *natural grade* shall be determined by the *Building Official*, who may rely on the professional opinion of a British Columbia Land Surveyor, at the cost of the property owner.

Height Exemptions

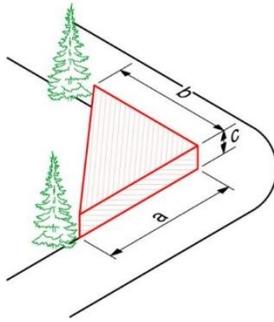
- 4.9 Any of the following may exceed the *height* limitations specified for each zone of this Bylaw provided that the *parcel coverage* of such *structures* does not exceed 1 percent or, if it is located on a *building*, the *structure* does not occupy more than 5 percent of the roof area of the *building*:
 - .1 dome or cupola;
 - .2 monument;
 - .3 chimney;
 - .4 spire, belfry;
 - .5 mast or antenna for any purpose other than the domestic reception of radio and television signals;
 - .6 mechanical appurtenance screened from view from a *highway*
 - .7 observation tower; or
 - .8 flagpole.

Fences and Retaining Walls

- 4.10 Except as otherwise specifically stated in this bylaw:
 - .1 the *height* of a *fence* or *wall* shall be determined by measurement from the average *finished grade* within 0.9 metres of both sides of the *fence* or *wall*;
 - .2 no *fence* shall exceed 1.9 metres in *height*;
 - .3 a site alteration permit, site plan, geotechnical report, and engineer's Letters of Assurance shall be required for *retaining walls* with *heights* greater than 1.2 metres or for any *wall* slope greater than 45 degrees. The *Building Official* may require an engineer's Letters of Assurance, for a series of terraced *retaining walls* with a combined *height* of greater than 1.2 metres;
 - .4 confirmation of siting by a British Columbia Land Surveyor (BCLS) is required where a *fence* or *wall* will be located within one metre of a property line;
 - .5 a registered professional shall supervise the design and construction of a *retaining wall* greater than or equal to 1.2 metres in *height*. Sealed copies of the design plan and field review reports prepared by the registered professional for all *retaining walls* greater than or equal to 1.2 metres in *height* shall be submitted to the *Building Official* prior to commencement of the work.

Visibility

- 4.11 Despite section 4.10.2, on a *parcel* contiguous to a *street* intersection in any zone, no *fence*, *retaining wall*, *wall*, *hedge* or other obstruction to the line of vision shall be allowed at a greater *height* than 0.9 metres above the established elevation of the centre point of the intersecting *streets*, at or within a distance of 4.5 metres from the corner of the *parcel* at the intersection of the *streets*.



a = 4.5 metres

b = 4.5 metres

c = 0.9 metres

Home-based business

- 4.12 *Home-based businesses*, where permitted as a *secondary use* in a zone, shall be subject to the following conditions:
- .1 the *home-based business* shall be carried on by persons resident on the *parcel*;
 - .2 all *home-based business* shall be conducted entirely within a completely enclosed *building* permitted under this bylaw;
 3. there shall be no signs or other variations from a primarily residential appearance of the land and premises where a *home-based business* is located;
 - .4 the *gross floor area* of the *home-based business* shall not exceed 100 m² or 40% of the *gross floor area* of the principal dwelling in which the *home-based business use* is located, whichever is less
 - .5 outdoor storage of materials or equipment is prohibited;
 - .6 any *use* which is or may become obnoxious, offensive, dangerous or a nuisance by reason of the presence or emission of odour, dust, smoke, noise, gas, fumes, cinders, vibration, electrical interference, refuse matter or water carried wastes is prohibited;
 - .7 for clarity, automobile body shop, automobile service, automobile salvage or wrecking yard; brewery; distillery; kennel; animal breeding for commercial purposes; restaurant; and the parking or storage of industrial or construction equipment or materials are specifically prohibited as *home-based businesses*;

Off-street Parking

- 4.13 .1 Except as otherwise specified in this bylaw, space for the off *street* parking and loading of motor vehicles for a class of *building* permitted under this bylaw shall be provided and maintained in accordance with the regulations of this section.
- .2 The number of off *street parking spaces* for motor vehicles required for any class of *building* shall be calculated according to Table 1 of this bylaw in which Column I classifies the types of *buildings* and Column II sets out the number of required off *street* parking and loading spaces that are to be provided for each *use* in Column I.
- .3 Where a class of *building* permitted under this bylaw is not specifically referred to in Column I of Table 1, the number of off *street parking spaces* shall be calculated using the requirements for a similar class of *building* that is listed in Table 1.
- .4 Where the calculation of the required off *street parking space* results in a fraction, the number of required *parking spaces* shall be rounded down.
- .5 Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.4 square metres of seating shall be deemed to be one seat.
- .6 Off *street parking spaces* shall be located on the same *parcel* as the *building* they serve and must, except for *single detached dwellings, cottages* and duplexes, have associated *aisle space* as set out in section 4.14.

Parking and Aisle Space Dimensions

- 4.14 .1 An off *street parking space* shall be not less than 2.75 metres in width and 6 metres in length with a minimum vertical clearance of 2.8 metres.
- .2 *Aisle space* shall be a minimum of:
- (a) 6 metres wide where the angle of the *parking space* to the *aisle space* is 61 degrees to 90 degrees;
 - (b) 5 metres wide where the angle of the *parking space* to the *aisle space* is 46 degrees to 60 degrees; or
 - (c) 4 metres wide where the angle of the *parking space* to the *aisle space* is 1 degree to 45 degrees.

TABLE 1

COLUMN I	COLUMN II
<u>Building Class, Use or Type</u>	<u>Required Number of Spaces</u>
Single family dwelling per <i>parcel</i>	2 for each <i>Single Detached Dwelling</i> without a <i>Secondary Suite</i> and 3 for each <i>Single Detached Dwelling</i> with a <i>Secondary Suite</i>
<i>Cottage</i>	2 per <i>cottage</i>
<i>Apartment building or townhouse</i>	1.5 for each <i>dwelling unit</i>
Shopping centre and individual <i>retail store</i>	1 per 18.6 square metres of <i>gross floor area</i>
Restaurant, coffee shop, facility licensed for consumption of alcohol	1 per 4 seats of maximum seating capacity
Public assembly places, <i>churches</i> , auditoriums, community centres, meeting halls, and recreation centres	1 for each 5 seats based on maximum capacity
Marina	1 per 2 berths or 1 per 7.5 metres of moorage

Parking and Storage of Heavy Commercial and Industrial Vehicles and Equipment

- 4.15 .1 The outdoor storage or parking of commercial or industrial vehicles, equipment, or machinery with a primary function other than the transportation of passengers, including but not limited to excavators, dump trucks, forklifts, backhoes, tractors, trailers and similar types of vehicles, equipment or machinery is prohibited in all Residential zones.
- .2 Outdoor storage or stockpiling of any commercial, industrial or construction materials, implements or supplies is prohibited in all Residential zones.
- .3 Despite clause 4.15.1, one commercial or industrial vehicle or piece of equipment per *parcel* may be parked or stored outdoors on a lot in a Residential zone provided that the vehicle or equipment:

- (a) has a gross vehicle weight rating (or manufacturer's specified operating weight in the case of equipment) of not more than 7,000 kilograms and
 - (b) is operated by a resident of the *parcel*.
- .4 Despite clauses 4.15.1 and 4.15.2, commercial and industrial vehicles, equipment, or machinery and commercial, industrial or construction materials, implements or supplies may be stored on a *parcel* for which the alteration of the land or the construction of a *building* or *structure* has been authorized by the Village through:
- (a) a site alteration permit, or
 - (b) a *building* permit,
- provided that all such vehicles, equipment, supplies, and materials:
- (c) can be demonstrated to the satisfaction of:
 - (i) the *Public Works Manager* or the *Building Official*, regarding site alteration permits, or
 - (ii) the *Building Official*, regarding *building* permits,
 to be directly related to and strictly necessary for the fulfillment of the construction so authorized by the Village, and
 - (d) are removed within 30 days of final inspection related to the site alteration permit or the *building* permit, or such earlier date as the *Public Works Manager* or *Building Official* determines such vehicles, equipment, supplies, and materials are no longer needed to fulfill the scope of the applicable permit.
- .5 A person may appeal the determination of the *Public Works Manager* or the *Building Official* under section 4.15.4 to the Council by submitting a request and the detailed reasons for appeal and any supporting documentation to the Corporate Officer, who shall add the matter to an upcoming Council meeting agenda.
- .6 On an appeal under section 4.15.5, the Council may uphold the determination and order of the *Public Works Manager* or *Building Official*, or may vary such order as it determines is reasonable in the circumstances.

Temporary Structures

- 4.16 Notwithstanding any other provision of this bylaw, a *temporary structure* is prohibited, except that:
- .1 The CAO may issue a permit for a *temporary structure* on receipt of an application in writing requesting permission for the *temporary structure*.
 - .2 The CAO shall not issue a permit for a *temporary structure* if it would obstruct a public right of way or easement; or contravene a Village bylaw.

- .3 A *temporary structure* permit is valid for a period of not more than 60 days, provided that Council on receipt of an application in writing for an extension may extend the permit period for not more than one year.

Metal Shipping Containers

- 4.17 .1 A metal shipping container shall only be used for storage purposes.
- .2 A metal shipping container shall not be accessible to the general public, or rented or leased as part of a commercial storage facility.
- .3 Metal shipping containers are permitted only in the C-2, CU-1 and RU-1 zones.
- .4 Despite Section 4.17.3:
- (a) where a site alteration or *building* permit has been issued for construction on a *parcel* in any zone, metal shipping containers may be used for temporary storage provided that they are removed within 30 days of:
 - (i) final inspection of the *building* or *structure* for which the *building* permit has been issued;
 - (ii) expiry of the *building* permit;
 - (iii) completion of a site alteration for which a site alteration permit has been issued; or
 - (iv) a determination by the *Public Works Manager* or the *Building Official* that the shipping container is no longer needed to fulfill the scope of the applicable permit, in which case the provisions of sections 4.15.5 and 4.15.6 apply.
 - (b) metal shipping containers may be used for moving provided that they are not located on any *parcel* for longer than 60 days;
 - (c) metal shipping containers may be used for emergency purposes on a *parcel* in any zone provided they are not located on any *parcel* for longer than 90 days; and
 - (d) metal shipping containers may be used in conjunction with *infrastructure uses* and *civic uses* on a *parcel* in any zone.
- .5 Despite section 4.17.4, a metal shipping container is not permitted to remain on an RS-1 *parcel* longer than two years.
- .6 The maximum number of metal shipping containers on any *parcel* is 1, except on *parcels* used for fire department training facilities.

Solar Energy Devices

- 4.18 .1 Solar energy devices are permitted in any zone provided that where attached to a *building* or *structure*:

- (a) the device does not extend beyond the outermost edge of the roof or *structure*;
 - (b) the device does not extend above the highest point of the roof or *structure*; and
 - (c) roof connection details have been approved by a structural engineer.
- .2 Where a solar energy device is not attached to a *building* or *structure*, or is attached to a pole, it shall comply with the siting requirements for the *principal building* or *structure* on the *parcel* on which the device is located.

Flood Protection

- 4.19 No *building* or *structure* shall be constructed, erected or placed;
- .1 within 15 metres of the *natural boundary* of a *watercourse*;
 - .2 on ground surface less than:
 - (a) 0.7 metres above the 200 year flood level, which level has been established by the Ministry of Environment;
 - (b) 3.1 metres above the *natural boundary* of a *watercourse* where the 200 year flood level has not been established; and
 - (c) 1.6 metres above the *natural boundary* of the sea.

PART V GENERAL SUBDIVISION PROVISIONS AND REGULATIONS

Minimum Frontage Waiver

- 5.1 The *Approving Officer* may exempt, where a *parcel* of land fronts on a *highway*, a person proposing to subdivide land from the limitation provided under Section 512 of the *Local Government Act* after duly considering whether:
- .1 the proposed lot is capable of being further subdivided under existing regulations;
 - .2 an attempt is being made to assemble land which conforms substantially with the Official Community Plan;
 - .3 the lot with insufficient frontage is for municipal or public *use*; and
 - .4 unusual soil conditions exist or may develop as a result of the proposed subdivision.

Panhandle Lots

- 5.2 The area within the access strip of a *panhandle lot* in a residential zone shall not be included in the calculation of the area of the lot.

Minimum Parcel Area Exceptions

- 5.3 Minimum *parcel* area regulations required by the applicable zone shall not apply where:
- .1 a covenant is registered restricting the *use* of the *parcel* to non-sewage generating *uses* prohibiting the construction of *buildings* and *structures*;
 - .2 the *parcel* is intended for *infrastructure uses*, parks, fire halls, or fire department training facilities;
 - .3 an adjustment of lot lines dividing contiguous *parcels* to facilitate an existing development or improve a subdivision pattern does not create, or make it possible to create, additional *parcels* to those existing at the time of application; or
 - .4 a crown non-residential upland lease or aquatic lease is granted.

PART VI CREATION AND DEFINITIONS OF ZONES

Creation of Zones

6.1. The area of the *municipality* is divided into the zones identified in Column I and each zone is briefly described in Column II:

COLUMN I	COLUMN II
RS-1	Residential - Single Detached
RM-1	Residential – Multiple Unit
C-1	Commercial - Neighbourhood
C-2	Commercial - Marina
C-3	Commercial - Marina Foreshore
W-1	Water - Marine Foreshore
W-2	Water – Marine Community Recreation
CU-1	Community <i>Use</i>
RU-1	<i>Resource Use</i>

Definition of Zones

- 6.2 .1 The area of each zone is defined by Schedule A.
- .2 Where a zone boundary is shown on Schedule A as following a road right of way, rail right of way or a water course, the centre line of the road right of way, rail right of way or water course shall be the zone boundary.

PART VII ZONES

RS-1 Zone (Residential – Single Detached)

Permitted Uses

7.1 The following *uses* and no others are permitted in the RS-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in a single detached dwelling;*
 - (b) *residential use in a dwelling with secondary suite;*

- .2 *Secondary Uses, Buildings and Structures*
 - (a) *home-based business;*
 - (b) *accessory buildings and structures.*

Density and Area of Parcels

- 7.2 .1 The base *density* for existing *parcels* shall be a maximum of one *dwelling unit per parcel*, not including *secondary suites*.
- .2 The base *density* for *parcels* created by subdivision shall be a maximum of one *parcel* per 8000 m² of existing *parcel* area.
- .3 The minimum *parcel* area shall be 8000 m².

Density Benefits for Amenities

- 7.3 .1 Despite section 7.2, the maximum *density* may be increased to one *parcel* per 800 m², with a 700 m² minimum *parcel* area, to facilitate subdivision for a second *single detached dwelling* on a fee simple *parcel* where amenities identified in the *Community Amenity Contribution Policy* are provided.
- .2 Despite sections 7.2, and subject to section 7.9, the maximum *density* may be increased from one to two *principal buildings* per *parcel* containing dwellings to accommodate a *cottage* on *parcels* having a minimum area of 1,000 m², where a covenant and amenities identified in the *Community Amenity Contribution Policy* are provided.
- .3 The amenities provided under sections 7.3.1 or 7.3.2 shall be subject to negotiation with the owner based on a target contribution towards amenities identified in the *Community Amenity Contribution Policy*.

Size and Density of the Use of Land, Buildings and Structures

- 7.4 .1 Subject to section 7.3, no more than one *principal building* shall be located on a *parcel*.

- .2 The *floor area ratio* shall not exceed 0.35.
- .3 *Parcel coverage* shall not exceed 30 percent.
- .4 The minimum floor area of the *main floor* of a *principal building* shall be 93 m².

Siting

7.5 The minimum *setback* for a *building* or *structure* shall be:

- .1 7.5 metres from a front or rear *parcel line*; or
- .2 2.4 metres from a *side parcel line*.

Brunswick Beach Overlay Area

7.6 Despite sections 7.4, 7.5 and 7.8.2, the following regulations apply to the area outlined in a heavy black line on Schedule A (the Brunswick Beach Overlay Area):

- .1 Size and *Density* of the Use of Land, *Buildings* and *Structures*
 - (a) No more than one *principal building* shall be located on a *parcel*.
 - (b) The *floor area ratio* shall not exceed 0.25 plus 240 m².
 - (c) *Parcel coverage* shall not exceed 12.5 percent plus 180 m².
 - (d) The minimum *gross floor area* of a *principal building* shall be 75 m².
 - e) A floor area of up to 40 m² to accommodate *accessory storage* and a *garage* may be excluded from the *floor area ratio* and *parcel coverage* calculations in (b) and (c) above.
- .2 Siting
 - No *building* or *structure* shall be located within:
 - (a) 4.5 metres from a front or rear *parcel line* common to a public right of way whose opposite side adjoins the sea;
 - (b) the lesser of 7.5 metres or 20 percent of the *parcel* depth, to a minimum of 4.5 metres from any other *front parcel line*;
 - (c) 7.5 metres from any other rear *parcel line*;
 - (d) 1.5 metres of an interior *side parcel line*; or
 - (e) 3.0 metres of an *exterior side parcel line*.

.3 Minimum Width

There shall be no minimum width provision for *principal buildings* in the Brunswick Beach Overlay Area.

.4 Height

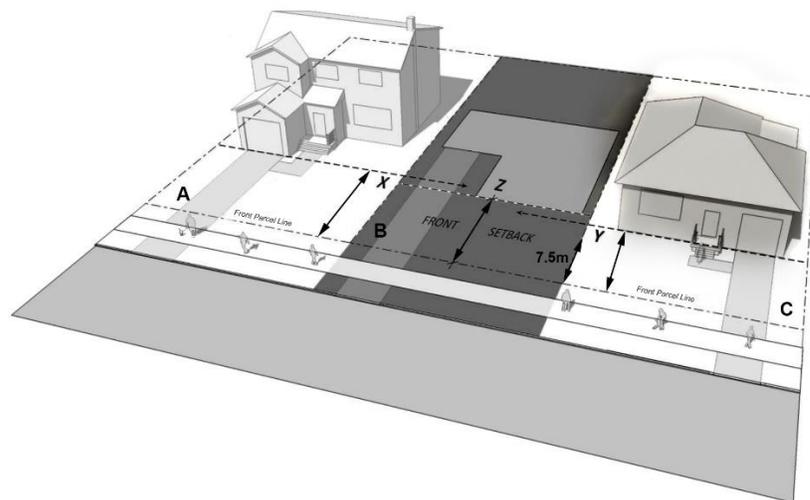
In the Brunswick Beach Overlay Area, *height* shall be measured from the *average grade* as follows:

- (a) to the highest point of the roof surface of a flat roof;
- (b) to the deck line of a mansard roof;
- (c) to the mean elevation between the eaves and the ridge of a gable, hip, gambrel, or other sloping roof; or
- (d) for a *structure* without a roof, to the highest point of the *structure*.

Front Setback Averaging

- 7.7 .1 Despite sections 7.5 and 7.6.2, where the average front *setback* of existing *principal buildings* on the adjacent *parcels* on each side of a subject *parcel* is more than the required front *setback* by at least 1.5 m, the front *setback* of the subject *parcel* shall be the average of the front *setbacks* on the adjacent *parcels*.

Example: Parcel B shares interior parcel lines with Parcels A and C and is not within the Brunswick Beach Overlay Area. The principal buildings on Parcel A and C are sited X metres and Y metres from the front parcel line respectively. The minimum front setback (Z) for Parcel B is calculated as follows: $(X + Y)/2 = Z$ and will apply if Z is greater than or equal to 9.0 metres metres (the required 7.5 metres + 1.5 m), as illustrated below:



- .2 Where a *parcel* has two *front parcel lines*, one facing a *highway* and one facing the ocean, front *setback* averaging shall apply only to the *front parcel line* facing the ocean.
- .3 Where a *parcel* is a *through parcel*, front *setback* averaging shall apply only to the *front parcel line* facing the *highway* which provides primary access to the *parcel*.

Height and Width of Buildings

- 7.8
- .1 The *height* of a *principal building* shall not exceed 9.0 metres for a sloping roof or 7.5 metres for a flat roof.
 - .2 The minimum width of a *principal building* shall be 5.1 metres.

Secondary Suites and Cottages

- 7.9
- .1 No more than one *secondary suite* or one *cottage*, but not both, shall be located on a *parcel*.
 - .2 A *secondary suite* shall not exceed a *gross floor area* of 90 m² or 40 percent of the *gross floor area* of the single detached dwelling, whichever is less.
 - .3 A *cottage* shall not exceed the *floor area ratio* in section 7.4.2 or 115m², whichever is less or a *height* of 9.0 metres for a sloping roof or 7.5 metres for a flat roof.

Accessory Buildings and Structures

- 7.10
- .1 No more than two *accessory buildings* or *structures* shall be located on a *parcel*.
 - .2 The *height* of an *accessory building* or *structure* shall not exceed 3.65 metres or, where the slope of the roof is greater than or equal to 3 in 12, 4.65 m.
 - .3 The maximum combined floor area of all *accessory buildings* shall not exceed 77 m².

Off-street Parking

- 7.11
- .1 *Off-street* parking shall be provided in accordance with sections 4.13 and 4.14 .

RM-1 Zone (Residential – Multiple Unit)

Permitted Uses

8.1 The following *uses* and no others shall be permitted in the RM-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in townhouses;*
 - (b) *residential use in duplex dwellings.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *accessory buildings and structures.*

Size and Density of the Use of Land, Buildings and Structures

- 8.2
- .1 More than one *principal building* may be located on a *parcel*.
 - .2 The *floor area ratio* shall not exceed 0.65.
 - .3 *Parcel coverage* shall not exceed 30 percent.
 - .4 The maximum *density* shall be 40 *dwelling units* per hectare of *parcel area*.

Siting of Principal Buildings

- 8.3 The minimum *setback* for a *principal building* shall be:
- .1 7.5 metres from a front or *rear parcel line*; or
 - .2 the greater of 3 m, or 50 percent of the *height* of a *principal building* on the *parcel*, from a *side parcel line*.

Height of Principal Buildings

- 8.4 .1 The *height* of a *principal building* shall not exceed 9.0 m

Accessory Buildings and Structures

- 8.5
- .1 The *height* of an *accessory building or structure* shall not exceed 4.9 m.
 - .2 The minimum *setback* for an *accessory building or structure* shall be:
 - (a) 7.5 metres from a front or *exterior side parcel line*; or
 - (b) 2.4 metres from a side or *rear parcel line*.

Off-street Parking

- 8.6
- .1 Off-*street parking* shall be provided in accordance with sections 4.13 and 4.14.
 - .2 The minimum *setback* for an off-*street parking space* shall be 1.5 metres from a *parcel line*.

C-1 Zone (Commercial - Neighbourhood)

Permitted Uses

9.1 The following *uses* and no others shall be permitted in a C-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *convenience store;*
 - (b) *retail store;*
 - (c) *office, bank;*
 - (d) *personal services establishment;*
 - (e) *restaurant, excluding drive-in restaurant;*
 - (f) *apartment.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Size and Density of the Use of Land, Buildings and Structures

- 9.2
- .1 No more than one *principal building* shall be located on a *parcel*.
 - .2 *Parcel coverage* shall not exceed 60 percent.
 - .3 The maximum *gross floor area* for a *convenience store* shall be 340 m².

Siting of Principal Buildings

- 9.3 The minimum *setback* for a *principal building* shall be:
- .1 7.5 metres from a front or *rear parcel line*; or
 - .2 3.0 metres from a *side parcel line*.

Height of Principal Buildings

- 9.4
- .1 The *height* of a *principal building* shall not exceed 7.5 metres or two *storeys*, whichever is greater.

Off-street Parking and Loading

- 9.5
- .1 *Off-street* parking shall be provided in accordance with sections 4.13 and 4.14.
 - .2 One *off-street* loading space shall be provided on the *parcel*.
 - .3 An *off-street* loading space shall be prohibited in the required *side parcel line setback* area.

C-2 Zone (Commercial - Marina)

10.1 The following *uses* and no others shall be permitted in a C-2 zone:

.1 *Principal Uses, Buildings and Structures*

- (a) boat storage;
- (b) boat rentals,
- (c) marine fuel sales;
- (d) marina land facilities including boat maintenance and repair, restaurant, office, outboard and inboard engine repairs, store or sales room for the sale or rental of boats, engines, or marine supplies including food and sporting goods;
- (e) boat hoists and launching ramps.

.2 *Secondary Uses, Buildings and Structures*

- (a) not more than one accessory dwelling per *parcel*.

Site Specific Uses

10.2 Despite section 10.1, in the area delineated as **C-2A**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;
- (b) parking;
- (c) office.

Conditions of Use

- .2
- (a) The *height* of an office *building* shall not exceed the lesser of 7.5 metres or two *storeys*.
 - (b) The *height* of all other *buildings* and *structures* shall not exceed 3 m.
 - (c) The maximum *gross floor area* for an office *building* shall not exceed 47 m² per *storey* plus a deck area of 47 m².
 - (d) No part of an office *building* shall be located more than 24 metres from the *natural boundary* of Rundle Creek

10.3 Despite section 10.1, in the area delineated as **C-2B**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;

- (b) parking.

Conditions of Use

- .2 The *height* of a *building* or *structure* shall not exceed 9 m.

Size and Density of the Use of Land, Buildings and Structures

- 10.2 .1 *Parcel coverage* shall not exceed 60 percent.

Siting of Buildings, Structures and Uses

- 10.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a front or *rear parcel line*;
- .2 3.0 metres from a *side parcel line*;
- .3 0 metres from the *natural boundary* of the ocean, except the minimum *setback* for sewage disposal systems and public utility *uses* shall be 7.5 metres from the *natural boundary* of the ocean.

Height of Buildings and Structures

- 10.4 .1 The *height* of a *principal building* or *structure*, except boat hoists and gantries for stepping masts, shall not exceed 9.0 m.

Off-street Parking and Loading

- 10.5 .1 Off-*street* parking shall be provided in accordance with sections 4.13 and 4.14 .
- .2 Areas required for parking shall not be used for the sale or rental of boats.
- .3 Areas required for parking may only be used for the storage of boats and boat cradles between October 1st in any year and March 31st of the next year.
- .4 No person shall reside in a vessel stored in the C-2 zone.

C-3 Zone (Commercial - Marina Foreshore)

Permitted Uses

11.1 The following *uses* and no others shall be permitted in a C-3 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *floating dock*;
 - (b) fuel sales;
 - (c) launching ramp;
 - (d) buoy for the mooring of vessels.
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Conditions of Use

11.2 In a C-3 zone:

- .1 a *floating dock* or launching ramp shall be located within the boundaries of a water lease or license of the occupation granted or approved by the Province;
- .2 the location, shape, size and type of construction of a proposed *floating dock* or launching ramp shall be clearly shown on a plan and drawing submitted to the CAO before construction or installation;
- .3 no portion of a *floating dock*, other than a *floating dock* for fuel sales, shall exceed a width of 3 metres or a *height* above sea level of 1 m, except for hand railings;
- .4 no portion of a fuel *floating dock* shall exceed a width of 5 m, a length of 12 metres or a *height* of 1 metres above sea level, except for hand railings;
- .5 no portion of a launching ramp shall exceed a width of 5 metres or be located within 1 metre from the natural ocean bottom;
- .6 no *building*, shed or *structure* may be erected on a *floating dock* other than posts to carry lighting fixtures and the necessary wiring together with structural posts, rails and supports;
- .7 marina fueling facilities may be erected on a *floating dock*; and
- .8 no person shall reside on a *floating dock* or vessel moored in the C-3 zone.

W-1 Zone (Water - Marine Foreshore)

Permitted Uses

12.1 In a W-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

- (a) public or private mooring to a *mooring system* for vessels 12 metres or less in length;
- (b) public or private *float*;
- (c) public boat launching ramp;
- (d) overnight accommodation on an anchored or moored vessel for a period not exceeding three nights every 30 days;
- (e) *emergency mooring*.

.2 *Secondary Uses, Buildings and Structures*

- (a) None permitted.

Conditions of Use

12.2 .1 In a W-1 zone:

- (a) subject to a need for *emergency mooring*, no person shall anchor, moor, or permit the mooring of a vessel that is more than 12 metres in length, or a houseboat, for periods greater than 72 hours every 30 days;
- (b) all *mooring systems* shall meet the requirements, standards and guidelines of the "Order Amending the Minor Works and Waters (Navigable Waters Protection Act) Order", the Private Buoy Regulations under the *Canada Shipping Act* and any other Transport Canada regulation, order or directive as applicable;
- (c) private *floats* shall be located within the boundaries of a water lease or license of occupation granted or approved by the Province;
- (d) no portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings;

- (e) the location, shape, size and type of construction of a proposed *float* shall be clearly shown on a plan and drawing submitted to the *CAO* before construction or installation;
- (f) no portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom;
- (g) no *building*, shed or *structure* shall be erected on a *float*; and
- (h) the owner or operator of a vessel shall not cause, allow or permit the vessel to move from one location to another in the W-1 zone in an attempt to avoid the time limit in section 12.1.1(d) or 12.2.1(a).

W-2 Zone (Water - Marine Community Recreation)

Permitted Uses

13.1 In a W-2 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) public beach;
 - (b) public *float*;
 - (c) public boat launching ramp.
 - (d) *emergency mooring*.

- .2 *Secondary Uses, Buildings and Structures*
 - (a) None permitted.

Conditions of Use

13.2 In a W-2 zone:

- .1 No person shall anchor, moor, or permit the mooring of a vessel for periods greater than 72 hours every 30 days.

- .2 No portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings.

- .3 No portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom.

- .4 No *building or structure* shall be erected on a *float*.

CU-1 Zone (Community Use)

Permitted Uses

14.1 In a CU-1 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *civic use;*
 - (b) *church;*
 - (c) *community care use.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) None permitted.

Size and Density of the Use of Land, Buildings and Structures

14.2 .1 *Parcel coverage* shall not exceed 50 percent, except there shall be no maximum *parcel coverage* for firehalls, ambulance stations or other civic or *infrastructure uses*.

Siting of Buildings, Structures and Uses

14.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a *front parcel line*; except a school shall have a minimum *setback* of 10 metres from a *front parcel line*;
- .2 7.5 metres from a *rear parcel line*;
- .3 the greater of 2.4 metres or 10 percent of the length of the *front parcel line*, from a *side parcel line*.

Height of Buildings and Structures

14.4 .1 The *height* of a *principal building* shall not exceed 7.5 m.

Off-street Parking

14.5 .1 *Off-street parking* shall be provided in accordance with sections 4.13 and 4.14.

RU-1 (Resource Use)

Permitted Uses

15.1 In a RU-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

- (a) *resource use;*
- (b) *environmental conservation;*
- (c) *fire department training facility.*

.2 *Secondary Uses, Buildings and Structures*

- (a) *accessory buildings and structures.*

Siting of Buildings, Structures and Uses

15.2 The minimum *setback* for a *principal building* shall be 7.5 metres from a *parcel* line.

READ A FIRST TIME this 21st day of March, 2017

READ A SECOND TIME this _____ day of _____, 2017

PUBLIC HEARING HELD this _____ day of _____, 2017

APPROVED PURSUANT TO S.52 OF THE TRANSPORTATION ACT this
_____ day of _____, 2017

READ A THIRD TIME this _____ day of _____, 2017

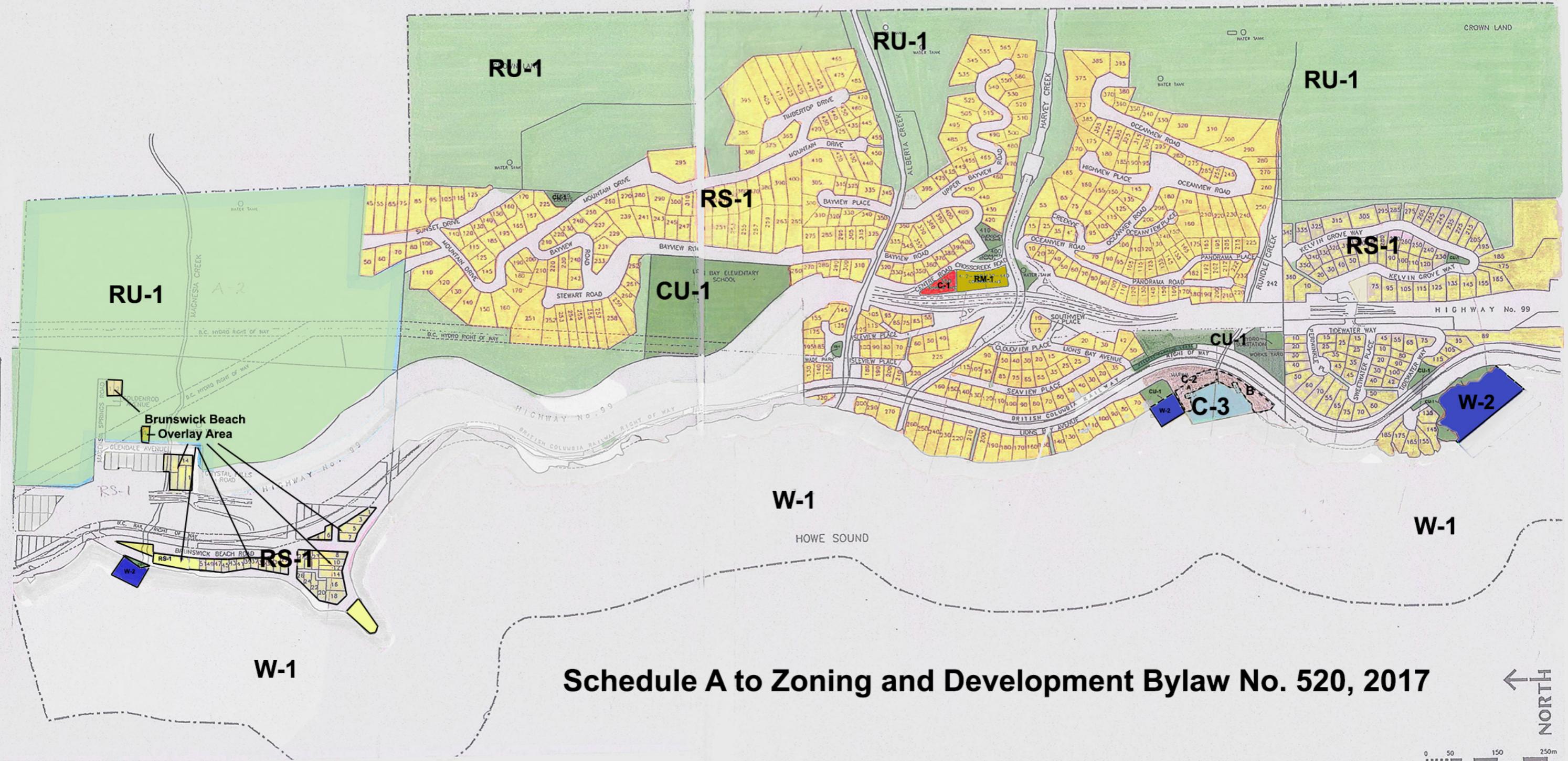
ADOPTED this _____ day of _____, 2017

Mayor

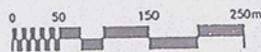
Corporate Officer

**Certified a true copy of Zoning and Development
Bylaw No.520, 2017 as at first reading.**

Corporate Officer



Schedule A to Zoning and Development Bylaw No. 520, 2017



Recreational



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Zoning and Development Bylaw No. 520, 2017 - Consideration of Second Reading (as amended) and Scheduling of the Public Hearing		
Author	Steven Olmstead, Planning Consultant	Reviewed By:	Peter DeJong, Chief Administrative Officer
Date	April 12, 2017	Version	1
Issued for	April 18, 2017		

Recommendations:

1. THAT the Request for Decision report titled “Zoning and Development Bylaw No. 520, 2017 - Consideration of Second Reading (as amended) and Scheduling of the Public Hearing” dated April 12, 2017 be received;
2. AND THAT the recommended amendments in the April 12, 2017 report be endorsed;
3. AND THAT Zoning and Development Bylaw No. 520, 2017 be read a second time as amended;
4. AND FURTHER THAT a public hearing regarding Zoning and Development Bylaw No. 520, 2017 be held at 7:00 p.m. on Thursday, May 4, 2017 at Broughton Hall, 400 Centre Road, Lions Bay.

Attachment:

- A. Zoning and Development Bylaw No. 520, 2017;
- B. Draft Community Amenity Contribution Policy;
- C. Draft Short Term Rental Policy

Key Information:

The second public information meeting regarding Zoning and Development Bylaw 520 was held on April 4th and attended by approximately 90 people. A presentation of the bylaw as at 1st reading, including changes since the last public information meeting, was provided and this was followed by questions and comments from the public, leading off with written questions and comments. Questions and comments included the following:

- Is the Village going to be maintaining their own vegetation at intersections? [not a zoning issue]



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- Re. Parking: how do topographically challenged homes comply with these bylaws? [basic parking requirements are essentially unchanged]
- Houseboat definition: there is no definition for recreational use and residential use involves a dwelling unit which requires a building or structure (not a vessel) – how does this definition work? [it's been amended slightly]
- Concerns re. projects without permits not having an exemption for storage of commercial stuff including trailers.
- Comment that barking dogs and cliff jumpers are more disruptive to neighbours than the houseboat occupants. Would encourage residents to enjoy the water and stop wasting energy policing neighbours.
- Comment that all residents should have unlimited access to mooring on the waterfront for all sizes and types of boats.
- Comment that if houseboat owners acknowledge it is unseaworthy, then why should it be allowed to moor directly over top of the sewage outfall pipe, where it would cause extensive damage if it sinks – it has already been rescued off the rocks once by the Coast Guard. There should be no moorage by anyone within 75-100 metres of the outfall pipe. No problem with long-term moorage, except directly adjacent to the shoreline of our parks.
- Comment that short term rentals should be allowed as there are no hotels or condos in the area and many instances where residents need accommodation for their own guests. [Suggestions for regulations generally in line with draft policy for Temporary Use Permits (TUPs)]
- One of the Houseboat owners provided a history of their restoration project and family usage of the vessel with 4 teenage kids. It provides a safe place to hang out without kids having to hang out in malls in West Van. Kids play cards and board games, go tubing and cliff jumping. The impact of the bylaw as it stands would be eviction – they have no where else to moor. Divers have made sure that it's anchored safely vis-à-vis the sewage outfall pipe. The old Village dock that they obtained they'll get rid of, but the Village should really have an asset disposal policy. They have a 54 litre holding tank and dispose of their waste responsibly – their kids swim in the water. They have spoken to the kids about noise and warned that they won't be allowed to enjoy the privilege of the boat if they are too loud. They'll give out their phone numbers if necessary. The location is not conducive to more buoys (maybe 1 or 2 more) so other houseboats invading should not be a concern. Some say the boat is "ugly"? In the eye of the beholder. Kids are 15, 17, 18



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so only a few more years before they're gone. They are honour roll students, competitive swimmers, rep hockey players, part-time workers, future voters and community leaders. Have 60 handwritten signatures on petition from residents. Asked supporters to stand in the room and about 40 people stood up.

- Comment that section 25 of old zoning bylaw should be kept regarding community care facilities. Did not accept planner's explanation that not needed because embedded in Provincial law. [followed up in correspondence after meeting]
- Concern that high walls to block highway noise won't be allowed under new zoning bylaw. [can consider variance if necessary]
- Concern re. visibility issues not being adequately addressed in bylaw.
- Question re. whether scaffolding would be permitted on a property under the bylaw.
- Concern re. conflict of interest for Councillors ["community of interest" or "interest in common" for both Councillors in the 10-20% range, which is reasonable]
- Concern re. W-1 zone inadequate to protect Alberta Bay, which is an important landing and feeding ground for migratory birds. Floats sometimes run aground, which cannot then be moved. Concerned about public boat launching ramp as a permitted use in Brunswick Beach [note: public means would be owned and operated by the municipality, if it was ever to be contemplated]
- Been moored off Lions Bay Beach Park for many years but concerned about "live-aboards" after seeing all the problems they cause on Bowen Island. Need to have an asset removal policy re. things like floats that run aground (i.e. the one at Kelvin Grove Beach). Concerned about loss of "Watershed Conservation Zone", which is now "Resource Use" zone. [Watershed mapping is Provincially designated and ours is almost completely outside of our boundaries, with the exception of Rundle Creek, which presents many conflicts with actual RS-1 uses].
- Question re. rezoning from RS-1 to RM-1 [note, follow up correspondence]
- Concern that Municipality is imposing too many rules and regulations. Thinks OCP discussion should have come first. Thinks there should be a referendum. Brunswick Beach has historical encroachment issues. Raised desalination plant notion in context of Village having water shortage so why even contemplate adding any new dwellings, regardless of desire for increased tax base. [Mayor responded that bylaw is also intended to provide opportunities for residents to age in place and provide more in the way of rental properties and affordable housing.]



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- Mayor did a straw poll re:
 - Allowing a Cottage AND a Secondary Suite: about 7 in favour
 - Allowing a Cottage OR a Secondary Suite: about 8 in favour
 - Covenant preventing stratification of Cottage: about 12 in favour
 - No Covenant preventing stratification of Cottage: about 5 in favour

Recommended Amendments

It is recommended that the following amendments be incorporated into the bylaw:

1. Section 1.2.1 be amended by adding the words “as amended”;
2. The definition of *emergency mooring* be amended by adding subsections (d) and (e) as follows:
 - (d) overnight purposes; or
 - (e) provisioning of supplies.
3. The definition of *houseboat* be amended to read as follows:

houseboat means a special type of vessel that has been designed or modified for recreational or overnight use.
4. The following definition be added:

natural areas means land that is retained in its natural state for the purpose of protecting and preserving natural ecosystems, biological diversity, and steeply sloped lands.
5. The definition of *parking space* be amended to read as follows:

parking space, off street means an area on a *parcel* indicated for the parking of one motor vehicle and does not include *aisle space*.
6. The definition of *resource use* be amended to read as follows:

resource use means a *use* providing for the extraction or stockpiling of mineral and other resource materials, and in addition includes only the primary grading, cutting, crushing, pumping and filtering of such materials for shipment or distribution, and excludes all manufacturing of products, and any processing not specifically included in this definition.
7. Section 4.6 be amended to read as follows:



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- 4.6 (a) Pursuant to the *Local Government Act*, all lands within the *Municipality* are designated as areas where temporary *uses* may be allowed under a temporary *use* permit;
- (b) Council delegates to the *CAO* the authority to grant temporary *use* permits in accordance with the *Short Term Rental Policy*.
8. Section 4.12.5, which prohibits outdoor storage in conjunction with home occupations, be amended to read:
- outdoor storage of materials or equipment is prohibited, except as provided for in section 4.15;
9. The heading of Column II of Table 1 be amended to read: “Required # of *Off-Street Parking Spaces*” and Table 1 be moved up, between section 4.13 and 4.14.
10. Section 6.1 naming all the zones, be amended by adding “OS-1 (Open Space Areas)”.
11. Section 7.3.1 regarding density benefits for amenities to read as follows:
12. Despite section 7.2, the maximum *density* may be increased to an average of one *parcel* per 800 m², with a 700 m² minimum *parcel* area, where amenities identified in the *Community Amenity Contribution Policy* are provided.
12. Section 12.1.1(a) be amended to delete the words “for vessels 12 metres or less in length”.
13. Section 12.2.1(a) which reads as follows:
- subject to a need for *emergency mooring*, no person shall anchor, moor, or permit the mooring of a vessel that is more than 12 metres in length, or a *houseboat*, for periods greater than 72 hours every 30 days;
- be deleted and replaced with the following:
- subject to a need for *emergency mooring*, no person shall anchor, moor, or permit the mooring of a floating residential vessel or structure such as a *houseboat*, for periods greater than 72 hours every 30 days.
14. Section 13.2.1, which relates to moorage in the W-2 zone and which reads as follows:



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No person shall anchor, moor, or permit the mooring of a vessel for periods greater than 72 hours every 30 days;

be deleted and replaced with the following:

No person shall operate a motorized vessel;

15. Amend section 15 regarding Resource Use to read as follows:

RU-1 (Resource Use)

Permitted Uses

15.1 In a RU-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

(a) *resource use;*

.2 *Secondary Uses, Buildings and Structures*

(a) *accessory buildings and structures.*

Siting of *Buildings, Structures and Uses*

15.2 The minimum *setback* for a *principal building* shall be 7.5 metres from a *parcel* line.

16. Add permitted uses and area of parcels for OS-1 (Open Space Areas) as follows:

OS-1 (Open Space Areas)

Permitted Uses

16.1 In an OS-1 zone the following uses and no others shall be permitted:

.1 Principal Uses, Buildings and Structures

(a) community watershed management for protection of domestic water supplies;

(b) *natural areas;*

(c) recreation trails, including signage;

(d) fire department training facility.

.2 Secondary Uses, Buildings and Structures



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

- (a) parking areas.

Area of Parcels

16.2 .1 The minimum parcel area shall be 16 hectares.

17. Schedule A to Zoning Bylaw No. 520, 2017 be amended by redefining the boundaries of the W-2 (Water - Marine Community Recreation) zone in accordance with the GPS coordinates as set out on Schedule A. Note that Schedule A includes the lot created by Road Closure Bylaw No. 517, 2017 within the RS-1 zone and the Brunswick Beach Overlay Area.

Options:

1. Receive the report, endorse the recommended amendments 1-17, read the bylaw a second time as amended and set the public hearing date for May 4, 2017 per the recommendations at the beginning of this report.
2. As above, with potential changes to the recommended amendments;
3. Otherwise as Council may direct.

Preferred Option: The first option to accept the recommendations as per the beginning of the report.

Follow Up Action: Staff will place the advertising in a newspaper in accordance with the requirements of the *Local Government Act* and the *Community Charter* and prepare for the public hearing. Communications will also go out via the Village Update and be advertised on the municipal website.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Zoning and Development Bylaw No. 520, 2017

VILLAGE OF LIONS BAY

ZONING and DEVELOPMENT BYLAW NO. 520, 2017

A Bylaw to Establish Zones and Regulate the Use of Land, Buildings and Structures Within the Zones

The Council of the Village of Lions Bay in open meeting assembled enacts as follows:

PART I TITLE

1.1 This bylaw may be cited for all purposes as "Zoning and Development Bylaw No.520, 2017".

Repeal

1.2 The following bylaws are hereby repealed:

- .1 Zoning Bylaw No. 362, 2004, as amended; and
- .2 Greater Vancouver Regional District Electoral Area C Zoning Bylaw No. 785, 1995, as amended, to the extent the bylaw applied within the *Municipality*, through Supplementary Letters Patent or otherwise.

PART II INTERPRETATION

Definitions

2.1 In this bylaw:

accessory use, building or structure means a *use, building or structure* that is subordinate, incidental and exclusively devoted to a *principal use, building or structure* on the same *parcel* as the *accessory use, building or structure*, or, in the case of common property in a strata plan, a *principal use, building or structure* on a strata lot within the same strata plan;

aisle space means the area of a *parcel* which provides space for motor vehicle access and maneuvering in respect of parking and does not include space for motor vehicle parking;

apartment means a *multi-unit dwelling* which has its principal access from a common entrance;

Approving Officer means the person appointed by Council as the Approving Officer for the *Municipality*;

building means a *structure* used or intended for supporting or sheltering a *use* or occupancy;

building or structure, accessory means a building or *structure* that is subordinate to and serves a *principal building* or use;

Building Official means the *Building Official* for the *Municipality*;

building, principal means a building in which is conducted the *principal use* of the *parcel* on which it is located;

cannabis means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis;

CAO means the Chief Administrative Officer of the *Municipality*;

carport means a *structure* which shelters an area used for the parking of one or more motor vehicles and is open at least 50 percent on all sides;

church means an assembly *building* used for religious but not commercial or residential purposes;

civic use means a *use* providing for public functions, including but not limited to government offices, public schools, colleges, and hospitals, community centres, courts, police stations, firehalls and fire department training facilities, ambulance stations, libraries, museums, parks, playgrounds, cemeteries, and *highways*;

Community Amenity Contribution Policy means the community amenity policy in the Official Community Plan of the *Municipality*;

conservation use means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

convenience store means a *retail store* where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other such *household* items are sold in small quantities, and may include the retail sale of alcoholic beverages;

cottage means a *building* containing a secondary *dwelling unit*, which is separate from, and accessory to, a principal *single detached dwelling* on the same lot;

density means any of the following: the number of *dwelling units* per hectare of *parcel* area, the *floor area ratio*, or the number of *parcels* per hectare;

dwelling unit means a set of habitable rooms within a *building*, used as a residence by not more than one *household*, that contains:

- (a) a separate entrance from the outdoors; and
- (b) a gas range or stove or electric range or stove with 240 volt wiring;

dwelling, duplex means a *building* containing two *dwelling units*, neither of which is a *secondary suite*, divided horizontally or vertically, with each *dwelling unit* having a separate exterior entrance;

dwelling, multi-unit means a *building* containing three or more *dwelling units*;

dwelling, single detached means a *building* containing only one *dwelling unit*;

dwelling with secondary suite means a *building* containing two *dwelling units*, a larger principal *dwelling unit* and a smaller *secondary suite*;

emergency mooring means mooring for

(a) safe harbour from inclement weather or marine conditions;

(b) repairs to a vessel;

(c) medical purposes;

(d) overnight purposes; or

(e) provisioning of supplies.

environmental conservation means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

fence includes arbor, archway, gate, pergola, screen, trellis and *wall*;

float means a buoyant platform *structure*, affixed on the surface of water by a rope, chain or wire connected to an anchor located beneath the low water mark and which is customarily used for recreational purposes such as swimming or diving;

floating dock means a platform or ramp supported by pontoons usually joined to the shore with a gangway and usually held in place by vertical pilings which are embedded in the seafloor or by anchored cables;

floor area, gross means the total floor area of all *buildings* on a *parcel* measured to the outer limits of the *buildings* including all areas giving access thereto such as corridors, hallways, landings, foyers, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding unenclosed swimming pools, balconies or sun decks, elevators, up to 40 square metres of *garage* or *carport* area, ventilating machinery;

floor area ratio means the *gross floor area* divided by the area of a *parcel*;

garage means an *accessory building* or a portion of a *principal building* that is used for the parking of one or more motor vehicles and is totally enclosed with a roof, *walls*, and one or more doors;

grade, average is measured around the perimeter of a *building* or *structure* at or directly above or below the outermost projection of the exterior *walls* or the posts of *carports*, as described in section 4.8. A deck attached to a *building* is not considered in determining the *building* perimeter;

grade, finished means the ground level created by human action, excluding created localized depressions such as for vehicles or pedestrian entrances;

grade, natural means the undisturbed ground level formed without human intervention;

height means the vertical distance from the *average grade* of a *structure* to the highest point of the roof surface, in the case of a *structure* without a roof, to the highest point of the *structure*;

highway includes a *street*, road, *lane*, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;

home-based business means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain within a wholly enclosed *building* or *structure* so that the business use is not evident to passersby, and which is *accessory* to the principal *residential use* of the property;

home exchange for the purpose of this bylaw means the exchange of two homes, without a monetary transaction, where the residents of each home trade use of their homes at a time or times convenient to both parties;

houseboat means a special type of vessel that has been designed or modified for recreational or residential-overnight uses.

household means one or more persons related by blood, marriage, common law marriage or adoption; or a group of not more than 5 unrelated persons; all of whom are living together in one dwelling using common *kitchen* facilities.

infrastructure use means a use providing for the servicing of all or a portion of the *Municipality* with community water or sewer systems (including pump houses and sewage treatment plants), storm drainage systems, roads, community gas, electrical, telephone, broadcast transmission and similar public service facilities and equipment where such use is established by the *Municipality*, by another governmental body or by a company operating under a license or permit issued by a Provincial or Federal regulatory authority, and includes *public works yard*, maintenance *buildings* and offices;

kitchen means facilities intended or used for the preparation or cooking of meals, and includes any room or portion of a room containing cooking appliances, including stove, oven, and hotplates, as well as raised counters, cabinets, or where wiring exists for the installation of such facilities;

lane means a *highway* which is greater than 3 metres and less than 10 metres in width and which provides secondary access to a *parcel*

main floor means the floor of the *storey* which is nearest to the *finished grade* of the *parcel*;

mooring system means a system of works that is used to secure a vessel and that consists of an anchor that is set in or on the bed of a navigable water, a single anchor line, a single buoy and a mooring line to attach to a vessel;

Municipality means the municipality of the Village of Lions Bay or the area within the Lions Bay municipal boundaries as the context may require;

natural areas means land that is retained in its natural state for the purpose of protecting and preserving natural ecosystems, biological diversity, and steeply sloped lands;

natural boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil;

panhandle lot means a *parcel* which gains access to a public *street* through a strip of land narrower than the typical frontage dimensions required for the *parcel*;

parcel means a lot, block, or other area in which land is held or into which land is subdivided;

parcel, through means a *parcel* that abuts two generally parallel *highways*;

parcel coverage means the total horizontal area within the outermost *walls* of the *buildings* on a *parcel*, expressed as a percentage of the *parcel* area;

parcel line, exterior side means the *parcel* line or lines not being the front or rear *parcel* line, common to the *parcel* and a *highway*;

parcel line, front means the *parcel* line common to the *parcel* and:

- (a) an abutting *highway*, and
- (b) where there is more than one *parcel* line abutting a *highway*, the shortest of these lines shall be the front;

parcel line, rear means the *parcel* line opposite to and most distant from the *front parcel* line or where the rear portion of the *parcel* is bounded by intersecting *side parcel* lines, it shall be the point of such intersection;

parcel line, side means a *parcel* line, other than a front or rear *parcel* line, common to two or more *parcels*;

parking space, off-street means an area on a *parcel* identified for the parking of one motor vehicle and does not include *aisle space*;

personal services establishment means use of a *building* or portion thereof to provide: (a) grooming services to a person including but not limited to hairstylists, aestheticians and spa services; or (b) clothing related services including shoe repairs, tailor or dressmaker and other similar services;

principal use means the main purpose for which land, *buildings* or *structures* are ordinarily used;

Public Works Manager means the Public Works Manager for the *Municipality*;

public works yard means premises operated by, or on behalf of, the *municipality*, for the storage, manufacture, maintenance or repair of *buildings*, infrastructure, materials or equipment

including machine shop, paint shop, sign shop, woodworking shop, fuel storage, and repair *garage* used in connection with public works;

residential use means the occupancy or *use* of a *dwelling unit* for the permanent domicile of a person or persons, or the occasional or seasonal occupancy of a *dwelling unit* as a dwelling by an owner who has a permanent domicile elsewhere, or by non-paying guests of such an owner - this *use* does not include *short term rentals*;

resource use means a *use* providing for the extraction or stockpiling of ~~primary forest~~, mineral and other resource materials, and in addition includes only the primary grading, cutting, crushing, pumping and filtering of such materials for shipment or distribution, and excludes all manufacturing of products, and any processing not specifically included in this definition;

retail store means a place where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own *use*;

retail store, cannabis means premises where *cannabis* is sold or otherwise provided to a person who attends at the premises, with or without a medical prescription;

retaining wall means a vertical *structure* used to retain soil for the construction of an artificial grade by either excavating from or adding fill to the *natural grade*;

secondary suite means a *dwelling unit* completely contained within what would otherwise be a *single detached dwelling* and having:

- (a) a total floor area of not more than 90m² in area, and
 - (b) having a floor area less than 40 percent of the habitable floor area of the *building*,
- used only for *residential use* consistent with the provisions of the *Residential Tenancy Act*;

secondary use, building or structure means one or more *uses, buildings or structures* that are used in conjunction with a *principal use, building or structure* on the same *parcel*;

setback means the minimum permitted distance between a *building or structure* and a specified *parcel line or natural boundary*;

short term rental means the use of a *dwelling unit* for the temporary commercial accommodation of paying guests for a period of less than one month and excludes *home exchanges*;

street means a *highway* 10 metres or more in width;

storey means the portion of a *building* that is situated between the top of any floor and

- a) the top of the floor next above it; or
- b) if there is no floor above it, that portion between the top of such floor and the ceiling above it;

structure means any construction fixed to, supported by or sunk into land or water but excludes a *fence* less than 1.9 metres and a *retaining wall* less than 1.2 metres, and includes a *building*;

temporary structure means a *structure* which is:

- a) not a fixture fixed to or sunk into land; or
- b) not attached to land other than by its weight;

townhouse means a *multi-unit dwelling* not more than three *storeys* high with *dwelling units* located side by side under one roof, with private exits or entrances to each dwelling and with each dwelling sharing common *walls* or party *walls*;

use, includes actual *use*, intended *use* or designed for a particular *use*;

wall means any vertical *structure* used as an enclosure or screen where the thickness is greater than 8 centimetres, excluding rails and posts. Thinner *structures* are considered *fences*;

watercourse means a depression with a bed 0.6 metres or more below the average natural elevation of surrounding land:

- (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or
- (b) having a drainage area of 2 square kilometres or more.

Illustrations

- 2.2 Illustrations provided in this bylaw are provided for convenience only and do not form part of the bylaw. If a conflict exists between an illustration and the text, the text will prevail.

Rounding

- 2.3 Where calculation of maximum number of *dwelling units* or *parcels* per hectare, minimum number of *parking spaces* per specified *gross floor area* or similar calculation of permitted or required units results in a fraction, the required or permitted number of units shall be rounded to the next lower whole number.

PART III APPLICATION, ADMINISTRATION AND ENFORCEMENT

Application

3.1 This bylaw applies to all land within the *Municipality*, including the surface of water.

Compliance

3.2 Land shall not be used and *buildings* and *structures* shall not be constructed, altered, located or used except as specifically permitted by this bylaw.

Inspection

3.3 Officers or employees of the *Municipality*, or other persons authorized by Council, may enter on property, and enter into property, at reasonable times and in a reasonable manner, after taking reasonable steps to advise the owner or occupier before entering the property, and complying with any other requirements of the *Community Charter*, to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to this bylaw.

Offence

- 3.4 .1 Any person who violates, or causes or permits an act to be done in violation of a provision of this bylaw shall be deemed to be guilty upon summary conviction of an offence under this bylaw.
- .2 Each day's continuance of an offence under Section 3.4 constitutes a new and distinct offence.
- .3 Notwithstanding the foregoing, where the *Municipality* elects enforcement under Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, any bylaw contraventions under this zoning bylaw shall not constitute the creation of an offence.

Penalty

- 3.5 Every person who contravenes this bylaw is liable:
- .1 to a penalty for contravention as set out in Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended;
- .2 on summary conviction to a fine not exceeding \$10,000 and the costs of prosecution; or
- .3 to both a penalty under subsection 3.5.1 and a fine under subsection 3.5.2.

Severability

3.6 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

PART IV GENERAL REGULATIONS

Application

4.1 Except as otherwise specified in this bylaw, Part IV applies to all zones established under this bylaw.

Uses Permitted in All Zones

4.2 The following *uses* and *structures* are permitted in all zones:

.1 *Principal Uses, Buildings and Structures*

- (a) community garden;
- (b) *environmental conservation* activities;
- (c) parks, playgrounds and recreational trails;
- (d) *infrastructure use*;

.2 *Secondary Uses, Buildings and Structures*

- (a) temporary construction and project sales offices authorized by *building* permit as temporary *buildings*;

Uses Prohibited in All Zones

4.3 The following *uses* are expressly prohibited in all zones:

- .1 *residential use* of a mobile home, tent, trailer or recreation vehicle;
- .2 storage of boats exceeding 7 metres in length, except in the C-2 and C-3 Zones;
- .3 animal husbandry including the keeping of poultry, fish farming, the boarding of animals and the keeping of animals, except that *household* pets, other than poultry, may be kept;
- .4 a *use* with a drive-through service;
- .5 *cannabis retail store*.
- .6 *cannabis* production, except as permitted under Part 2 [Production for Own Medical Purposes and Production by a Designated Person] of the *Access to Cannabis for Medical Purposes Regulations*;
- .7 *short term rentals*; except where authorized under a temporary *use* permit;
- .8 any *use* not listed as a *principal* or *secondary use* in this Part or any of the zones.

Principal Uses, Buildings and Structures

4.4 Except where specifically permitted, not more than one *principal building* shall be located on a *parcel*.

Accessory Uses, Buildings and Structures

- 4.5 .1 *Principal uses* permitted by this bylaw do not include, except where specifically permitted, *accessory uses, buildings or structures*.
- .2 All *accessory buildings and structures* shall be located on the same *parcel* as the *principal building* to which it is *accessory*.
- .3 An *accessory building or structure* attached to the *principal building* shall be considered a part of the *principal building* and shall comply in all respects with the regulations of this bylaw applicable to the *principal building*.
- .4 For the purposes of section 4.5.3 “attached” means heated space with a minimum internal clear width of 860mm and a minimum finished floor area of 3.5 square metres.
- .5 An *accessory building or structure* shall not be used as a *dwelling unit*.
- .6 No *accessory building or structure* shall include *kitchen* facilities.

Temporary Use Permits

- 4.6 (a) Pursuant to the *Local Government Act*, all lands within the *Municipality* are designated as areas where temporary *uses* may be allowed under a temporary *use permit*; and tThe
- (b) Council delegates to the *CAO* the authority to grant temporary *use permits* in accordance with the *Short Term Rental Policy*.

Siting Exemptions

- 4.7 .1 Interior *side parcel line* requirements shall not apply to strata *parcels* under the *Strata Property Act* where a common *wall* is shared by two or more *dwelling units* within a *building*.
- .2 The following features may project into the *setback* area required by this bylaw between a *building* and front, rear or *side parcel lines*:
- (a) gutters, cornices, sills, belt courses, bay windows, chimneys, heating or ventilating equipment if the projections do not exceed 0.6 metres;
- (b) eaves, porches, canopies and sunshades if the projections, measured horizontally, do not exceed:
- (i) 1.5 metres for front and *rear parcel lines*, or
- (ii) 0.6 metres for *side parcel lines*
- provided that the foundation or supports for them do not encroach into any required front, side or rear *setback* area.
- .3 The following are exempted from the siting regulations:
- (a) *fences*,
- (b) *retaining walls* not exceeding 1.2 metres in *height*;

- (c) stairs not exceeding two metres, exclusive of necessary handrails or guards, above existing ground elevation;
- (d) free standing light poles, flag poles, warning devices, antennas, masts and clothes lines;
- (e) sidewalks, patios and hard surfacing of the ground;
- (f) uncovered swimming pools or tennis courts provided that the pool or tennis court is:
 - i. not within the required minimum siting distance from the *front parcel line*; and
 - ii. a minimum of 1.0 metre from any other *parcel line*; and
- (g) underground *structures* that do not extend above the surface of the *parcel*.

.4 In a zone in which *residential uses* are permitted, a free standing tool storage shed or greenhouse not exceeding 19 square metres in area or a combination of tool storage and greenhouse not exceeding 28 square metres in area may be placed within the *setback* area between the *principal building* and *rear parcel line*.

Calculation of Average Grade

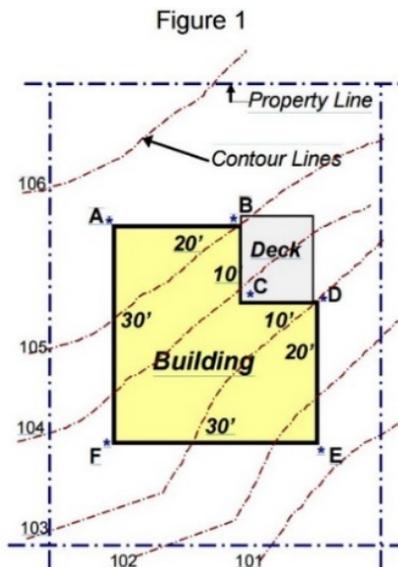
4.8 The *average grade* for a *building* or *structure* shall be calculated as follows:

- .1 (a) measure the ground elevation at each corner of the *building*; then
- (b) total the elevations of all corners; then
- (c) divide by the number of corners.

The result is *average grade* for the *building*, the reference point from which *height* will be measured.

Example:

Corner	Elevation
A	105.5 m
B	105.0 m
C	104.0 m
D	103.0 m
E	101.5 m
F	104.0 m
Total	623.0 m
÷ 6	103.8 m



- .2 Where the *natural grade* cannot be ascertained because of existing landscaping, *buildings* or *structures*, and appears to have been significantly altered, the level of *natural grade* shall be determined by the *Building Official*, who may rely on the professional opinion of a British Columbia Land Surveyor, at the cost of the property owner.

Height Exemptions

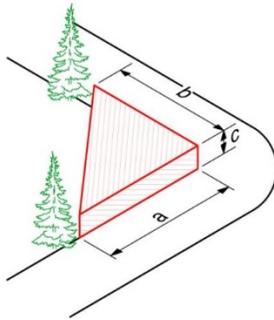
- 4.9 Any of the following may exceed the *height* limitations specified for each zone of this Bylaw provided that the *parcel coverage* of such *structures* does not exceed 1 percent or, if it is located on a *building*, the *structure* does not occupy more than 5 percent of the roof area of the *building*:
 - .1 dome or cupola;
 - .2 monument;
 - .3 chimney;
 - .4 spire, belfry;
 - .5 mast or antenna for any purpose other than the domestic reception of radio and television signals;
 - .6 mechanical appurtenance screened from view from a *highway*
 - .7 observation tower; or
 - .8 flagpole.

Fences and Retaining Walls

- 4.10 Except as otherwise specifically stated in this bylaw:
 - .1 the *height* of a *fence* or *wall* shall be determined by measurement from the average *finished grade* within 0.9 metres of both sides of the *fence* or *wall*;
 - .2 no *fence* shall exceed 1.9 metres in *height*;
 - .3 a site alteration permit, site plan, geotechnical report, and engineer's Letters of Assurance shall be required for *retaining walls* with *heights* greater than 1.2 metres or for any *wall* slope greater than 45 degrees. The *Building Official* may require an engineer's Letters of Assurance, for a series of terraced *retaining walls* with a combined *height* of greater than 1.2 metres;
 - .4 confirmation of siting by a British Columbia Land Surveyor (BCLS) is required where a *fence* or *wall* will be located within one metre of a property line;
 - .5 a registered professional shall supervise the design and construction of a *retaining wall* greater than or equal to 1.2 metres in *height*. Sealed copies of the design plan and field review reports prepared by the registered professional for all *retaining walls* greater than or equal to 1.2 metres in *height* shall be submitted to the *Building Official* prior to commencement of the work.

Visibility

- 4.11 Despite section 4.10.2, on a *parcel* contiguous to a *street* intersection in any zone, no *fence*, *retaining wall*, *wall*, *hedge* or other obstruction to the line of vision shall be allowed at a greater *height* than 0.9 metres above the established elevation of the centre point of the intersecting *streets*, at or within a distance of 4.5 metres from the corner of the *parcel* at the intersection of the *streets*.



a = 4.5 metres

b = 4.5 metres

c = 0.9 metres

Home-based business

- 4.12 *Home-based businesses*, where permitted as a *secondary use* in a zone, shall be subject to the following conditions:
- .1 the *home-based business* shall be carried on by persons resident on the *parcel*;
 - .2 all *home-based business* shall be conducted entirely within a completely enclosed *building* permitted under this bylaw;
 - .3 there shall be no signs or other variations from a primarily residential appearance of the land and premises where a *home-based business* is located;
 - .4 the *gross floor area* of the *home-based business* shall not exceed 100 m² or 40% of the *gross floor area* of the principal dwelling in which the *home-based business use* is located, whichever is less
 - .5 outdoor storage of materials or equipment is prohibited, **except as provided for in section 4.15;**
 - .6 any *use* which is or may become obnoxious, offensive, dangerous or a nuisance by reason of the presence or emission of odour, dust, smoke, noise, gas, fumes, cinders, vibration, electrical interference, refuse matter or water carried wastes is prohibited;
 - .7 for clarity, automobile body shop, automobile service, automobile salvage or wrecking yard; brewery; distillery; kennel; animal breeding for commercial purposes; restaurant; and the parking or storage of industrial or construction equipment or materials are specifically prohibited as *home-based businesses*;

Off-street Parking

- 4.13 .1 Except as otherwise specified in this bylaw, space for the off-street parking and loading of motor vehicles for a class of *building* permitted under this bylaw shall be provided and maintained in accordance with the regulations of this section.
- .2 The number of *off-street parking spaces* for motor vehicles required for any class of *building* shall be calculated according to Table 1 of this bylaw in which Column I classifies the types of *buildings* and Column II sets out the number of required off street parking and loading spaces that are to be provided for each *use* in Column I.
- .3 Where a class of *building* permitted under this bylaw is not specifically referred to in Column I of Table 1, the number of *off-street parking spaces* shall be calculated using the requirements for a similar class of *building* that is listed in Table 1.
- .4 Where the calculation of the required *off-street parking space* results in a fraction, the number of required *parking spaces* shall be rounded down.
- .5 Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.4 square metres of seating shall be deemed to be one seat.
- .6 *Off-street parking spaces* shall be located on the same *parcel* as the *building* they serve and must, except for *single detached dwellings, cottages* and duplexes, have associated *aisle space* as set out in section 4.14.

TABLE 1

COLUMN I	COLUMN II
<u><i>Building Class, Use or Type</i></u>	<u>Required # of Off-Street Parking Spaces</u>
Single family dwelling per <i>parcel</i>	2 for each <i>Single Detached Dwelling</i> without a <i>Secondary Suite</i> and 3 for each <i>Single Detached Dwelling</i> with a <i>Secondary Suite</i>
<i>Cottage</i>	2 per <i>cottage</i>
<i>Apartment building or townhouse</i>	1.5 for each <i>dwelling unit</i>
Shopping centre and individual <i>retail store</i>	1 per 18.6 square metres of <i>gross floor area</i>

Restaurant, coffee shop, facility licensed for consumption of alcohol	1 per 4 seats of maximum seating capacity
Public assembly places, <i>churches</i> , auditoriums, community centres, meeting halls, and recreation centres	1 for each 5 seats based on maximum capacity
Marina	1 per 2 berths or 1 per 7.5 metres of moorage

Parking and Aisle Space Dimensions

- 4.14 .1 An *off street parking space* shall be not less than 2.75 metres in width and 6 metres in length with a minimum vertical clearance of 2.8 metres.
- .2 *Aisle space* shall be a minimum of:
- (a) 6 metres wide where the angle of the *parking space* to the *aisle space* is 61 degrees to 90 degrees;
 - (b) 5 metres wide where the angle of the *parking space* to the *aisle space* is 46 degrees to 60 degrees; or
 - (c) 4 metres wide where the angle of the *parking space* to the *aisle space* is 1 degree to 45 degrees.

Parking and Storage of Heavy Commercial and Industrial Vehicles and Equipment

- 4.15 .1 The outdoor storage or parking of commercial or industrial vehicles, equipment, or machinery with a primary function other than the transportation of passengers, including but not limited to excavators, dump trucks, forklifts, backhoes, tractors, trailers and similar types of vehicles, equipment or machinery is prohibited in all Residential zones.
- .2 Outdoor storage or stockpiling of any commercial, industrial or construction materials, implements or supplies is prohibited in all Residential zones.
- .3 Despite clause 4.15.1, one commercial or industrial vehicle or piece of equipment per *parcel* may be parked or stored outdoors on a lot in a Residential zone provided that the vehicle or equipment:
- (a) has a gross vehicle weight rating (or manufacturer's specified operating weight in the case of equipment) of not more than 7,000 kilograms and
 - (b) is operated by a resident of the *parcel*.
- .4 Despite clauses 4.15.1 and 4.15.2, commercial and industrial vehicles, equipment, or machinery and commercial, industrial or construction materials, implements or supplies may be stored on a *parcel* for which the alteration of the land or the construction of a *building* or *structure* has been authorized by the Village through:

- (a) a site alteration permit, or
 - (b) a *building* permit,
- provided that all such vehicles, equipment, supplies, and materials:
- (c) can be demonstrated to the satisfaction of:
 - (i) the *Public Works Manager or the Building Official*, regarding site alteration permits, or
 - (ii) the *Building Official*, regarding *building* permits,
 to be directly related to and strictly necessary for the fulfillment of the construction so authorized by the Village, and
 - (d) are removed within 30 days of final inspection related to the site alteration permit or the *building* permit, or such earlier date as the *Public Works Manager or Building Official* determines such vehicles, equipment, supplies, and materials are no longer needed to fulfill the scope of the applicable permit.

.5 A person may appeal the determination of the *Public Works Manager* or the *Building Official* under section 4.15.4 to the Council by submitting a request and the detailed reasons for appeal and any supporting documentation to the Corporate Officer, who shall add the matter to an upcoming Council meeting agenda.

.6 On an appeal under section 4.15.5, the Council may uphold the determination and order of the *Public Works Manager or Building Official*, or may vary such order as it determines is reasonable in the circumstances.

Temporary Structures

4.16 Notwithstanding any other provision of this bylaw, a *temporary structure* is prohibited, except that:

- .1 The CAO may issue a permit for a *temporary structure* on receipt of an application in writing requesting permission for the *temporary structure*.
- .2 The CAO shall not issue a permit for a *temporary structure* if it would obstruct a public right of way or easement; or contravene a Village bylaw.
- .3 A *temporary structure* permit is valid for a period of not more than 60 days, provided that Council on receipt of an application in writing for an extension may extend the permit period for not more than one year.

Metal Shipping Containers

- 4.17 .1 A metal shipping container shall only be used for storage purposes.
- .2 A metal shipping container shall not be accessible to the general public, or rented or leased as part of a commercial storage facility.
- .3 Metal shipping containers are permitted only in the C-2, CU-1 and RU-1 zones.

- .4 Despite Section 4.17.3:
- (a) where a site alteration or *building* permit has been issued for construction on a *parcel* in any zone, metal shipping containers may be used for temporary storage provided that they are removed within 30 days of:
 - (i) final inspection of the *building* or *structure* for which the *building* permit has been issued;
 - (ii) expiry of the *building* permit;
 - (iii) completion of a site alteration for which a site alteration permit has been issued; or
 - (iv) a determination by the *Public Works Manager* or the *Building Official* that the shipping container is no longer needed to fulfill the scope of the applicable permit, in which case the provisions of sections 4.15.5 and 4.15.6 apply.
 - (b) metal shipping containers may be used for moving provided that they are not located on any *parcel* for longer than 60 days;
 - (c) metal shipping containers may be used for emergency purposes on a *parcel* in any zone provided they are not located on any *parcel* for longer than 90 days; and
 - (d) metal shipping containers may be used in conjunction with *infrastructure uses* and *civic uses* on a *parcel* in any zone.
- .5 Despite section 4.17.4, a metal shipping container is not permitted to remain on an RS-1 *parcel* longer than two years.
- .6 The maximum number of metal shipping containers on any *parcel* is 1, except on *parcels* used for fire department training facilities.

Solar Energy Devices

- 4.18 .1 Solar energy devices are permitted in any zone provided that where attached to a *building* or *structure*:
- (a) the device does not extend beyond the outermost edge of the roof or *structure*;
 - (b) the device does not extend above the highest point of the roof or *structure*; and
 - (c) roof connection details have been approved by a structural engineer.
- .2 Where a solar energy device is not attached to a *building* or *structure*, or is attached to a pole, it shall comply with the siting requirements for the *principal building* or *structure* on the *parcel* on which the device is located.

Flood Protection

4.19 No *building* or *structure* shall be constructed, erected or placed;

.1 within 15 metres of the *natural boundary* of a *watercourse*;

.2 on ground surface less than:

(a) 0.7 metres above the 200 year flood level, which level has been established by the Ministry of Environment;

(b) 3.1 metres above the *natural boundary* of a *watercourse* where the 200 year flood level has not been established; and

(c) 1.6 metres above the *natural boundary* of the sea.

PART V GENERAL SUBDIVISION PROVISIONS AND REGULATIONS

Minimum Frontage Waiver

- 5.1 The *Approving Officer* may exempt, where a *parcel* of land fronts on a *highway*, a person proposing to subdivide land from the limitation provided under Section 512 of the *Local Government Act* after duly considering whether:
- .1 the proposed lot is capable of being further subdivided under existing regulations;
 - .2 an attempt is being made to assemble land which conforms substantially with the Official Community Plan;
 - .3 the lot with insufficient frontage is for municipal or public use; and
 - .4 unusual soil conditions exist or may develop as a result of the proposed subdivision.

Panhandle Lots

- 5.2 The area within the access strip of a *panhandle lot* in a residential zone shall not be included in the calculation of the area of the lot.

Minimum Parcel Area Exceptions

- 5.3 Minimum *parcel* area regulations required by the applicable zone shall not apply where:
- .1 a covenant is registered restricting the use of the *parcel* to non-sewage generating uses prohibiting the construction of *buildings* and *structures*;
 - .2 the *parcel* is intended for *infrastructure uses*, parks, fire halls, or fire department training facilities;
 - .3 an adjustment of lot lines dividing contiguous *parcels* to facilitate an existing development or improve a subdivision pattern does not create, or make it possible to create, additional *parcels* to those existing at the time of application; or
 - .4 a crown non-residential upland lease or aquatic lease is granted.

PART VI CREATION AND DEFINITIONS OF ZONES

Creation of Zones

6.1. The area of the *municipality* is divided into the zones identified in Column I and each zone is briefly described in Column II:

COLUMN I	COLUMN II
RS-1	Residential - Single Detached
RM-1	Residential – Multiple Unit
C-1	Commercial - Neighbourhood
C-2	Commercial - Marina
C-3	Commercial - Marina Foreshore
W-1	Water - Marine Foreshore
W-2	Water – Marine Community Recreation
CU-1	Community Use
RU-1	Resource Use
OS-1	Open Space Areas

Definition of Zones

- 6.2 .1 The area of each zone is defined by Schedule A.
- .2 Where a zone boundary is shown on Schedule A as following a road right of way, rail right of way or a water course, the centre line of the road right of way, rail right of way or water course shall be the zone boundary.

PART VII ZONES

RS-1 Zone (Residential – Single Detached)

Permitted Uses

7.1 The following *uses* and no others are permitted in the RS-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in a single detached dwelling;*
 - (b) *residential use in a dwelling with secondary suite;*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *home-based business;*
 - (b) *accessory buildings and structures.*

Density and Area of Parcels

- 7.2
- .1 The base *density* for existing *parcels* shall be a maximum of one *dwelling unit per parcel*, not including *secondary suites*.
 - .2 The base *density* for *parcels* created by subdivision shall be a maximum of one *parcel* per 8000 m² of existing *parcel* area.
 - .3 The minimum *parcel* area shall be 8000 m².

Density Benefits for Amenities

- 7.3
- .1 Despite section 7.2, the maximum *density* may be increased to an average of one *parcel* per 800 m², with a 700 m² minimum *parcel* area, where amenities identified in the *Community Amenity Contribution Policy* are provided.
 - .2 Despite sections 7.2, and subject to section 7.9, the maximum *density* may be increased from one to two *principal buildings per parcel* containing dwellings to accommodate a *cottage* on *parcels* having a minimum area of 1,000 m², where a covenant and amenities identified in the *Community Amenity Contribution Policy* are provided.
 - .3 The amenities provided under sections 7.3.1 or 7.3.2 shall be subject to negotiation with the owner based on a target contribution towards amenities identified in the *Community Amenity Contribution Policy*.

Size and Density of the Use of Land, Buildings and Structures

- 7.4
- .1 Subject to section 7.3, no more than one *principal building* shall be located on a *parcel*.

- .2 The *floor area ratio* shall not exceed 0.35.
- .3 *Parcel coverage* shall not exceed 30 percent.
- .4 The minimum floor area of the *main floor* of a *principal building* shall be 93 m².

Siting

7.5 The minimum *setback* for a *building* or *structure* shall be:

- .1 7.5 metres from a front or rear *parcel line*; or
- .2 2.4 metres from a *side parcel line*.

Brunswick Beach Overlay Area

7.6 Despite sections 7.4, 7.5 and 7.8.2, the following regulations apply to the area outlined in a heavy black line on Schedule A (the Brunswick Beach Overlay Area):

- .1 Size and *Density* of the Use of Land, *Buildings* and *Structures*
 - (a) No more than one *principal building* shall be located on a *parcel*.
 - (b) The *floor area ratio* shall not exceed 0.25 plus 240 m².
 - (c) *Parcel coverage* shall not exceed 12.5 percent plus 180 m².
 - (d) The minimum *gross floor area* of a *principal building* shall be 75 m².
 - e) A floor area of up to 40 m² to accommodate *accessory* storage and a *garage* may be excluded from the *floor area ratio* and *parcel coverage* calculations in (b) and (c) above.
- .2 Siting
 - No *building* or *structure* shall be located within:
 - (a) 4.5 metres from a front or rear *parcel line* common to a public right of way whose opposite side adjoins the sea;
 - (b) the lesser of 7.5 metres or 20 percent of the *parcel* depth, to a minimum of 4.5 metres from any other *front parcel line*;
 - (c) 7.5 metres from any other rear *parcel line*;
 - (d) 1.5 metres of an interior *side parcel line*; or
 - (e) 3.0 metres of an *exterior side parcel line*.

.3 Minimum Width

There shall be no minimum width provision for *principal buildings* in the Brunswick Beach Overlay Area.

.4 Height

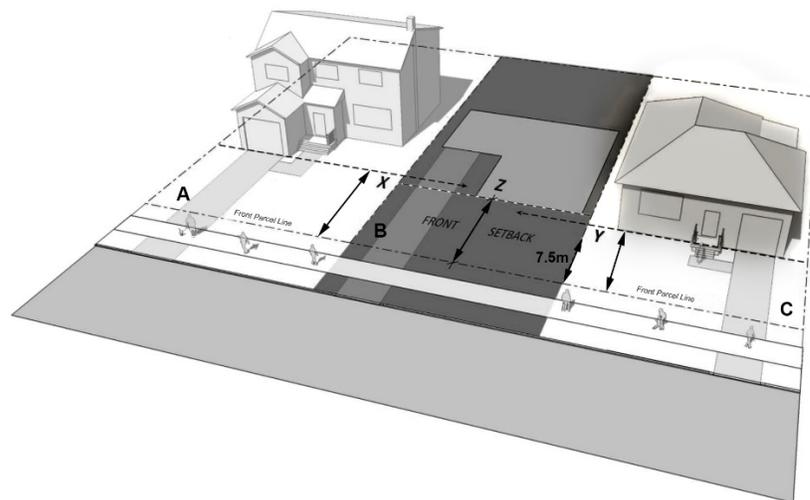
In the Brunswick Beach Overlay Area, *height* shall be measured from the *average grade* as follows:

- (a) to the highest point of the roof surface of a flat roof;
- (b) to the deck line of a mansard roof;
- (c) to the mean elevation between the eaves and the ridge of a gable, hip, gambrel, or other sloping roof; or
- (d) for a *structure* without a roof, to the highest point of the *structure*.

Front Setback Averaging

7.7 .1 Despite sections 7.5 and 7.6.2, where the average front *setback* of existing *principal buildings* on the adjacent *parcels* on each side of a subject *parcel* is more than the required front *setback* by at least 1.5 m, the front *setback* of the subject *parcel* shall be the average of the front *setbacks* on the adjacent *parcels*.

Example: Parcel B shares interior parcel lines with Parcels A and C and is not within the Brunswick Beach Overlay Area. The principal buildings on Parcel A and C are sited X metres and Y metres from the front parcel line respectively. The minimum front setback (Z) for Parcel B is calculated as follows: $(X + Y)/2 = Z$ and will apply if Z is greater than or equal to 9.0 metres metres (the required 7.5 metres + 1.5 m), as illustrated below:



- .2 Where a *parcel* has two *front parcel lines*, one facing a *highway* and one facing the ocean, front *setback* averaging shall apply only to the *front parcel line* facing the ocean.
- .3 Where a *parcel* is a *through parcel*, front *setback* averaging shall apply only to the *front parcel line* facing the *highway* which provides primary access to the *parcel*.

Height and Width of Buildings

- 7.8 .1 The *height* of a *principal building* shall not exceed 9.0 metres for a sloping roof or 7.5 metres for a flat roof.
- .2 The minimum width of a *principal building* shall be 5.1 metres.

Secondary Suites and Cottages

- 7.9 .1 No more than one *secondary suite* or one *cottage*, but not both, shall be located on a *parcel*.
- .2 A *secondary suite* shall not exceed a *gross floor area* of 90 m² or 40 percent of the *gross floor area* of the single detached dwelling, whichever is less.
- .3 A *cottage* shall not exceed the *floor area ratio* in section 7.4.2 or 115m², whichever is less or a *height* of 9.0 metres for a sloping roof or 7.5 metres for a flat roof.

Accessory Buildings and Structures

- 7.10 .1 No more than two *accessory buildings* or *structures* shall be located on a *parcel*.
- .2 The *height* of an *accessory building* or *structure* shall not exceed 3.65 metres or, where the slope of the roof is greater than or equal to 3 in 12, 4.65 m.
- .3 The maximum combined floor area of all *accessory buildings* shall not exceed 77 m².

Off-street Parking

- 7.11 .1 Off-street parking shall be provided in accordance with sections 4.13 and 4.14.

RM-1 Zone (Residential – Multiple Unit)

Permitted Uses

8.1 The following *uses* and no others shall be permitted in the RM-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in townhouses;*
 - (b) *residential use in duplex dwellings.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *accessory buildings and structures.*

Size and Density of the Use of Land, Buildings and Structures

- 8.2
- .1 More than one *principal building* may be located on a *parcel*.
 - .2 The *floor area ratio* shall not exceed 0.65.
 - .3 *Parcel coverage* shall not exceed 30 percent.
 - .4 The maximum *density* shall be 40 *dwelling units* per hectare of *parcel area*.

Siting of Principal Buildings

8.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a front or *rear parcel line*; or
- .2 the greater of 3 m, or 50 percent of the *height* of a *principal building* on the *parcel*, from a *side parcel line*.

Height of Principal Buildings

- 8.4
- .1 The *height* of a *principal building* shall not exceed 9.0 m

Accessory Buildings and Structures

- 8.5
- .1 The *height* of an *accessory building or structure* shall not exceed 4.9 m.
 - .2 The minimum *setback* for an *accessory building or structure* shall be:
 - (a) 7.5 metres from a front or *exterior side parcel line*; or
 - (b) 2.4 metres from a side or *rear parcel line*.

Off-street Parking

- 8.6
- .1 Off-*street parking* shall be provided in accordance with sections 4.13 and 4.14.
 - .2 The minimum *setback* for an off-*street parking space* shall be 1.5 metres from a *parcel line*.

C-1 Zone (Commercial - Neighbourhood)

Permitted Uses

9.1 The following *uses* and no others shall be permitted in a C-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *convenience store;*
 - (b) *retail store;*
 - (c) *office, bank;*
 - (d) *personal services establishment;*
 - (e) *restaurant, excluding drive-in restaurant;*
 - (f) *apartment.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Size and Density of the Use of Land, Buildings and Structures

- 9.2
- .1 No more than one *principal building* shall be located on a *parcel*.
 - .2 *Parcel coverage* shall not exceed 60 percent.
 - .3 The maximum *gross floor area* for a *convenience store* shall be 340 m².

Siting of Principal Buildings

- 9.3 The minimum *setback* for a *principal building* shall be:
- .1 7.5 metres from a front or *rear parcel line*; or
 - .2 3.0 metres from a *side parcel line*.

Height of Principal Buildings

- 9.4
- .1 The *height* of a *principal building* shall not exceed 7.5 metres or two *storeys*, whichever is greater.

Off-street Parking and Loading

- 9.5
- .1 *Off-street* parking shall be provided in accordance with sections 4.13 and 4.14.
 - .2 One *off-street* loading space shall be provided on the *parcel*.
 - .3 An *off-street* loading space shall be prohibited in the required *side parcel line setback* area.

C-2 Zone (Commercial - Marina)

10.1 The following *uses* and no others shall be permitted in a C-2 zone:

.1 *Principal Uses, Buildings and Structures*

- (a) boat storage;
- (b) boat rentals,
- (c) marine fuel sales;
- (d) marina land facilities including boat maintenance and repair, restaurant, office, outboard and inboard engine repairs, store or sales room for the sale or rental of boats, engines, or marine supplies including food and sporting goods;
- (e) boat hoists and launching ramps.

.2 *Secondary Uses, Buildings and Structures*

- (a) not more than one accessory dwelling per *parcel*.

Site Specific Uses

10.2 Despite section 10.1, in the area delineated as **C-2A**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;
- (b) parking;
- (c) office.

Conditions of Use

- .2
- (a) The *height* of an office *building* shall not exceed the lesser of 7.5 metres or two *storeys*.
 - (b) The *height* of all other *buildings* and *structures* shall not exceed 3 m.
 - (c) The maximum *gross floor area* for an office *building* shall not exceed 47 m² per *storey* plus a deck area of 47 m².
 - (d) No part of an office *building* shall be located more than 24 metres from the *natural boundary* of Rundle Creek

10.3 Despite section 10.1, in the area delineated as **C-2B**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;

- (b) parking.

Conditions of Use

- .2 The *height* of a *building* or *structure* shall not exceed 9 m.

Size and Density of the Use of Land, Buildings and Structures

- 10.2 .1 *Parcel coverage* shall not exceed 60 percent.

Siting of Buildings, Structures and Uses

- 10.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a front or *rear parcel line*;
- .2 3.0 metres from a *side parcel line*;
- .3 0 metres from the *natural boundary* of the ocean, except the minimum *setback* for sewage disposal systems and public utility *uses* shall be 7.5 metres from the *natural boundary* of the ocean.

Height of Buildings and Structures

- 10.4 .1 The *height* of a *principal building* or *structure*, except boat hoists and gantries for stepping masts, shall not exceed 9.0 m.

Off-street Parking and Loading

- 10.5 .1 Off-*street* parking shall be provided in accordance with sections 4.13 and 4.14 .
- .2 Areas required for parking shall not be used for the sale or rental of boats.
- .3 Areas required for parking may only be used for the storage of boats and boat cradles between October 1st in any year and March 31st of the next year.
- .4 No person shall reside in a vessel stored in the C-2 zone.

C-3 Zone (Commercial - Marina Foreshore)

Permitted Uses

11.1 The following *uses* and no others shall be permitted in a C-3 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *floating dock*;
 - (b) fuel sales;
 - (c) launching ramp;
 - (d) buoy for the mooring of vessels.
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Conditions of Use

11.2 In a C-3 zone:

- .1 a *floating dock* or launching ramp shall be located within the boundaries of a water lease or license of the occupation granted or approved by the Province;
- .2 the location, shape, size and type of construction of a proposed *floating dock* or launching ramp shall be clearly shown on a plan and drawing submitted to the CAO before construction or installation;
- .3 no portion of a *floating dock*, other than a *floating dock* for fuel sales, shall exceed a width of 3 metres or a *height* above sea level of 1 m, except for hand railings;
- .4 no portion of a fuel *floating dock* shall exceed a width of 5 m, a length of 12 metres or a *height* of 1 metres above sea level, except for hand railings;
- .5 no portion of a launching ramp shall exceed a width of 5 metres or be located within 1 metre from the natural ocean bottom;
- .6 no *building*, shed or *structure* may be erected on a *floating dock* other than posts to carry lighting fixtures and the necessary wiring together with structural posts, rails and supports;
- .7 marina fueling facilities may be erected on a *floating dock*; and
- .8 no person shall reside on a *floating dock* or vessel moored in the C-3 zone.

W-1 Zone (Water - Marine Foreshore)

Permitted Uses

12.1 In a W-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

- (a) public or private mooring to a *mooring system* ~~for vessels 12 metres or less in length~~;
- (b) public or private *float*;
- (c) public boat launching ramp;
- (d) overnight accommodation on an anchored or moored vessel for a period not exceeding three nights every 30 days;
- (e) *emergency mooring*.

.2 *Secondary Uses, Buildings and Structures*

- (a) None permitted.

Conditions of Use

12.2 .1 In a W-1 zone:

- (a) subject to a need for *emergency mooring*, no person shall anchor, moor, or permit the mooring of a *floating residential structure, such as* a *houseboat*, for periods greater than 72 hours every 30 days;
- (b) all *mooring systems* shall meet the requirements, standards and guidelines of the "Order Amending the Minor Works and Waters (Navigable Waters Protection Act) Order", the Private Buoy Regulations under the *Canada Shipping Act* and any other Transport Canada regulation, order or directive as applicable;
- (c) private *floats* shall be located within the boundaries of a water lease or license of occupation granted or approved by the Province;
- (d) no portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings;

- (e) the location, shape, size and type of construction of a proposed *float* shall be clearly shown on a plan and drawing submitted to the *CAO* before construction or installation;
- (f) no portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom;
- (g) no *building*, shed or *structure* shall be erected on a *float*; and
- (h) the owner or operator of a vessel shall not cause, allow or permit the vessel to move from one location to another in the W-1 zone in an attempt to avoid the time limit in section 12.1.1(d) or 12.2.1(a).

W-2 Zone (Water - Marine Community Recreation)

Permitted Uses

13.1 In a W-2 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) public beach;
 - (b) public *float*;
 - (c) public boat launching ramp.
 - (d) *emergency mooring*.

- .2 *Secondary Uses, Buildings and Structures*
 - (a) None permitted.

Conditions of Use

13.2 In a W-2 zone:

- ~~.1 No person shall operate a motorized vessel;~~
- ~~.1 No person shall anchor, moor, or permit the mooring of a vessel for periods greater than 72 hours every 30 days.~~
- .2 No portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings.
- .3 No portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom.
- .4 No *building* or *structure* shall be erected on a *float*.

CU-1 Zone (Community Use)

Permitted Uses

14.1 In a CU-1 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *civic use;*
 - (b) *church;*
 - (c) *community care use.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *None permitted.*

Size and Density of the Use of Land, Buildings and Structures

14.2 .1 *Parcel coverage* shall not exceed 50 percent, except there shall be no maximum *parcel coverage* for firehalls, ambulance stations or other civic or *infrastructure uses*.

Siting of Buildings, Structures and Uses

14.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a *front parcel line*; except a school shall have a minimum *setback* of 10 metres from a *front parcel line*;
- .2 7.5 metres from a *rear parcel line*;
- .3 the greater of 2.4 metres or 10 percent of the length of the *front parcel line*, from a *side parcel line*.

Height of Buildings and Structures

14.4 .1 The *height* of a *principal building* shall not exceed 7.5 m.

Off-street Parking

14.5 .1 *Off-street parking* shall be provided in accordance with sections 4.13 and 4.14.

RU-1 (Resource Use)

Permitted Uses

15.1 In a RU-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

(a) *resource use;*

.2 *Secondary Uses, Buildings and Structures*

(a) *accessory buildings and structures.*

Siting of Buildings, Structures and Uses

15.2 The minimum *setback* for a *principal building* shall be 7.5 metres from a *parcel* line.

OS-1 (Open Space Areas)

Permitted Uses

16.1 In an OS-1 zone the following uses and no others shall be permitted:

.1 Principal Uses, Buildings and Structures

- (a) community watershed management for protection of domestic water supplies;
- (b) *natural areas*;
- (c) recreation trails, including signage;
- (d) fire department training facility.

.2 Secondary Uses, Buildings and Structures

- (a) parking areas.

Area of Parcels

16.2 .1 The minimum parcel area shall be 16 hectares.

READ A FIRST TIME this 21st day of March, 2017

READ A SECOND TIME this _____ day of _____, 2017

PUBLIC HEARING HELD this _____ day of _____, 2017

APPROVED PURSUANT TO S.52 OF THE TRANSPORTATION ACT this

_____ day of _____, 2017

READ A THIRD TIME this _____ day of _____, 2017

ADOPTED this _____ day of _____, 2017

Mayor

Corporate Officer

**Certified a true copy of Zoning and Development
Bylaw No.520, 2017 as at first reading.**

Corporate Officer

Schedule A - Zoning and Development Bylaw No. 520, 2017



GPS Coordinates

- ① 49.4761, -123.2447
- ② 49.4753, -123.2452
- ③ 49.4558, -123.2403
- ④ 49.4553, -123.2400
- ⑤ 49.4551, -123.2403
- ⑥ 49.4536, -123.2399
- ⑦ 49.4501, -123.2408
- ⑧ 49.4493, -123.2387

Legend

- RS-1 Residential – Single Detached
- RS-1 Residential – Brunswick Beach Overlay (BBO)
- RM-1 Residential – Multiple Unit
- C-1 Commercial – Neighbourhood
- C-2 Commercial – Marina
- C-3 Commercial – Marina Foreshore
- W-1 Water – Marine Foreshore
- W-2 Water – Marine Community Recreation
- CU-1 Community Use
- RU-1 Resource Use
- OS-1 Open Space

Howe Sound



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	POLICY		Policy No	POL – 1703
Title	Community Amenity Contributions Policy			
Author	CAO	Reviewed By:		
Date	April 4, 2017		Version	1

Purpose

The purpose of this policy is to provide guidance for staff, elected officials, property owners and residents of the Village of Lions Bay regarding applications under Zoning and Development Bylaw No. 520, 2017 (Bylaw No. 520) to increase the maximum density permitted. The Village of Lions Bay Official Community Plan recognizes the need to assess and provide for infill housing opportunities on an incremental, site specific basis to provide alternative housing for a broader array of the community's existing and future demographic and socio-economic composition. It also recognizes specific parcels which have development opportunities. Community Amenity Contributions (CACs) are intended to help address the needs and impacts of growth and are linked to changes in use or density under Bylaw No. 520.

Section 482 of the *Local Government Act* provides for municipalities to introduce conditions upon which an owner of property may be entitled to a higher density than would otherwise be applicable to the property within a zoning classification. These conditions may relate to the conservation or provision of amenities, including the number, kind and extent of amenities. The property owner can decide if they wish to take advantage of the opportunity to increase density by providing a defined amenity contribution.

Municipalities may also address applications for changes in use and density, from one zoning classification to another. Such reclassifications generally result in upzoning of the land, which creates a gain in the value of the land, but which may also have short and long term impacts on the neighbourhood or the community as a whole. Municipalities and property owners may negotiate suitable amenities to address these impacts and community needs through a site specific rezoning agreement.

This policy document sets out the Village of Lions Bay's approach to seeking community benefits in association with zoning approvals for changes in land use and/or density so that

POL-1703: Community Amenity Contributions Policy



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property owners and the public in general understand the purpose and mechanisms for these contributions. The Municipality wants its approach to Community Amenity Contributions to be clearly understood, predictable, consistently applied and reasonable.

Community Amenities

Renewal or replacement of fire hall
Replacement of all Lions Bay Fire Rescue apparatus
Renewal or replacement of park facilities
Construction of Transit Shelters
Construction of new trails linking neighbourhoods
Improvements to existing trails linking neighbourhoods
Dedication of land for parks and open spaces that exceed minimum requirements
Dedication of land for connecting trails
Improvement of on-street and off-street pedestrian walkways and bike paths
Improvements to Community Use Facilities
Development of Affordable, Rent Restricted, Special Needs and Seniors Housing
Other amenities of a similar nature to those listed above

Policy

1. New development should make a fair contribution to new or renewed community amenities, affordable housing and other community needs, in order to meet the needs of the community and address some of the impacts of new development.
2. The Municipality will set its targets for community amenity contributions such that the cost implications for new development will be reasonable and property owners will still see incentives to seek zoning for residential and commercial development. The Municipality will set targets for CACs in accordance with this principle.
3. The Municipality will negotiate CACs on a site specific basis during the rezoning process. In these negotiations, the Municipality will seek to obtain a target contribution that makes a meaningful contribution to community amenities while ensuring that property owners still have sufficient incentive to seek changes in use or density.



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4. The Municipality will establish a CAC reserve for cash-in-lieu contributions toward the amenities listed in this policy. Funds in the CAC reserve may only be used for expenses related to such amenities.
5. Generally, the Municipality will seek to negotiate the following target amenity contributions on a site specific basis in conjunction with increases in density resulting from:
 - a. subdivision of a parcel to create one or more additional parcels per section 7.3.1 of Zoning and Development Bylaw No. 520, 2017. Target amenity contribution: 33% of the land value of the parcels created as a result of the additional density, or an amenity of similar value;
 - b. increase in density to accommodate a cottage per section 7.3.2 of Zoning Bylaw No. 520, 2017. Target amenity contribution: registration of a covenant under section 219 of the *Land Title Act* restricting future subdivision under the *Strata Property Act*, plus a target amenity contribution of \$100/square metre of floor area of the cottage, or an amenity of similar value;
 - c. rezoning to facilitate construction of a duplex. Target amenity contribution: \$200/square metre of the maximum permissible floor area of the duplex building on the parcel multiplied by a factor of 0.50, or an amenity of similar value;
 - d. rezoning from RS-1 to RM-1 or similar to accommodate multi-unit residential development. Target amenity contribution: 50% of the land value of the parcels created as a result of the additional density, or an amenity of similar value;
 - e. rezoning from CU-1 to C1 or RM-1, or a combination thereof. Target amenity contribution: 50% of the land value of the parcels created as a result of the additional density, or an amenity of similar value.

Mayor

Corporate Officer

Adopted by Council:	[date]
Updated:	



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	POLICY	Policy No	POL – 1702
Title	Temporary Use Permits for Short Term Rentals		
Author	CAO	Reviewed By:	
Date	April 4, 2017	Version	3

Purpose

The purpose of this Policy is to provide guidance for staff, elected officials and property owners regarding applications for Temporary Use Permits (TUPs) for Short Term Rentals (STRs). Zoning and Development Bylaw No. 520, 2017 prohibits STRs in all zones, except where authorized under a TUP. The Municipality of the Village of Lions Bay (the Municipality) has delegated the authority to grant TUPs to the Chief Administrative Officer (CAO) in accordance with this policy.

Policy

1. TUPs for short term rentals shall not be granted in respect of:
 - a. houseboats,
 - b. secondary suites, or
 - c. premises which contain a child home care business or are located within 100 metres of a school or daycare.
2. An application for a TUP must be submitted by the property owner (Owner) along with a state of title certificate and stipulate whether the Owner will be living on the applicable parcel during the STRs. Preference in granting TUPs will be given to Owners living on site. Application fees are in accordance with Fees Bylaw No. 497, 2016, as amended.
3. If the Owner does not live on site or within Lions Bay, they must employ an agent within Lions Bay to manage the STRs and the name of the agent must be provided to the Municipality. Twenty-four hour per day contact information for the Owner and, if applicable, the agent, must be provided to the Municipality and neighbouring residents within 100 metres of the property. The Owner or agent must be capable of responding to complaints within 1 hour.

POL-1702: Temporary Use Permits for Short Term Rentals



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4. All parking for STRs must be provided on the property. The number of rooms allowed to be rented shall be dependent on the number of parking spots available on the property, but shall not exceed 5 rooms on any parcel. The number of guests shall not exceed 10 on any parcel. The number of guest vehicles shall not exceed the number of guest vehicle parking spaces on the parcel, having regard to any parking spaces required for the Owner and/or a long term rental tenant of a secondary suite.
5. No more than one dwelling unit per parcel may be granted a TUP for STRs.
6. All premises which are subject to a TUP application for STRs shall be inspected for compliance with the Building Code in relation to the use intended under the application. Without limiting the generality of the foregoing, the application form will specify a pre-inspection checklist for STRs to assist applicants in meeting the requirements.
7. Decisions regarding the granting of TUPs may take into consideration any or all of the following:
 - a. safety considerations identified regarding the applicable premises;
 - b. the ability of water and septic disposal systems to handle the anticipated uses;
 - c. the proximity to and potential impacts on identified sensitive ecosystems;
 - d. the proximity to and impact on public rights-of-way, beach accesses and other public use areas;
 - e. the size of
 - i. the dwelling unit;
 - ii. the parcel; andthe location of the dwelling unit on the parcel in relation to neighbouring properties;
 - f. the impact of vehicles coming and going to and parking upon the property;
 - g. the intended form of management of the STR business;
 - h. previous history of complaints regarding STRs at the property;
 - i. potential impacts upon the neighbourhood;
 - j. the number of TUPs already issued for STRs in the neighbourhood and in Lions Bay.
8. The CAO may require the Owner to provide a report from an authorized person under the Sewerage System Regulation to confirm that a septic disposal system is capable of handling the anticipated uses related to a TUP.



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9. All TUPs shall specify quiet times between the hours of 10 pm and 8 am seven days per week and restrict the use of hot tubs accordingly.
10. No signs indicating the STR use are permitted on or off the property.
11. STRs within a strata unit must be supported by a resolution from the strata council.
12. Security in the form of an irrevocable letter of credit or similar instrument in the amount of \$5,000 is required in conjunction with the issuance of a TUP for STRs. This security may be drawn upon by the Municipality for:
 - a. any Bylaw Notices issued under Bylaw Notice Enforcement Bylaw No. 385, as amended;
 - b. any judgements obtained or legal expenses incurred in pursuit of remedies in BC Provincial or Supreme Court;
 - c. any of the grounds permitted under section 502 of the *Local Government Act*.

If drawn upon by the Municipality, this security shall be replenished by the Owner within 30 days or the TUP will be rescinded.
13. Applicant must provide proof of insurance for the use intended, including a Broad form Commercial General Liability policy for a limit of not less than two million (\$2,000,000.00) dollars per occurrence with respect to third party liability claims for bodily injury, property damage, personal injury. Such insurance must stay in force and not be amended, cancelled or allowed to lapse during the term of the TUP.
14. The term of the first TUP issued in respect of a property shall be no longer than 1 year. Within 60 days of the expiry of the term, the Owner may apply for a 1 year renewal term. Any subsequent use of the property for STRs beyond the renewal term shall be prohibited unless the Owner applies for and receives a new TUP for up to 3 years. All applications and renewal applications are subject to this policy.
15. If any objections to an application are received by the CAO, the CAO may not make a decision to issue or not issue a TUP and shall instead, refer the application to the next available Council meeting, once all application materials have been received.

POL-1702: Temporary Use Permits for Short Term Rentals



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16. A decision of the CAO under this policy may be reconsidered by Council if, within 30 days of the CAO's decision being conveyed to the Owner in writing via email, the Owner requests a reconsideration. The Owner may submit such a request in writing via email addressed to Council@lionsbay.ca and copied to cao@lionsbay.ca and agenda@lionsbay.ca . A reconsideration will be heard by Council at the next available regular Council meeting.

Mayor

Corporate Officer

Adopted by Council:	[date]
Updated:	



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Zoning and Development Bylaw No. 520, 2017

VILLAGE OF LIONS BAY

ZONING and DEVELOPMENT BYLAW NO. 520, 2017

A Bylaw to Establish Zones and Regulate the Use of Land, Buildings and Structures Within the Zones

The Council of the Village of Lions Bay in open meeting assembled enacts as follows:

PART I TITLE

1.1 This bylaw may be cited for all purposes as "Zoning and Development Bylaw No.520, 2017".

Repeal

1.2 The following bylaws are hereby repealed:

- .1 Zoning Bylaw No. 362, 2004, as amended; and
- .2 Greater Vancouver Regional District Electoral Area C Zoning Bylaw No. 785, 1995, as amended, to the extent the bylaw applied within the *Municipality*, through Supplementary Letters Patent or otherwise.

PART II INTERPRETATION

Definitions

2.1 In this bylaw:

accessory use, building or structure means a *use, building or structure* that is subordinate, incidental and exclusively devoted to a *principal use, building or structure* on the same *parcel* as the *accessory use, building or structure*, or, in the case of common property in a strata plan, a *principal use, building or structure* on a strata lot within the same strata plan;

aisle space means the area of a *parcel* which provides space for motor vehicle access and maneuvering in respect of parking and does not include space for motor vehicle parking;

apartment means a *multi-unit dwelling* which has its principal access from a common entrance;

Approving Officer means the person appointed by Council as the Approving Officer for the *Municipality*;

building means a *structure* used or intended for supporting or sheltering a *use or occupancy*;

building or structure, accessory means a building or *structure* that is subordinate to and serves a *principal building or use*;

Building Official means the *Building Official* for the *Municipality*;

building, principal means a building in which is conducted the *principal use* of the *parcel* on which it is located;

cannabis means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis;

CAO means the Chief Administrative Officer of the *Municipality*;

carport means a *structure* which shelters an area used for the parking of one or more motor vehicles and is open at least 50 percent on all sides;

church means an assembly *building* used for religious but not commercial or residential purposes;

civic use means a *use* providing for public functions, including but not limited to government offices, public schools, colleges, and hospitals, community centres, courts, police stations, firehalls and fire department training facilities, ambulance stations, libraries, museums, parks, playgrounds, cemeteries, and *highways*;

Community Amenity Contribution Policy means the community amenity policy in the Official Community Plan of the *Municipality*;

conservation use means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

convenience store means a *retail store* where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other such *household* items are sold in small quantities, and may include the retail sale of alcoholic beverages;

cottage means a *building* containing a secondary *dwelling unit*, which is separate from, and accessory to, a principal *single detached dwelling* on the same lot;

density means any of the following: the number of *dwelling units* per hectare of *parcel* area, the *floor area ratio*, or the number of *parcels* per hectare;

dwelling unit means a set of habitable rooms within a *building*, used as a residence by not more than one *household*, that contains:

- (a) a separate entrance from the outdoors; and
- (b) a gas range or stove or electric range or stove with 240 volt wiring;

dwelling, duplex means a *building* containing two *dwelling units*, neither of which is a *secondary suite*, divided horizontally or vertically, with each *dwelling unit* having a separate exterior entrance;

dwelling, multi-unit means a *building* containing three or more *dwelling units*;

dwelling, single detached means a *building* containing only one *dwelling unit*;

dwelling with secondary suite means a *building* containing two *dwelling units*, a larger principal *dwelling unit* and a smaller *secondary suite*;

emergency mooring means mooring for

- (a) safe harbour from inclement weather or marine conditions;
- (b) repairs to a vessel;
- (c) medical purposes;
- (d) overnight purposes; or
- (e) provisioning of supplies.

environmental conservation means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife;

fence includes arbor, archway, gate, pergola, screen, trellis and *wall*;

float means a buoyant platform *structure*, affixed on the surface of water by a rope, chain or wire connected to an anchor located beneath the low water mark and which is customarily used for recreational purposes such as swimming or diving;

floating dock means a platform or ramp supported by pontoons usually joined to the shore with a gangway and usually held in place by vertical pilings which are embedded in the seafloor or by anchored cables;

floor area, gross means the total floor area of all *buildings* on a *parcel* measured to the outer limits of the *buildings* including all areas giving access thereto such as corridors, hallways, landings, foyers, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding unenclosed swimming pools, balconies or sundecks, elevators, up to 40 square metres of *garage* or *carport* area, ventilating machinery;

floor area ratio means the *gross floor area* divided by the area of a *parcel*;

garage means an *accessory building* or a portion of a *principal building* that is used for the parking of one or more motor vehicles and is totally enclosed with a roof, *walls*, and one or more doors;

grade, average is measured around the perimeter of a *building* or *structure* at or directly above or below the outermost projection of the exterior *walls* or the posts of *carports*, as described in section 4.8. A deck attached to a *building* is not considered in determining the *building* perimeter;

grade, finished means the ground level created by human action, excluding created localized depressions such as for vehicles or pedestrian entrances;

grade, natural means the undisturbed ground level formed without human intervention;

height means the vertical distance from the *average grade* of a *structure* to the highest point of the roof surface, in the case of a *structure* without a roof, to the highest point of the *structure*;

highway includes a *street*, road, *lane*, bridge, viaduct and any other way open to public *use*, but does not include a private right of way on private property;

home-based business means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain within a wholly enclosed *building* or *structure* so that the business *use* is not evident to passersby, and which is *accessory* to the principal *residential use* of the property;

home exchange for the purpose of this bylaw means the exchange of two homes, without a monetary transaction, where the residents of each home trade *use* of their homes at a time or times convenient to both parties;

household means one or more persons related by blood, marriage, common law marriage or adoption; or a group of not more than 5 unrelated persons; all of whom are living together in one dwelling using common *kitchen* facilities.

infrastructure use means a *use* providing for the servicing of all or a portion of the *Municipality* with community water or sewer systems (including pump houses and sewage treatment plants), storm drainage systems, roads, community gas, electrical, telephone, broadcast transmission and similar public service facilities and equipment where such *use* is established by the *Municipality*, by another governmental body or by a company operating under a license or permit issued by a Provincial or Federal regulatory authority, and includes *public works yard*, maintenance *buildings* and offices;

kitchen means facilities intended or used for the preparation or cooking of meals, and includes any room or portion of a room containing cooking appliances, including stove, oven, and hotplates, as well as raised counters, cabinets, or where wiring exists for the installation of such facilities;

lane means a *highway* which is greater than 3 metres and less than 10 metres in width and which provides secondary access to a *parcel*

main floor means the floor of the *storey* which is nearest to the *finished grade* of the *parcel*;

mooring system has the same meaning as in the *Navigable Waters Protection Act*, as amended;

Municipality means the municipality of the Village of Lions Bay or the area within the Lions Bay municipal boundaries as the context may require;

natural areas means land that is retained in its natural state for the purpose of protecting and preserving natural ecosystems, biological diversity, and steeply sloped lands;

natural boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long

continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil;

panhandle lot means a *parcel* which gains access to a public *street* through a strip of land narrower than the typical frontage dimensions required for the *parcel*;

parcel means a lot, block, or other area in which land is held or into which land is subdivided;

parcel, through means a *parcel* that abuts two generally parallel *highways*;

parcel coverage means the total horizontal area within the outermost *walls* of the *buildings* on a *parcel*, expressed as a percentage of the *parcel* area;

parcel line, exterior side means the *parcel* line or lines not being the front or rear *parcel line*, common to the *parcel* and a *highway*;

parcel line, front means the *parcel* line common to the *parcel* and:

- (a) an abutting *highway*, and
- (b) where there is more than one *parcel* line abutting a *highway*, the shortest of these lines shall be the front;

parcel line, rear means the *parcel* line opposite to and most distant from the *front parcel line* or where the rear portion of the *parcel* is bounded by intersecting *side parcel lines*, it shall be the point of such intersection;

parcel line, side means a *parcel* line, other than a front or rear *parcel line*, common to two or more *parcels*;

parking space, off-street means an area on a *parcel* identified for the parking of one motor vehicle and does not include *aisle space*;

personal services establishment means use of a *building* or portion thereof to provide: (a) grooming services to a person including but not limited to hairstylists, aestheticians and spa services; or (b) clothing related services including shoe repairs, tailor or dressmaker and other similar services;

principal use means the main purpose for which land, *buildings* or *structures* are ordinarily used;

Public Works Manager means the Public Works Manager for the *Municipality*;

public works yard means premises operated by, or on behalf of, the *municipality*, for the storage, manufacture, maintenance or repair of *buildings*, infrastructure, materials or equipment including machine shop, paint shop, sign shop, woodworking shop, fuel storage, and repair *garage* used in connection with public works;

residential use means the occupancy or use of a *dwelling unit* for the permanent domicile of a person or persons, or the occasional or seasonal occupancy of a *dwelling unit* as a dwelling by an

owner who has a permanent domicile elsewhere, or by non-paying guests of such an owner - this *use* does not include *short term rentals*;

resource use means a *use* providing for the extraction or stockpiling of mineral and other resource materials, and in addition includes only the primary grading, cutting, crushing, pumping and filtering of such materials for shipment or distribution, and excludes all manufacturing of products, and any processing not specifically included in this definition;

retail store means a place where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own *use*;

retail store, cannabis means premises where *cannabis* is sold or otherwise provided to a person who attends at the premises, with or without a medical prescription;

retaining wall means a vertical *structure* used to retain soil for the construction of an artificial grade by either excavating from or adding fill to the *natural grade*;

secondary suite means a *dwelling unit* completely contained within what would otherwise be a *single detached dwelling* and having:

- (a) a total floor area of not more than 90m² in area, and
- (b) having a floor area less than 40 percent of the habitable floor area of the *building*, used only for *residential use* consistent with the provisions of the *Residential Tenancy Act*;

secondary use, building or structure means one or more *uses, buildings or structures* that are used in conjunction with a *principal use, building or structure* on the same *parcel*;

setback means the minimum permitted distance between a *building or structure* and a specified *parcel line or natural boundary*;

short term rental means the use of a *dwelling unit* for the temporary commercial accommodation of paying guests for a period of less than one month and excludes *home exchanges*;

street means a *highway* 10 metres or more in width;

storey means the portion of a *building* that is situated between the top of any floor and

- a) the top of the floor next above it; or
- b) if there is no floor above it, that portion between the top of such floor and the ceiling above it;

structure means any construction fixed to, supported by or sunk into land or water but excludes a *fence* less than 1.9 metres and a *retaining wall* less than 1.2 metres, and includes a *building*;

temporary structure means a *structure* which is:

- a) not a fixture fixed to or sunk into land; or
- b) not attached to land other than by its weight;

townhouse means a *multi-unit dwelling* not more than three *storeys* high with *dwelling units* located side by side under one roof, with private exits or entrances to each dwelling and with each dwelling sharing common *walls* or party *walls*;

use, includes actual *use*, intended *use* or designed for a particular *use*;

wall means any vertical *structure* used as an enclosure or screen where the thickness is greater than 8 centimetres, excluding rails and posts. Thinner *structures* are considered *fences*;

watercourse means a depression with a bed 0.6 metres or more below the average natural elevation of surrounding land:

- (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or
- (b) having a drainage area of 2 square kilometres or more.

Illustrations

- 2.2 Illustrations provided in this bylaw are provided for convenience only and do not form part of the bylaw. If a conflict exists between an illustration and the text, the text will prevail.

Rounding

- 2.3 Where calculation of maximum number of *dwelling units* or *parcels* per hectare, minimum number of *parking spaces* per specified *gross floor area* or similar calculation of permitted or required units results in a fraction, the required or permitted number of units shall be rounded to the next lower whole number.

PART III APPLICATION, ADMINISTRATION AND ENFORCEMENT

Application

3.1 This bylaw applies to all land within the *Municipality*, including the surface of water.

Compliance

3.2 Land shall not be used and *buildings* and *structures* shall not be constructed, altered, located or used except as specifically permitted by this bylaw.

Inspection

3.3 Officers or employees of the *Municipality*, or other persons authorized by Council, may enter on property, and enter into property, at reasonable times and in a reasonable manner, after taking reasonable steps to advise the owner or occupier before entering the property, and complying with any other requirements of the *Community Charter*, to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to this bylaw.

Offence

- 3.4 .1 Any person who violates, or causes or permits an act to be done in violation of a provision of this bylaw shall be deemed to be guilty upon summary conviction of an offence under this bylaw.
- .2 Each day's continuance of an offence under Section 3.4 constitutes a new and distinct offence.
- .3 Notwithstanding the foregoing, where the *Municipality* elects enforcement under Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, any bylaw contraventions under this zoning bylaw shall not constitute the creation of an offence.

Penalty

- 3.5 Every person who contravenes this bylaw is liable:
- .1 to a penalty for contravention as set out in Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended;
- .2 on summary conviction to a fine not exceeding \$10,000 and the costs of prosecution; or
- .3 to both a penalty under subsection 3.5.1 and a fine under subsection 3.5.2.

Severability

3.6 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

PART IV GENERAL REGULATIONS

Application

4.1 Except as otherwise specified in this bylaw, Part IV applies to all zones established under this bylaw.

Uses Permitted in All Zones

4.2 The following *uses* and *structures* are permitted in all zones:

.1 *Principal Uses, Buildings and Structures*

- (a) community garden;
- (b) *environmental conservation* activities;
- (c) parks, playgrounds and recreational trails;
- (d) *infrastructure use*;

.2 *Secondary Uses, Buildings and Structures*

- (a) temporary construction and project sales offices authorized by *building* permit as temporary *buildings*;

Uses Prohibited in All Zones

4.3 The following *uses* are expressly prohibited in all zones:

- .1 *residential use* of a mobile home, tent, trailer or recreation vehicle;
- .2 storage of boats exceeding 7 metres in length, except in the C-2 and C-3 Zones;
- .3 animal husbandry including the keeping of poultry, fish farming, the boarding of animals and the keeping of animals, except that *household* pets, other than poultry, may be kept;
- .4 a *use* with a drive-through service;
- .5 *cannabis retail store*.
- .6 *cannabis* production, except as permitted under Part 2 [Production for Own Medical Purposes and Production by a Designated Person] of the *Access to Cannabis for Medical Purposes Regulations*;
- .7 *short term rentals*; except where authorized under a temporary *use* permit;
- .8 any *use* not listed as a *principal* or *secondary use* in this Part or any of the zones.

Principal Uses, Buildings and Structures

4.4 Except where specifically permitted, not more than one *principal building* shall be located on a *parcel*.

Accessory Uses, Buildings and Structures

- 4.5 .1 *Principal uses* permitted by this bylaw do not include, except where specifically permitted, *accessory uses, buildings or structures*.
- .2 All *accessory buildings and structures* shall be located on the same *parcel* as the *principal building* to which it is *accessory*.
- .3 An *accessory building or structure* attached to the *principal building* shall be considered a part of the *principal building* and shall comply in all respects with the regulations of this bylaw applicable to the *principal building*.
- .4 For the purposes of section 4.5.3 “attached” means heated space with a minimum internal clear width of 860mm and a minimum finished floor area of 3.5 square metres.
- .5 An *accessory building or structure* shall not be used as a *dwelling unit*.
- .6 No *accessory building or structure* shall include *kitchen* facilities.

Temporary Use Permits

- 4.6 (a) Pursuant to the *Local Government Act*, all lands within the *Municipality* are designated as areas where temporary *uses* may be allowed under a temporary *use* permit;
- (b) Council delegates to the *CAO* the authority to grant temporary *use* permits in accordance with the *Short Term Rental Policy*.

Siting Exemptions

- 4.7 .1 Interior *side parcel line* requirements shall not apply to strata *parcels* under the *Strata Property Act* where a common *wall* is shared by two or more *dwelling units* within a *building*.
- .2 The following features may project into the *setback* area required by this bylaw between a *building* and front, rear or *side parcel lines*:
- (a) gutters, cornices, sills, belt courses, bay windows, chimneys, heating or ventilating equipment if the projections do not exceed 0.6 metres;
- (b) eaves, porches, canopies and sunshades if the projections, measured horizontally, do not exceed:
- (i) 1.5 metres for front and *rear parcel lines*, or
- (ii) 0.6 metres for *side parcel lines*
- provided that the foundation or supports for them do not encroach into any required front, side or rear *setback* area.
- .3 The following are exempted from the siting regulations:
- (a) *fences*,
- (b) *retaining walls* not exceeding 1.2 metres in *height*;

- (c) stairs not exceeding two metres, exclusive of necessary handrails or guards, above existing ground elevation;
- (d) free standing light poles, flag poles, warning devices, antennas, masts and clothes lines;
- (e) sidewalks, patios and hard surfacing of the ground;
- (f) uncovered swimming pools or tennis courts provided that the pool or tennis court is:
 - i. not within the required minimum siting distance from the *front parcel line*; and
 - ii. a minimum of 1.0 metre from any other *parcel line*; and
- (g) underground *structures* that do not extend above the surface of the *parcel*.

.4 In a zone in which *residential uses* are permitted, a free standing tool storage shed or greenhouse not exceeding 19 square metres in area or a combination of tool storage and greenhouse not exceeding 28 square metres in area may be placed within the *setback* area between the *principal building* and *rear parcel line*.

Calculation of Average Grade

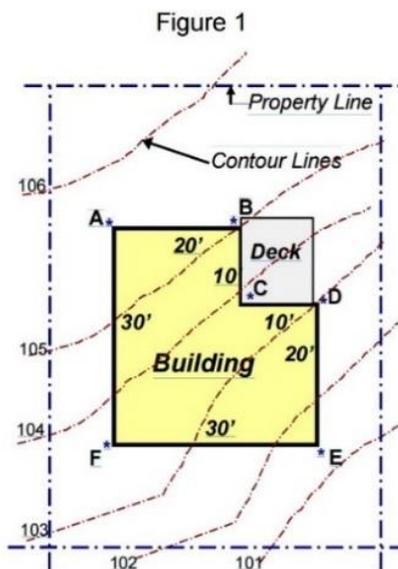
4.8 The *average grade* for a *building* or *structure* shall be calculated as follows:

- .1 (a) measure the ground elevation at each corner of the *building*; then
- (b) total the elevations of all corners; then
- (c) divide by the number of corners.

The result is *average grade* for the *building*, the reference point from which *height* will be measured.

Example:

Corner	Elevation
A	105.5 m
B	105.0 m
C	104.0 m
D	103.0 m
E	101.5 m
F	104.0 m
Total	623.0 m
÷ 6	103.8 m



- .2 Where the *natural grade* cannot be ascertained because of existing landscaping, *buildings* or *structures*, and appears to have been significantly altered, the level of *natural grade* shall be determined by the *Building Official*, who may rely on the professional opinion of a British Columbia Land Surveyor, at the cost of the property owner.

Height Exemptions

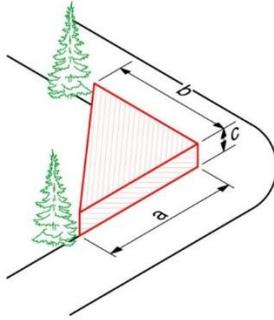
- 4.9 Any of the following may exceed the *height* limitations specified for each zone of this Bylaw provided that the *parcel coverage* of such *structures* does not exceed 1 percent or, if it is located on a *building*, the *structure* does not occupy more than 5 percent of the roof area of the *building*:
 - .1 dome or cupola;
 - .2 monument;
 - .3 chimney;
 - .4 spire, belfry;
 - .5 mast or antenna for any purpose other than the domestic reception of radio and television signals;
 - .6 mechanical appurtenance screened from view from a *highway*
 - .7 observation tower; or
 - .8 flagpole.

Fences and Retaining Walls

- 4.10 Except as otherwise specifically stated in this bylaw:
 - .1 the *height* of a *fence* or *wall* shall be determined by measurement from the average *finished grade* within 0.9 metres of both sides of the *fence* or *wall*;
 - .2 no *fence* shall exceed 1.9 metres in *height*;
 - .3 a site alteration permit, site plan, geotechnical report, and engineer's Letters of Assurance shall be required for *retaining walls* with *heights* greater than 1.2 metres or for any *wall* slope greater than 45 degrees. The *Building Official* may require an engineer's Letters of Assurance, for a series of terraced *retaining walls* with a combined *height* of greater than 1.2 metres;
 - .4 confirmation of siting by a British Columbia Land Surveyor (BCLS) is required where a *fence* or *wall* will be located within one metre of a property line;
 - .5 a registered professional shall supervise the design and construction of a *retaining wall* greater than or equal to 1.2 metres in *height*. Sealed copies of the design plan and field review reports prepared by the registered professional for all *retaining walls* greater than or equal to 1.2 metres in *height* shall be submitted to the *Building Official* prior to commencement of the work.

Visibility

- 4.11 Despite section 4.10.2, on a *parcel* contiguous to a *street* intersection in any zone, no *fence*, *retaining wall*, *wall*, *hedge* or other obstruction to the line of vision shall be allowed at a greater *height* than 0.9 metres above the established elevation of the centre point of the intersecting *streets*, at or within a distance of 4.5 metres from the corner of the *parcel* at the intersection of the *streets*.



a = 4.5 metres

b = 4.5 metres

c = 0.9 metres

Home-based business

- 4.12 *Home-based businesses*, where permitted as a *secondary use* in a zone, shall be subject to the following conditions:
- .1 the *home-based business* shall be carried on by persons resident on the *parcel*;
 - .2 all *home-based business* shall be conducted entirely within a completely enclosed *building* permitted under this bylaw;
 - .3 there shall be no signs or other variations from a primarily residential appearance of the land and premises where a *home-based business* is located;
 - .4 the *gross floor area* of the *home-based business* shall not exceed 100 m² or 40% of the *gross floor area* of the principal dwelling in which the *home-based business use* is located, whichever is less
 - .5 outdoor storage of materials or equipment is prohibited, except as provided for in section 4.15;
 - .6 any *use* which is or may become obnoxious, offensive, dangerous or a nuisance by reason of the presence or emission of odour, dust, smoke, noise, gas, fumes, cinders, vibration, electrical interference, refuse matter or water carried wastes is prohibited;
 - .7 for clarity, automobile body shop, automobile service, automobile salvage or wrecking yard; brewery; distillery; kennel; animal breeding; restaurant; and the parking or storage of industrial or construction equipment or materials are specifically prohibited as *home-based businesses*;

Off-street Parking

- 4.13 .1 Except as otherwise specified in this bylaw, space for the off-street parking and loading of motor vehicles for a class of *building* permitted under this bylaw shall be provided and maintained in accordance with the regulations of this section.
- .2 The number of *off-street parking spaces* for motor vehicles required for any class of *building* shall be calculated according to Table 1 of this bylaw in which Column I classifies the types of *buildings* and Column II sets out the number of required off street parking and loading spaces that are to be provided for each *use* in Column I.
- .3 Where a class of *building* permitted under this bylaw is not specifically referred to in Column I of Table 1, the number of *off-street parking spaces* shall be calculated using the requirements for a similar class of *building* that is listed in Table 1.
- .4 Where the calculation of the required *off-street parking space* results in a fraction, the number of required *parking spaces* shall be rounded down.
- .5 Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.4 linear metres of seating shall be deemed to be one seat.
- .6 *Off-street parking spaces* shall be located on the same *parcel* as the *building* they serve and must, except for *single detached dwellings, cottages* and duplexes, have associated *aisle space* as set out in section 4.14.

TABLE 1

COLUMN I	COLUMN II
<u><i>Building Class, Use or Type</i></u>	<u><i>Required Number of Off-Street Parking Spaces</i></u>
Single family dwelling per <i>parcel</i>	2 for each <i>Single Detached Dwelling</i> without a <i>Secondary Suite</i> and 3 for each <i>Single Detached Dwelling</i> with a <i>Secondary Suite</i>
<i>Cottage</i>	2 per <i>cottage</i>
<i>Apartment building or townhouse</i>	1.5 for each <i>dwelling unit</i>
Shopping centre and individual <i>retail store</i>	1 per 18.6 square metres of <i>gross floor area</i>

Restaurant, coffee shop, facility licensed for consumption of alcohol	1 per 4 seats of maximum seating capacity
Public assembly places, <i>churches</i> , auditoriums, community centres, meeting halls, and recreation centres	1 for each 5 seats based on maximum capacity
Marina	1 per 2 berths or 1 per 7.5 metres of moorage

Parking and Aisle Space Dimensions

- 4.14 .1 An *off street parking space* shall be not less than 2.75 metres in width and 6 metres in length with a minimum vertical clearance of 2.8 metres.
- .2 *Aisle space* shall be a minimum of:
- (a) 6 metres wide where the angle of the *parking space* to the *aisle space* is 61 degrees to 90 degrees;
 - (b) 5 metres wide where the angle of the *parking space* to the *aisle space* is 46 degrees to 60 degrees; or
 - (c) 4 metres wide where the angle of the *parking space* to the *aisle space* is 1 degree to 45 degrees.

Parking and Storage of Commercial and Industrial Vehicles and Equipment

- 4.15 .1 The outdoor storage or parking of commercial or industrial vehicles, equipment, or machinery with a primary function other than the transportation of passengers, including but not limited to excavators, dump trucks, forklifts, backhoes, tractors, trailers and similar types of vehicles, equipment or machinery is prohibited in all Residential zones.
- .2 Outdoor storage or stockpiling of any commercial, industrial or construction materials, implements or supplies is prohibited in all Residential zones.
- .3 Despite clause 4.15.1, one commercial or industrial vehicle or piece of equipment per *parcel* may be parked or stored outdoors on a lot in a Residential zone provided that the vehicle or equipment:
- (a) has a gross vehicle weight rating (or manufacturer's specified operating weight in the case of equipment) of not more than 7,000 kilograms and
 - (b) is operated by a resident of the *parcel*.
- .4 Despite clauses 4.15.1 and 4.15.2, commercial and industrial vehicles, equipment, or machinery and commercial, industrial or construction materials, implements or supplies may be stored on a *parcel* for which the alteration of the land or the construction of a *building* or *structure* has been authorized by the Village through:

- (a) a site alteration permit, or
 - (b) a *building* permit,
- provided that all such vehicles, equipment, supplies, and materials:
- (c) can be demonstrated to the satisfaction of:
 - (i) the *Public Works Manager or the Building Official*, regarding site alteration permits, or
 - (ii) the *Building Official*, regarding *building* permits,
 to be directly related to and strictly necessary for the fulfillment of the construction so authorized by the Village, and
 - (d) are removed within 30 days of final inspection related to the site alteration permit or the *building* permit, or such earlier date as the *Public Works Manager or Building Official* determines such vehicles, equipment, supplies, and materials are no longer needed to fulfill the scope of the applicable permit.
- .5 A person may appeal the determination of the *Public Works Manager* or the *Building Official* under section 4.15.4 to the Council by submitting a request and the detailed reasons for appeal and any supporting documentation to the Corporate Officer, who shall add the matter to an upcoming Council meeting agenda.
- .6 On an appeal under section 4.15.5, the Council may uphold the determination and order of the *Public Works Manager* or *Building Official*, or may vary such order as it determines is reasonable in the circumstances.

Temporary Structures

- 4.16 Notwithstanding any other provision of this bylaw, a *temporary structure* is prohibited, except that:
- .1 The CAO may issue a permit for a *temporary structure* on receipt of an application in writing requesting permission for the *temporary structure*.
 - .2 The CAO shall not issue a permit for a *temporary structure* if it would obstruct a public right of way or easement; or contravene a Village bylaw.
 - .3 A *temporary structure* permit is valid for a period of not more than 60 days, provided that Council on receipt of an application in writing for an extension may extend the permit period for not more than one year.

Metal Shipping Containers

- 4.17 .1 A metal shipping container shall only be used for storage purposes.
- .2 A metal shipping container shall not be accessible to the general public, or rented or leased as part of a commercial storage facility.
- .3 Metal shipping containers are permitted only in the C-2, CU-1 and RU-1 zones.

- .4 Despite Section 4.17.3:
- (a) where a site alteration or *building* permit has been issued for construction on a *parcel* in any zone, metal shipping containers may be used for temporary storage provided that they are removed within 30 days of:
 - (i) final inspection of the *building* or *structure* for which the *building* permit has been issued;
 - (ii) expiry of the *building* permit;
 - (iii) completion of a site alteration for which a site alteration permit has been issued; or
 - (iv) a determination by the *Public Works Manager* or the *Building Official* that the shipping container is no longer needed to fulfill the scope of the applicable permit, in which case the provisions of sections 4.15.5 and 4.15.6 apply.
 - (b) metal shipping containers may be used for moving provided that they are not located on any *parcel* for longer than 60 days;
 - (c) metal shipping containers may be used for emergency purposes on a *parcel* in any zone provided they are not located on any *parcel* for longer than 90 days; and
 - (d) metal shipping containers may be used in conjunction with *infrastructure uses* and *civic uses* on a *parcel* in any zone.
- .5 Despite section 4.17.4, a metal shipping container is not permitted to remain on an RS-1 *parcel* longer than two years.
- .6 The maximum number of metal shipping containers on any *parcel* is 1, except on *parcels* used for fire department training facilities.

Solar Energy Devices

- 4.18 .1 Solar energy devices are permitted in any zone provided that where attached to a *building* or *structure*:
- (a) the device does not extend beyond the outermost edge of the roof or *structure*;
 - (b) the device does not extend above the highest point of the roof or *structure*; and
 - (c) roof connection details have been approved by a structural engineer.
- .2 Where a solar energy device is not attached to a *building* or *structure*, or is attached to a pole, it shall comply with the siting requirements for the *principal building* or *structure* on the *parcel* on which the device is located.

Flood Protection

4.19 No *building* or *structure* shall be constructed, erected or placed;

.1 within 15 metres of the *natural boundary* of a *watercourse*;

.2 on ground surface less than:

(a) 0.7 metres above the 200 year flood level, which level has been established by the Ministry of Environment;

(b) 3.1 metres above the *natural boundary* of a *watercourse* where the 200 year flood level has not been established; and

(c) 1.6 metres above the *natural boundary* of the sea.

PART V GENERAL SUBDIVISION PROVISIONS AND REGULATIONS

Minimum Frontage Waiver

- 5.1 The *Approving Officer* may exempt, where a *parcel* of land fronts on a *highway*, a person proposing to subdivide land from the limitation provided under Section 512 of the *Local Government Act* after duly considering whether:
- .1 the proposed lot is capable of being further subdivided under existing regulations;
 - .2 an attempt is being made to assemble land which conforms substantially with the Official Community Plan;
 - .3 the lot with insufficient frontage is for municipal or public use; and
 - .4 unusual soil conditions exist or may develop as a result of the proposed subdivision.

Panhandle Lots

- 5.2 The area within the access strip of a *panhandle lot* in a residential zone shall not be included in the calculation of the area of the lot.

Minimum Parcel Area Exceptions

- 5.3 Minimum *parcel* area regulations required by the applicable zone shall not apply where:
- .1 a covenant is registered restricting the use of the *parcel* to non-sewage generating uses prohibiting the construction of *buildings* and *structures*;
 - .2 the *parcel* is intended for *infrastructure uses*, parks, fire halls, or fire department training facilities;
 - .3 an adjustment of lot lines dividing contiguous *parcels* to facilitate an existing development or improve a subdivision pattern does not create, or make it possible to create, additional *parcels* to those existing at the time of application; or
 - .4 a crown non-residential upland lease or aquatic lease is granted.

PART VI CREATION AND DEFINITIONS OF ZONES

Creation of Zones

6.1. The area of the *municipality* is divided into the zones identified in Column I and each zone is briefly described in Column II:

COLUMN I	COLUMN II
RS-1	Residential - Single Detached
RM-1	Residential – Multiple Unit
C-1	Commercial - Neighbourhood
C-2	Commercial - Marina
C-3	Commercial - Marina Foreshore
W-1	Water - Marine Foreshore
W-2	Water – Marine Community Recreation
CU-1	Community <i>Use</i>
RU-1	<i>Resource Use</i>
OS-1	Open Space Areas

Definition of Zones

- 6.2 .1 The area of each zone is defined by Schedule A.
- .2 Where a zone boundary is shown on Schedule A as following a road right of way, rail right of way or a water course, the centre line of the road right of way, rail right of way or water course shall be the zone boundary.

PART VII ZONES

RS-1 Zone (Residential – Single Detached)

Permitted Uses

7.1 The following *uses* and no others are permitted in the RS-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in a single detached dwelling;*
 - (b) *residential use in a dwelling with secondary suite;*

- .2 *Secondary Uses, Buildings and Structures*
 - (a) *home-based business;*
 - (b) *accessory buildings and structures.*

Density and Area of Parcels

- 7.2 .1 The base *density* for existing *parcels* shall be a maximum of one *dwelling unit per parcel*, not including *secondary suites*.
- .2 The base *density* for *parcels* created by subdivision shall be a maximum of one *parcel* per 8000 m² of existing *parcel* area.
- .3 The minimum *parcel* area shall be 8000 m².

Density Benefits for Amenities

- 7.3 .1 Despite section 7.2, the maximum *density* may be increased to an average of one *parcel* per 800 m², with a 700 m² minimum *parcel* area, where amenities identified in the *Community Amenity Contribution Policy* are provided.
- .2 Despite sections 7.2, and subject to section 7.9, the maximum *density* may be increased from one to two *principal buildings per parcel* containing dwellings to accommodate a *cottage* on *parcels* having a minimum area of 1,000 m², where a covenant and amenities identified in the *Community Amenity Contribution Policy* are provided.
- .3 The amenities provided under sections 7.3.1 or 7.3.2 shall be subject to negotiation with the owner based on a target contribution towards amenities identified in the *Community Amenity Contribution Policy*.

Size and Density of the Use of Land, Buildings and Structures

- 7.4 .1 Subject to section 7.3, no more than one *principal building* shall be located on a *parcel*.

- .2 The *floor area ratio* shall not exceed 0.35.
- .3 *Parcel coverage* shall not exceed 30 percent.
- .4 The minimum floor area of the *main floor* of a *principal building* shall be 93 m².

Siting

7.5 The minimum *setback* for a *building* or *structure* shall be:

- .1 7.5 metres from a front or rear *parcel line*; or
- .2 2.4 metres from a *side parcel line*.

Brunswick Beach Overlay Area

7.6 Despite sections 7.4, 7.5 and 7.8.2, the following regulations apply to the area outlined in a heavy black line on Schedule A (the Brunswick Beach Overlay Area):

- .1 Size and *Density* of the Use of Land, *Buildings* and *Structures*
 - (a) No more than one *principal building* shall be located on a *parcel*.
 - (b) The *floor area ratio* shall not exceed 0.25 plus 240 m².
 - (c) *Parcel coverage* shall not exceed 12.5 percent plus 180 m².
 - (d) The minimum *gross floor area* of a *principal building* shall be 75 m².
 - e) A floor area of up to 40 m² to accommodate *accessory* storage and a *garage* may be excluded from the *floor area ratio* and *parcel coverage* calculations in (b) and (c) above.
- .2 Siting
 - No *building* or *structure* shall be located within:
 - (a) 4.5 metres from a front or rear *parcel line* common to a public right of way whose opposite side adjoins the sea;
 - (b) the lesser of 7.5 metres or 20 percent of the *parcel* depth, to a minimum of 4.5 metres from any other *front parcel line*;
 - (c) 7.5 metres from any other rear *parcel line*;
 - (d) 1.5 metres of an interior *side parcel line*; or
 - (e) 3.0 metres of an *exterior side parcel line*.

.3 Minimum Width

There shall be no minimum width provision for *principal buildings* in the Brunswick Beach Overlay Area.

.4 Height

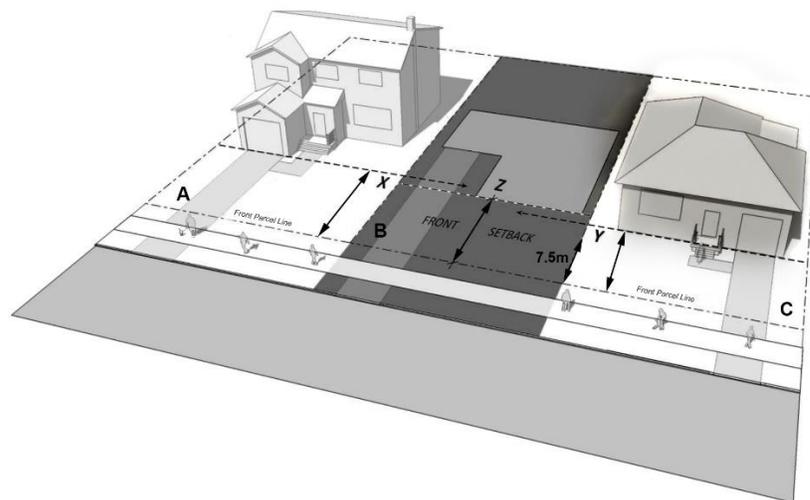
In the Brunswick Beach Overlay Area, *height* shall be measured from the *average grade* as follows:

- (a) to the highest point of the roof surface of a flat roof;
- (b) to the deck line of a mansard roof;
- (c) to the mean elevation between the eaves and the ridge of a gable, hip, gambrel, or other sloping roof; or
- (d) for a *structure* without a roof, to the highest point of the *structure*.

Front Setback Averaging

- 7.7 .1 Despite sections 7.5 and 7.6.2, where the average front *setback* of existing *principal buildings* on the adjacent *parcels* on each side of a subject *parcel* is more than the required front *setback* by at least 1.5 m, the front *setback* of the subject *parcel* shall be the average of the front *setbacks* on the adjacent *parcels*.

Example: Parcel B shares interior parcel lines with Parcels A and C and is not within the Brunswick Beach Overlay Area. The principal buildings on Parcel A and C are sited X metres and Y metres from the front parcel line respectively. The minimum front setback (Z) for Parcel B is calculated as follows: $(X + Y)/2 = Z$ and will apply if Z is greater than or equal to 9.0 metres metres (the required 7.5 metres + 1.5 m), as illustrated below:



- .2 Where a *parcel* has two *front parcel lines*, one facing a *highway* and one facing the ocean, front *setback* averaging shall apply only to the *front parcel line* facing the ocean.
- .3 Where a *parcel* is a *through parcel*, front *setback* averaging shall apply only to the *front parcel line* facing the *highway* which provides primary access to the *parcel*.

Height and Width of Buildings

- 7.8 .1 The *height* of a *principal building* shall not exceed 9.0 metres for a sloping roof or 7.5 metres for a flat roof.
- .2 The minimum width of a *principal building* shall be 5.1 metres.

Secondary Suites and Cottages

- 7.9 .1 No more than one *secondary suite* or one *cottage*, but not both, shall be located on a *parcel*.
- .2 A *secondary suite* shall not exceed a *gross floor area* of 90 m² or 40 percent of the *gross floor area* of the single detached dwelling, whichever is less.
- .3 A *cottage* shall not exceed the *floor area ratio* in section 7.4.2 or 115m², whichever is less or a *height* of 9.0 metres for a sloping roof or 7.5 metres for a flat roof.

Accessory Buildings and Structures

- 7.10 .1 No more than two *accessory buildings* or *structures* shall be located on a *parcel*.
- .2 The *height* of an *accessory building* or *structure* shall not exceed 3.65 metres or, where the slope of the roof is greater than or equal to 3 in 12, 4.65 m.
- .3 The maximum combined floor area of all *accessory buildings* shall not exceed 77 m².

Off-street Parking

- 7.11 .1 *Off-street* parking shall be provided in accordance with sections 4.13 and 4.14.

RM-1 Zone (Residential – Multiple Unit)

Permitted Uses

8.1 The following *uses* and no others shall be permitted in the RM-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *residential use in townhouses;*
 - (b) *residential use in duplex dwellings.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *accessory buildings and structures.*

Size and Density of the Use of Land, Buildings and Structures

- 8.2
- .1 More than one *principal building* may be located on a *parcel*.
 - .2 The *floor area ratio* shall not exceed 0.65.
 - .3 *Parcel coverage* shall not exceed 30 percent.
 - .4 The maximum *density* shall be 40 *dwelling units* per hectare of *parcel area*.

Siting of Principal Buildings

- 8.3 The minimum *setback* for a *principal building* shall be:
- .1 7.5 metres from a front or *rear parcel line*; or
 - .2 the greater of 3 m, or 50 percent of the *height* of a *principal building* on the *parcel*, from a *side parcel line*.

Height of Principal Buildings

- 8.4 .1 The *height* of a *principal building* shall not exceed 9.0 m

Accessory Buildings and Structures

- 8.5
- .1 The *height* of an *accessory building or structure* shall not exceed 4.9 m.
 - .2 The minimum *setback* for an *accessory building or structure* shall be:
 - (a) 7.5 metres from a front or *exterior side parcel line*; or
 - (b) 2.4 metres from a side or *rear parcel line*.

Off-street Parking

- 8.6
- .1 Off-*street parking* shall be provided in accordance with sections 4.13 and 4.14.
 - .2 The minimum *setback* for an off-*street parking space* shall be 1.5 metres from a *parcel line*.

C-1 Zone (Commercial - Neighbourhood)

Permitted Uses

9.1 The following *uses* and no others shall be permitted in a C-1 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *convenience store;*
 - (b) *retail store;*
 - (c) *office, bank;*
 - (d) *personal services establishment;*
 - (e) *restaurant, excluding drive-in restaurant;*
 - (f) *apartment.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Size and Density of the Use of Land, Buildings and Structures

- 9.2
- .1 No more than one *principal building* shall be located on a *parcel*.
 - .2 *Parcel coverage* shall not exceed 60 percent.
 - .3 The maximum *gross floor area* for a *convenience store* shall be 340 m².

Siting of Principal Buildings

- 9.3 The minimum *setback* for a *principal building* shall be:
- .1 7.5 metres from a front or *rear parcel line*; or
 - .2 3.0 metres from a *side parcel line*.

Height of Principal Buildings

- 9.4
- .1 The *height* of a *principal building* shall not exceed 7.5 metres or two *storeys*, whichever is greater.

Off-street Parking and Loading

- 9.5
- .1 Off-*street* parking shall be provided in accordance with sections 4.13 and 4.14.
 - .2 One off-*street* loading space shall be provided on the *parcel*.
 - .3 An off-*street* loading space shall be prohibited in the required *side parcel line setback* area.

C-2 Zone (Commercial - Marina)

10.1 The following *uses* and no others shall be permitted in a C-2 zone:

.1 *Principal Uses, Buildings and Structures*

- (a) boat storage;
- (b) boat rentals,
- (c) marine fuel sales;
- (d) marina land facilities including boat maintenance and repair, restaurant, office, outboard and inboard engine repairs, store or sales room for the sale or rental of boats, engines, or marine supplies including food and sporting goods;
- (e) boat hoists and launching ramps.

.2 *Secondary Uses, Buildings and Structures*

- (a) not more than one accessory dwelling per *parcel*.

Site Specific Uses

10.2 Despite section 10.1, in the area delineated as **C-2A**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;
- (b) parking;
- (c) office.

Conditions of Use

- .2
- (a) The *height* of an office *building* shall not exceed the lesser of 7.5 metres or two *storeys*.
 - (b) The *height* of all other *buildings* and *structures* shall not exceed 3 m.
 - (c) The maximum *gross floor area* for an office *building* shall not exceed 47 m² per *storey* plus a deck area of 47 m².
 - (d) No part of an office *building* shall be located more than 24 metres from the *natural boundary* of Rundle Creek

10.3 Despite section 10.1, in the area delineated as **C-2B**:

Permitted Uses

.1 The following *uses* and no others shall be permitted

- (a) boat storage;

- (b) parking.

Conditions of Use

- .2 The *height* of a *building* or *structure* shall not exceed 9 m.

Size and Density of the Use of Land, Buildings and Structures

- 10.2 .1 *Parcel coverage* shall not exceed 60 percent.

Siting of Buildings, Structures and Uses

- 10.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a front or *rear parcel line*;
- .2 3.0 metres from a *side parcel line*;
- .3 0 metres from the *natural boundary* of the ocean, except the minimum *setback* for sewage disposal systems and public utility *uses* shall be 7.5 metres from the *natural boundary* of the ocean.

Height of Buildings and Structures

- 10.4 .1 The *height* of a *principal building* or *structure*, except boat hoists and gantries for stepping masts, shall not exceed 9.0 m.

Off-street Parking and Loading

- 10.5 .1 Off-*street* parking shall be provided in accordance with sections 4.13 and 4.14 .
- .2 Areas required for parking shall not be used for the sale or rental of boats.
- .3 Areas required for parking may only be used for the storage of boats and boat cradles between October 1st in any year and March 31st of the next year.
- .4 No person shall reside in a vessel stored in the C-2 zone.

C-3 Zone (Commercial - Marina Foreshore)

Permitted Uses

11.1 The following *uses* and no others shall be permitted in a C-3 zone:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *floating dock*;
 - (b) fuel sales;
 - (c) launching ramp;
 - (d) mooring buoy.
- .2 *Secondary Uses, Buildings and Structures*
 - (a) none permitted.

Conditions of Use

11.2 In a C-3 zone:

- .1 a *floating dock* or launching ramp shall be located within the boundaries of a water lease or license of the occupation granted or approved by the Province;
- .2 the location, shape, size and type of construction of a proposed *floating dock* or launching ramp shall be clearly shown on a plan and drawing submitted to the CAO before construction or installation;
- .3 no portion of a *floating dock*, other than a *floating dock* for fuel sales, shall exceed a width of 3 metres or a *height* above sea level of 1 m, except for hand railings;
- .4 no portion of a fuel *floating dock* shall exceed a width of 5 m, a length of 12 metres or a *height* of 1 metres above sea level, except for hand railings;
- .5 no portion of a launching ramp shall exceed a width of 5 metres or be located within 1 metre from the natural ocean bottom;
- .6 no *building*, shed or *structure* may be erected on a *floating dock* other than posts to carry lighting fixtures and the necessary wiring together with structural posts, rails and supports;
- .7 marina fueling facilities may be erected on a *floating dock*; and
- .8 no person shall reside on a *floating dock* or vessel moored in the C-3 zone.

W-1 Zone (Water - Marine Foreshore)

Permitted Uses

12.1 In a W-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

- (a) public or private mooring to a *mooring system*;
- (b) public or private *float*;
- (c) public boat launching ramp;
- (d) overnight accommodation on an anchored or moored vessel for a period not exceeding three nights every 30 days;
- (e) *emergency mooring*.

.2 *Secondary Uses, Buildings and Structures*

- (a) None permitted.

Conditions of Use

12.2 .1 In a W-1 zone:

- (a) subject to a need for *emergency mooring*, no person shall anchor, moor, or permit the mooring of a floating residential structure, including but not limited to a houseboat, for periods greater than 72 hours every 30 days;
- (b) all *mooring systems* shall meet the requirements, standards and guidelines of the “Order Amending the Minor Works and Waters (Navigable Waters Protection Act) Order”, the Private Buoy Regulations under the *Canada Shipping Act* and any other Transport Canada regulation, order or directive as applicable;
- (c) private *floats* shall be located within the boundaries of a water lease or license of occupation granted or approved by the Province;
- (d) no portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings;

- (e) the location, shape, size and type of construction of a proposed *float* shall be clearly shown on a plan and drawing submitted to the *CAO* before construction or installation;
- (f) no portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom;
- (g) no *building* or *structure* shall be erected on a *float*; and
- (h) the owner or operator of a vessel shall not cause, allow or permit the vessel to move from one location to another in the W-1 zone in an attempt to avoid the time limit in section 12.1.1(d) or 12.2.1(a).

W-2 Zone (Water - Marine Community Recreation)

Permitted Uses

13.1 In a W-2 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

- (a) public beach;
- (b) public *float*;
- (c) public boat launching ramp.
- (d) *emergency mooring*.

.2 *Secondary Uses, Buildings and Structures*

- (a) None permitted.

Conditions of Use

13.2 In a W-2 zone:

- .1 No person shall operate a motorized vessel;
- .2 No portion of a *float* shall exceed 3 metres in width, 3 metres in length or 1 metre above sea level, except for hand railings.
- .3 No portion of a public boat launching ramp shall exceed 3.5 metres in width or 1 metre above the natural ocean bottom.
- .4 No *building* or *structure* shall be erected on a *float*.

CU-1 Zone (Community Use)

Permitted Uses

14.1 In a CU-1 zone the following *uses* and no others shall be permitted:

- .1 *Principal Uses, Buildings and Structures*
 - (a) *civic use;*
 - (b) *church;*
 - (c) *community care use.*
- .2 *Secondary Uses, Buildings and Structures*
 - (a) *None permitted.*

Size and Density of the Use of Land, Buildings and Structures

14.2 .1 *Parcel coverage* shall not exceed 50 percent, except there shall be no maximum *parcel coverage* for firehalls, ambulance stations or other civic or *infrastructure uses*.

Siting of Buildings, Structures and Uses

14.3 The minimum *setback* for a *principal building* shall be:

- .1 7.5 metres from a *front parcel line*; except a school shall have a minimum *setback* of 10 metres from a *front parcel line*;
- .2 7.5 metres from a *rear parcel line*;
- .3 the greater of 2.4 metres or 10 percent of the length of the *front parcel line*, from a *side parcel line*.

Height of Buildings and Structures

14.4 .1 The *height* of a *principal building* shall not exceed 7.5 m.

Off-street Parking

14.5 .1 *Off-street parking* shall be provided in accordance with sections 4.13 and 4.14.

RU-1 (Resource Use)

Permitted Uses

15.1 In a RU-1 zone the following *uses* and no others shall be permitted:

.1 *Principal Uses, Buildings and Structures*

(a) *resource use;*

.2 *Secondary Uses, Buildings and Structures*

(a) *accessory buildings and structures.*

Siting of Buildings, Structures and Uses

15.2 The minimum *setback* for a *principal building* shall be 7.5 metres from a *parcel* line.

OS-1 (Open Space Areas)

Permitted Uses

16.1 In an OS-1 zone the following uses and no others shall be permitted:

- .1 Principal Uses, Buildings and Structures
 - (a) community watershed management for protection of domestic water supplies;
 - (b) *natural areas*;
 - (c) recreation trails, including signage;
 - (d) fire department training facility.
- .2 Secondary Uses, Buildings and Structures
 - (a) parking areas.

Area of Parcels

16.2 .1 The minimum parcel area shall be 16 hectares.

READ A FIRST TIME this 21st day of March, 2017

READ A SECOND TIME this 18th day of April, 2017

PUBLIC HEARING HELD this 4th day of May, 2017

APPROVED PURSUANT TO S.52 OF THE TRANSPORTATION ACT this

_____ day of _____, 2017

READ A THIRD TIME this _____ day of _____, 2017

ADOPTED this _____ day of _____, 2017

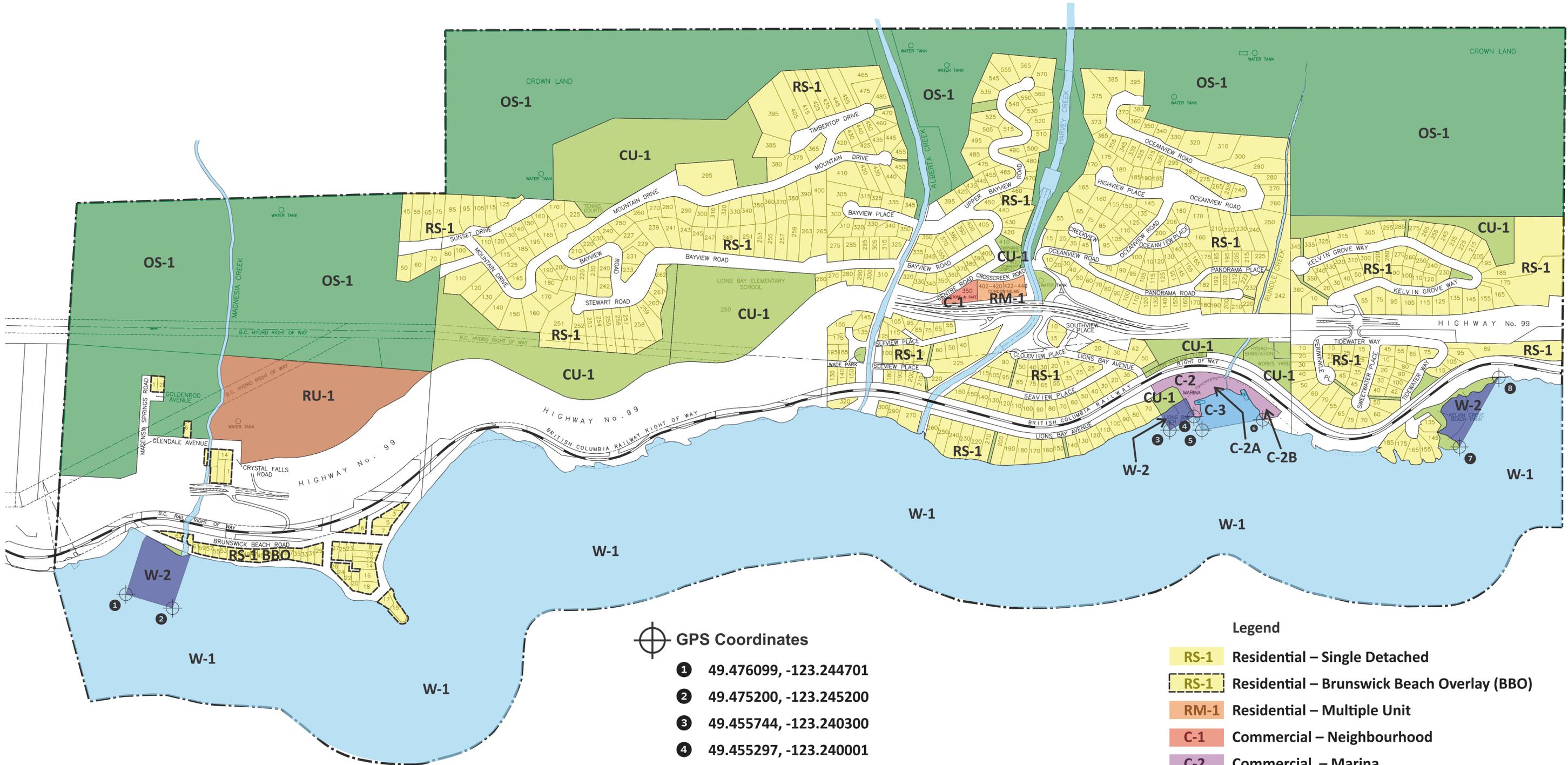
Mayor

Corporate Officer

**Certified a true copy of Zoning and Development
Bylaw No.520, 2017 as at first reading.**

Corporate Officer

Schedule A - Zoning and Development Bylaw No. 520, 2017



GPS Coordinates

- ① 49.476099, -123.244701
- ② 49.475200, -123.245200
- ③ 49.455744, -123.240300
- ④ 49.455297, -123.240001
- ⑤ 49.455100, -123.240200
- ⑥ 49.453898, -123.239898
- ⑦ 49.450076, -123.240816
- ⑧ 49.449059, -123.238879

Legend

- RS-1 Residential – Single Detached
- RS-1 Residential – Brunswick Beach Overlay (BBO)
- RM-1 Residential – Multiple Unit
- C-1 Commercial – Neighbourhood
- C-2 Commercial – Marina
- C-3 Commercial – Marina Foreshore
- W-1 Water – Marine Foreshore
- W-2 Water – Marine Community Recreation
- CU-1 Community Use
- RU-1 Resource Use
- OS-1 Open Space

Howe Sound



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	POLICY		Policy No	POL – 1702
Title	Temporary Use Permits for Short Term Rentals			
Author	CAO	Reviewed By:		
Date	April 4, 2017		Version	2

Purpose

The purpose of this Policy is to provide guidance for staff, elected officials and property owners regarding applications for Temporary Use Permits (TUPs) for Short Term Rentals (STRs). Zoning and Development Bylaw No. 520, 2017 prohibits STRs in all zones, except where authorized under a TUP. The Municipality of the Village of Lions Bay (the Municipality) has delegated the authority to grant TUPs to the Chief Administrative Officer (CAO) in accordance with this policy.

Policy

1. TUPs for short term rentals shall not be granted in respect of:
 - a. houseboats,
 - b. secondary suites, or
 - c. premises which contain a child home care business or are located within 100 metres of a school or daycare.
2. An application for a TUP must be submitted by the property owner (Owner) along with a state of title certificate and stipulate whether the Owner will be living on the applicable parcel during the STRs. Preference in granting TUPs will be given to Owners living on site. Application fees are in accordance with Fees Bylaw No. 497, 2016, as amended.
3. If the Owner does not live on site or within Lions Bay, they must employ an agent within Lions Bay to manage the STRs and the name of the agent must be provided to the Municipality. Twenty-four hour per day contact information for the Owner and, if applicable, the agent, must be provided to the Municipality and neighbouring residents within 100 metres of the property. The Owner or agent must be capable of responding to complaints within 1 hour.

POL-1702: Temporary Use Permits for Short Term Rentals



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

4. All parking for STRs must be provided on the property. The number of rooms allowed to be rented shall be dependent on the number of parking spots available on the property, but shall not exceed 5 rooms on any parcel. The number of guests shall not exceed 10 on any parcel. The number of guest vehicles shall not exceed the number of guest vehicle parking spaces on the parcel, having regard to any parking spaces required for the Owner and/or a long term rental tenant of a secondary suite.
5. No more than one dwelling unit per parcel may be granted a TUP for STRs.
6. All premises which are subject to a TUP application for STRs shall be inspected for compliance with the Building Code in relation to the use intended under the application. Without limiting the generality of the foregoing, the application form will specify a pre-inspection checklist for STRs to assist applicants in meeting the requirements.
7. Decisions regarding the granting of TUPs may take into consideration any or all of the following:
 - a. safety considerations identified regarding the applicable premises;
 - b. the ability of water and septic disposal systems to handle the anticipated uses;
 - c. the proximity to and potential impacts on identified sensitive ecosystems;
 - d. the proximity to and impact on public rights-of-way, beach accesses and other public use areas;
 - e. the size of
 - i. the dwelling unit;
 - ii. the parcel; andthe location of the dwelling unit on the parcel in relation to neighbouring properties;
 - f. the impact of vehicles coming and going to and parking upon the property;
 - g. the intended form of management of the STR business;
 - h. previous history of complaints regarding STRs at the property;
 - i. potential impacts upon the neighbourhood;
 - j. the number of TUPs already issued for STRs in the neighbourhood and in Lions Bay.
8. The CAO may require the Owner to provide a report from an authorized person under the Sewerage System Regulation to confirm that a septic disposal system is capable of handling the anticipated uses related to a TUP.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

9. All TUPs shall specify quiet times between the hours of 10 pm and 8 am seven days per week and restrict the use of hot tubs accordingly.
10. No signs indicating the STR use are permitted on or off the property.
11. STRs within a strata unit must be supported by a resolution from the strata council.
12. Security in the form of an irrevocable letter of credit or similar instrument in the amount of \$5,000 is required in conjunction with the issuance of a TUP for STRs. This security may be drawn upon by the Municipality for:
 - a. any Bylaw Notices issued under Bylaw Notice Enforcement Bylaw No. 385, as amended;
 - b. any judgements obtained or legal expenses incurred in pursuit of remedies in BC Provincial or Supreme Court;
 - c. any of the grounds permitted under section 502 of the *Local Government Act*.

If drawn upon by the Municipality, this security shall be replenished by the Owner within 30 days or the TUP will be rescinded.

13. The term of the first TUP issued in respect of a property shall be no longer than 1 year. Within 60 days of the expiry of the term, the Owner may apply for a 1 year renewal term. Any subsequent use of the property for STRs beyond the renewal term shall be prohibited unless the Owner applies for and receives a new TUP for up to 3 years. All applications and renewal applications are subject to this policy.
14. If any objections to an application are received by the CAO, the CAO may not make a decision to issue or not issue a TUP and shall instead, refer the application to the next available Council meeting, once all application materials have been received.
15. A decision of the CAO under this policy may be reconsidered by Council if, within 30 days of the CAO's decision being conveyed to the Owner in writing via email, the Owner requests a reconsideration. The Owner may submit such a request in writing via email addressed to Council@lionsbay.ca and copied to cao@lionsbay.ca and agenda@lionsbay.ca . A reconsideration will be heard by Council at the next available regular Council meeting.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Mayor

Corporate Officer

Adopted by Council:	[date]
Updated:	

DRAFT



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	POLICY	Policy No	POL – 1703
Title	Community Amenity Contributions Policy		
Author	CAO	Reviewed By:	
Date	April 4, 2017	Version	1

Purpose

The purpose of this policy is to provide guidance for staff, elected officials, property owners and residents of the Village of Lions Bay regarding applications under Zoning and Development Bylaw No. 520, 2017 (Bylaw No. 520) to increase the maximum density permitted. The Village of Lions Bay Official Community Plan recognizes the need to assess and provide for infill housing opportunities on an incremental, site specific basis to provide alternative housing for a broader array of the community's existing and future demographic and socio-economic composition. It also recognizes specific parcels which have development opportunities. Community Amenity Contributions (CACs) are intended to help address the needs and impacts of growth and are linked to changes in use or density under Bylaw No. 520.

Section 482 of the *Local Government Act* provides for municipalities to introduce conditions upon which an owner of property may be entitled to a higher density than would otherwise be applicable to the property within a zoning classification. These conditions may relate to the conservation or provision of amenities, including the number, kind and extent of amenities. The property owner can decide if they wish to take advantage of the opportunity to increase density by providing a defined amenity contribution.

Municipalities may also address applications for changes in use and density, from one zoning classification to another. Such reclassifications generally result in upzoning of the land, which creates a gain in the value of the land, but which may also have short and long term impacts on the neighbourhood or the community as a whole. Municipalities and property owners may negotiate suitable amenities to address these impacts and community needs through a site specific rezoning agreement.

This policy document sets out the Village of Lions Bay's approach to seeking community benefits in association with zoning approvals for changes in land use and/or density so that

POL-1703: Community Amenity Contributions Policy



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

property owners and the public in general understand the purpose and mechanisms for these contributions. The Municipality wants its approach to Community Amenity Contributions to be clearly understood, predictable, consistently applied and reasonable.

Community Amenities

Renewal or replacement of fire hall
Replacement of all Lions Bay Fire Rescue apparatus
Renewal or replacement of park facilities
Construction of Transit Shelters
Construction of new trails linking neighbourhoods
Improvements to existing trails linking neighbourhoods
Dedication of land for parks and open spaces that exceed minimum requirements
Dedication of land for connecting trails
Improvement of on-street and off-street pedestrian walkways and bike paths
Improvements to Community Use Facilities
Development of Affordable, Rent Restricted, Special Needs and Seniors Housing
Other amenities of a similar nature to those listed above

Policy

1. New development should make a fair contribution to new or renewed community amenities, affordable housing and other community needs, in order to meet the needs of the community and address some of the impacts of new development.
2. The Municipality will set its targets for community amenity contributions such that the cost implications for new development will be reasonable and property owners will still see incentives to seek zoning for residential and commercial development. The Municipality will set targets for CACs in accordance with this principle.
3. The Municipality will negotiate CACs on a site specific basis during the rezoning process. In these negotiations, the Municipality will seek to obtain a target contribution that makes a meaningful contribution to community amenities while ensuring that property owners still have sufficient incentive to seek changes in use or density.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

4. The Municipality will establish a CAC reserve for cash-in-lieu contributions toward the amenities listed in this policy. Funds in the CAC reserve may only be used for expenses related to such amenities.
5. Generally, the Municipality will seek to negotiate the following target amenity contributions on a site specific basis in conjunction with increases in density resulting from:
 - a. subdivision of a parcel to create one or more additional parcels per section 7.3.1 of Zoning and Development Bylaw No. 520, 2017. Target amenity contribution: 33% of the land value of the parcels created as a result of the additional density, or an amenity of similar value;
 - b. increase in density to accommodate a cottage per section 7.3.2 of Zoning Bylaw No. 520, 2017. Target amenity contribution: registration of a covenant under section 219 of the *Land Title Act* restricting future subdivision under the Strata Property Act, plus a target amenity contribution of \$100/square metre of floor area of the cottage, or an amenity of similar value;
 - c. rezoning to facilitate construction of a duplex. Target amenity contribution: \$200/square metre of the maximum permissible floor area of the duplex building on the parcel multiplied by a factor of 0.50, or an amenity of similar value;
 - d. rezoning from RS-1 to RM-1 or similar to accommodate multi-unit residential development. Target amenity contribution: 50% of the land value of the parcels created as a result of the additional density, or an amenity of similar value;
 - e. rezoning from CU-1 to C1 or RM-1, or a combination thereof. Target amenity contribution: 50% of the land value of the parcels created as a result of the additional density, or an amenity of similar value.

Mayor

Corporate Officer

Adopted by Council:	[date]
Updated:	

**PUBLIC INFORMATION MEETING
LIONS BAY ZONING BYLAW CONSOLIDATION**

The public is invited to attend a Public Information Meeting regarding the consolidation of Lions Bay's two zoning bylaws. Subject to Council approval, this open house meeting will be held on:

Date: Thursday, January 19, 2017

Time: 7:00 – 9:00 pm

Location: Broughton Hall, 400 Centre Road, Lions Bay

The purpose of the meeting will be to provide residents with information about Lions Bay's initiative to consolidate and modernize its two existing zoning bylaws (for Lions Bay and Brunswick Beach) into a single bylaw.

As part of the bylaw modernization, new land use regulations are being proposed to deal with matters such as:

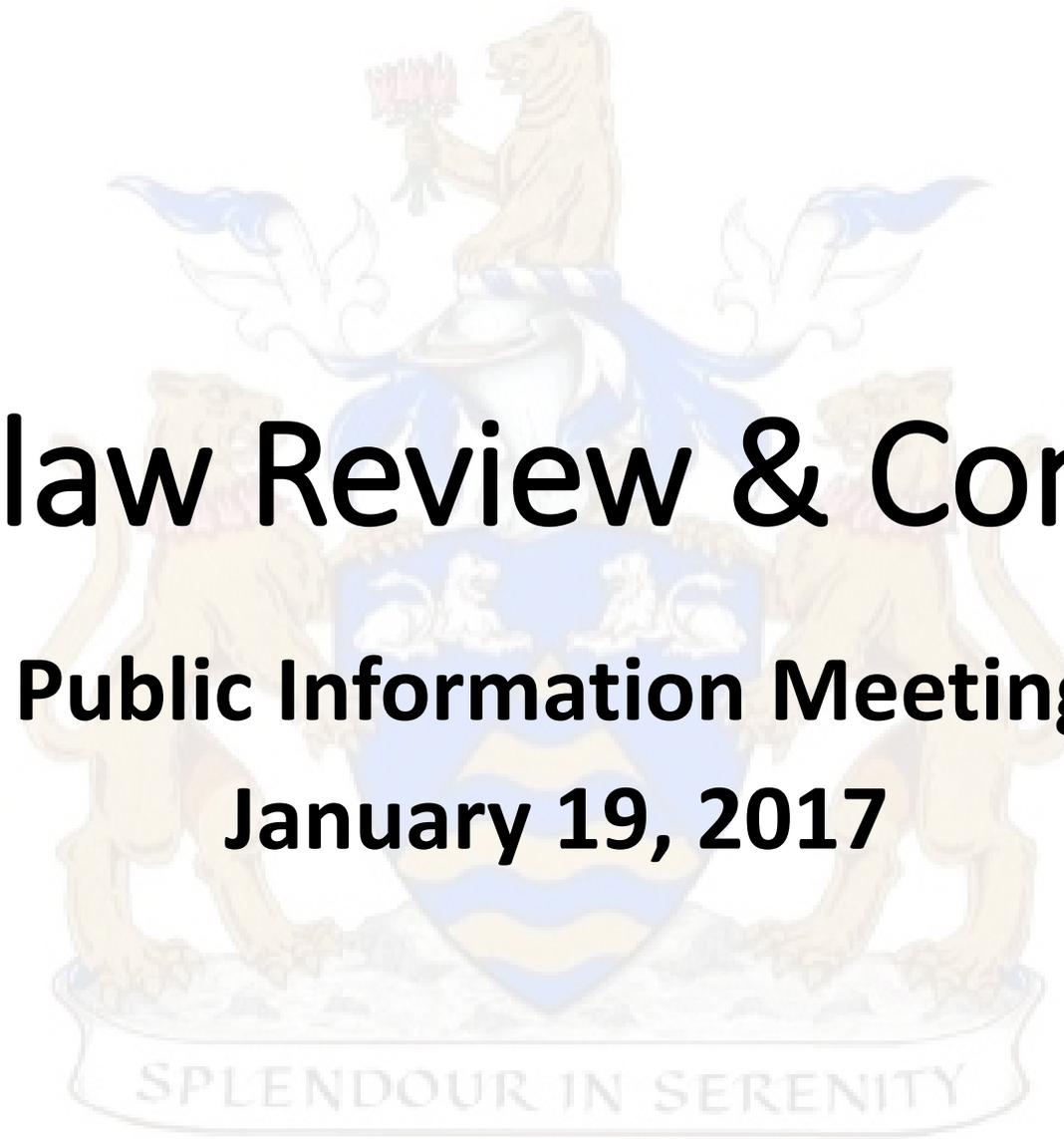
- regulation of short term rentals
- prohibiting retail marijuana stores and marijuana production
- ensuring the community obtains tangible benefits from development through implementation of a Community Amenities Contribution policy and density bonusing provisions in the zoning bylaw
- regulating parking and storage of industrial or construction equipment or materials on residentially zoned parcels.
- inclusion of secondary suite provisions for Brunswick Beach
- updating the foreshore zoning.

A copy of the planning consultant's reports and the draft zoning bylaw for public input and discussion is attached.

For those who are unable to attend but wish to provide input, please send your comments and/or questions to: feedback@lionsbay.ca

Zoning Bylaw Review & Consolidation

**Public Information Meeting
January 19, 2017**



Purpose of the Meeting

To provide information to, and receive initial feedback from, the community regarding the review, update and consolidation of the Village of Lions Bay zoning regulations.

Format: Presentation followed by Q & A
 Question cards available at the front table
 (read or have read on your behalf)

Next Steps



Objectives of the Zoning Review

1. To Consolidate the two existing zoning bylaws
 - ✓ create one set of consistent definitions

2. To Address Current Issues and Matters of Interest
 - ✓ accommodate secondary suites in all RS-1 areas
 - ✓ off-street parking regulations
 - ✓ regulate or prohibit short term rentals
 - ✓ enable “density bonusing”
 - ✓ regulate marijuana dispensaries
 - ✓ zoning of the surface of water
 - ✓ parking & storage of industrial vehicles/equipment

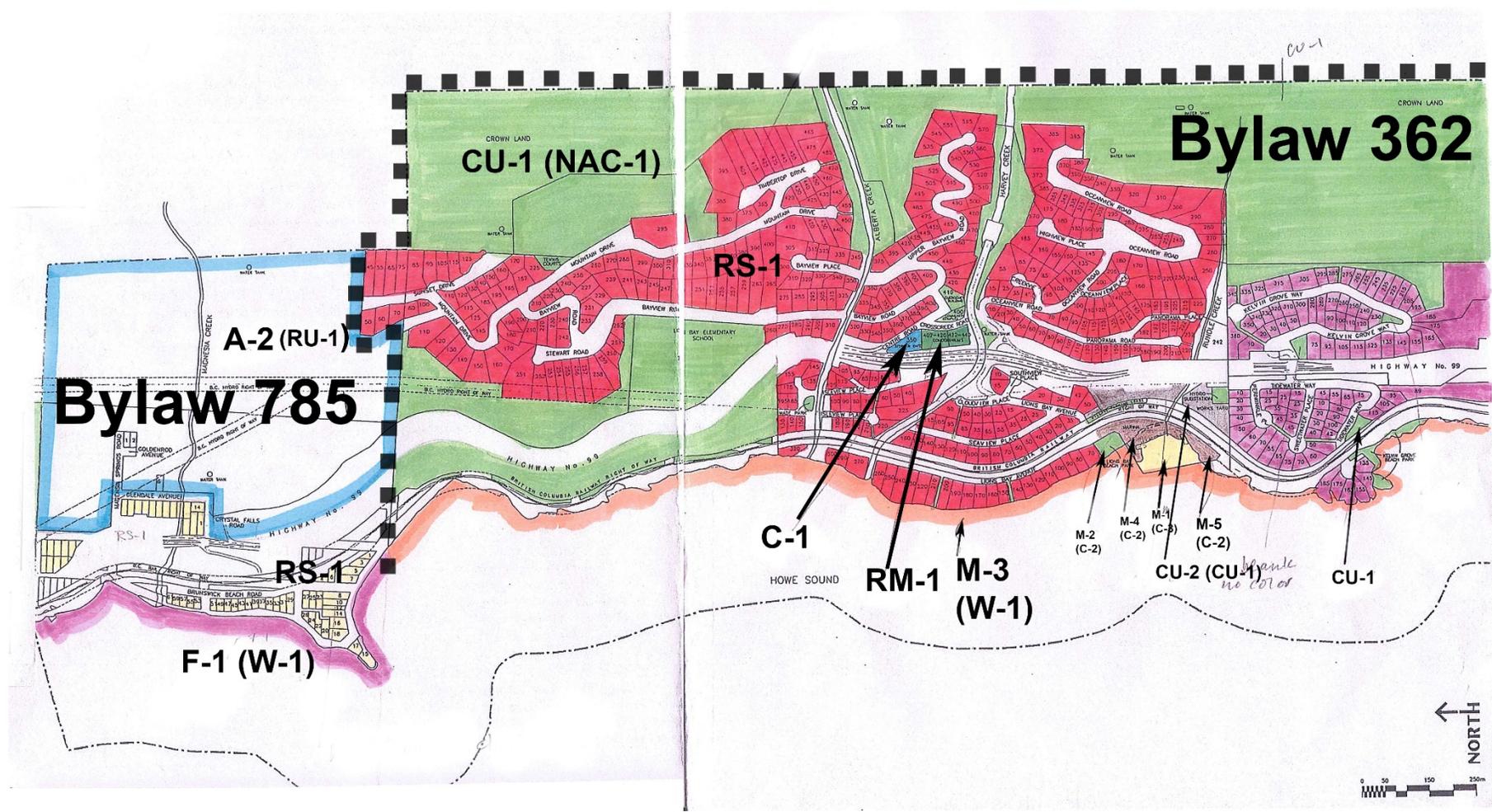


Bylaw Consolidation

- Existing bylaws incomplete, somewhat outdated and in need of reorganization
- Some new zone names, but **permitted land uses in most zones not changing**
- **Zoning designations of private properties not changing.**
- New provisions include: uses permitted/prohibited in all zones; temporary use permits; parking & storage of heavy vehicles/equipment; regulation of shipping containers; solar energy devices



Existing (and Proposed) Zoning



RS-1 Residential – Single Detached

- Principal Uses, Buildings and Structures
 - residential use in a single detached dwelling;
 - residential use in a dwelling with secondary suite;
- “Overlay” regulations for Brunswick Beach dealing with siting
- Secondary suites permitted in Brunswick Beach
- Topic for discussion: should detached secondary suites of up to 110 square metres (1200 square feet) be permitted in the RS-1 zone? On lots of a specified area (e.g. 1,000 sq.m.)?



Density Bonusing

- In the RS-1 zone, minimum parcel area for subdivision may be reduced from 8,000 square metres to 800 square metres with amenity contribution
- Section 482 of the Local Government Act (LGA) provides for density benefits for amenities, affordable housing or special needs housing
- Determination of the type and value of amenities ranges widely among communities
- Should identify, in the OCP or by Council policy, the types of amenities desired (i.e. affordable housing, recreation facilities, trails, etc.)



Parking for Secondary Suites

Options under Consideration include:

1. Eliminate the requirement for an additional space
2. Eliminate parking space requirement when transit service is nearby
3. Amend the siting regulations for parking uses and structures for secondary suites
4. Allow for parking siting variances through development variance permits
5. Licencing “on-street” parking for secondary suites
6. Maintain the status quo



Storage of Industrial equipment and materials

- Regulation of parking and storage of commercial/industrial equipment and materials under consideration as follows:

The parking of vehicles with a primary function other than the transportation of passengers, including but not limited to dump trucks, forklifts, backhoes, tractors and similar types of construction equipment is prohibited in all Residential zones.

- To be determined: What is an appropriate maximum GVW? Present draft has 4600 kg.

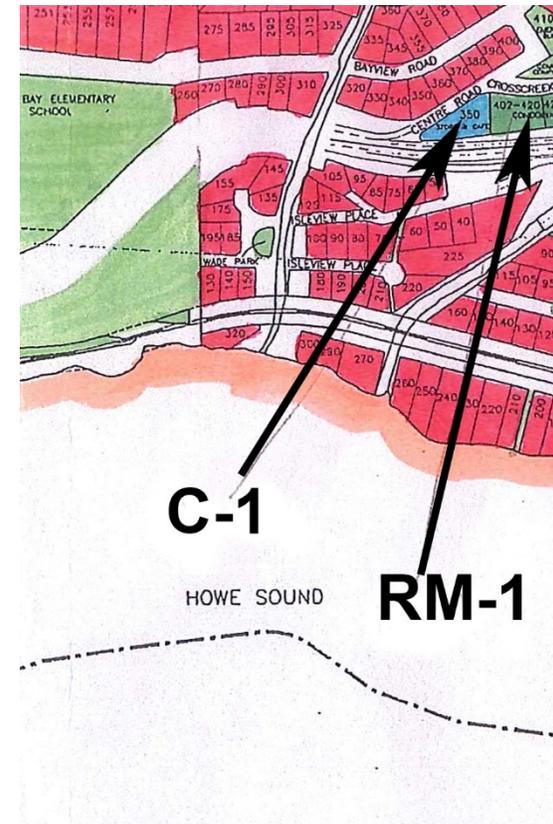


RM-1 Residential Multiple - Townhouse

Principal Uses, Buildings and Structures

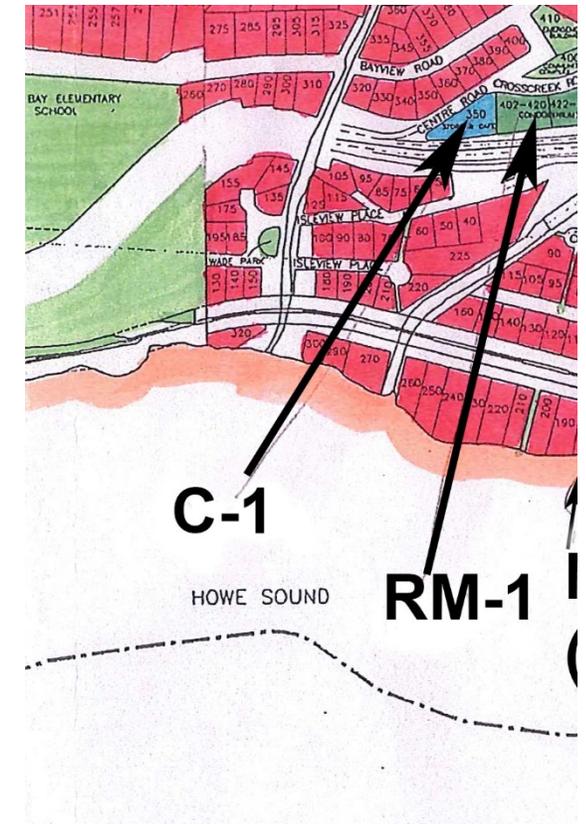
- residential use in townhouses;
- residential use in duplex dwellings.

Unchanged from Zoning Bylaw 362



C-1 Neighbourhood Commercial

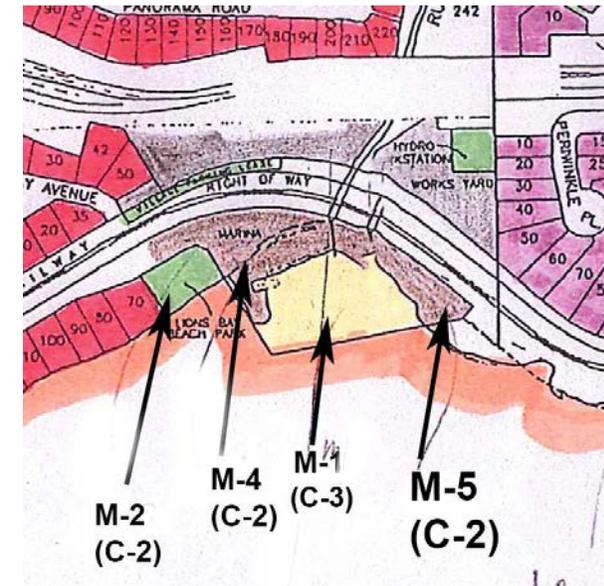
- Replaced the term “shopping centre” with “retail store”
- Introduced the term “personal service establishment” to refer to hair styling, tailoring, dressmaking etc.
- Other provisions unchanged from Zoning Bylaw 362



C-2 Commercial Marina

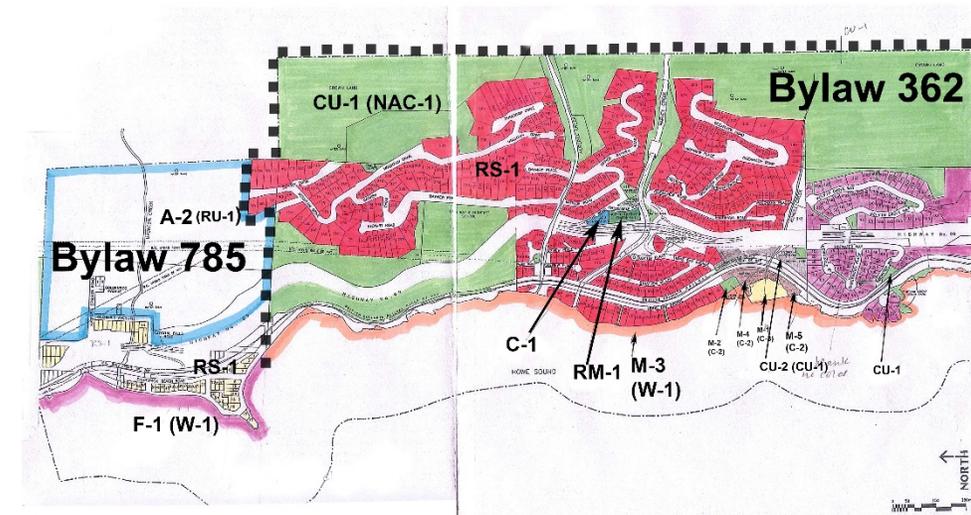
C-3 Commercial Marina Foreshore

- Dry land activities permitted under the present M-2, M-4 and M-5 zones rolled into new C-2 zone
- Site specific uses from M-4 and M-5 will be permitted in C-2A and C-2B subzones if necessary.
- C-3 zone replaces the current M-1 zone
- All principal uses remain as in Bylaw 362



W-1 Water – Marine Foreshore

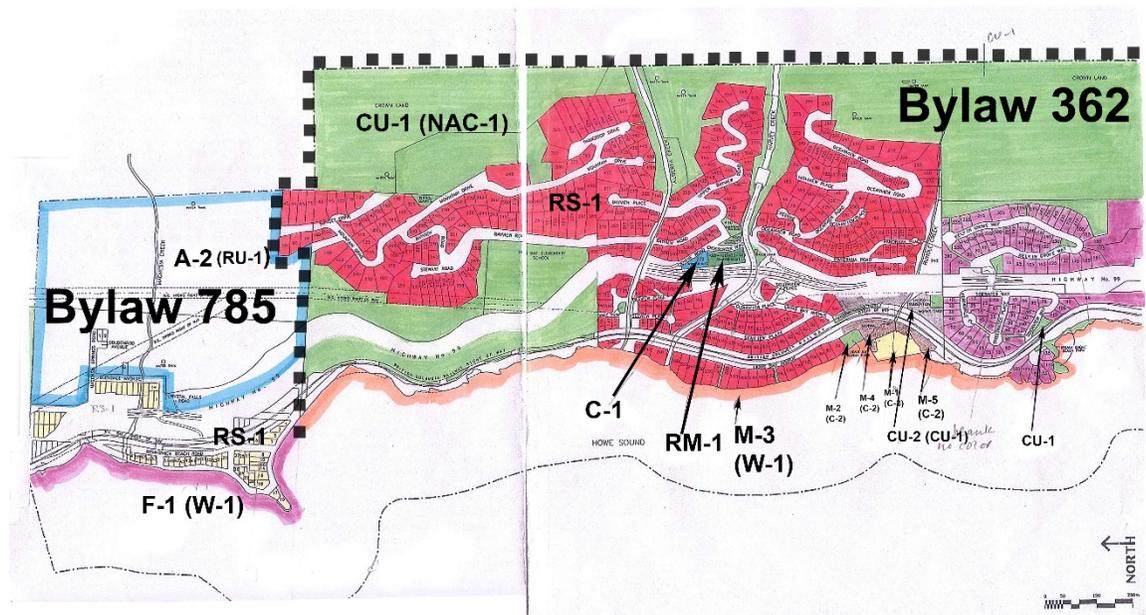
- Proposed zoning is more restrictive than in Bylaws 362 & 785
 - Buoys, floats, wharves, launching ramps presently permitted
- Proposed W-1 includes:
 - private mooring system or floating dock **for use in conjunction with a principal building on the adjacent upland residential parcel;**
 - short-term mooring of vessels, including houseboats, to anchored buoys for periods less than 72 hours;
 - swimming raft;
 - public boat launching ramp
 - no long-term (over 72 hours) mooring of houseboats or vessels over 12 metres long



CU-1 Community Use

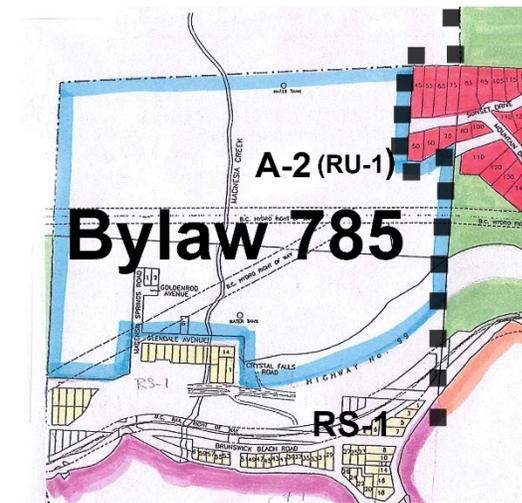
- Principal Uses, Buildings and Structures
 - civic use;
 - church;
 - community care use.

School and possibly other sites will need to be zoned CU-1



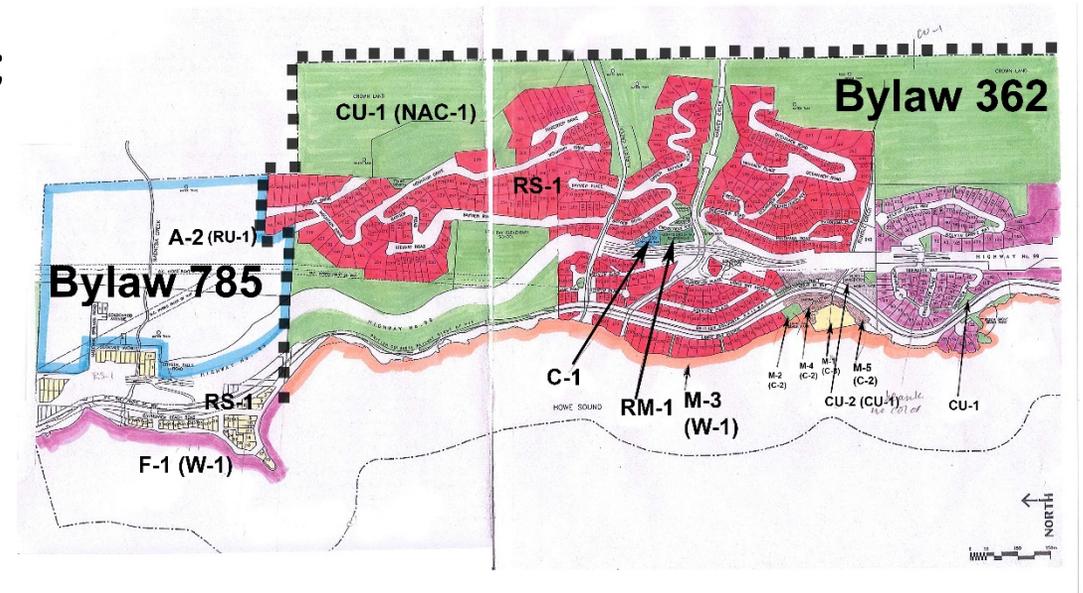
RU-1 Resource Use

- Principal Uses, Buildings and Structures
 - resource use
- *resource use* means a use providing for the extraction of primary forest, mineral and other resource materials, and in addition includes only the primary grading, cutting, crushing, pumping and filtering of such materials for shipment or distribution, and excludes all manufacturing of products, and any processing not specifically included in this definition



NAC-1 Natural Areas Conservation

- Principal Uses, Buildings and Structures
 - community watershed management for protection of domestic water supplies;
 - environmental conservation activities;
 - recreation trails, including signage.
- 16 hectare minimum parcel area



Uses Permitted in all Zones (except NAC-1)

- community garden
- environmental conservation activities
- parks, playgrounds and recreational trails
- infrastructure use
- community care facility, licensed under the *Community Care and Assisted Living Act*, that is being, or is to be, used as a day care for no more than 8 persons in care, or as a residence for no more than 10 persons, not more than 6 of whom are persons in care
- temporary construction and project sales offices authorized by building permit as temporary buildings



Uses Prohibited in All Zones

- residential use of a mobile home, tent, trailer or recreation vehicle
- storage of boats exceeding 7 metres in length, except in the C-2 and C-3 Zones
- **animal husbandry including the keeping of poultry, fish farming, the boarding of animals and the keeping of animals, except that household pets, other than poultry, may be kept**
- a use with a drive-through service
- cannabis retail store
- **cannabis production, except as permitted under Part 2 [Production for Own Medical Purposes and Production by a Designated Person] of the *Access to Cannabis for Medical Purposes Regulations***
- short term rentals
- any use not listed as a principal or secondary use in this Part or any of the zones



Marihuana (Cannabis) Dispensaries

- Federal law is in a state of transition
- retail sale of marihuana not permitted under Federal law
- municipality has authority to prohibit marijuana dispensaries, at least until federal law regarding marijuana changes



Short Term Rentals

Options for Consideration include:

1. Allow short term rentals
2. Prohibit short term rentals (*status quo*)
3. Permit short term rental of principal residences and prohibit STRs in secondary suites
4. Create site specific zoning and zone existing operations.
5. Consider temporary use permits on a site specific basis



Next Steps

- Review information and comments from this meeting and report back to Council
- Consider if additional informal community engagement should be undertaken or ready to proceed to Bylaw readings (with amendments as needed)
- Community will have opportunity for further input and comment at the public hearing.
- Project completion is targeted for early spring.



Questions?



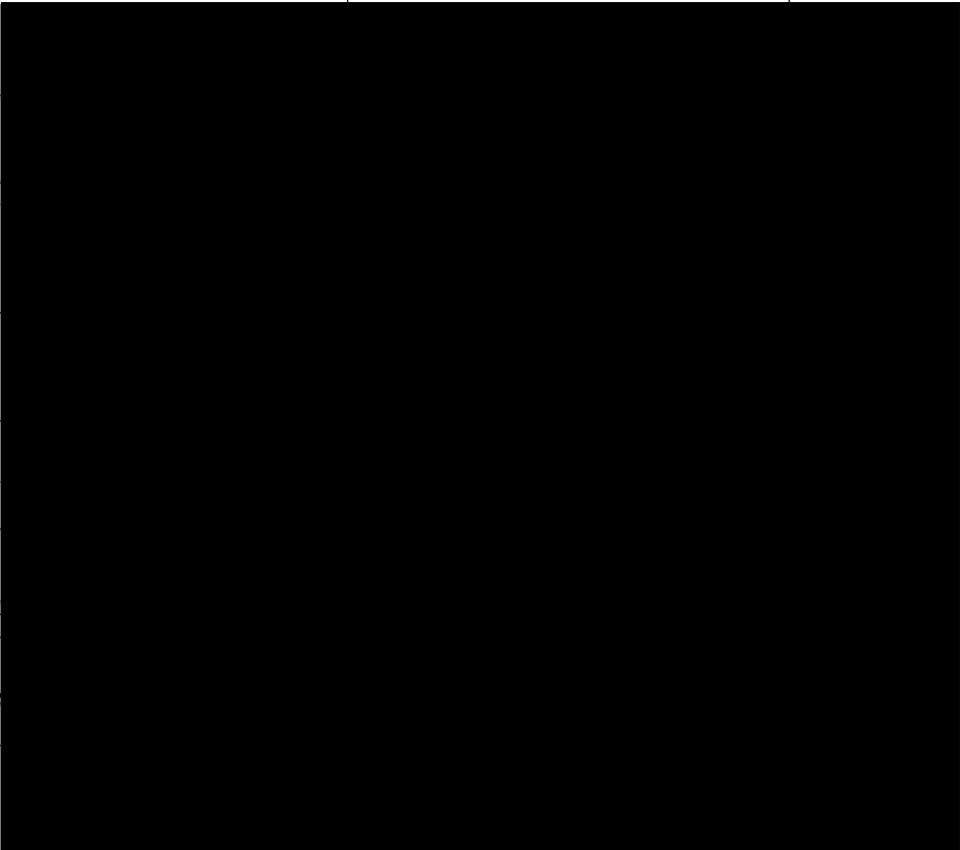
Public info Mtg. #1
Jan. 19/17.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

SPEAKERS LIST

Zoning Bylaw Public Information Session: January 19, 2017

Name	Address	Phone/Email (optional)
IAN MACKIE		
FAY KISSER		
Colin Watson		
Lewis Peterson		
Jon Povill		
Lisa Turpin		
VIAS I. C.		
RUSSELL MEIKLESJON		

RE: WATER ZONING ✓.

I WOULD LIKE TO SEE A PART OF THE ZONING THAT EXCLUDES BOAT MOORAGE DIRECTLY IN FRONT OF THE BEACH. I WOULD LIKE TO APPRECIATE THE BEAUTY OF THE VIEW, WITHOUT SOMEONE'S PERSONAL PROPERTY IN THE WAY.

THANK YOU!

4.13 - Parking ^{challenged}
~~How do~~ How do topographical homes ie highway side of Panorama conform to these by-laws.

Visibility. 4.11

Have you driven around Lions Bay. is the village going to be maintaining their own vegetation that is at intersections.

Definitions:

- House boat - there is no definitions for recreational use and residential use = a dwelling so how does a house boat fit within this scope of definition



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

PUBLIC INFORMATION MEETING LIONS BAY ZONING BYLAW CONSOLIDATION

The public is invited to attend a Public Information Meeting regarding the consolidation of Lions Bay's two zoning bylaws to be held on:

Date: Thursday, April 6, 2017

Time: 7:00 – 9:00 pm

Location: Broughton Hall, 400 Centre Road, Lions Bay

The purpose of the meeting will be to provide residents with information about Lions Bay's initiative to consolidate and modernize its two existing zoning bylaws (for Lions Bay and Brunswick Beach) into a single bylaw.

As part of the bylaw modernization, new land use regulations are being proposed to deal with matters such as:

- regulation of short term rentals
- provision for detached cottages
- ensuring the community obtains tangible benefits from development through implementation of a Community Amenities Contribution policy and density bonusing provisions in the zoning bylaw
- regulating parking and storage of industrial or construction equipment or materials on residentially zoned parcels.
- updating the foreshore zoning.

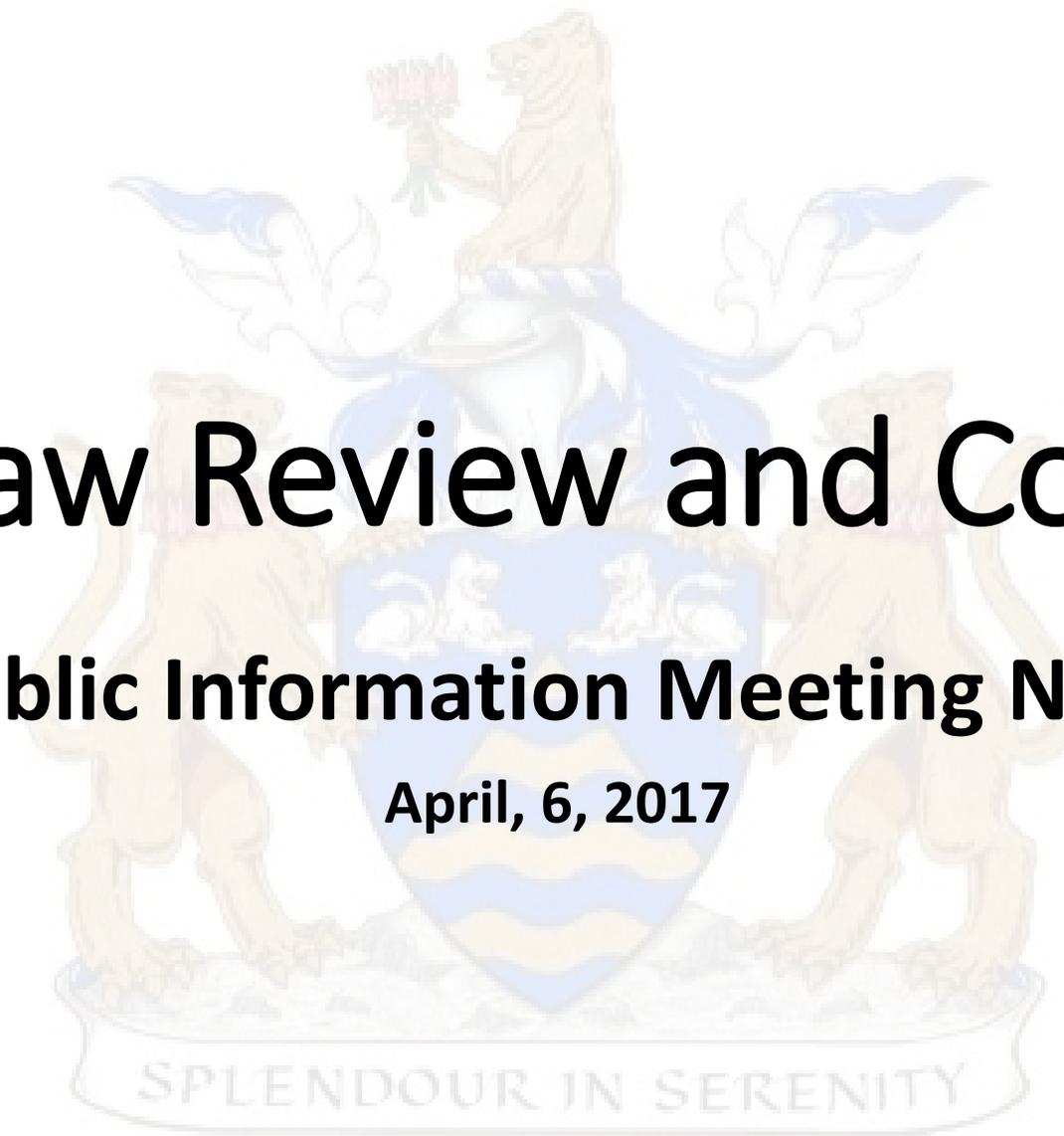
A copy of the planning consultant's reports and the zoning bylaw as at 1st reading is attached for public input and discussion.

For those who are unable to attend but wish to provide input, please send your comments and/or questions to: feedback@lionsbay.ca

Zoning Bylaw Review and Consolidation

Public Information Meeting No. 2

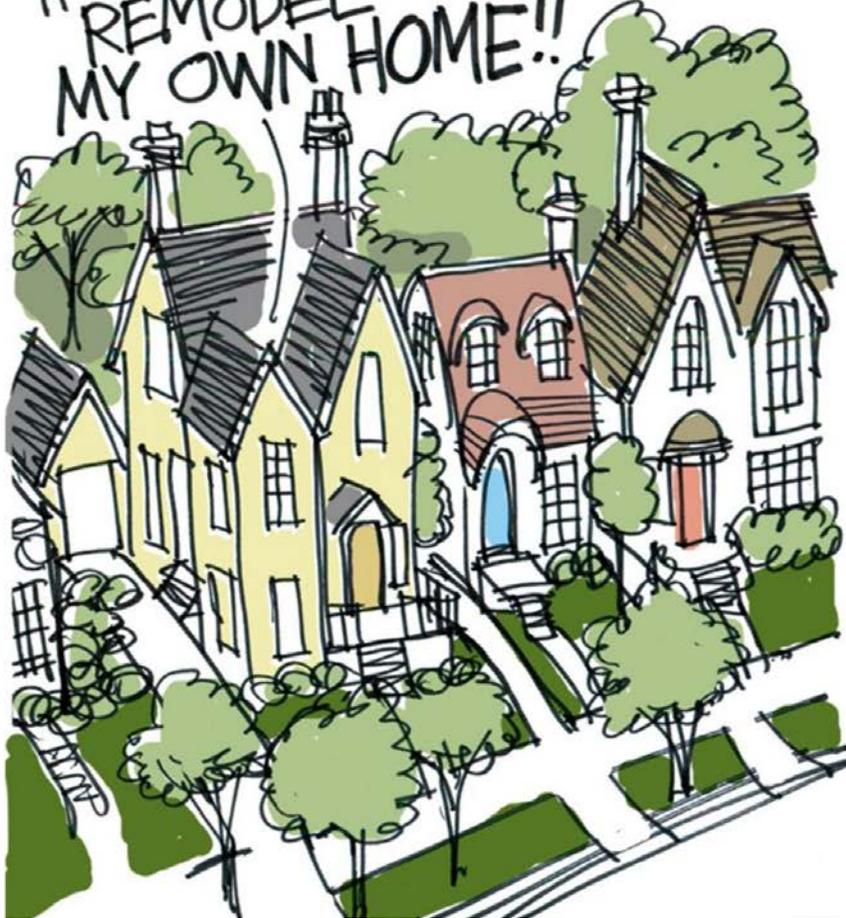
April, 6, 2017



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

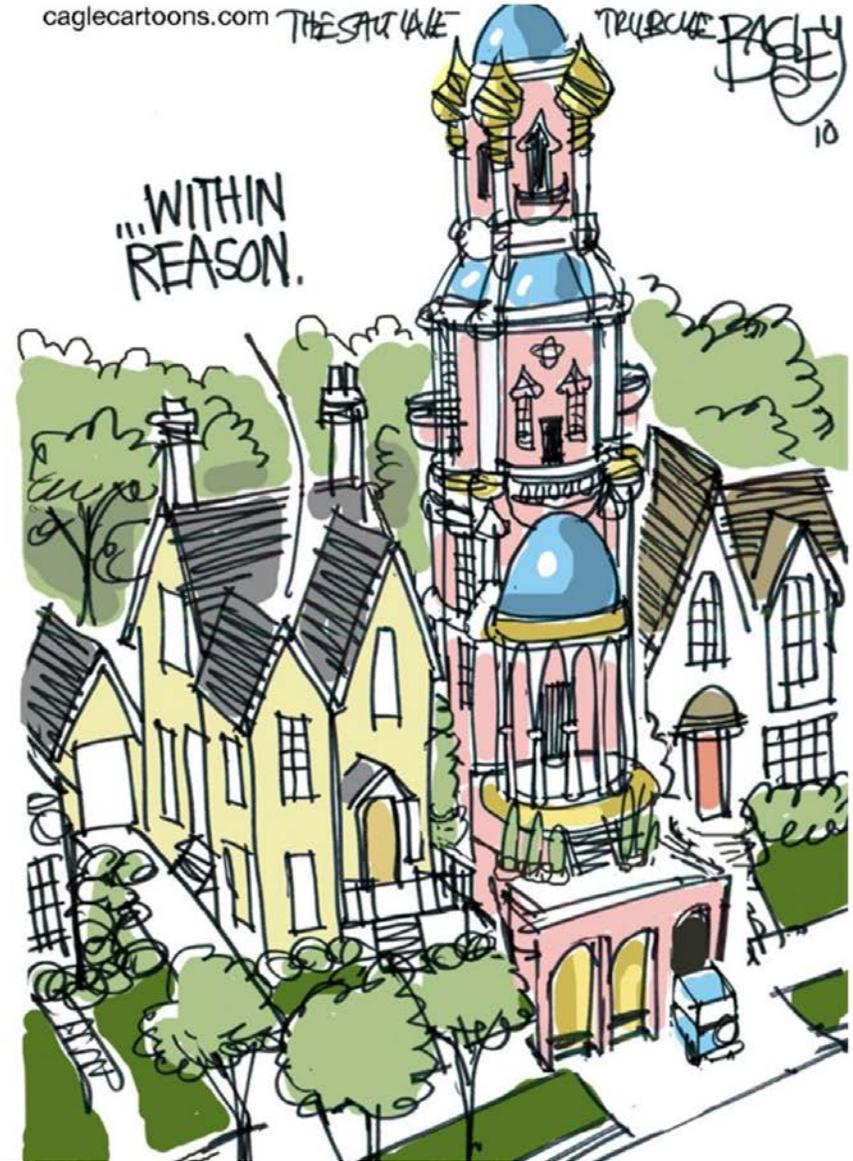
www.village.lions-bay.bc.ca

NOBODY SHOULD BE ALLOWED TO TELL ME HOW I CAN OR CANT REMODEL MY OWN HOME!!



caglecartoons.com THE STRIKE TELUBONE PACI 10

"...WITHIN REASON."



Purpose of the Meeting

To provide an overview of the new zoning bylaw and discuss changes made since January 19th based on Council feedback and input received at the first public info meeting.

To obtain feedback from the community on any concerns or comments about the zoning bylaw and especially on the recommended approach to several specific items.

Format: Presentation followed by Q & A
 Question cards available at the front table
 (read or have read on your behalf)

Next Steps

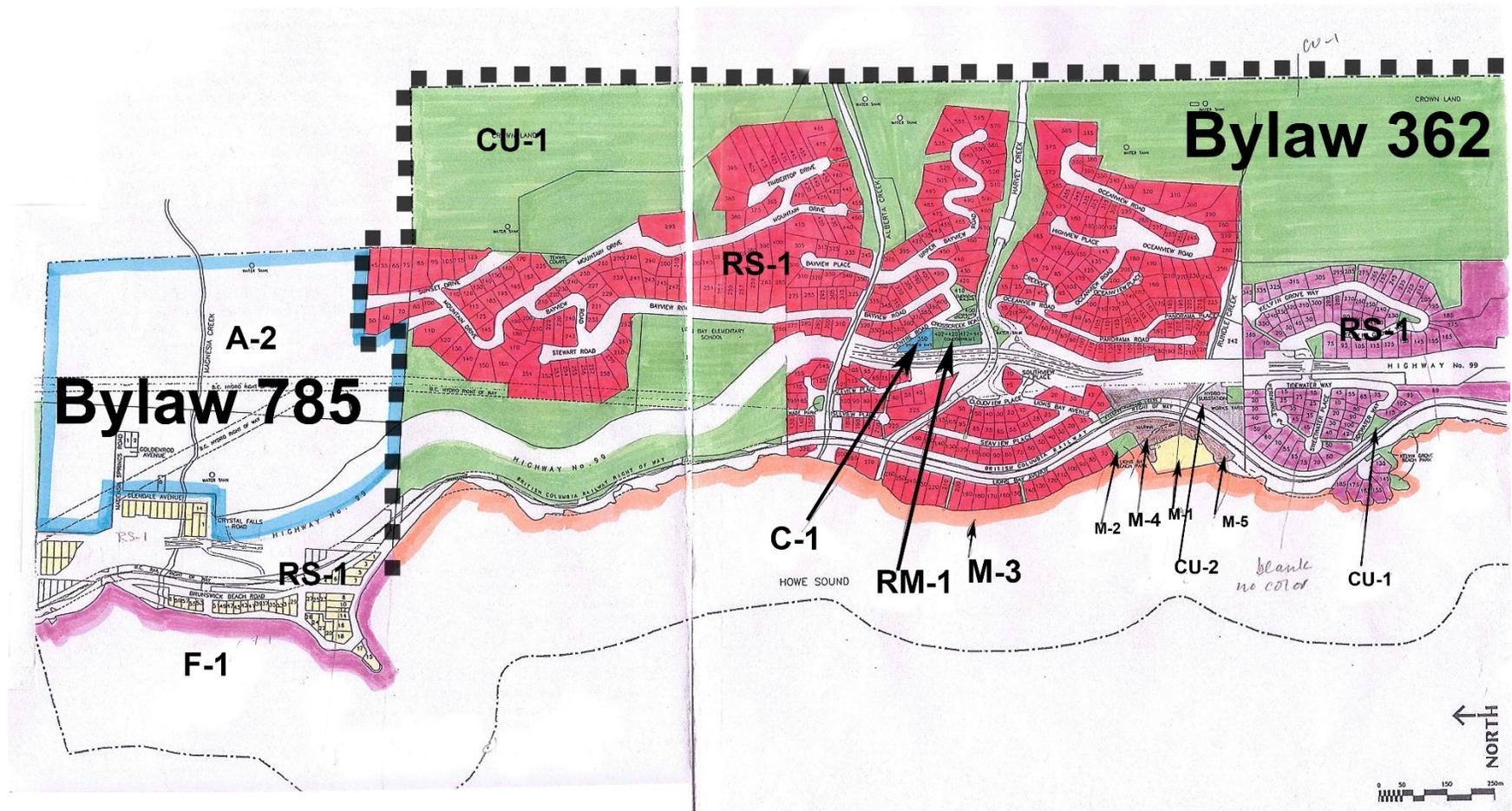


Objectives of the Zoning Review

1. To Consolidate the two existing zoning bylaws
 - ✓ create one set of consistent definitions
2. To Address Current Issues and Matters of Interest
 - ✓ accommodate secondary suites in all RS-1 areas. Provide for cottages(new)
 - ✓ review off-street parking regulations
 - ✓ regulate or prohibit short term rentals
 - ✓ enable “density bonusing” in conjunction with subdivision of land
 - ✓ regulate marijuana dispensaries
 - ✓ zone the surface of water
 - ✓ parking & storage of industrial vehicles/equipment

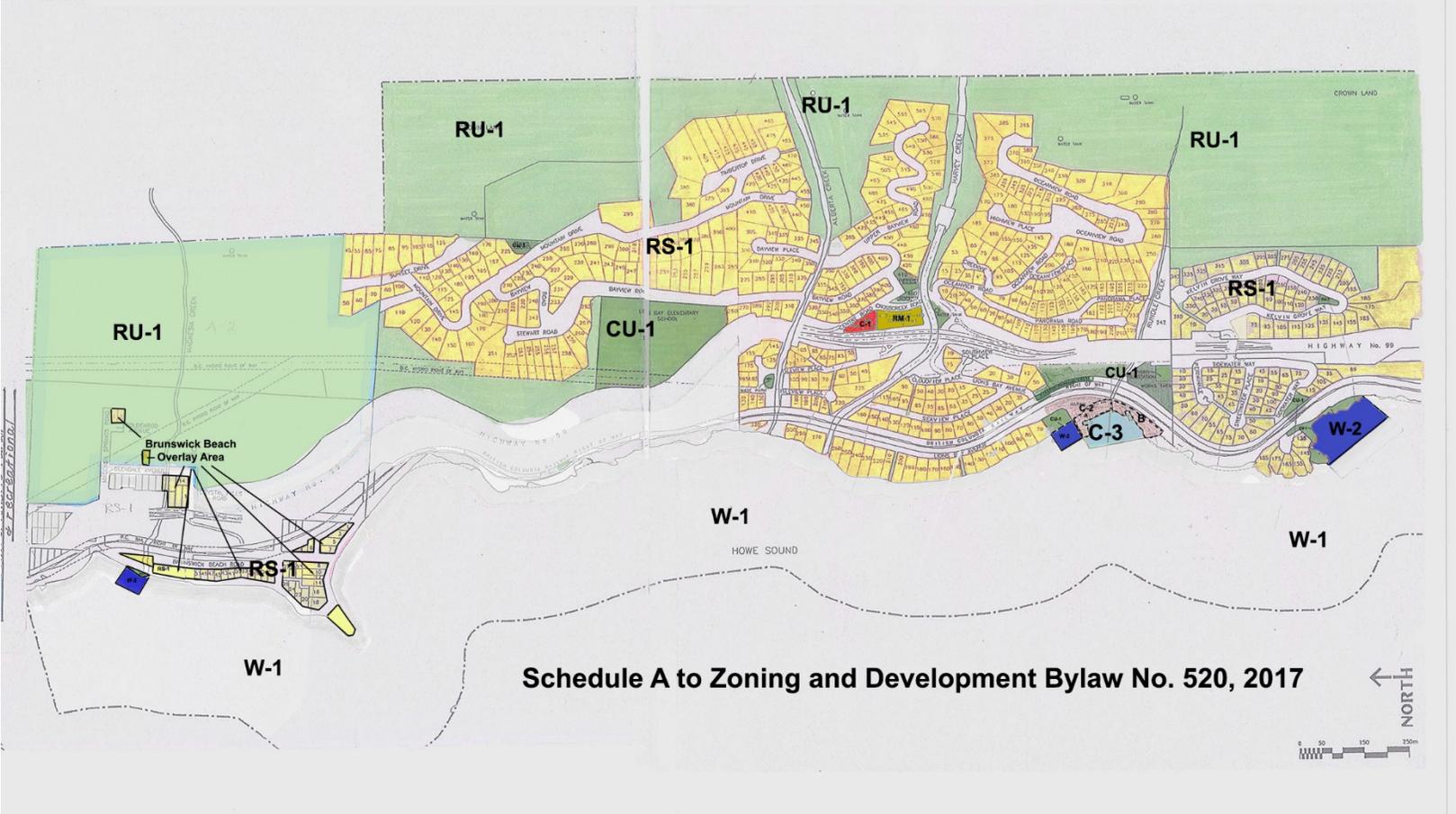


Existing Zoning



Zoning Bylaw No. 520, 2017

Zoning Map



Schedule A to Zoning and Development Bylaw No. 520, 2017



Provisions to Accommodate Secondary Suites

- “Housekeeping” to provide for secondary suites in Brunswick Beach
- Some of the regulations will be moved to the Building Bylaw – e.g. Building Code safety standards
- Owner occupancy requirement removed
- Discussion regarding whether detached secondary suites should be permitted lead to provisions for cottages.



Regulation of Residential Off-street Parking

Options Considered:

1. Eliminate the requirement for an additional space
 2. Eliminate parking space requirement when transit service is nearby
 3. Amend the siting regulations for parking uses and structures for secondary suites
 4. **Allow for parking siting variances through development variance permits**
 5. Licencing “on-street” parking for secondary suites
 6. **Maintain the status quo**
- **Requirement for garage or carport removed**
 - **Aisle space requirement for single detached dwellings, cottages and duplexes removed**



Cottages

Current Zoning: Not permitted

Objectives: Provide for downsizing and “aging in place”
Provide additional rental housing opportunities

Options Considered:

- 1. Permit 115 square metre (1200+ square feet) cottages permitted in RS-1 zone on 1,000 sq.m. (1/4 acre) lots on condition of a “no separate sale” agreement**
2. Allow cottage to be sold separately (through strata).
3. Permit a maximum 90 sq.m. (990 sq. ft) cottage
4. Do not permit cottages.



Number of Dwellings in RS-1 zone

Current Zoning: One dwelling with secondary suite

Options Considered:

1. Permit dwelling with suite and cottage on a 1000 sq.m lot
(3 dwelling units per lot)
2. **Permit a dwelling with suite or a dwelling and a cottage (on a 1000 sq. m. lot) (2 dwelling units per lot)**



Regulation of Short Term Rentals (STRs)

Current Zoning: Not permitted

Objective: To recognize the economic opportunity provided by STRs while also recognizing the need to maintain residential character and the potential impacts on the supply of rental housing

Options Considered:

1. Allow short term rentals
2. Prohibit short term rentals (*status quo*)
3. Permit short term rental of principal residences and prohibit STRs in secondary suites
4. Create site specific zoning and zone existing operations
5. **Prohibited as “outright” use. May be considered on case by case basis for temporary use permit. Home exchanges permitted.**



Subdivision in the RS-1 zone

Current Zoning: 8000 sq.m (2 acre) minimum lot size

Objective: To provide enhanced tax base to fund municipal services
To establish conditions regarding provision of amenities which will entitle an owner to subdivide

Options Considered:

1. Type of amenity contribution: in kind, flat fee, or % of “lift”
2. Whether to **establish community amenities policy by Council resolution** or within the Official Community Plan.
3. **Average lot size of 800 sq.m. (8800 sq.ft.) subject to community amenity contribution. Otherwise 8000 sq.m.**



Storage of commercial/industrial vehicles/equipment

Current Zoning: Not permitted in RS-1 zone

Objective: To maintain residential neighbourhood character while recognizing there are no alternatives for parking commercial vehicles in Lions Bay

Options Considered: Three weight maximums:

1. 4600 kg (5 tons)
2. 5000 kg (5.5 tons)
3. **7000 kg (7.7 tons)**

John Deere 5100R utility tractor
4450 kg length 3.75m



Ford Transit 350HD – 4699 kg GVWR



Ford E450 6578 kg GVWR; 6.6m length



2. prohibited except for passenger vehicles and one commercial or industrial vehicle or piece of equipment not exceeding a weight of 7000 kg



Prohibiting Marijuana Dispensaries

- Federal law is in a state of transition
- retail sale of marijuana not permitted under Federal law
- municipality has authority to prohibit marijuana dispensaries, at least until federal law regarding marijuana changes
- Marijuana dispensaries prohibited in new zoning bylaw



Water zoning

Current Zoning: F-1 (Brunswick Beach) M-3 (Lions Bay)
Buoys, floats, wharfs, launching ramps (LB), pier (BB)

New Zoning: W-1 (Water - Marine Foreshore)
W-2 (Water - Marine Community Recreation)

Objectives: To remove wharfs and piers as permitted uses and require any future wharf or pier application to be the subject of rezoning.
Restrict moorage of houseboats and vessels larger than 12 metres to 72 hours every 30 days
To zone the foreshore adjacent to municipal parks to uses compatible with public beach oriented activities (New).



Water zoning: W-1 zone

Permitted Uses

- (a) public or private mooring to a *mooring system* for vessels 12 metres or less in length;
- (b) public or private *float*;
- (c) public boat launching ramp;
- (d) overnight accommodation on an anchored or moored vessel for a period not exceeding three nights every 30 days;
- (e) *emergency mooring*

Conditions of Use

Subject to a need for *emergency mooring*, no person shall anchor, moor, or permit the mooring of a vessel that is more than 12 metres in length, or a houseboat, for periods greater than 72 hours every 30 days;



Water zoning: W-2 zone

Permitted Uses

- (a) public beach;
- (b) public *float*;
- (c) public boat launching ramp
- (d) emergency mooring.

Zone Boundary

The W-2 zone boundary will be defined more precisely at second reading and prior to the public hearing.



Other Changes Incorporated at First Reading

- Sections 4.7.2(a) “bay windows” and 4.7.3(c) “stairs not exceeding two metres” added to siting exemptions
- Section 4.12.7 removed the words “making of any food product that involves a commercial kitchen” from the list of specifically prohibited uses.
- Section 4.17(b) has been changed to allow shipping containers for moving for 60 days as opposed to 30.
- Section 4.17(d) clarifies that metal shipping containers in conjunction with infrastructure uses may be used on a parcel in any zone.
- Section 4.17.6 provision relating to not keeping storage containers in the front yard was deleted.
- Section 4.19.1 watercourse setback changed from 17m to 15m to be consistent with provincial guidelines and regulations.
- Section 4.2 amended to delete community care facilities as a permitted use in all zones.
- Section 7.6.4 height measurement approach from Brunswick Beach zoning bylaw restored.
- Section 10.1(d) “marina land facilities” use is clarified to outline which uses are included
- Section 6.1 in the draft bylaw Natural Area Conservation zone has been deleted as community watershed areas are very limited in the village and in some cases conflict with existing uses.



Status and Next Steps

- Zoning Bylaw 520 was given first reading by Council on March 21st
- The bylaw was forwarded to the Ministry of Transportation & Infrastructure on March 24th for review and approval under section 52 of the *Transportation Act*
- Review information and comments from this meeting and report back to Council
- Consider second reading of the bylaw as amended and schedule the public hearing (for early May).



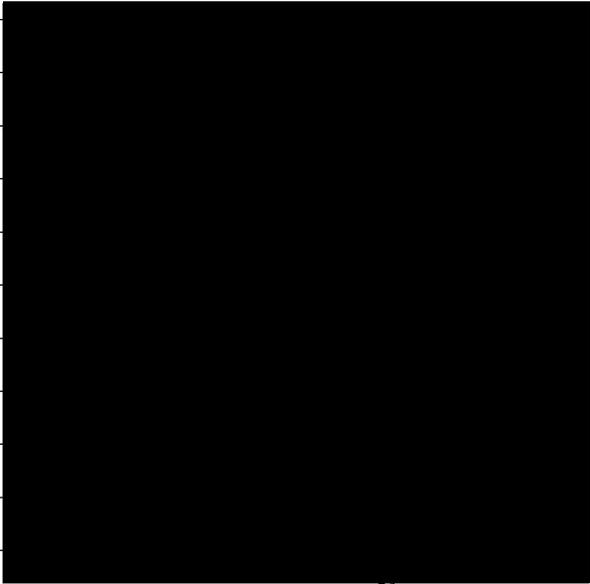
Discussion





THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

SPEAKER'S LIST

NAME	ADDRESS	
Nancy McKenzie		
Lisa Turpin		
Birgitta von Krosigk		
Ruth Simons		

Jim and Sandy Mutrie

Lions Bay BC

January 14, 2017

Village of Lions Bay,
P O Box 141,
400 Centre Road,
Lions Bay, B. C.
V0N 2E0

Attention: Peter DeJong CAO

Re: Short Term Rentals - 225 Kelvin Grove Way

Dear Sir

We have been corresponding with the Village relating our concerns with the use of 225 Kelvin Grove Way as a hotel since the current owner [REDACTED] commenced short term rentals starting, we believe, about 2006. In 2010 we finally received a response from Brenda (attached) stating that their rental conformed with the bylaws. Imagine our surprise when we read your consultant's opinion that such usage has been non-compliant all along.

Our wish would be that all short-term rentals be prohibited but we are realistic enough to know that will not be the case. We have had examples of bed & breakfast rentals in our area and they have not been a problem and so they should not be penalized for the problems at 225.

The main reason the B & B's have not been an issue is because the home owners are present before during and after the rental. If short term rentals were restricted, as secondary suites are restricted, to cases where the dwelling is the principal place of residence of the registered owner and they have to be in residence during rentals, then we believe most of the problems we have had with 225 would disappear.

We could list the problems we have had but we are sure you know the list and your works yard also has their problems with the residence.

Yours truly,

Jim & Sandy Mutrie

Jim & Sandy Mutrie

Sandy Mutrie

From: "Brenda Broughton" [REDACTED]
To: "Sandy Mutrie" [REDACTED]
Cc: "Rory Mandryk" <admin@lionsbay.ca>
Sent: July 20, 2010 10:52 PM
Subject: Re: Hotel Rooms in Kelvin Grove

Dear Sandy,

Thank you for this suggestion.

I had the office print them off.

The concern is real, but rental of a home is conforming with the bylaw. I know that this is a significant issue, as these are empty homes that have non-community members renting them for short term rentals.

I am very sorry to report back to you that this is the case.

You have mentioned previously that empty homes, along with non-resident rentals, contribute to a diminishing of a neighbourhood feeling.

I know that this is not the information that you were hoping for.

Sincerely,

Brenda Broughton
Mayor
Village of Lions Bay

----- Original Message -----

From: Sandy Mutrie
To: Brenda Broughton
Sent: Monday, July 19, 2010 9:50 PM
Subject: Re: Hotel Rooms in Kelvin Grove

Hi Brenda

Thank you very much for asking that this issue be added to the Committee of the whole Agenda for Council discussion

I do not know what to do differently so that you can open these websites, but if

Rory and Peach also can't open them I will print off a copy and deliver it to the office for you.

Please let me know if you need them printed.

Thank You
Sandy

----- Original Message -----

From: Brenda Broughton
To: Sandy Mutrie
Cc: Peach Akerhielm
Sent: Sunday, July 18, 2010 11:16 PM
Subject: Re: Hotel Rooms in Kelvin Grove

Dear Sandy,

I have not been successful opening the links below. I have forwarded this item to Rory and asked that it be added to the Committee of the Whole Agenda for Council discussion.

Can you please re-send these links, as I cannot open them ?

Thank you.

Sincerely,

Brenda

----- Original Message -----

From: Sandy Mutrie
To: Brenda Broughton
Cc: Peach Akerhielm
Sent: Sunday, July 18, 2010 8:20 PM
Subject: Hotel Rooms in Kelvin Grove

Brenda

The following are links to two properties on upper Kelvin Grove Way.

http://www.homeaway.com/vacation-rental/p132351?uni_id=360367&cid=L_YAHOO_1#propertyInquiry

<http://www.homeaway.com/vacation-rental/p7064255hi>

Is this a permitted use in a single family zoned area of Lions Bay under our

current or proposed zoning?

As you can imagine these two homes do not give our street a neighbourly feeling it is like living beside a couple of motels with all the problems motels can bring.

I look forward to your reply.

Thank You
Sandy Mutrie

225 Kelvin Grove Way.

Luxury Log Home - 'Serenity' in Vancouver



Welcome to 'Serenity'

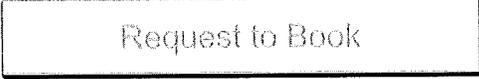
1 of 24

Excellent! 4.7/5 -

(33 traveller reviews)



Contact Me



Request to Book

Confirmation within 24 hours

Sleeps	12
Bedrooms	6
Bathrooms	4
Half Baths	1
Property type	house
Minimum Stay	2 - 5 nights

Overview

Peter DeJong

From: KRISTEN ICLEF [REDACTED]
Sent: Thursday, January 19, 2017 6:01 PM
To: Lions Bay Feedback
Subject: Coucil meeting

Hello,

I am a resident of Lions Bay for 5 years. I chose to rent here because of the community and wonderful schools.

I know that the council is deciding whether to limit short-term rentals in our community.

I live next to a short term rental. Almost every week in the summer i have a steady stream of people coming and going next door. Sometimes 2 days, sometimes 2 weeks. Mostly around 7 days.

Some are respectful and some are not. The owners reside out of the country and visit to do maintenance ONCE a year for about 10 days.

Other than that NO yard maintenance, grounds work, and attention to property on the outside occurs.

It has effected our lives in that the deteriorating drainage has forced my family from our home twice due to flooding.

Lions Bay is a quiet, RESIDENTIAL neighborhood. NOT a resort community and party destination.

Please vote to limit short term rentals as they do NOT add value or stability to the community.

Sincerely,

Mr & Mrs. Iclef
[REDACTED]

Peter DeJong

From: Nancy McKenzie [REDACTED]
Sent: Thursday, January 19, 2017 6:05 PM
To: Lions Bay Feedback
Cc: Peter DeJong
Subject: Zoning questions and feedback

Hi Peter,

Here are a few thoughts for your consideration. Thank you for your time the other day. It was greatly appreciated.
Nancy

- The terms of reference in regards to secondary suites request the consultant to consider options from other jurisdictions and provide pros and cons of each. However the terms of reference in regards to the foreshore zoning is highly directive. Why was the consultant not asked to consider practices of other waterfront communities and provide options with pros and cons for this zoning? For example, other waterfront municipalities expressly permit all types of vessels (i.e. Sechelt) as they recognize they are a waterfront community.
- Currently there are more than a dozen moorings along the shoreline of Lions Bay. The zoning for the foreshore aims to eliminate a certain class of vessel from mooring. This seems highly discriminatory. Could the village provide the rationale for singling out a single class of vessel in the proposed foreshore zoning? It would seem prudent to consider options based upon the overall objective of the foreshore zoning.
- Has the administration considered a registration system, like the boat storage, so that the Village has knowledge of the registered owner of the boats moored?
- Is it the intent of the administration to grant 'super rights' to wealthy waterfront property owners? It would appear that VOLB will grant the right for any waterfront property owner to install a mooring system. We believe this is outside of the jurisdiction of the Village, and could generate significant controversy as any boat owner can currently install a mooring anywhere under Federal law. Has VOLB considered the impact upon property values of these new zoning bylaws? Doesn't the rezoning further enhance the value of waterfront parcels, and how it is so justified to convey this incremental value upon those homeowners?
- Has VOLB considered the impact on business valuations of business operator who have been permitted certain uses over the year and will have those rights changed, possibly impacting their ability to operate efficiently and as profitably as in the past?
- Will prior property variances continue to run with the title of the property, given the new set back rules? For clarity, will violations of the new set back rules be grandfathered for all development prior to the new rules?
- Has consideration been given to how the new zoning will be implemented?
- Certain business and property owners who have been operating in a certain manner over many years may be impacted. This may impact their business valuations and/or property values. Has the VOLB considered compensation for lost profits of business owners who have been permitted these uses and will incur additional costs as a result of the new zoning?
- The limitation on outdoor storage of business equipment may impact day cares, landscaping/gardening businesses, artists, and others currently operating home-based businesses. Is this the intention?
- Has VOLB considered grandfathering for all pre-existing activities which would now be in violation of the new zoning bylaws? If so, how will this be documented?

Nancy L. McKenzie [REDACTED]

Peter DeJong

From: Ian Mackie [REDACTED]
Sent: Friday, January 20, 2017 11:39 AM
To: Karl Buhr; Fred Bain; Jim Hughes; Peter DeJong
Subject: Meeting January 19

Gentlemen

As you know I attended the meeting last night. One of the topics that was discussed was the ability of young families to buy property and live in Lions Bay. We must accept that living in West Vancouver and Lions Bay is not possible for most families for financial reasons. In fact I suspect that most of the longtime residents could not afford to buy here at today's prices. The economic composition of Lions Bay is changing rapidly. There are many young families who could afford to live in Lions Bay at today's prices if they so wished. This is demonstrated by the fact that there are many young families in West Vancouver and the West side of Vancouver where prices are much higher than they are here. Young families are choosing not to buy in LB for reasons other than affordability. We need to determine what those reasons are and determine how best to address them. Perhaps the real estate sales people familiar with LB can shed some light on this. Clearly affordability is not the issue for all people with young children. Perhaps there is a perception that LB is too far from children's activities. I am sure that this and many other perceptions are the real reason many young families are choosing to live in West Vancouver and other locations much more expensive than LB. How many young families live in Malibu or Santa Barbara?

Ian D. Mackie

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To: Mayor and Council, Village of Lions Bay.

Response to Zoning Bylaw Amendments.

01 February 2017.

It seems to me that while the proposed Zoning Bylaw Amendments Bylaw is good in several aspects, there are several weaknesses that could and should be addressed.

From my generalised perspective and opinion, among the problems currently facing the Municipality and that are being addressed are:

(a) the high cost of providing the fundamental services required by the Municipality, whether by taxation or borrowing;

(b) the difficulty of expanding the Municipal Tax Base in an equitable manner, given (among other things), the limited space available for both residential and commercial development;

(c) a latent concern in the community that costs of long term infrastructure deficits (especially water) are not addressed, but may in fact be aggravated, by the current Amendment proposals;

(d) a latent concern that demographic diversity will be further compromised by proposed development proposals that aggravate the trend to increased housing costs, putting homes out of reach for many and especially for young families;

(e) proposals relating to Secondary Suites do not cover some options that could be applicable to the elderly;

(f) while Council has "chewed and digested" the apparent problems and dilemmas, and has taken time to do so, the same is not true for the community at large. A deadline to attempt to complete the Bylaw by the end of February is too short and runs the risk of negative feedback and a failure for public to "buy-in". An allowance of sufficient time for the public and the Council to "chew and digest" the complexities that are being identified is essential. Council needs to be able to exercise some control over "market driven" influences.

(g) the option to secure an expansion of the Municipal boundaries to secure space for "bonussed" development may not have been explored effectively. A diminutive model of the Cheekye Development (see the Squamish Chief, January 26, 2017 edition) might be useful background for Lions Bay to consider;

(h) the development (e.g., subdivision) of nine or so individual lots likely cannot be done as a "collective" in a manner that would secure much by way of a Community Development Benefit. Could such an "incremental" development be incorporated within a broader comprehensive "Development Plan" attractive to a developer - a "Plan" that might include the Works Yard, the Brunswick Bench Lands, the expanded boundary lands and other Lands - a Plan that would be substantial enough to afford substantial "Community Bonussing"?

(i) the eight "core themes" of the current Official Community Plan provide some guidance, but several of the "themes" are not defined, are ambiguous and are open to contradictory interpretations.

In fairness, substantial progress is being made.

Louis K. Peterson,

01 February 2017

Peter DeJong

From: Steven Hurst [REDACTED]
Sent: Thursday, February 02, 2017 3:02 PM
To: Peter DeJong; Lions Bay Feedback
Subject: Carriage Houses in Lions Bay

To Lions Bay Council Members

Hello, my name is Steven Hurst, former long time resident of Lions Bay. I am now almost 40 years old and have my own family now up in Kamloops BC. I am involved in House construction and home renovations here and have recently gotten interested in Carriage houses, Tiny houses and super efficient Net Zero houses. I am writing because of my hope that the Carriage / Coach house model will be adopted into the Lions Bay bylaw and that our family could be among the residents whom could benefit from the change.

My parents Mike and Ann Hurst still live in the same house we grew up at 465 Upperbayview Rd. Its a gorgeous spot , half acre lot with an amazing view, not unlike many lots in the Village. The type of setting that one would be hard pressed to ever find anywhere else in the world if they were to sell. I have traveled to many a place in Canada and abroad and still am stunned by what I see and feel when driving down the Sea to Sky highway.

With assessed values soaring there is certainly an attractive incentive to sell and then rent somewhere else. But my parents love it in Lions Bay so I ask myself ,why should they leave just because they will need extra care? They are in some ways the pioneers and know the place inside and out. I am concerned that if an exodus of older residents becomes a trend in Lions Bay, the demographic could become skewed and the amazing talent and wisdom these residents gathered over decades might not be there in the same way. Perhaps carriage suites would allow residents whom no longer need much space but love where they are to stay. Or perhaps to provide accommodation for a caregiver who maybe wouldn't otherwise be able to afford to live there. Or maybe a family member who's an artist or writer who needs a quiet, inspiring space to work. Or large families who come a few times a year and no longer have lodging due to their parents putting in a suite in the basement.

In many ways carriage houses have advantages over house additions. Some of these include: Being able to be built to be super efficient because of the size, perhaps even reaching Net Zero, If the owner moved into the carriage house to downsize then a large house already set up for a family becomes available, the carriage can be built without disrupting the lives of owners and/ or tenants.

Of course the demand is certainly present so the million dollar question really isn't when but rather how. In my opinion there would need to be some key restrictions so that the reasons people resist them become the reasons people might resent them.

- Requiring power service to enter underground.
- Maintaining a maximum house size (maybe 800 square ft)
- Perhaps not requiring covered parking so that what would be a garage would be living space. (many existing houses already have ample driveway space for an additional car, and older residents may not even need a car)
- Limited to two stories to avoid impeding views
- Carriage house to have a look that complements main house
- additional garbage/ recycling pickup fee
- Letters from neighbours approving of the plan, so they can discuss any concerns before the proposal goes to council.
- occupied by an owner claiming a home owner grant (so that they are not holding multiple properties), family members of owner, or full time rental. (As much as temporary rentals are needed in Lions Bay, this may cause too many disruptions for neighbours.)

- Perhaps there is some way to have the carriage suite to count as an improvement to the main house so that the increase in property tax revenue would cover the cost of financing road resurfacing and any other costs that are incurred by the village from increased densification.

I don't want this letter to get too wordy but I wanted to express my opinion on this matter and to touch base with policy makers and offer any assistance or ideas. Perhaps if the bylaw changes in the near future something really positive will start to change Lions Bay for the better. I hope that I can be involved.

Best Regards

Steven Hurst

Peter DeJong

From: Gillian Smith [REDACTED]
Sent: Monday, April 03, 2017 5:30 PM
To: Lions Bay Feedback
Subject: short term rentals

Hello,

I am unable to attend the meeting on Thursday, but I do have some comments regarding short-term rentals.

I believe that short term rentals in Lions Bay should be allowed. There are no hotels or accommodations in the area, and there are many instances where community residents may seek accommodation for their own guests. As well, as Howe Sound becomes a popular tourist destination, Lions Bay has a lot to offer short-term guests travelling through the area.

Some of the regulations to allow STR should include:

- * A rental agreement that outlines noise bylaws, etc. in the village, and rental rules (copy of rental agreement to be kept on file in village office?)
- * A substantive security deposit (minimum of \$500) to be returned assuming no damages to premises, or fines.
- * Sufficient parking on property or nearby that adheres to parking bylaws
- * An on-site property manager or owner to be available as a contact

Most rental sites like AirBnB and VRBO have rating systems where the guests are rated as well by previous stays. These are good measures to ensure the guests are recommended and will not cause any problems. Thanks for including my input,

Gillian

Peter DeJong

From: [REDACTED]
Sent: Monday, April 03, 2017 5:47 PM
To: Lions Bay Feedback
Subject: "Houseboat" in Kelvin Grove bay

We have lived above the bay for 6 years and have rarely been disturbed by noise from "the boat". The noise from some of the beach goers, especially ones with barking dogs (yes, I knew it was a dog beach before moving here) and the boaters that raft their vessels together near the bay and by the "jumping" cliffs is far worse. I have been a Lions Bay resident for 26 years, my children grew up here and served on the Fire Department, we all enjoy the ocean access in various ways and to limit it to people who are lucky enough to have a marina berth is ludicrous.

I encourage residents to enjoy the wonderful place we call home and stop spending their energy policing their neighbors.

Please do not implement a 1,000 foot "fence" around the coast of Lions Bay. Summer is all about the boats bobbing around on the water.

Valori McKay

[REDACTED]

Peter DeJong

From: Clara George <[REDACTED]>
Sent: Tuesday, April 04, 2017 1:47 PM
To: Lions Bay Feedback
Subject: Shore zoning

Hello there.

I have been a resident of Lions Bay since 2005.

I strongly believe that we should allow all residents unlimited access to mooring on the waterfront indefinitely for all size and types of watercraft - including houseboats in Kelvin Grove.

I am out of town and unable to attend this week's meeting.

Please contact me should you require more information.

Sincerely,
Clara George
[REDACTED]

From: [Peter DeJong](#)
To: [Agenda](#)
Subject: FW: Letter to Council
Date: Thursday, April 06, 2017 12:56:06 PM

Please add entire string to next agenda correspondence.

Peter DeJong, BA, LLB, CRM
Chief Administrative Officer

The Municipality of the Village of Lions Bay www.lionsbay.ca
PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0 , Canada
Village Office (604) 921-9333 | Fax (604) 921-6643

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From: Peter DeJong **On Behalf Of** Lions Bay Feedback
Sent: Thursday, April 06, 2017 12:55 PM
To: Karl Buhr <mayor.buhr@lionsbay.ca>
Cc: 'Annmarie Gates' [REDACTED]
Subject: RE: Letter to Council

Hello Karl and Annmarie:

Just a slight correction to the Mayor's information. There is a 3rd W-2 zone prohibiting moorage in front of 63 Brunswick, which coincides with the existing small park on the Esplanade there and its accompanying foreshore lease in favour of the Municipality.

Peter DeJong, BA, LLB, CRM
Chief Administrative Officer

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From: Karl Buhr
Sent: Wednesday, April 05, 2017 4:52 PM

To: Annmarie Gates [REDACTED]
Cc: Lions Bay Feedback <feedback@lionsbay.ca>
Subject: RE: Letter to Council

Annmarie, thank you for your valuable comments. I'm forwarding them into the record.

You raise many good points, which will all be addressed in time through the process, but to focus on just one of them, there will be no change to foreshore moorage in virtually all of Lions Bay. Boats under 12m in length may moor to a Federally-approved buoy (we cannot restrict moorage to residents alone). The new restriction on moorage is for two small public beach zones: inside the boom at Lions Bay Beach Park, and close to the shore at Kelvin Grove. We debated whether to do the same anywhere at Brunswick, with the current choice of making no changes.

OK, one more comment: we intend to strengthen the Resident Permit Only parking at Brunswick, and if any parking was provided for the new lands, it would be 3-6 spaces, on the land, and Resident only.

Regards,
Karl

From: Annmarie Gates [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Wednesday, April 5, 2017 4:41 PM
To: Karl Buhr
Subject: Letter to Council

April 5, 2017

Mr. Mayor and Council:

This is quite a document to absorb in 2 days and I can only hope there will be more public meeting to discuss all the issues laid out before us.

As I am away at present, I am sending a short note to address the subjects I feel most affected by and which concern me regarding the Brunswick Beach area.

As you know Brunswick has one main road, a country lane in essence, and from April to October we host on the beach a wide variety of visitors. The nudists, who remain for the most part at the south end of the beach, the public who utilize the rest of the beach, the dog walkers (sometimes 4 at time.), the illegal parkers, and now the short term renters.

Last summer 5 homes out of 30 in Brunswick were used as short term rental homes.

My views regarding this are as follows:

These homes should be licensed through the office and should pay a user fee to the community.

They should also be expected to abide by the water restrictions that we have had during the

last two years. It seems unfair that we who live in the Village and obey these restrictions (as well as paying our water and property taxes) watch renters – I think I read there was a consideration of 10 people per rental house – utilize our precious water.

Another concern of course is the parking situation, which is totally limited on our small roadway. It is annoying to come home and not be able to park in one's own driveway.

My point being, it is wonderful income for those who rent ABNB etc but there are few advantages for the rest of the community and so we need to have proper licensing and definite rules re noise factors, fires on the beach, dog enforcement etc before giving over to short term renters. If we are to pass this bylaw, we need strict enforcement of the rules to make everyone's summer a happy one.

Block Watch is also a concern, with people in and out of houses over weekends, and longer periods it may difficult to put the programme to proper use.

Pg 10 Amenities:

f) Park dedication: It has been suggested with the proposed purchase of Lot 63 at Brunswick a small park be installed, with a few "parking spots".
I am totally against the parking spots specifically – as well as a designated park. Remember – build and they will come -. Once again pointing out the restricted parking we have at Brunswick. Also, I have concerns regarding emergency vehicles accessing that area if need be. It would be a wonderful sanctuary for our otters, and other wildlife and a small bridge and trail for nature lovers could certainly suffice.

Page 18

Foreshore Zoning.

Regarding this matter...once again can we revisit why we live on the ocean and I question as taxpayers why we cannot enjoy some of the benefits of the Sound. For forty years, I have watched our resident boaters sail in and out of the Bay. They are most conscious of the boating rules and I feel they should be allowed this pleasure.

I do have some concerns regarding the sea-doo's and a disregard for our swimmers and smaller boats.

These are my concerns and I hope that Council will consider carefully placing additional stress on the Brunswick Road.

Many thanks
Annmarie Gates

From: [REDACTED]
To: [Peter DeJong](#)
Cc: [Council @ Lions Bay](#); [Lions Bay Feedback](#); [REDACTED]; [Agenda](#); [Shawna Gilroy](#)
Subject: Re: Zoning bylaws
Date: Wednesday, April 05, 2017 3:33:46 PM

Thank you for your reply I thought Karl had said that a provincial or federal ministry had to approve our new zoning bylaw before it could be read a 4th and final time. Perhaps I missed that.

And chickens and close lines were a discussion from the update list

Thanks Lisa

Forgive typos this was sent from tiny little iPhone keys

> On Apr 5, 2017, at 2:53 PM, Peter DeJong <cao@lionsbay.ca> wrote:

>

> Hello Lisa:

>

> Yes, we'll be having a speakers list for people to sign as they enter the hall tomorrow evening, as we did the last time. We'll also have question cards if anyone wishes to write down their question or comment and have us read it out for them.

>

> Most of the zoning bylaw material is a repeat of previous reports that were available for the first public information meeting, so hopefully folks don't find it too daunting. The subject headings are also quite clear within the reports, if anyone is looking for particular information.

>

> The Ministry of Transportation and Infrastructure must sign off on any zoning bylaws which affect land within 800 metres of an intersection of a controlled access highway.

>

> The current filming policy and licencing system should be reviewed in due course, but it was not part of the existing zoning regulations and likely needs its own bylaw.

>

> We did not hear any feedback at the first public information meeting regarding livestock or clotheslines.

>

> Geothermal systems, solar panels and other green building systems and practices belong in building bylaws and will be considered when we embark upon a re-write of the Building Bylaw No. 234, slated for later this year.

>

> Roads and drainage systems are not generally zoning bylaw material.

>

> Thanks for your email.

>

> Peter DeJong, BA, LLB, CRM

> Chief Administrative Officer

>

> The Municipality of the Village of Lions Bay www.lionsbay.ca

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legislation, and no admissible disclosure of this email can be made without the consent of the Municipality. Conversely, be aware that any response to the sender may be subject to disclosure under a freedom of information request.

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>

>

> -----Original Message-----

> From: Lisa Turpin [mailto:[\[REDACTED\]](mailto:)]

> Sent: Wednesday, April 5, 2017 8:21 AM

> To: Council @ Lions Bay <council@lionsbay.ca>; Peter DeJong <cao@lionsbay.ca>; Lions Bay Feedback <feedback@lionsbay.ca>

> Cc: [REDACTED]

> Subject: Zoning bylaws

>

> So Im wondering how your process is going to go tomorrow are you making a speakers list or what is the process. Also Im wondering how a resident is supposed to digest 84 odd pages of content in 4 days.

>

> Also who then approves these new zoning bylaws from the province

>

> Also something not mentioned at all is filming, livestock as more people want to become more self sustaining and environmentally aware, washing lines, geo thermal, etc were brought up as well as solar panels in one of my discussions this morning. Has the consultant thought about any of these issues. As in my skim of the document there were not addressed that much if at all.

>

> And perhaps there should be something about road edge and culverts to prevent the problems you currently are patching and forgetting.

>

> Lisa Turpin

>

>

> Forgive typos this was sent from tiny little iPhone keys

Peter DeJong

From: [REDACTED]
Sent: Thursday, April 06, 2017 4:12 PM
To: Heather Ferris
Cc: [REDACTED]
Subject: Ron McLaughlin; Shawna Gilroy; Peter DeJong
Re: Bylaws -- question in advance of this evening's public meeting

Dear Peter and Shawna: The question from the resident below describes a common situation. If you would please include it in the questions for tonight, publication, and ultimate response it would be greatly appreciated. Thank you....Ron

Dear Heather and Bruce: Thank you for the question. Best regards and see you soon.....Ron

From: "Heather Ferris" <[REDACTED]>
To: "Ron McLaughlin" [REDACTED]
Cc: "BRUCE KENNEDY" [REDACTED]
Sent: Thursday, April 6, 2017 3:33:08 PM
Subject: Bylaws

This bylaw prohibiting "storage" of commercial stuff including trailers on residential property – I see it is exempted if it is for residential construction where you have a permit. As you know, there are lots of projects where permits are not required, and many of these small contractors like to leave their trailer on site until the job is done.

↳ Quare: Whether many of these projects should have permits!

Please advise.

Heather

[REDACTED]

This email and any accompanying attachments contain confidential information that may be subject to solicitor-client privilege and are intended only for the named recipients.

Peter DeJong

From: Louis Peterson [REDACTED]
Sent: Thursday, April 6, 2017 2:22 PM
To: Lions Bay Feedback
Subject: Zoning meeting

Hello,

We have guests and I may not get to the meeting tonight. Here are some of m thoughts: Several large items (among others) concerning the Village are (and Council knows all of them better than I do):

- 1 The high cost of our infrastructure needs;
- 2 The changing demographics of the Village;
- 3 The external control of property values and costs;
- 4 Limitations to increase the Municipal tax base;
- 5 The use of the Foreshore.

A We could "sell out" our Village to a wealthier economic class which would want large homes and be little concerned about tax assessments: not good for "affordability".

B Densification can be increased in several ways, some of which would likely lead to higher property values as a result of the "market" being in control. Lions Bay is also partly victim of its market appeal.

C There are historical and potential future issues relating to the foreshore that need to be considered. Perhaps the foreshore is analogous to our other public spaces, such a our Parks and public streets, where regulations as to use for general public purposes as opposed to limited or private purposes will be needed.

More (much more!!!) could be written!!!!

Louis Peterson

Peter DeJong

From: Nicole Alagich <[REDACTED]>
Sent: Thursday, April 6, 2017 3:45 PM
To: Lions Bay Feedback
Subject: New Water Bylaw

Hi Peter,

Further to our conversation I would like to confirm that the pre-existing wharf located at 140 Lions Bay Avenue will not be affected by the new proposed bylaw changes. The wharf has existed since the 1960's when the house was originally built. This is a prominent feature which is attached to our property and was the main reason for purchasing the home 6 years ago.

Thanks again.
Nicole

Peter DeJong

From: Philip Marsh [REDACTED]
Sent: Thursday, April 06, 2017 10:51 AM
To: [REDACTED]
Cc: Peter DeJong
Subject: Meeting Tonight

Jaime/Peter,

My apologies, as I cannot be there for your meeting this evening.

If I had one additional "short" comment (in addition to what I posted in the petition and previously sent you), it would be as follows:

Please explain why, if the KGB houseboat is so **unseaworthy** that "*there is no safe available moorage space anywhere else along the Lions Bay shoreline*" (Ms. McKenzie's words exactly), then why is the houseboat considered seaworthy enough for moorage **directly overtop** the village's only outfall pipe; which would most likely cause a minimum of \$100K or more of damage in the event of a sinking? It is obviously **not safe** for our infrastructure where it is currently situated. It has already been rescued once, off-the-rocks, by the CG.

If someone could convey this question to council, it would be appreciated. There should be no moorage **ever**, period, within at least 75 -100 metres of that outfall.

Again, for the record, I am not opposed to a lessening of the restrictions as outlined in W1 (in fact, I have no issues with moorage, even long-term moorage, except **directly adjacent** to the shoreline of our parks; but I do understand the position of those that may). However, the restrictions proposed in W2 should be **strictly** enforced; even as a singular article, if that is at all practical.

Regards & thank-you for your time,

Philip Marsh

Peter DeJong

From: Karl Buhr [REDACTED]
Sent: Friday, April 07, 2017 6:48 PM
To: 'Sally Pollock'
Cc: Council @ Lions Bay; Peter DeJong
Subject: RE: Houseboat

Thanks Doug (and Sally),

Council will consider this input in its deliberations. Judging by my discussion with other mayors, usurping of a public amenity for private benefit is a problem all over BC, particularly in beauty spots.

Regards,
Karl

From: Sally Pollock [REDACTED]
Sent: Friday, April 7, 2017 9:42 AM
To: Karl Buhr
Subject: Houseboat

Just a note regarding the houseboat concern.

When the concern was addressed as a motherhood issue,,,,,how could anyone deny a better life for Lions Bay children,,,,,,a few facts were left out.

- 1) It was stated that the houseboat had been purchased as an investment (paid very little for it).
- 2) It was listed on Craigslist in order to establish a value that could be attached to their efforts. The part that was left out was that it was listed as "including moorage in Lions Bay". I expect that the (free) "moorage in Lions Bay" would have been a significant portion of the value.
- 3) Had the houseboat sold....would we still be dealing with a motherhood issue or something else?
- 4) I believe it would be a reasonable expectation that the houseboat will be sold at some point, at which point it will simply be a houseboat problem, and may not involve Lions Bay residents, children or motherhood.
- 5) Although moorage over the stormy winter months is an issue.....mooring for a few months in the summer would not be. Simply dropping anchor in Alberta Bay and taking up summer residency would certainly be a possibility.
- 6) Lastly..I believe that there is actually a second buoy (not in Lions Bay) intended for mooring the houseboat.

Had the question of mooring the houseboat been addressed by the owners , with Council, prior to purchasing and mooring it....we would probably not be where we are.

Doug Pollock

--
Sally Pollock
[REDACTED]

From: [Peter DeJong](#)
To: [REDACTED] [Council @ Lions Bay](#)
Cc: [Agenda](#)
Subject: RE: Day Care Zoning and OCP
Date: Friday, April 07, 2017 4:48:32 PM

Hi Lisa:

Our Community Planner, Steven Olmstead, has provided me with further information regarding your questions last night on daycare facilities as they relate to the *Community Care and Assisted Living Act*, to which the municipality is still bound notwithstanding our removal of any reference to it in the new zoning bylaw.

First, there are two commonly referred to types of child care – family daycare which operates out of a home; and group daycare, which is larger and typically operates from a dedicated facility. The exemption in section 20 of the *Community Care and Assisted Living (CCAL) Act* (copied below) relates to family daycares. Anything larger would require rezoning. Section 20 of the *CCAL Act* is clear, especially s. 20(2)(c)(ii).

There are limits to scale, which I referred to last night, though not the specific numbers. If Ms. Turpin's facility exceeded the limits in s. 20(1)(b), or was unlicensed, then rezoning would have been necessary.

Certain laws not to apply

20 (1) This section applies to a community care facility

(a) for which a licence has been issued,

(b) that is being, or is to be, used

(i) as a day care for no more than 8 persons in care, or

(ii) as a residence for no more than 10 persons, not more than 6 of whom are persons in care,

(c) from which, in the event of a fire, persons in care can safely exit unaided or be removed by its staff, and

(d) that complies with all enactments of British Columbia and the municipality where the community care facility is located that relate to fire and health respecting a single family dwelling house.

(2) A provision in an enactment of British Columbia, other than this Act, or of a municipality, does not apply to a community care facility described in subsection (1) if that provision would

(a) limit the number of persons in care who may be accepted or accommodated at the community care facility,

(b) limit the types of care that may be provided to persons in care at the community care facility, or

(c) apply to the community care facility only because

(i) it is not being used as a single family dwelling house, or

(ii) it operates as a community care facility, a charitable enterprise or a commercial venture.

I note that section 25 of BL 362 refers to in-home child care and up to 10 children. Under BL 362 rezoning wouldn't be required for 10 children, but in most other local government jurisdictions a 10 child facility would need rezoning as it exceeds the provincial thresholds for exemption (8). There is a detailed regulation for child care under the *CCAL Act* here: http://www.bclaws.ca/civix/document/id/complete/statreg/332_2007. Based on the above, I would say that BL 362 allows family daycare as well as small scale (10 or less) group day care.

If the facility Ms. Turpin refers to did meet the requirements of the *CCAL Act* then it is possible that the local government staff were unaware of the exemption. This is more likely the smaller the municipality or more inexperienced the staff. I also looked at the Richmond materials briefly and Richmond does not require rezoning for family daycare.

With respect to the OCP, it already provides clear direction that the community needs to provide for infill housing opportunities to accommodate a wider range of current and future residents in a wider range of affordable housing options. That is becoming a difficult proposition in the lower mainland, as I'm sure you know. The changes in zoning are intended to fulfill the vision of the OCP by enabling long time residents to age in place, either in their house with related or unrelated care givers in a secondary suite or cottage, or maybe their family moves into the main house and they live in the cottage, or they sell the property but take back a long-term lease for the cottage. Or perhaps they demolish the old house and build a duplex to accomplish similar goals. These are things already contemplated by the OCP. We don't need to re-vision it. The larger development parcels are also already identified – the zoning changes simply ensure that the Village's long-term interests are accounted for when those opportunities come to the forefront. Council is not taking the community in a different direction; they are slowly but surely realizing upon the goals and objectives already laid out by previous community leaders including yourself. I hope that the community is excited about fulfilling its OCP, albeit carefully and incrementally.

Peter DeJong, BA, LLB, CRM
Chief Administrative Officer

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From: lisa [REDACTED]
Sent: Friday, April 07, 2017 6:43 AM
To: Council @ Lions Bay <council@lionsbay.ca>; Peter DeJong <cao@lionsbay.ca>; Lions Bay Feedback <feedback@lionsbay.ca>
Subject: Day Care Zoning and OCP

Contrary to what your presenter had mentioned please see the attached below. It is my understanding that no mention in the By-Law does not mean that the use is permitted, when a daycare wants to open they require it in the zoning in WRITING. I lived through this process on 2 occasions and strongly suggest that you keep the language or you are creating more red tape and time for a center to be opened which is contrary to the OCP. In my case I needed a Public Hearing and it took months before the day care was able to open.

In regards to the OCP I too Echo John Robins and Louis Peterson from the meeting prior. Last night in response to John Robins the Mayor commented that the OCP is not strong enough of a workable document to direct council, then the Mayor commented that you took direction from it for the Multi Family definitions so I too am questioning why an opc revision was not done first when there are significant zoning changes that the current OCP is not guiding. The more global community OCP review, in my opinion, should have been done first so that you would not have to ask a room do you want strata lots or not as an example.

Step 7. Select a location

Once you have completed your needs assessment, and decided on a non-profit or private business structure, the next step is to decide on a location for your child care

How to Start a Child Care Facility in BC 4 of 6 March 2006 www.wstcoast.org revised February 2015

facility. Some points to consider are:

- looking for an existing space (possible renovation expense)
- can the space be renovated to suit the needs of a child care facility? (contact a licensing officer to view the site)
- approach a multi-service organization or an existing child care facility that may consider co-locating with your proposed child care facility
- zoning regulations within your community
- constructing a new facility
- realtor services

Step 8. Contact your municipal government

Each municipality has its own by-laws; these include zoning approval, building permits,

occupancy permits and parking restrictions. You must check with your local government office to find out the requirements for your area, especially if you intend to renovate or want to build a new facility.

Your local City Hall web site may be a source of information for child care grants, planning and start up information.

Your consultant may like to see the City of Richmond's link

<http://www.richmond.ca/plandev/socialplan/childcare/creatingchildcare.htm>

http://www.richmond.ca/__shared/assets/SpecificUseRegs24224.pdf

Peter DeJong

From: [REDACTED]
Sent: Friday, April 7, 2017 9:57 AM
To: Lions Bay Feedback
Subject: Further comment/question re last night's presentation

Dear Peter,

I am impressed at the huge amount of work presented last night. I was unable to make the first public meeting so I am realizing how much has been accomplished.

Can you clarify my understanding of this change please:

" Section 6.1 in the draft bylaw Natural Area Conservation zone has been deleted as community watershed areas are very limited in the village and in some cases conflict with existing uses."

What I heard was the reference to this zone is changing from "Natural Area Conservation" to "Natural Resource Use"

From what I understand the bylaw is be renamed from CU-2, Community Use to RU-1 Resource Use?

This change is recommended because it is not necessary for this to be a natural area for conservation in order to protect the watershed?

"Conservation use means the preservation and protection of natural resources and assets in their natural state including the habitat of birds, fish and other wildlife"

I fail to understand why much of this area should no longer be a Natural Area for Conservation? Also, I can't find reference to "Natural Area Conservation" in bylaw 362 so I don't know where it is being deleted from. I would like to further understand the change.

Our Official Community Plan does not call for "Resource Use zoning". Until there is an Official Community Plan review I do not support introduction of a new reference for zoning that is not in the current OCP.

Our OCP calls for

- Policies & Actions for **Protection of Wildland Interface** d) Wildland Interface: Develop a plan to manage the interface between the forest and the settlement areas in a manner that reduces the likelihood of a forest fire and provide adequate evacuation plans in the event of an emergency.
- Wildlife: **Manage the interface carefully between wildlife and development** (e.g., garbage management, nesting areas) in a manner that avoids conflict.
- 5.9 Recreation/Community Use Lions Bay has a variety of local parks, including beach frontage and wilderness areas, under 5.0 Land Use Map Designations BYLAW 420, 2010 - Village of Lions Bay Official Community Plan Page 14 municipal ownership that it manages for the use of its residents. **These green spaces are designated Recreation/Community Use on the Land Use Map. Policies of this official community plan protect them as accessible spaces for the enjoyment of the community. 5.10 Watershed/Environmental Protection The Land Use Map defines areas for environmental protection. These include Crown lands on upper slopes, the watershed, the**

watercourses, and the shoreline. These lands should be maintained in their natural form to protect Village safety and managed with an eye on good stewardship.

It would be easier to support the zone being referred to as a "RU - Recreation Use zone" or a "Wildlife Management Zone" since it is very important for us to manage in a way to protect the biodiversity around Lions Bay, and those terms would not conflict with the current OCP,

Despite the reality that resource extraction may be demanded by the province, I believe this is not a use Lions Bay residents would support.

My other point was the W1 zones or W2 zone should limit the buoy use to vessels only. The other condition that could be placed on the W1 or W2 is that the vessel must be able to be transportable without the use of a tow. If the vessel needs towing it is then disabled and no disabled vessels should be permitted anywhere along our shoreline except in the event of an emergency. The houseboat does not have an engine, so it is a disabled vessel. If it were not this houseboat, then it could be a hunk of junk someone is looking to unload or sink. We have a problem already with derelict boats in Howe Sound and one was towed nearby where it was left to sink. Zoning could address or define "derelict" and state they are not allowed and would be removed.

Also, I would like to see zoning areas that are important for conservation and wildlife protection. Alberta Bay is an important area for migratory birds and could be a 'No buoy or no anchoring area'. The Suzuki Foundation is undertaking a Marine Planning Guide that would help identify sensitive areas. This could be a good help for Lions Bay in mapping our shoreline and future planning. The areas for protection should not only be defined by the zones designated as Park on land, but according to the natural values for marine and other wildlife. Again, this could be a discussion for the OCP review.

For the next time, if possible it would be helpful to try to improve the sound from the speakers as volume was okay but it could have been much better as some words sounded very muffled and straining to hear sometimes.

Thank you, I look forward to the response.

Ruth Simons


From: [REDACTED]
To: [Shawna Gilroy](#)
Subject: VoLB website query
Date: Saturday, April 15, 2017 5:49:30 PM

Hello,

I live on Kelvin Grove Way and this is the view from the beach today (attached). Given that we know who it is, I find it unacceptable as a tax paying resident that some folks literally park their trash at the beach.

Every summer there is a house boat parked here with the owners having a grand time on this raft. I do not know if they own it, but it seems like a good place to start.

Tim McCutcheon

Sent from my Samsung device



To; Lions Bay Village Council

From; Peter Gross, Resident [REDACTED]

Re; Proposed bylaw to prohibit long term mooring

Monday, April-17-17

Mayor, and councillors, I have been a long term resident here in Lions Bay as you all have.

I attended the town hall meeting that addressed the proposed bylaw changes. In particular, I wish to discuss the bylaw that will prevent long term mooring off the Lions Bay seafront.

As many of you may know, I am an Ocean Scientist; I design manned research submarines, and participate in exploration of the Howe Sound Ocean ecosystem as a volunteer. The ocean has always had a very big connection with me, as I'm sure it does for many of you on Village Council.

I also understand, that on this issue you aren't going to be able to make everyone happy.

Therefore, I'd like to suggest that in this specific decision, you may wish to apply a principle that often helps with tricky decisions like this. That is, what serves the "Greater Good".

I recall being a young teenager growing up in Toronto, watching the "Undersea World of Jacques Cousteau", and ignoring Hockey practice so I wouldn't miss a single episode. Later in life, I discovered that it was actually possible to earn a living exploring the Ocean, and that has been the main motivation for my entire career as a Scientist.

When I visit the McKenzie and Fleury's houseboat, I see it frequented by teens who are among other things, exploring the Ocean ecosystem in their own way. I see them watching Otters, Marine cetaceans, making note of fish life and having a first hand experience with the beautiful ecosystem that we have here right off our coast. I wonder if any of them will be inspired to become caregivers to the Ocean, or perhaps even become a Marine Scientist as a result of this inspiration. I can say that already one of the young people who spends a lot of time on that boat is extremely interested in Ocean science and she will be shortly be provided with an opportunity to dive on a research submarine in Howe Sound. How wonderful is that!

With regards to the upcoming vote, I see two sides. I see on one side, a small group of vocal residents, who have only their personal interests in mind. Who, if they lose the vote, will not be negatively impacted in any major tangible way.

On the other side, I see a much larger group of residents, responsible boaters and families who are enjoying the waterfront, as they should. I also see young minds being inspired. And I definitely see a profound negative impact should this bylaw essentially 'kick them out'.

I suggest that the "Greater Good" in this case, shall not be served by introducing this by-law.

You are welcome to respond should you have any questions.

Kind Regards,

Peter Gross

[REDACTED]

[REDACTED]

Lions Bay Resident since 1998

From: [REDACTED]
To: [Council @ Lions Bay; Shawna Gilroy](mailto:Council@LionsBay.ca)
Subject: Fw: HouseBoat/floating platform mooring at Lions Bay dog beach
Date: Tuesday, April 18, 2017 4:01:44 PM

To Lions Bay Council:

Further to the message I sent to you this morning I support the proposed W2 bylaw protecting all our public land shoreline thereby maintaining their unspoilt nature for the enjoyment of all residents.

Thank you.

Carl May
10 Sweetwater Place
Lions Bay.

On Tuesday, April 18, 2017 11:13 AM, Carl May [REDACTED] wrote:

To Lions Bay Council:

I would like to register my continued dismay regarding the above issue. To make matters worse the floating platform has recently broken free of its mooring and is now resting, broken, on the rocks, and at the time of my last visit, blocking access to the beach area. I hope the owner will be held responsible for its removal and clean up of the debris.

As you are probably aware the houseboat vessel broke free from its moorings a couple of years ago and was brought back by the Coastguard. This presented a danger to other boats in the area as well as causing concern about the safety of the anchorage with regard to our sewer outlet. I can only hope that the owner was presented a bill for this recovery operation.

Until the arrival of the houseboat and the floating platform and all the "toys" that have come with them, this beach and rocky area was a beautiful, peaceful and natural little enclave enjoyed by many Lions Bay residents. Sadly, there are now local families who have chosen not to use it because of the noisy activities from the houseboat.

In order to maintain the quietude of the area I am strongly in favour of amending or implementing a bylaw prohibiting what is, IMHO, this exploitation of our fine and previously untainted shoreline.

Your faithfully,

Carl May
10 Sweetwater Place,
[REDACTED]
Lions Bay
V0N 2E0

From: [Ron McLaughlin](#)
To: [Shawna Gilroy](#)
Subject: Fw: W2 zoning bylaw
Date: Tuesday, April 18, 2017 11:20:21 AM

Public correspondence for next meeting.

From: Jaime Cunliffe [REDACTED]
Sent: Tuesday, April 18, 2017 11:03 AM
To: Council @ Lions Bay; Karl Buhr; Peter DeJong
Subject: W2 zoning bylaw

I support the proposed W2 bylaw as an effective way to protect the foreshore of all water adjacent to public lands in order to preserve the integrity of our parks for the enjoyment of all residents.

It bears mentioning the merit of the explanation of the Craigslist ad. It was stated that this was only to 'gauge value of the vessel itself' because of the work that was put into it. Clearly, this is not the case, as the focus of the ad was on the location of the "floating summer home, with moorage in Kelvin Grove, Lions Bay". A sincere gauge of the value of the vessel would have been better determined with a photo of the houseboat in dry dock as it is now.

Best,

Jaime Cunliffe

[REDACTED]

Lions Bay, BC

Nancy L McKenzie

[REDACTED]
Lions Bay, BC V0N2E0
[REDACTED]

April 18, 2017

To Village of Lions Bay

Mayor, Council & CAO

Dear Sirs,

Further to my presentation at the Information Session on April 6, 2017, I am attaching a printed copy of the online petition referenced, as well as copies of the hand signed petition which we circulated around the Village, seeking agreement that all boats, including houseboats, should be permitted unrestricted seasonal moorage along the foreshore of the municipality. Signatories to the online petition total 225 and the paper copy total 67 (I note there are some duplicates as some signed both versions).

As discussed at our meeting on January 17, 2017 with Mr. DeJong, further presented at the April 6, 2017 meeting, and via several email exchanges with both Mr. Buhr and Mr. DeJong, we have offered several alternative solutions to address the concerns raised regarding our houseboat, which has been moored at Kelvin Grove for the past four summers. I repeat them here for your further consideration:

- Prohibiting the use of a boat as a principle residence (see suggested amendments to sections 10.5 and/or sections 4.3.1 in my email of April 14th, which would address this);
- Requiring registration of a mooring with the village office for ease of access to owners and transparency of boat ownership;
- Grandfathering current mooring users; allow the two existing Kelvin Grove mooring owners to continue in place as a non-conforming use (no new moorings, vessels or owners permitted)
- Enforcing nuisance bylaws in the new water zones.

The consequence of the current draft of the foreshore zoning is that our houseboat will be displaced from the Village foreshore, which we believe is highly discriminatory and unfair to us, as the only houseboat owner and particularly as long time upstanding citizens of the community.

Regards,



Nancy McKenzie

CC: Mason McKenzie
Eric & Laura Fleury
Rob Wilhelm

Recipient: Lions Bay Council, Mayor of Lions Bay, Lions Bay CAO, and Taxpayers of Lions Bay

Letter: Greetings,

Lions Bay By-law - Water zone

Comments

Name	Location	Date	Comment
Valori McKay	Lions Bay, Canada	2017-04-02	Citizens all need access to the ocean regardless of means to pay marina fees or lack of spaces available.
Catalin VLAD	Lions Bay, Canada	2017-04-02	It is a nice scenery with the boats on the water !!
Greg Mansell	Lions Bay, Canada	2017-04-02	We all need access to the water. Sounds like the marina think they own the ocean
Lita Cole	Burnaby, Canada	2017-04-02	It's a beautiful thing to be able to share the amazing places in nature that we have. People connecting and enjoying the outdoors.
Rachel Green	Lions Bay, Canada	2017-04-02	Lions Bay is a small ocean front community, and access to seasonal foreshore moorage is part of what makes this place so special, for everyone. The village should really reexamine what kind of message this proposed bylaw sends out to its residents, many of whom are long standing, active members in the community. Isn't there a saying about not being able to own the sea?
Michal Rzepinski	Lions Bay, Canada	2017-04-02	There is no need for this regulation. The moored boats add to the scenery.
Lisa turpin	Lions Bay, Canada	2017-04-02	I fully support keeping access to any and all vessels on the water, when they have aquired a mooring from other regulatory bodies and have utilized the space for several years. Regardless of size or type. This has provided a safe place for youth in our community to enjoy the water and stay close to home as well. I also think the new bylaw is highly discriminatory to one type of boat.
joan lemmers	lions bay, Canada	2017-04-02	We are a seaside village...I have lived here for over 45 years and have also had a boat on a mooring buoy... It is part of my heritage starting at Eagle harbour . You rich new citizens and all you rules ... This is not what Lions Bay is about...
Sheila Bromiley	Lions Bay, Canada	2017-04-02	This village has lost its sense of community. Think it started when we legalised suites and the firemen volunteering here could no longer find a room for a few nights a week when they were on call and young families couldn't have a mortgage helper without jumping through hoops and paying more fees. We are a village, we help each other, we don't need more and more rules. The foreshore looks great when all the boats are moored.....please do not pass this bylaw.
jose godoy toku	Lions Bay, Canada	2017-04-02	All in for this
Holly Messenger	Delta, Canada	2017-04-02	I have had the opportunity to enjoy this privilege when visiting friends. What a great way to allow our children to truly enjoy the outdoors and disconnecting from the internet. Please keep allowing these people to enjoy beautiful BC
Pieter Dorsman	Vancouver, Canada	2017-04-02	Strongly support this.
Julie Melanson	Bedford, Canada	2017-04-02	I have family in Lion's Bay and they should be able to continue using the waterfront as they always have
Stefanie Vipond	Coquitlam, Canada	2017-04-03	Grew up in Lions Bay and currently work in Lions Bay. Boaters have been a long part of community history. No good reason to change that!
marcel villeneuve	Vancouver, Canada	2017-04-03	Get the Kids out of the house.
Liam McKenzie	Winnipeg, Canada	2017-04-03	Been to lionsbay several summers, and my cousins houseboat which is anchored just offshore, adds to the positive vibe of summer in the area, and allows for more people to get out on the water and have a good time.

Name	Location	Date	Comment
Marcus Richardson	lions bay, Canada	2017-04-03	I am signing this because as someone who for the past 21 years has lived near the ocean , boats have been a part of that for the entire time. This is not Kitsilano and does not require more and more new rules. This is a direct attack no doubt on the Fleury's houseboat as the two sailboats have been moored in front of the lions bay beach for a decade or two.
Kai Toku-Contreras	Lions Bay, Canada	2017-04-03	I'm signing because that is one of my homes in the summer
PIERRE GRUJET	west vancouver, Canada	2017-04-03	I love sea and sea lovers.
Philip Marsh	Lions Bay, Canada	2017-04-03	<p>I disagree with this petition.</p> <p>No one has ever expressed any issues with the temporary mooring of mobile, seaworthy pleasure craft in and around Lions Bay. However, mooring an engineless houseboat 23 metres off a park beach for months on end is another matter entirely, and to equate the two as equal is completely disingenuous at best. As someone who has personally advocated both for public riparian access, and for the divers at KGB since day one (both unpoplular stances, I should add), I can hardly be tagged as elitist or exclusionary. I have a quick question for all of you that have signed this petition: Are you aware that the houseboat in question has been offered for sale on Craigslist, for \$36K, as a "floating summer home tied to a mooring in Kelvin Grove" (their words exactly; conveniently ommited from this debate). And if one is allowed; what is to stop fifteen from being there two years from now, once "word is out" (why do you think other municipalities have bylaws against such untis).</p> <p>Be careful what you wish for.</p> <p>And don't even get me started on the associated floating wharf that's been stranded (again) on the shore at KGB for the past month.</p>
Nancy McKenzie	Lions Bay, Canada	2017-04-03	<p>Hi Phillip, thanks for your feedback and I am glad you raised your concern. The craigslist ad was run to test the value of the asset that we had invested in. I can assure you it is not for sale.</p> <p>There is limited room along the shoreline for moorings due to the drop off so the fear of another 15 moving in is unfounded. The 12-15 moorings along the shore of Lions Bay are unlikely to grow in any significant number in the future due to space limitations and topography of the ocean bottom.</p> <p>I agree with your analogy of when another council tried to block divers from using the ocean in front of Lions Bay which I found equally offensive.</p>
Philip Marsh	Lions Bay, Canada	2017-04-03	<p>Thank you for your very civil response (something that is often sadly lacking in our present society; much appreciated). I do disagree however; there is no physical detriment to stationary houseboats being stacked side-by-side, if even one is allowed (why do you think MOST other waterfront municipalities have such legislation?). As for the Craiglist Ad, I trust you can appreciate my complete and utter skepticism to such a strange and bizarre justification. On another matter (let's say as far as being conscientious members of our community), why has the derelict warf been stuck on our foreshore for a month, again, after breaking free yet, again. I am sick of seeing it rotting on the beach.</p>
Norm Doggett	Pitt Meadows, Canada	2017-04-03	There should be nothing wrong with boats anchored in the foreshore for the summer season.

Name	Location	Date	Comment
Lisa turpin	Lions Bay, Canada	2017-04-03	<p>I add an additional comment and please attend the public information night on Thursday the 6th at 7pm.</p> <p>The deliberate and discriminatory actions of council need to be stopped. This petition is great it brings attention to one issue though and this council is manipulating and dictating many issues. What people do on their property and mourning, they are licenced to have can be controlled with noise bylaws, parking bylaws, weight for excessive sized vehicles. What I most strongly object to is the blatent discrimination of identifiable people under these new by laws. If you bought your lot and had a construction trucks for many years do something with a weight limit tax or vehicle registration don't say ya no we don't like the look of it get them out of here. And certainly do not let a councillor have permission under a 'personal use clause' Then there is the air bnb and the kibosh that if we want to swap our home nail the people who come if they are loud with a noise bylaw don't disallow it as a potential down the road. And to not let a house boat when a sail boat is ok give me a break. Especially when a councillors boat has been out front a park as long as I can remember. What's next no more dodge cars you can only have BMWs. Deal with complaints professionally and openly as Nancy just did with Philip Marsh, conversation is important once the issues are discussed far more common ground can be found than discriminately kyboshing the right held in the past altogether.</p>
Valori McKay	Lions Bay, Canada	2017-04-03	<p>I live above KGB and have no problems with the happy summer sounds coming from anyone moored in the bay. More disturbing are the large engine craft who's only purpose is to consume fuel and REALLY disturb the peace. Please Lions Bay, back off, we all "live" here. I assume we chose to live in this area because we like the connection with our surroundings, do not limit ocean access to people who are lucky enough to have a marina berth.</p>
Isobel Chester	Australia	2017-04-03	<p>Is the owner of the marina implying this should be done? Who initiated this bad idea.</p>
wendy Conwaymair	Lions Bay, Canada	2017-04-03	<p>I am tired of nimby whining villagers spoiling the atmosphere of this once lovely friendly village</p>
Caroline George	Lions bay, Canada	2017-04-03	<p>I think the houseboat is a magical place that has only added to the richness of Lions Bay. How wonderful it was to get a video from the kids as they filmed a whale that came into the sound . Wouldn't we all want our kids to experience that type of summer and become the nature oriented people the Bay has allowed them to become ... the alternative is hanging at the malls .Please keep the houseboat .:-)</p>
Peter Gross	Lions Bay, Canada	2017-04-03	<p>Ocean access mooring is for everyone</p>
J Szydowski	Sechelt, Canada	2017-04-03	<p>What's the real harm in allowing people to enjoy summer on the water.</p>
V Wilhelm	Sechelt, Canada	2017-04-03	<p>I support this petition. Live and let live.</p>
Suzan Lemmers	Whistler, Canada	2017-04-03	<p>Boats hanging off mooring buoys only adds to the beauty of Lions Bay!</p>
Cole Nelson	West Vancouver, Canada	2017-04-03	<p>I love being on my friends boats that are moored in lionsbay during the summertime and dont believe that this activity should be changed.</p>
Manuel Leonardo	Britannia beach, Canada	2017-04-03	<p>I don't believe in restricting such a beautiful natural resource as the ocean</p>
Caroline Maitre	West Vancouver, Canada	2017-04-03	<p>Water should for everyone. Mooring a boat or houseboat is part of eest coast lifestyle. It's also federal law.</p>

Name	Location	Date	Comment
Nancy McKenzie	Lions Bay, Canada	2017-04-03	Hi Philip, Thank you for continuing the discussion. I know you don't know me so you have no reason to trust what I say, but I have been a long time resident of the Village also and truly care that we provide a positive and inclusive community culture. For some reason after having no issues with our dock, we have had it come loose twice this winter. This is actually good evidence that winter mooring is not viable along the shores and seasonal mooring is all that is appropriate. We need to wait for a high tide and organizing the equipment to get it off the beach and will do so as soon as we can. I would be happy to meet you for a coffee to discuss your concerns in person if you would like.
Cael Tompai	Delta, Canada	2017-04-03	I have enjoyed the use of the moorings in the past and would like to again in the future.
Emily Carlington	Bowen Island, Canada	2017-04-03	I love it!!!!
Philip Marsh	Lions Bay, Canada	2017-04-03	Nancy, Thank you for your response. Happy to meet with you; unfortunately I am leaving on a business trip to Asia this week, until the end of April. Once again, I have NO issues with boat moorings in Lions Bay; but I think that attempting to equate the houseboat & dock at KGB with such moorings is fundamentally deceptive, to put it mildly. The houseboat and dock are moored ridiculously close to the shoreline in a public park. There would be an uproar if someone installed a trailer on the beach at KG, let alone offer it's squat for sale on Craigslist; but somehow it is okay to put one on floats and permanently anchor it only 23 meters away, directly in-the-face of everyone trying to enjoy our pretty little cove. If you honestly can't understand why people are upset, I doubt that we will ever see eye-to-eyesore on this issue. There is always room for compromise. At the very least, be respectful and move the houseboat 100+ metres away from the shoreline; out of the cove would be even better. Or, if you are so sure that the vast majority of the residents support the houseboat at KGB, why not move it to the front of Lions Bay Beach Park for the summer (that way the residents can get an idea of what we live with at Kelvin Grove Beach). Yeah, I didn't think so. Now, I'll leave the catastrophic danger that the houseboat poses to our KG outfall pipe to another day; although that risk alone should make any long-term moorage within 100m of the outfall illegal. And as an aside, the houseboat probably would not even be around today if not for my wife. She was the one that called the RCMSAR-CG when it was floundering and banging against the rocks at KGB, and had to be pulled off by the authorities.
joe newfield	vancouver, Canada	2017-04-03	Save the boat!
Kale Bebek	Vancouver, Canada	2017-04-03	I love it here!
Lauren Tompai	Squamish, Canada	2017-04-03	I lived in Lions Bay for 25 years and have enjoyed the beaches throughout my childhood and continue to as an adult. Moorage abilities have provided easy access for fishing and many other privileges the ocean has to offer. To simply "vote out" waterfront mooring is taking away the basic rights we all share. There must be a simpler solution to Lions Bay constantly thinking they can change laws just to appease a small group of residence who act like they own the beaches. If boats floating out on the water and children safely enjoying a small paradise their father created all seem abrasive and detrimental to one's happiness, perhaps an apartment building in the city is a better suited place for your family.
Diana Scomazzon	Coquitlam, Canada	2017-04-03	its the right thing to do

Name	Location	Date	Comment
Alek Spasojevic	West Vancouver, Canada	2017-04-03	I enjoy this safe fun boat in the summer with my friends
John Mckenzie	Lions Bay, Canada	2017-04-03	I love spending time on this boat in the summer!
Camille Cook	West Vancouver, Canada	2017-04-03	This is not right.
Bianca Herres	Fall City, WA	2017-04-04	My friend lives in Lions Bay and it's really important to her and her family and I want to support them!
Madison parrott	Carnation, WA	2017-04-04	Houseboats are a part of the lions at community and culture
Bailey Deo	Vancouver, Canada	2017-04-04	I care
Teresa Brandvold	Lions Bay, Canada	2017-04-04	You only need to ask yourself...Why do people move to a place like Lions Bay?" To enjoy the natural environment. The water, the beach and boating are all a big part of that and should be always a part of the public commons. End of story.
Layla Yang	West Vancouver, Canada	2017-04-04	Im signing because I agree
Bryanna Biffis	West Vancouver, Canada	2017-04-04	Because I like boast ^d
Thomas Kusnierczyk	West Vancouver, Canada	2017-04-04	I think it's a good thing
Stefanie Vipond	Coquitlam, Canada	2017-04-04	This is not from owner of marina....
Mark Berlet	Lions Bay, Canada	2017-04-04	The waterfront is for everyone not just for those that think they can buy it. Lions Bay is a waterfront community and all of us should have equal access to it, hard to believe that a boat in the water could offend anyone... good thing the individual does not out weigh the community.
Lisa turpin	Lions Bay, Canada	2017-04-04	The Mayor and he CAO want it The marina is not involved but begs the question what about their water parking is that restricted too now...
Maeve Dorsman	Lions Bay, Canada	2017-04-04	I'm signing because I have been to this boat many times and it has always been the highlight of my summer or day and they should take away something that makes people happy. It's like taking away certain rights from kids who didn't deserve to have them taken away.
Kirby reid	delta, Canada	2017-04-05	Unfair
Judy Douglas	Meadow Lake, Canada	2017-04-05	During my time in Lions Bay, anchored watercraft have always been part of the scenery. They are part of an oceanfront community and I have always enjoyed the view. There have never been very many watercraft at anchor and it is no more danger or hinderence to any aspect that a running watercraft wouldn't pose. This bylaw inhibits one's ability to enjoy the place that they live in or are visiting. The ocean is international territory as well if I am not mistaken. I could be wrong. Regardless, this bylaw is simply ridiculous given the few crafts out there at any given time. I could understand if there were a cluster of 50 watercraft crowding the shoreline; but, we are talking about a handful of boats being enjoyed by family and friends who live in proximity and pay their taxes by the way! Shame on you Lions Bay.
Grant Jay	Vancouver, Canada	2017-04-05	My kids have spent many summers at the beach and on the houseboat. Don't take this away.
David Dickinson	North Vancouver, Canada	2017-04-05	I grew up in Lions Bay and waterfront activities are what this village is known for.
Valori McKay	Lions Bay, Canada	2017-04-05	Please note: whatever your feelings are about this particular vessel being moored near Kelvin Grove beach the last few summers; the MUCH LARGER Please note, THE MAIN ISSUE IS THE BANNING PLEASE NOTE, THE MAIN ISSUE IS THE BAN OF ANY BOATS in the water 1,000 feet from the high water line around the Lions Bay community.
Connor Legg	Potue, Canada	2017-04-05	This bylaw is pointless

Name	Location	Date	Comment
JOHN Schilling	Riverside, CA	2017-04-05	The water in front of Lions Bay belongs to the people of Canada to use and enjoy not just the few elitists with direct views. Eric and Laura have given more to the community than all of the complainers combined. Organizing beach clean ups, volunteering within the community, taking everyone's children on their inflatable for boat rides to now giving teenagers a safe place to have fun on the houseboat. It takes a cold heart to want to restrict anyone from having the enjoyment of the marine foreshore as the Fleury's have done for the children of Lions Bay.
Lynn Frandsen	Edmonds, WA	2017-04-06	I think it's important to keep the "long history of boat owners in the community" to utilize moorings off the foreshore for seasonal moorage! Don't change this!
ken schmunk	Delta, Canada	2017-04-06	Lions Bay resident no matter how entitled they believe themselves to be. Do NOT own the water.
Garton Billy	North Vancouver, Canada	2017-04-06	What council is proposing changes the character of our maritime community, cutting the citizens of Lions Bay off from the opportunity to enjoy the waterfront as a key recreational asset we should all share.
Rick Shaddock	Brackendale, Canada	2017-04-10	As a Howe Sound resident and boater this action sends a negative message to boaters throughout our community. I stand firmly against a council that has such a short sighted view of the boating community and will venture to spread the word to others about this new afront to our freedoms!
Morgan Campbell	Brackendale, Canada	2017-04-11	Seasonal houseboats are part of the character and uniqueness of the waterfront in the Lions Bay area. It's hard to fathom the logic behind a bylaw requiring one to move a houseboat twice a month (in / out) over the summer. A bylaw of this nature could effectively get rid of houseboats due to these onerous multiple moves. Is this the real intent of the new zoning bylaw? It would be a great shame to eradicate the only small, seasonal houseboat community in Howe Sound.
Erik Pawson	Bowen Island, Canada	2017-04-12	West Van could use some character, during and after the boomers die.
Lance Harris	North Vancouver, Canada	2017-04-13	I am an avid boater in west vancouver and these boats being there pose no problem what so ever.
lyn frandsen	Bellevue, WA	2017-04-14	Our son grew up on a boat and spent many summers in BC anchored in bays where residents lined the shore line. A lot better place for kids to play than in the Malls. Those of you complaining need to grow up and get a life.

Name	City	Province	Postal Code	Country	Signed On
Julie Melanson	Bedford		B4A1X7	Canada	02/04/2017
Lynn Frandsen	Bellevue	Washington	98008	United States	06/04/2017
lyn frandsen	Bellevue	Washington	98008	United States	06/04/2017
Nina Koeplin	Bowen Island		VON 1G1	Canada	03/04/2017
Aria Willis	Bowen Island		vOn 1g1	Canada	03/04/2017
Brian Cuba	Bowen Island		VON1G2	Canada	03/04/2017
Finn Corrigan-frost	Bowen Island		VON1G1	Canada	03/04/2017
maddy epps	Bowen Island		VON 1G2	Canada	03/04/2017
Emily Carlington	Bowen Island		VON1G1	Canada	03/04/2017
Kamille Gruft	Bowen Island		VOn 1g1	Canada	03/04/2017
Jewel minoose	Bowen island	California	VON 1G1	United States	04/04/2017
Brylie Guilfoyle	Bowen Island		VOn1g1	Canada	04/04/2017
Bella Bottay	Bowen Island		VON1G2	Canada	04/04/2017
kylee lightbody	Bowen Island		VON 1G0	Canada	04/04/2017
olivia vallee	Bowen Island		VON 1G2	Canada	04/04/2017
Emma Gous	Bowen Island		vOn 1g1	Canada	04/04/2017
Saskia McGuigan	Bowen Island		VON1G1	Canada	04/04/2017
Fenella Jacquet	Bowen Island		VON1G2	Canada	08/04/2017
Erik Pawson	Bowen Island		VON1G0	Canada	12/04/2017
Morgan Campbell	Brackendale		VON 1H0	Canada	11/04/2017
Rick Shaddock	Brakendale		VON 1H0	Canada	10/04/2017
Manuel Leonardo	Britannia beach		VOn1jo	Canada	03/04/2017
Bryan Legg	Britannia Beach		VON 1J0	Canada	10/04/2017
Lita Cole	Burnaby		V3N 4Y6	Canada	02/04/2017
Calista Cole	Burnaby		V3N4Y6	Canada	04/04/2017
Alma Ibra	Burnaby		V3N 5E4	Canada	04/04/2017
Michelle Berrettoni	Burnaby		V5A 1H4	Canada	06/04/2017
Rohrer Nina	Burns Lake		VOJ 1E1	Canada	03/04/2017
Chelsea Budau	Chilliwack		V2P 7X4	Canada	04/04/2017
Allan Cotter	Cobourg		K9A4J7	Canada	03/04/2017
Bronwyn Brown	Coombs		VOR 1M0	Canada	03/04/2017
Stefanie Vipond	Coquitlam		V3J 4T4	Canada	03/04/2017
Nathan Gadsden	Coquitlam		V3E3K9	Canada	03/04/2017
Diana Scomazzon	Coquitlam		V3C4K1	Canada	03/04/2017
Jessica Anderson	Coquitlam		V3j6w5	Canada	06/04/2017
Holly Messenger	Delta		V4K2Y6	Canada	02/04/2017
Kirby Reid	Delta		V4K 1a4	Canada	05/04/2017
ken schmunk	Delta		v4k4h9	Canada	06/04/2017
Bianca Herres	Fall City	Washington	98024	United States	04/04/2017
Scott Mckenzie	Fredericton		E3a4g6	Canada	02/04/2017
Mya Baxter	Garibaldi Highlands		VON 1T0	Canada	04/04/2017
Sorsha Henning	Garibaldi Highlands		VON 1T0	Canada	05/04/2017
Tannille Kovach	Garibaldi Highlands bc		VOn 1t0	Canada	02/04/2017
Paula Robertson	Gibsons		VON 2W1	Canada	03/04/2017
Niamh Butler-Carroll	Guelph		N1G2W1	Canada	04/04/2017
Sarah Reiffer	guildford		V4N 0S2	Canada	04/04/2017

Karmen Schmidt	Laguna Beach	California	92651	United States	04/04/2017
auralie westie	langley		v1m 3v1	Canada	03/04/2017
Nancy McKenzie	Lions Bay			Canada	02/04/2017
Mason McKenzie	Lions Bay		VON 2E0	Canada	02/04/2017
Eric Fleury	Lions Bay		VOn2e0	Canada	02/04/2017
Valori McKay	Lions Bay		VON 2E0	Canada	02/04/2017
Catalin VLAD	Lions Bay		VOn2e0	Canada	02/04/2017
Greg Mansell	Lions Bay		VOn2e0	Canada	02/04/2017
Irene Dorsman	Lions Bay		VON 2E0	Canada	02/04/2017
Rachel Green	Lions Bay		VON2E0	Canada	02/04/2017
Michael Rzepinski	Lions Bay		VON 2e 0	Canada	02/04/2017
Lisa turpin	Lions Bay		VON 2E0	Canada	02/04/2017
Clara George	Lions bay		VOn2e0	Canada	02/04/2017
Greg Turpin	Lions Bay		VON2E0	Canada	02/04/2017
joan lemmers	lions bay		von2e0	Canada	02/04/2017
Rick Wilson	Lions Bay		VON-2E0	Canada	02/04/2017
Sheila Bromiley	Lions Bay		VON 2E0	Canada	02/04/2017
Jose Godoy toku	Lions Bay		VOn2e0	Canada	02/04/2017
Heather Mossakowski	Lions Bay		VON 2E0	Canada	02/04/2017
Clayton Hill	Lions Bay		VON2E0	Canada	02/04/2017
Meryl Stevens	Lions Bay		VON 2E0	Canada	02/04/2017
Anais Bedford	Lions bay		v0n2e0	Canada	03/04/2017
jayden george-berlet	Lions Bay		v0n2e0	Canada	03/04/2017
Haley Fleury	Lions Bay		v0n 2e0	Canada	03/04/2017
Nora Dorsman	Lions Bay		VON 2E0	Canada	03/04/2017
Christopher McLean	Lions Bay		VON2E0	Canada	03/04/2017
Kayla Mclean	Lions Bay		von2e0	Canada	03/04/2017
Jackson Gerlach	Lions Bay		VON 2E0	Canada	03/04/2017
lucas wade	Lions Bay		VON2E0	Canada	03/04/2017
John Mckenzie	Lions Bay		VOn2e0	Canada	03/04/2017
Michael Riedijk	Lions Bay		VON 2E0	Canada	03/04/2017
Nicholas McLean	Lions Bay		VON2E0	Canada	03/04/2017
Jasmine Grant	Lions Bay		VON 2E0	Canada	03/04/2017
Marcus Richardson	lions bay		VON2E0	Canada	03/04/2017
Kai Toku-Contreras	Lions Bay		v0n2e0	Canada	03/04/2017
Jennifer Monroe	Lions Bay		VON 2E0	Canada	03/04/2017
Philip Marsh	Lions Bay		VON2E0	Canada	03/04/2017
Reid Saari	Lions Bay		VON2E0	Canada	03/04/2017
Zack Turpin	Lions Bay		V0n2e0	Canada	03/04/2017
wendy Conwaymair	Lions Bay		VOn 2e0	Canada	03/04/2017
Caroline George	Lions Bay		V0n2e0	Canada	03/04/2017
Peter Gross	Lions Bay		VON 2E0	Canada	03/04/2017
Jenna Beattie	Lions Bay		VON 2E0	Canada	03/04/2017
Marina Fleury	Lions Bay		VON 2E0	Canada	03/04/2017
Cael Tompai	Lions Bay		VON2E0	Canada	03/04/2017
Mim Antick	Lions Bay		V0n2e0	Canada	03/04/2017
Teresa Brandvold	Lions Bay		VON 2E0	Canada	04/04/2017

Sarah Kravianski	Lions Bay	V0n2e0	Canada	04/04/2017
Karen Grant	Lions Bay	V0N 2E0	Canada	04/04/2017
Mark Berlet	Lions Bay	V0N 2E0	Canada	04/04/2017
Karsten Brandvold	Lions Bay	V0N2E0	Canada	04/04/2017
Maeve Dorsman	Lions Bay	V0N2E0	Canada	04/04/2017
Melissa Warkentin	Lions Bay	V0N 2E0	Canada	04/04/2017
Laura Fleury	Lions Bay	V0N 2E0	Canada	05/04/2017
Andrea Copp	Lions bay	Lions bay	Canada	05/04/2017
rayfiona@telus.net	Fourie	Lions Bay	Canada	05/04/2017
Bart Reynolds	Lions Bay	V0N 2E0	Canada	05/04/2017
Iva Liskova	Lions Bay	V0n2e0	Canada	06/04/2017
Julie Kemp	Lions Bay	V0N 2E0	Canada	06/04/2017
Helen Waterson	Lions Bay	V0N 2E0	Canada	06/04/2017
Dave Valleau	Lions Bay	V0N 2E0	Canada	06/04/2017
Marcel Jakob	Lions Bay	V0N2E0	Canada	06/04/2017
Kent Friesen	Lions Bay	V0N 2E0	Canada	07/04/2017
Rafe Mair	Lions Bay,BC	0 20	Canada	03/04/2017
William McKenzie	Lionsbay	v0n2e0	Canada	03/04/2017
Judy Douglas	Meadow Lake	S9X 1B1	Canada	05/04/2017
Nico Serreqi	Montreal	H2V 3G7	Canada	04/04/2017
chris jeffs	nanaimo bc	v9s2h4	Canada	03/04/2017
Tiffany Elliott	Nanoose Bay	V9P 9J3	Canada	05/04/2017
Chris Jones	Napanee	K7R 1R6	Canada	03/04/2017
Sofia Sandberg	New Westminster	V3m 4H4	Canada	04/04/2017
Kian Carroll	North Bend	Washington	98045 United States	04/04/2017
Jim Wheatley	North van.	V7j-3e6	Canada	03/04/2017
Alyssa Zandvliet	North Vancouver	V7N 1B1	Canada	03/04/2017
Meika Tompai	North Vancouver	V7R 1N8	Canada	03/04/2017
Rhiannon Pierce	North Vancouver	V7L 1 M2	Canada	03/04/2017
Willem Young	North Vancouver	V7n 2x3	Canada	03/04/2017
Jalisa Chandani	North Vancouver	V7K3B6	Canada	03/04/2017
Kari Johl	North Vancouver	V7N 2S8	Canada	03/04/2017
Zoe Stanley	North Vancouver	V7P1M1	Canada	04/04/2017
Siobhan Parker	North Vancouver	v7r 3a8	Canada	04/04/2017
Marc Stickland	North Vancouver	V7R4T1	Canada	04/04/2017
Chloe Fraser	North Vancouver	V7N2X4	Canada	04/04/2017
Kaelyn Burgess	North Vancouver	V7L 0A1	Canada	05/04/2017
David Dickinson	North Vancouver	V7P 0A9	Canada	05/04/2017
Garton Billy	North Vancouver	V7R 4L4	Canada	06/04/2017
Lance Harris	North Vancouver	V7n1a1	Canada	13/04/2017
Doug Stover	North Vancouver District	V7J2J7	Canada	03/04/2017
Stephanie Thomas	Ottawa	K2R 1B6	Canada	04/04/2017
julie vaillancourt	Ottawa	K2A 3J1	Canada	17/04/2017
traci osullivan	Panama city	V7W 3J7	Canada	02/04/2017
Norm Doggett	Pitt Meadows	V3y2h1	Canada	03/04/2017
Connor Legg	Potue	V0n1j7	Canada	05/04/2017
Kevin Stant	Powell river	V8a5g6	Canada	04/04/2017

Isabella Eriksen	Redmond	Washington	98053	United States	04/04/2017
Sydney Robertson	Richmond		V7c4x7	Canada	04/04/2017
JOHN Schilling	Riverside	California	92505	United States	05/04/2017
J Szydowski	Sechelt		V0N 3A7	Canada	03/04/2017
V Wilhelm	Sechelt		V0N 3A7	Canada	03/04/2017
Abby Kuykendall	Snoqualmie	Washington	98065	United States	04/04/2017
Sara Hannan	Snoqualmie	Washington	98065	United States	04/04/2017
Meagan Wayne	Snoqualmie	Washington	98065	United States	04/04/2017
George Wilson	Squamis		V8B 0G5	Canada	10/04/2017
Lauren Tompai	Squamish		V8B	Canada	03/04/2017
Suzanne Carlson	Surrey		V3R 2V7	Canada	03/04/2017
Tessa Tjepkema	Surrey		V4N 5J3	Canada	04/04/2017
Jennifer Abrahamson	Surrey		V4N 1B1	Canada	06/04/2017
Rick Forsayeth	Toronto		M4K 1K7	Canada	03/04/2017
Pieter Dorsman	Vancouver		V0N2E0	Canada	02/04/2017
Chester Dixon	Vancouver		V6K 1C7	Canada	03/04/2017
Kale Bebek	Vancouver		V6E 4T1	Canada	03/04/2017
Bailey Deo	Vancouver		V5s 3k5	Canada	04/04/2017
Ashley Sandhu	Vancouver		V5X 2C7	Canada	04/04/2017
Pangea Aziz	Vancouver		v6j2c1	Canada	04/04/2017
Georgina Wilson	Vancouver		V7L	Canada	04/04/2017
Anna Cue-Wiechers	Vancouver		V6n 4h9	Canada	04/04/2017
Rebecca Armstrong	Vancouver		V6h 0a7	Canada	04/04/2017
Grant Jay	Vancouver		V5R 4M2	Canada	05/04/2017
Alex Grant	Vancouver		V5R 3Y3	Canada	06/04/2017
Stephen Bull	Vancouver		V6K3E2	Canada	06/04/2017
Juliana Ferrante	Vancouver BC		V5P 4X1	Canada	04/04/2017
Danika Serbic	Victoria		V9C 3X5	Canada	03/04/2017
Stephenie LI	Victoria		V8s 3R2	Canada	04/04/2017
Andrej Palcic	West Vancouver		V7V 2A1	Canada	02/04/2017
Celine Wong	West Vancouver		V7V 4S1	Canada	02/04/2017
Rachel Campbell	West Vancouver		V7W 2K9	Canada	02/04/2017
Ingrid Kusnierczyk	West Vancouver		V7w1n5	Canada	03/04/2017
Alysha Biffis	West Vancouver		V7w2s1	Canada	03/04/2017
Beth Palmer	West Vancouver		V7T 1L7	Canada	03/04/2017
Aydin Rezazadeh	West Vancouver		V7W 3E8	Canada	03/04/2017
Nami Molaie	West Vancouver		v7s2r5	Canada	03/04/2017
jack desjardins	West Vancouver		V7W 2Y6	Canada	03/04/2017
Nick Zen	West Vancouver		V7V 1W9	Canada	03/04/2017
Chelsea Hillhouse	West Vancouver		V7w2g6	Canada	03/04/2017
Branson Laires	West Vancouver		V7w2z3	Canada	03/04/2017
Ethan Parenteau	West Vancouver		V7W3A5	Canada	03/04/2017
pierre gruget	West Vancouver		v7w2s1	Canada	03/04/2017
Shayla Beedie	West Vancouver		V7W 3J7	Canada	03/04/2017
Irene Lee	West Vancouver		V7t1g6	Canada	03/04/2017
Lauren Nickel	West Vancouver		V7w2c1	Canada	03/04/2017
Calli Evans	West Vancouver		v7W3H4	Canada	03/04/2017

Georgia Meldgaard	West Vancouver	V7W1W6	Canada	03/04/2017
Cole Nelson	West Vancouver	V7W1Y3	Canada	03/04/2017
Caroline Maitre	West Vancouver	V7w2s1	Canada	03/04/2017
Jackson Kallweit	West Vancouver	v7w 1c9	Canada	03/04/2017
Amy Essery	West Vancouver	v7w1t3	Canada	03/04/2017
Parvin Mayan	West Vancouver	V7W2X3	Canada	03/04/2017
Liam Rabnett	West Vancouver	V7w 2m9	Canada	03/04/2017
Joe Newfield	West Vancouver	V7W2H5	Canada	03/04/2017
Daniel Jacobs	West Vancouver	V7w1t7	Canada	03/04/2017
Alek Spasojevic	West Vancouver	V7w 2a5	Canada	03/04/2017
Camille Cook	West Vancouver	V7V 2Y1	Canada	03/04/2017
Eric Nguyen	West Vancouver	V7W2Y3	Canada	04/04/2017
Jade Jordan	West Vancouver	V7S3C4	Canada	04/04/2017
Mya Davis	west Vancouver	v7t1m7	Canada	04/04/2017
Daphne Bibbings	West Vancouver	v7w1t1	Canada	04/04/2017
Layla Yang	West Vancouver	V7S 2W6	Canada	04/04/2017
Ella Renzoni	West Vancouver	V7W 3G8	Canada	04/04/2017
Sophia Delafontaine	West Vancouver	V7w 1s4	Canada	04/04/2017
Kailyn Macdonald	West Vancouver	V7W2H4	Canada	04/04/2017
Sarah Thomson	West Vancouver	V7W1S7	Canada	04/04/2017
Georgia Mashford	West Vancouver	V7w 3b1	Canada	04/04/2017
alaina Steiro	West Vancouver	V7W 3G8	Canada	04/04/2017
Bryanna Biffis	West Vancouver	V7w2s1	Canada	04/04/2017
Megan Titcomb	West Vancouver	V7W 1T2	Canada	04/04/2017
Thomas Kusnierczyk	West Vancouver	V7w1n5	Canada	04/04/2017
Lauren Shantz	West Vancouver	V7W1Z2	Canada	04/04/2017
Janine Polderman	West Vancouver	V7V 2M9	Canada	04/04/2017
Emma Bailey	West Vancouver	V7w1v3	Canada	04/04/2017
Eliana Coppola-Gibson	West Vancouver	V7W1H9	Canada	04/04/2017
Jade weinstein	West Vancouver	v7s 2v2	Canada	04/04/2017
Emma Shuparski	West Vancouver	V7w2v7	Canada	05/04/2017
Isaac Rosin	West Vancouver	V7W1P4	Canada	05/04/2017
Tanner Foweraker	West Vancouver	V7t 2g2	Canada	05/04/2017
Serina Som	West Vancouver	V7v2t6	Canada	05/04/2017
Michael Padwick	West Vancouver	V7T 0A4	Canada	15/04/2017
Suzan Lemmers	Whistler	V0N1B9	Canada	03/04/2017
Liam McKenzie	Winnipeg	R3J 1E7	Canada	03/04/2017
Isobel Chester		V0N2E0	Australia	03/04/2017

Zoning By-Law Petition
 Re: Water Zones W1 and W2

Lions Bay is a waterfront community and has had a long history of boat owners in the community. For many years some owners have selected to, and been allowed to, utilize moorings off the foreshore for seasonal moorage of vessels in lieu of marina, trailer or other storage. The Village of Lions Bay is proposing to disallow such moorage in a zoning bylaw amendment. As signatory to this petition, I am in favour of continuing to allow the seasonal mooring (up to 6 months) of vessels of any type (including houseboats) along the foreshore, without limitation.

Full Name	Signature	Address	Phone #	Resident	Non-resident	Date
Nancy Richmond	N Richmond			✓		01/01/17
Jennifer Reynolds	J Reynolds			✓		01/01/17
SHEILA BROMILEY	S.M. Bromiley			✓		01/04/17
PHILIP L BROMILEY				✓		✓
Lisa Turpin	L Turpin			✓		01/04/17
Marina Fleury	M. Fleury			✓		01/05/17
Yuko Godoy Tokui	Y. Godoy Tokui			✓		02/04/17
Clara George	C. George			✓		02/04/17
Madison George-Berlet	M. George-Berlet			✓		02/04/17
ILDIKO GEORGE	I. George			✓		04/01/17
LASZLO GEORGE	L. George			✓		04/01/17
Jennifer Peat	J Peat			✓		02/04/17
NORMAN PELLOW	N. Pellow			✓		02-4-17
Irene Dorsman	Irene Dorsman			✓		02-04-17
VIETER DORSMAN	V. Dorsman			✓		2-4-17
nora dorsman	Nora Dorsman			✓		02/04/17
Louis K. Peterson	L.K. Peterson			✓		02/03/17
Vina Taylor	Vina Taylor			✓		04/03/17
NeVine Welch	N. Welch			✓		04/03/17
DANIS WIELCH	D. Welch			✓		04/03/17
Alexandra Welch	A. Welch			✓		04/03/17

Zoning By-Law Petition
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Full Name	Signature	Address	Phone #	Resident	Non-resident	Date		
WENDY CONWAY-MAIR				<input checked="" type="checkbox"/>		April 1/17		
ANDREW DOBOLICZ				<input checked="" type="checkbox"/>		APRIL 2/17		
NICHOLAS SWAIN				<input checked="" type="checkbox"/>		APRIL 2/17		
Stephen Haynes					<input checked="" type="checkbox"/>	Apr 2/17		
Robert Wilhelm					<input checked="" type="checkbox"/>	Apr 2/17		
Brian Carson					<input checked="" type="checkbox"/>	April 2/17		
					<input checked="" type="checkbox"/>			
LAWRENCE LEE						<input checked="" type="checkbox"/>	April 2/17	
Cindy Ott							<input checked="" type="checkbox"/>	Apr 2/17
Phaeleh Kuehne						<input checked="" type="checkbox"/>		Apr 2/17
TANNIE KORACH							<input checked="" type="checkbox"/>	APRIL 3/17
Bernard Canfield							<input checked="" type="checkbox"/>	Apr. 03/17
Robert Gemmill								" " "
Tom J Tielens							<input checked="" type="checkbox"/>	Apr 5/17
Peter Nteia						<input checked="" type="checkbox"/>		April 1/17
GRANT SWAIN					<input checked="" type="checkbox"/>			

From: Rod Baker
Sent: Tuesday, April 18, 2017 11:46 AM
To: Council @ Lions Bay; [REDACTED]
Subject: W2 zoning

Hi Carl, just to say I support the proposed W2 bylaw as an effective way to protect the foreshore of all water adjacent to public lands in order to preserve the integrity of our parks for the enjoyment of all residents.

In the summer, I and my dog are daily users and swimmers at Kelvin Grove beach. My view is that the huge aluminum, square vessel, the dock attached to it, moored all summer at this beach is both an eyesore, a noise factory, and probably a polluting influence which spoils the nature of this quiet picturesque cove.

As I swam by the boat last summer, I asked an adult male aboard, what were the capacity of the sewage holding tanks aboard. He declined to answer. Having had my own boat repair company for 20 years and being fairly familiar with these issues I thought it was a pertinent question, especially as I was swimming in these waters. When the vessel is frequently occupied by partying teens, I don't think holding tanks would be able to sustain the capacity created over the summer.

I understand one of the owners made an impassioned plea to keep the boat moored in its current location so that his children could maintain their "Clubhouse." If it was so vital to his children's existence, one wonders why it was then advertised for sale "with free moorage."

Another issue is the floating dock that was attached to the boat. This has been banging around on the beach for about six months. I sent a picture of this to counsellor Fred last fall, with the suggestion that it be towed out and moored lest it break-up on the beach during winter storms and distribute its styrofoam floatation far and wide upon the beaches of Howe Sound. Apparently, Fred contacted the owners who promised to do something about it. The float is still banging around on the beach today, partly damaged, but not broked to the point where it is losing flotation, yet.

I guess this is a typical civic question: do the impassioned desires of a vocal few, prevail over the peace of mind of the many. I really hope the many prevail this time.

I realize this is a small issue compared to the many larger issues of infrastructure, and disasters you have dealt with since becoming our mayor and am sorry that my only contact with you has been about this issue. From my perspective, you have dealt with all the other matters in an informed, competent and professional manner. So thanks for your hard work in resolving the many diverse challenges that have been placed before you during your tenure as our mayor.

yours sincerely

Rod Baker, Kelvin Grove Beach Swimmer

From: [REDACTED]
To: [Council @ Lions Bay; Shawna Gilroy](mailto:Council@LionsBay)
Subject: Kelvin Grove Beach houseboat
Date: Tuesday, April 18, 2017 10:46:56 AM

I would like to add my voice to the growing number of Kelvin Grove residents who are extremely opposed to the houseboat moored off the beach in the park area. A few points I would like to point out are:

- Danger to the sewer line from the houseboat which is very close to the outlet (paid for directly and only by Kelvin Grove residents).
- Risk of pollution from the sewage tank on the houseboat.
- Noise pollution from loud music , often with very course language, which many of us have no choice but to listen to whilst in our gardens or on our decks.
- The floating platform broken free from the mooring buoy earlier this winter is blocking access to the beach and also a danger to the sewer line.
- Loss of enjoyment of this beautiful, natural area by many residents who no longer frequent the beach due to the presence of the houseboat.
- Flagrant disregard of the overnight closure of the park by the occupants of the houseboat.
- Disregard of the law which states that a boat without an engine cannot be moored there.

I look forward to once again having Kelvin Grove beach enjoyed by ALL the people who pay for its upkeep when the houseboat is banned from mooring there.

Sincerely,
Sue May

[REDACTED]

From: John Stoddart [REDACTED]
Sent: Sunday, April 30, 2017 4:16 PM
To: Peter DeJong <cao@lionsbay.ca>
Cc: bree stoddart [REDACTED]
Subject: Proposed zoning and development bylaw 520

In respect to the changes proposed in Zoning and Development Bylaw 520, we believe strongly that any proposed subdivisions should be examined on a case-by-case basis, with full involvement of neighbours directly affected by them, and that no changes should be allowed without the approval of those neighbours.

We built our house Lions Bay in 1979, attracted by the stability of the community, the size of its lots, and the views it commanded. Since then we have lost much of our view because one neighbour refuses to cut his trees (although he limbs them to maintain his own view), and that same neighbour now proposes to compromise our view further by subdividing his property to permit construction on land currently in a natural state. We feel this is inconsistent with one of the basic principles of community living - respect for one's neighbours - and where that is not manifested voluntarily we look to the Village of Lions Bay to help owners maintain the integrity of their properties by ensuring changes meet with the approval of all affected by them, not only those in a position to gain financially.

Lions Bay is an inviting place to live and part of a major metropolitan area that is attracting investors worldwide. Maintaining the character of the village has always been a challenge and one that will only become more difficult. In the 38 years we have lived here, the five houses that border on our property have had 19 different owners. Many of them bought and sold quickly to realize a profit or because the location didn't suit them. For those of us it does suit, we would like to maintain its character as far as possible. In recent years we have seen the village change substantially with the proliferation of secondary and tertiary suites. Isleview Place alone has had more than a dozen occupied secondary suites in its 30 houses, some containing three or more units. This has put a strain not only on village infrastructure but also on relationships between owners.

We recognize that change is inevitable wherever you live. But that change must be regulated. Subdivision in itself does not have to be a step backwards if it is done in a way that respects neighbours' rights. This has to include a review of, and strict enforcement of bylaws that impact the subdivider and those adjacent to the subdivision. Car parking, access, encroachment on rights-of-ways and easements, obstruction of views, maintenance of trees, all these have to be addressed and machinery put in place for their enforcement. Granting of permission for subdivision to an owner who, to date, has shown little respect either for neighbours or village bylaws should not be allowed. Behind any amendment to zoning there has to be a process that takes into account the input of those affected by individual proposed subdivisions before permission is granted. And if it is granted adherence to pre-authorized conditions must be monitored and enforced.

John and Bree Stoddart
50 Isleview Place

From: Glen Dodd [REDACTED]
Sent: Tuesday, May 2, 2017 11:15 AM
To: Council @ Lions Bay
Subject: BY law 520

Below is the email you would have received from John and Bree. I totally agree with the points they made in their email to council. Karen and I have lived on Isleview for 2 years and have had a constant battle in trying to get trees trimmed in order to improve our view while these same neighbours have cut trees on their properties in front of their homes to improve their view. One of the things that attracted us to Lions Bay 24 years ago was the view and I believe that is the case for the majority of residents. We now have an owner on our street wishing to subdivide and if it is allowed we as the residents will be subject to increased traffic and construction. To me that means the homeowner requesting the subdivision should have to consult and receive approval of existing residents on the street and I am currently opposed.

From John and Bree.

In response to the Lions Bay changes proposed in Zoning and Development Bylaw 520, we believe strongly that any proposed subdivisions should be examined on a case-by-case basis, with full involvement of neighbours directly affected by them, and that no changes should be allowed without the approval of those neighbours.

We built our house Lions Bay in 1979, attracted by the stability of the community, the size of its lots, and the views it commanded. Since then we have lost much of our view because one neighbour refuses to cut his trees (although he limbs them to maintain his own view), and that same neighbour now proposes to compromise our view further by subdividing his property to permit construction on land currently in a natural state. We feel this is grossly unfair and that it is the responsibility of the Village of Lions Bay to help owners maintain the integrity of their properties by ensuring changes meet with the approval of all affected by them, not only those in a position to gain financially.

Lions Bay is an inviting place to live and part of a major metropolitan area that is attracting investors worldwide. Maintaining the character of the village has always been a challenge and one that will only become more difficult. In the 38 years we have lived here, the five houses that border on our property have had 19 different owners. Many of them bought and sold quickly to realize a profit or because the location didn't suit them. For those of us it does suit, we would like to maintain its character as far as possible. In recent years we have seen the village change substantially with the proliferation of secondary and tertiary suites. Isleview Place alone has had more than a dozen occupied secondary suites in its 30 houses, some containing three or more units. This has put a strain not only on village infrastructure but also on relationships between owners.

We recognize that change is inevitable wherever you live. But that change must be regulated. Subdivision in itself does not have to be a step backwards if it is done in a way that respects neighbours' rights. This has to include a review of, and strict enforcement of bylaws that impact the subdivider and those adjacent to the subdivision. Car parking, access, encroachment on rights-of-ways and easements, obstruction of views, maintenance of trees, all these have to be addressed and machinery put in place for their enforcement. Granting of permission for

subdivision to an owner who, to date, has shown little respect either for neighbours or village bylaws should not be allowed. Behind any amendment to zoning there has to be a process that takes into account the input of those affected by individual proposed subdivisions before permission is granted. And if it is granted adherence to pre-authorized conditions must be monitored and enforced.

Sincerely and respectfully,
Glen Dodd
75 Isleview Place
Lions Bay, BC

From: Glen Dodd [REDACTED]
Sent: Tuesday, May 02, 2017 11:28 AM
To: Peter DeJong <cao@lionsbay.ca>
Subject: W2 Bylaw

I confirm that I support the proposed W2 bylaw as an effective way to protect the foreshore of all water adjacent to public lands in order to preserve the integrity of our parks for the enjoyment of all residents.

In the summer, we have been daily users and swimmers at Kelvin Grove beach. My view is that the huge aluminum, square vessel and the dock attached to it, moored all summer at this beach is both an eyesore, a noise factory, and probably a polluting influence, which spoils the nature of this quiet picturesque cove.

Rod Baker made the following comment and his comment is certainly what all of us have been thinking!
"As I swam by the boat last summer, I asked an adult male aboard, what were the capacity of the sewage holding tanks aboard. He declined to answer. Having had my own boat repair company for 20 years and being fairly familiar with these issues I thought it was a pertinent question, especially as I was swimming in these waters. When the vessel is frequently occupied by partying teens, I don't think holding tanks would be able to sustain the capacity created over the summer".

I understand one of the owners made an impassioned plea to keep the boat moored in its current location so that his children could maintain their "Clubhouse." If it was so vital to his children's existence, one wonders why it was then advertised for sale "with free moorage."

Another issue is the floating dock that was attached to the boat. I believe Phill Marsh also sent you pictures of the dock on the beach!!! This has been banging around on the beach for about six months. I sent a picture of this to counsellor Fred last fall, with the suggestion that it be towed out and moored lest it break-up on the beach during winter storms and distribute its styrofoam floatation far and wide upon the beaches of Howe Sound. Apparently, Fred contacted the owners who promised to do something about it. The float is still banging around on the beach today, partly damaged, but not broken to the point where it is losing flotation, yet.

I guess this is a typical civic question: do the impassioned desires of a vocal few, prevail over the peace of mind of the many. I really hope the many prevail this time.

I look forward to your moving forward with the proposed W2 Bylaw.

yours sincerely

Glen Dodd
75 Isleview Place
Lions Bay, B.C

From: Peter DeJong
Sent: Tuesday, May 02, 2017 6:42 PM
To: Council @ Lions Bay <council@lionsbay.ca>
Subject: FW: Houseboat

Dear Mayor and Council:

Please see the correspondence below between myself and Nancy McKenzie.

Peter DeJong, BA, LLB, CRM

Chief Administrative Officer



The Municipality of the Village of Lions Bay www.lionsbay.ca

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0 , Canada

Village Office (604) 921-9333 | Fax (604) 921-6643

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From: Nancy McKenzie [REDACTED]
Sent: Tuesday, May 02, 2017 6:27 PM
To: Peter DeJong <cao@lionsbay.ca>
Cc: Nancy McKenzie [REDACTED]
Subject: RE: Houseboat

Hi Peter,

We have discussed your suggestion of moving further south in Kelvin Grove. Moving south of the rock outcropping is not viable as the ocean bottom is on a slope, and for a safe mooring you require a generally flat area to ensure the mooring does not move. There was a sailboat moored there a couple of summers ago which had chronic issues as the mooring continually slid down the slope putting the boat at risk and drifting. I recently spoke with the owner and she said they were glad to get out of there

because they had a lot of problems and were always worried about the safety and security of their boat. It is likely possible for us to move further south from our current location, but it would still need to be on the north side of the rock outcropping, which is probably less desirable from the Village's perspective since we would be moving closer to the main beach. As additional reference, our diver tells us our current location is about 13' south of the sewage outflow line. So if there is a preference for us to move a few feet further south to be further from the outflow that is possible, but with the consequence of being closer to the beach.

Additionally, we considered the idea of trying to swap mooring locations with another boat (for example, a sailboat at Lions Bay Beach area), but due to the keel depth of a sailboat and the water depth at our mooring location in Kelvin Grove, our mooring is unlikely to be suitable for a sailboat (i.e. not deep enough).

I can confirm the dock has been salvaged from the beach.

Regards,
Nancy



From: Peter DeJong [<mailto:cao@lionsbay.ca>]
Sent: May-02-17 5:29 PM
To: Nancy McKenzie
Cc: Nancy McKenzie
Subject: FW: Houseboat

Hi Nancy:

I'm just wondering if you have any update for me prior to tonight's Council meeting, regarding whether you have been able to determine an alternative mooring location at the far south end of Kelvin Grove Bay.

Also, you had mentioned that you were going to deal with the stranded dock on the beach. Can you please advise when that will be disposed of?

Thank you.

Peter DeJong, BA, LLB, CRM

Chief Administrative Officer



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From: Peter DeJong

Sent: Tuesday, April 18, 2017 12:14 AM

To: Nancy McKenzie [REDACTED]

Subject: RE: Houseboat

Hi Nancy:

Thanks for your emails and updated information. With respect to your additional questions and comments below:

- Temporary Use Permits (TUPs) are a standard means by which local governments allow for a use to take place which is otherwise not permitted.
- You'll see from the new map and changes to the last couple of sections of the bylaw that the "RU-1 / Resource Use" zone has been restricted to the Brunswick Pit area. The balance of Crown lands surrounding the built up areas of Lions Bay is now "OS-1 / Open Space Areas"
- The way that Zoning bylaws are supposed to work, is that if a use is not permitted, it is by definition prohibited. Adding prohibitions for certain things is sometimes done to provide emphasis. However, in the W-2 zone boats are not even allowed to be moored (except in emergency circumstances) and in the W-1 zone, one cannot overnight on a vessel for more than 3 nights in 30, so it's already very clear.

Thanks for the photos of John's boat and your buoy. I had seen a different photo from a different angle and had thought his boat was further south in the bay. When I look at your photo (re-attached here), it appears that there would be a potential for finding a mooring spot in the bay beyond the rock outcropping, further south and not too close in. Perhaps you could explore that as a potential option that Council could consider for a TUP. Please let me know as soon as possible. Thanks.

Peter DeJong, BA, LLB, CRM

Chief Administrative Officer



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From: Nancy McKenzie [REDACTED]

Sent: Friday, April 14, 2017 12:32 PM

To: Peter DeJong <cao@lionsbay.ca>

Cc: Nancy McKenzie <[REDACTED]>

Subject: Re: Houseboat

Hi Peter,

I have one correction to the size our our holding tank as recorded in the minutes of the information meeting - it is 64 gallons, not 54 litres. I may have misread that from my notes or it may have been misheard by the minute taker but I felt I should correct it so that is can be amended for the record - that is a material difference in volume!

I do have a couple of additional questions/comments having now done an initial read of the new draft and further considered your note:

- why a TUP versus a pre-existing non-conforming use for the houseboat? I am not clear on all of the differences or implications but was this a consideration in our case? I note the draft does not allow the CAO to issue a TUP for this purpose (only for short term rentals) so a further amendment would be required to accommodate this suggestion.

- a resident at the meeting suggested changing the language of one of the zones from "resource use" to "conservation use" - I didn't see that being considered but I thought her idea was good to reflect the primary intent of that zone in what we call it - is the primary intent logging or preservation for example - her suggestion was I believe reflective of our primary intention and I thought worthy of adoption

- in section 10.5 (zone c-2) it states no person may reside in a vessel - wouldn't that be appropriate to replicate in W-1 and W-2 since that seemed to be one of the primary concerns that we not become a community friendly to residential floating homes.

- another consideration to address the same concern would be to amend 4.3.1 to prohibit "residential use of a mobile home, tentor a boat". As this section applies to all zones it would be a good catch-all way to address this concern.

Eric also shared with me that he felt swapping spots with Jonathan might make it worse since although we would be further from shore we would be dead centre in the KG view. Where we are now is tucked off to the side near the new home under construction on the point. We will be gone before that home is completed we believe (ie construction will likely not be done before 2 summers have passed) so we are probably less visible where we currently are. Again if you are aware of other viable mooring sites around the village we would like to hear about those.

Thanks

Nancy

On Apr 13, 2017, at 4:43 PM, Peter DeJong <cao@lionsbay.ca> wrote:

Hi Nancy:

I haven't received your signed petition yet and we are printing the Agenda as I write this. I don't think Council doubts your claim to have about 60 signatures I'm not sure that failure to get it into this Agenda is crucial. If you provide it on Tuesday, I can at least report having received it, if not provide printed copies "on table". Alternatively, it can go into the next Council meeting Agenda for May 2nd, which will be before the proposed Public Hearing date of May 4th. Council will be reviewing proposed recommendations for amendments to the bylaw at the April 18th Council meeting, but those recommendations do not include any formal proposal to accommodate your houseboat.

While you gave a good performance to a supportive audience, some of the detracting factors include the misrepresentation of the mooring restrictions in the bylaw which gave many people the mistaken impression we were curtailing all the mooring off the waters of Lions Bay. There were some who advised they would not have signed your petition if they had not been misled as to what was being proposed. This also affected the strength of letters received and non-friends/family support at the meeting, to the extent they knew what they were supporting and opposing. Also, not a great idea to misquote the Mayor as having said "there is no support" when in fact he said that "zero support beyond your own has been communicated to Council."

Additionally, I don't think it helped your cause to suggest that you went out of your way to ensure that the mooring was safe vis-a-vis the outfall pipe, when in fact, the divers were called in over concerns about damage to the pipe *after* your anchor had drifted. I could go on about the Craigslist posting advertising a free mooring in Lions Bay, and the critique about the lack of an asset disposal policy when in fact, we had asked (and I believe paid) the Marina to dispose of it for us as it would be cheaper than having Public Works spend time cutting it up and hauling to the dump. We didn't know or expect the Marina to sell or give it to you to put back into our waters. Your argument seems to include the principle that "the ocean should be accessible to all"; do you realize that one of the main complaints is that it's the houseboat that is obstructing that access?

Nonetheless, I am always in favour of finding compromise solutions for difficult issues, but I haven't heard back from you yet regarding the questions I had asked you last time. In particular, I think it's really going to come down to you finding a spot further south, and preferably further from shore, away from the primary beach area (and the sewage outfall pipe) in Kelvin Grove Bay. I am prepared to recommend to Council that we negotiate a Temporary Use Permit with you and your partners if we can agree on a specific location further south in the bay, preferably outside the W-2 zone, for you to moor your houseboat with conditions regarding such location, hours of use, noise, emptying of bilge, security deposit, etc. It would likely be on an annual basis until your use was done. That way, we wouldn't have others coming along after you or trying to do it elsewhere in the W-1 zone or the W-2 zones. The Agenda has just been posted with the attached report, including updates to the map. Please review and feel free to contact me over the weekend via email if you have any questions or wish to set up a telephone conversation. Thank you.

Peter DeJong, BA, LLB, CRM

Chief Administrative Officer