

# AGENDA

## *COUNCIL WORKSHOP*

**Monday, January 30, 2017  
5:00 p.m.**

**Committee Room, Municipal Hall  
355 West Queens Road,  
North Vancouver, BC**

**Council Members:**

Mayor Richard Walton  
Councillor Roger Bassam  
Councillor Mathew Bond  
Councillor Jim Hanson  
Councillor Robin Hicks  
Councillor Doug MacKay-Dunn  
Councillor Lisa Muri



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## COUNCIL WORKSHOP

**5:00 p.m.**  
**Monday, January 30, 2017**  
**Committee Room, Municipal Hall,**  
**355 West Queens Road, North Vancouver**

### AGENDA

**1. ADOPTION OF THE AGENDA**

**1.1. January 30, 2017 Council Workshop Agenda**

*Recommendation:*

THAT the agenda for the January 30, 2017 Council Workshop is adopted as circulated, including the addition of any items listed in the agenda addendum.

**2. ADOPTION OF MINUTES**

**3. REPORTS FROM COUNCIL OR STAFF**

**3.1. Temporary Use Permits Bylaw and Development Procedures** **p. 7-32**  
**Bylaw Amendment Updates**  
File No. 09.3900.30/081.94

*Recommendation:*

THAT the January 20, 2017 report of the General Manager – Planning, Properties and Permits entitled Temporary Use Permits Bylaw and Development Procedures Bylaw Amendment Updates is received for information.

**4. PUBLIC INPUT**

(maximum of ten minutes total)

**5. ADJOURNMENT**

*Recommendation:*

THAT the January 30, 2017 Council Workshop is adjourned.

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## REPORTS

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Council Workshop	Date: <u>Jan 30, 2017</u>
<input type="checkbox"/> Finance & Audit	Date: _____
<input type="checkbox"/> Advisory Oversight	Date: _____
<input type="checkbox"/> Other:	Date: _____

Dept. Manager	 GM/ Director	 CAO
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## The District of North Vancouver REPORT TO COMMITTEE

January 20, 2017  
File: 09.3900.30/081.94

**AUTHOR:** Dan Milburn, General Manager, Planning, Properties & Permits

**SUBJECT:** Temporary Use Permits Bylaw and Development Procedures Bylaw  
Amendment Updates

### RECOMMENDATION:

THAT Council receive this report for information.

### REASON FOR REPORT:

In response to the Industrial Lands Review discussed with Council in the fall of 2016, this report presents one option to assist with industrial or commercial opportunities in the District. The report also updates on process changes which resulted from Council input on the Development Procedures Bylaw (Bylaw 8144) and presents three associated draft bylaws for Committee input prior to formal Council consideration.

### DISCUSSION:

At the November 14, 2016 Council Workshop, the General Manager of Planning, Properties & Permits provided Council with an overview of the Industrial Lands Review. This review included an analysis of changes in industrial land area, industrial zoning changes approved and currently under application and business licence information.

At that workshop a discussion regarding opportunities to continue supporting industrial development was held. One tool which creates short-term opportunities for industrial uses is to amend Part 4B-A "Temporary Commercial and Industrial Use Permit Regulations" of the Zoning Bylaw to broaden the availability of temporary use permit (TUP) areas. The Zoning Bylaw already permits TUPs in Lynn Creek as well as on a lot on Marine Drive. To date this has been a successful tool to allow short term uses for up to 3 years (with option for one renewal).

Draft Bylaw 8217 (Attachment 1) proposes to amend Part 4B-A "Temporary Commercial and Industrial Use Permit Regulations" to allow owners of land to apply for TUPs throughout the

**SUBJECT: Development Procedures Bylaw Update and Temporary Use Permits  
Bylaw Amendment**

January 23, 2017

Page 2

District. The draft bylaw also amends the Development Procedures Bylaw 8144 to maintain the delegated authority of the General Manager to issue temporary use permits.

At the Council Workshop on January 18, 2016, the General Manager of Planning, Properties and Permits provided an overview of draft Development Procedures Bylaw 8144 (Attachment 2). Council provided input with respect to the public notification delivery distance, sought clarity with respect to the development application process, and the need to be able to search for development applications by location on the District's website.

In response to Council's concerns, Staff have:

- revised draft Bylaw 8144 to address the public notification procedure provisions;
- have also prepared a Best Practices Guidelines for Application Notification (Attachment 3) which establishes additional guidance to development planners on how to implement the bylaw provisions and to ensure that adequate notification and engagement opportunities continue to exist;
- added a development process flowchart to public input materials and early input meetings notices to advise residents of where an application is at in the process (Attachment 4); and,
- launched a map-based website which shows traffic projects and major development applications by location (link below).  
<http://dnv.maps.arcgis.com/apps/Shortlist/index.html?appid=bda3e32e80ca49d9859d63ad640ffcc0>

In addition, staff are also proposing to amend Fees and Charges Bylaw 6481 to ensure consistency with the proposed Draft Bylaw 8144 (Attachment 5). Subject to Council's direction, Staff propose to bring both bylaws for Council consideration at a regular agenda.

Respectfully Submitted,



Dan Milburn  
General Manager, Planning, Properties & Permits



**Attachments:**

1. Draft Bylaw 8217 - Part 4B-A Temporary Use Permit Regulations;
2. Development Procedures Bylaw 8144 (Draft Bylaw);
3. Best Practices Guidelines for Application Notification;
4. Development Process Flowchart;
5. Fees and Charges Bylaw Amendment (Draft Bylaw 8210); and
6. Table of Concordance which provides a detailed section-by section comparison of Bylaw 7738 and Draft Bylaw 8144; Amendments to Part 4B-A of Zoning Bylaw 3210; and Amendments to Fees and Charges Bylaw 6481

<b>REVIEWED WITH:</b>		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	<b>External Agencies:</b>
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Real Estate _____	

**The Corporation of the District of North Vancouver**

**Bylaw 8217**

A bylaw to amend District of North Vancouver Zoning Bylaw 3210, 1965

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The Council for The Corporation of the District of North Vancouver enacts as follows:

**1. Citation**

This bylaw may be cited as “The District of North Vancouver Rezoning Bylaw 1349 (Bylaw 8217)”.

**2. Amendments**

2.1 District of North Vancouver Zoning Bylaw 3210, 1965 is amended as follows:

- a) Part 4B-A “Temporary Commercial and Industrial Use Permit Regulations”, is deleted in its entirety and replaced with a new Part 4B-A, “Temporary Use Permit Regulations”, as follows:”

**PART 4B-A TEMPORARY USE PERMIT REGULATIONS**

**4B01-A Temporary Use Permits**

The entire area of the District of North Vancouver is designated as an area where temporary use permits may be allowed.

**4B02-B General Conditions**

- (1) The temporary use must not unreasonably interfere with orderly and efficient development of the surrounding area;
- (2) The temporary use shall be subject to conditions identified in Section 414 Good Neighbour Requirements for Employment Zones;
- (3) The temporary use shall operate at an intensity of use suitable to the surrounding area and will be compatible with regard to design and operation with other uses in the vicinity;
- (4) The temporary shall demonstrate a plan for cessation or relocation of the use once the permit has lapsed;

- b) 4B Schedule A Map1 (Bylaw 7867) “Lower Lynn Temporary Use Permit Area 1” is deleted.

**READ** a first time

**PUBLIC HEARING** held

**READ** a second time

**READ** a third time

Certified a true copy of "Rezoning Bylaw 1349 (Bylaw 8217)" as at Third Reading

\_\_\_\_\_  
Municipal Clerk

**APPROVED** by the Ministry of Transportation and Infrastructure on

**ADOPTED**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Certified a true copy

\_\_\_\_\_  
Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8144

A bylaw to define public hearing notification requirements, and procedures under which an owner of land may apply to amend the Official Community Plan or Zoning Bylaw, enter into a heritage revitalization agreement, or phased development agreement, or for the issuance of a development permit, development variance permit, or temporary use permit.

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The Council for The Corporation of the District of North Vancouver enacts as follows:

**Citation**

1. This bylaw may be cited as “Development Procedures Bylaw 8144, 2015”.

**Definitions**

2. In this bylaw:

- (a) “abutting” means sharing a common boundary of at least one point, or would share a common boundary of at least one point, if not for a shared highway which does not exceed 20 m in width;
- (b) “applicant” means the owner or a representative of the owner duly authorized to act on the owner’s behalf in relation to an application;
- (c) “application” means a written request by an applicant to amend the Official Community Plan or Zoning Bylaw, or to enter into a heritage revitalization agreement, or phased development agreement or for the issuance of a development permit, development variance permit, or temporary use permit, in a form and content prescribed by the General Manager and this bylaw;
- (d) “Fees and Charges Bylaw” means the District of North Vancouver Fees and Charges Bylaw 6481, as amended or replaced;
- (e) “General Manager” means the General Manager of Planning, Properties & Permits and his lawful deputy, as defined in the Officers and Employees Bylaw, and any person designated in writing by the General Manager of Planning, Properties & Permits to carry out any administrative act or function under this bylaw;
- (f) “Official Community Plan” means the District of North Vancouver Official Community Plan Bylaw 7900, as amended or replaced;

- (g) "Officers and Employees Bylaw" means the District of North Vancouver Officers and Employees Bylaw 7052, as amended or replaced;
- (h) "owner" means a person listed in the land titles office as the owner of a parcel;
- (i) "parcel" means any lot, block or other area of land that is the subject of an application;
- (j) "Zoning Bylaw" means the District of North Vancouver Zoning Bylaw 3210, 1965, as amended or replaced.

### **Delegation**

- 3. Council delegates to the General Manager the powers of Council to administer this bylaw including prescribing the form of permits issued and agreements approved under this bylaw.

### **Application**

- 4. (1) An applicant who intends to amend the Official Community Plan or Zoning Bylaw, and an applicant who intends to enter into a heritage revitalization agreement or phased development agreement, and an applicant who applies for issuance of a development permit, development variance permit or temporary use permit must:
  - (a) seek approval from Council or the General Manager in accordance with the *Local Government Act* and this bylaw;
  - (b) complete an application and submit it to the General Manager; and,
  - (c) pay the application fee, at the time of application submission, in accordance with the Fees and Charges Bylaw.
- (2) The applicant must provide the following information, at the applicant's expense, to the General Manager at the time of application submission:
  - (a) authorization from the owner for the applicant to act on the owner's behalf with respect to the application;
  - (b) documents and plans which describe the proposal;
  - (c) documents and plans that demonstrate compliance with the existing or proposed regulations, as applicable; and,
  - (d) any additional information the General Manager determines is required to assist the Council or the General Manager in their consideration of the application.

## **Application Review and Consideration**

5. (1) Upon receipt of a complete application the General Manager may, as applicable:
  - (a) review the application;
  - (b) prepare a report, amending bylaw, or permit for Council's consideration;
  - (c) issue, amend, refuse, impose requirements, set conditions and standards, supplement a bylaw, and impose conditions for the sequence and timing of construction for development permits in accordance with the *Local Government Act* and Official Community Plan; or,
  - (d) issue, renew, refuse, set conditions, establish the permit expiration date, require security, and require an undertaking in respect of a temporary use permit in accordance with the *Local Government Act* and Zoning Bylaw.
  
- (2) Upon receipt of a complete application, General Manager's report, amending bylaw or permit, Council must consider the application in accordance with the *Local Government Act*, and may as applicable:
  - (a) give the amending bylaw first reading;
  - (b) forward the amending bylaw to a public hearing or waive the holding of a public hearing;
  - (c) authorize the heritage revitalization agreement or phased development agreement;
  - (d) authorize the issuance of a development permit, development variance permit or temporary use permit;
  - (e) reject or refuse the application; or
  - (f) defer or otherwise deal with the application;

and after having given the bylaw 3 readings, adopt the bylaw.

## **Application Reconsideration**

6. Within 10 days of the General Manager's decision to issue, amend, refuse, impose requirements, set conditions and standards, supplement a bylaw, and impose conditions for the sequence and timing of construction for a development permit or temporary use permit the applicant may request that Council reconsider the decision subject to the following:
  - (a) the request shall be in writing, and include reasons in support of the reconsideration;
  - (b) upon receipt of a complete written request for Council's reconsideration, the General Manager shall prepare and forward a report to Council attaching the application and setting out the reasons for the decision;
  - (c) at a date and time set by Council the applicant shall have the opportunity to appear before Council and be heard regarding the decision of the General Manager; and

- (d) following this, Council shall reconsider the decision of the General Manager and either uphold the decision or substitute the Council's decision for the General Manager's.

### **Delivery of Notice**

7. (1) The distance for mailing or delivery of *Notice of a Public Hearing* under section 466 of the *Local Government Act* is 100 metres from that part of the area that is subject to an amendment to the Official Community Plan or Zoning Bylaw, a heritage revitalization agreement, or phased development agreement and 75 metres for an amendment to the Zoning Bylaw for single-family subdivision.
- (2) The distance for mailing or delivery of notice under section 493 [*Temporary Use Permits*] and section 498 [*Development Variance Permits*] of the *Local Government Act* includes all parcels abutting that part of the area that is the subject of the permit application.

### **Posting of Notice**

8. (1) In circumstances where the *Local Government Act* requires the delivery of a notice of public hearing to owners and tenants in occupation, except when the public hearing is waived, the District must, at least 7 days before the public hearing post a notice on the area, or on a highway adjacent to the area, that is the subject of the applicable bylaw.
- (2) Noncompliance with subsection (1) due to the removal, destruction or alteration of the notice by unknown persons, vandalism or natural occurrence will not affect the validity of the applicable bylaw.
- (3) The posted notice must have a minimum dimension of 1.2 m x 2.4 m.
- (4) The form of the posted notice must be substantially the same as Schedule A, as applicable to the application.
- (5) The posted notice must state the following, as applicable to the application:
- (a) time and date of the public hearing;
  - (b) place of the public hearing;
  - (c) a phrase which in general terms describes the proposal;
  - (d) civic address of the parcel that is subject of the application; and,
  - (e) a District website address and phone number.
- (6) Subject to subsection (1) a minimum of one notice must be posted on the area or on a highway adjacent to the area that is the subject of the bylaw alteration.

## **Severability**

9. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

## **Repeal**

10. Development Procedures Bylaw 7738, 2008, and all amendment thereto are repealed.

DRAFT



**READ a first time**

**READ a second time**

**READ a third time**

**ADOPTED**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Certified a true copy

\_\_\_\_\_  
Municipal Clerk

DRAFT

Schedule A to Bylaw 8144

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DISTRICT OF  
**NORTH  
VANCOUVER**

# PUBLIC HEARING

**Proposal:** (Insert a phrase which in general terms describes the proposal)

(Insert an image of the proposal)

(Insert the time and date of the public hearing)

(Insert the place of the public hearing)

[dnv.org/public\\_hearing](http://dnv.org/public_hearing)  
604-990-2387

↑ 2.4 m ↓

## Best Practices Guidelines for Application Notification

### **Introduction:**

These best practices supplement the notification requirements of the Development Procedures Bylaw.

### **General Notification Requirements for all Applications**

1. Minimum notification is per the Development Procedures Bylaw.
2. The notification radius may be increased on a case-by-case basis where it makes sense to do so (e.g. finishing a block or including adjacent residential neighbours beyond a commercial area.)
3. Development notification letters should include a short process diagram to explain the process and where the application is in the process.
4. Basic information related to major development applications should be available on the District's website including planner and applicant contact information.
5. Notification signs installed development sites should be placed for maximum visibility from each street frontage.

### **Developer's Early Input Meetings**

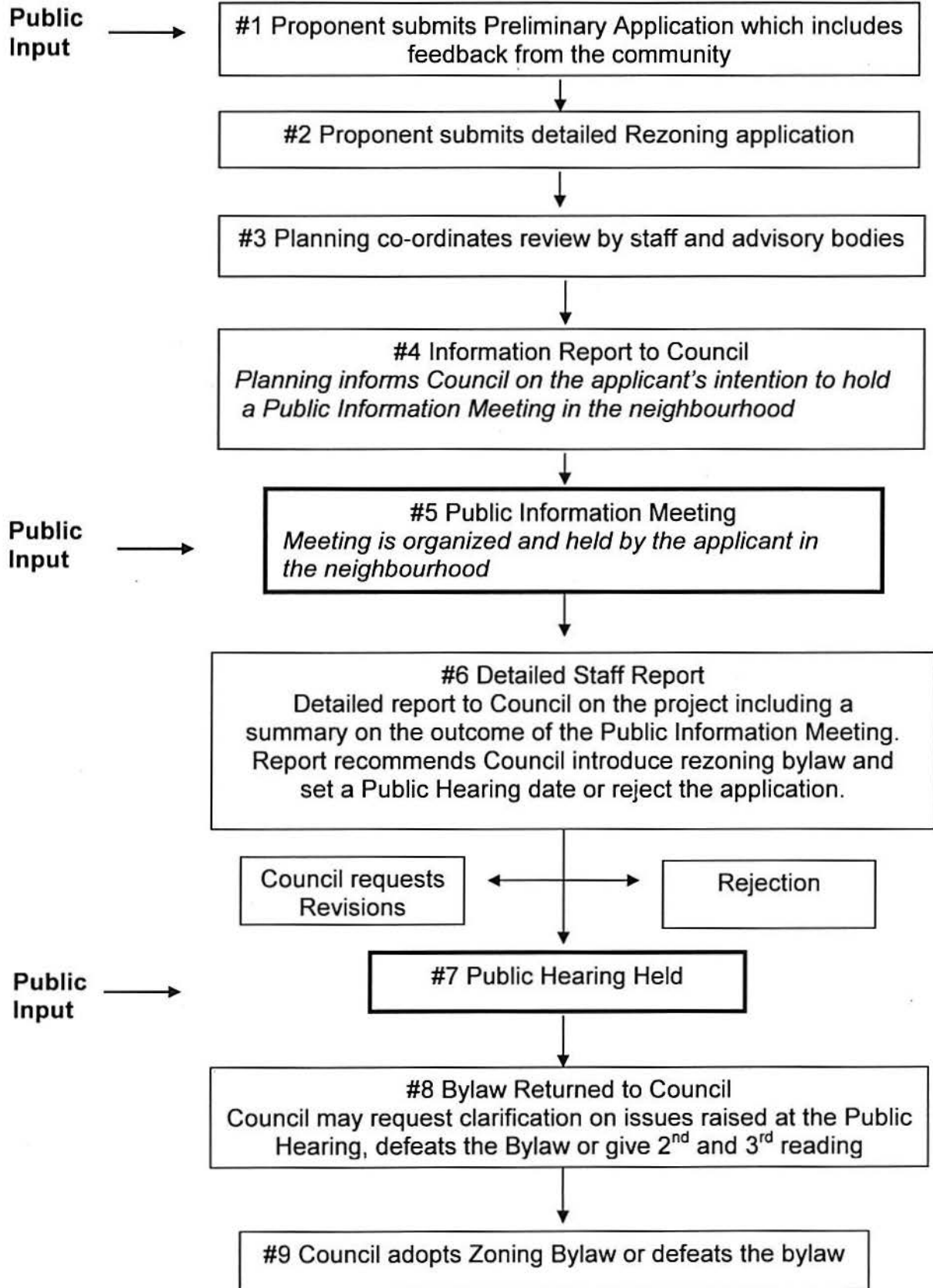
1. Notification of an applicant's preliminary application meeting should be advertised in the local newspaper and a letter distributed to all property owners and tenants within the notification radius.
2. Meeting notification signs should be placed for maximum visibility from each street frontage.
3. Confirmation of delivery of meeting notification to renters, industrial/commercial tenants, strata owners is required to be given to staff (including method of delivery, date and number of notices delivered).
4. Developer's notification letters must include a short process diagram to explain the process and where the application is in the process.
5. Staff is should attend developers' early input meetings to explain the process and timeline. Staff should bring a process timeline graphic to the meeting.

### **Outreach Prior to Application**

1. Staff continue the practice of meeting with interested residents, owners, neighbours.
2. Staff continue the practice of providing information to commercial realtors, owners representatives and developers when we are advised a site is being marketed.

3. Staff add the information graphic regarding the process and timelines to commercial realtors, interested developers and owners or residents groups upon initial enquiry or early in the enquiry stages.

**PROCESS FOR APPLICATIONS REQUIRING REZONING  
THE DISTRICT OF NORTH VANCOUVER**



**The Corporation of the District of North Vancouver**

**Bylaw 8218**

A bylaw to amend the District of  
North Vancouver Fees and Charges Bylaw 6481, 1992

The Council for The Corporation of the District of North Vancouver enacts as follows:

**1. Citation**

This bylaw may be cited as “The District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8218, 2017 (Amendment 51)”.

**2. Amendments**

2.1 The Fees and Charges Bylaw 6481, 1992 is amended as follows:

- a) Schedule B is amended by deleting and replacing the definition of “Development Conducted without a Permit” and replacing it with a new definition of “Development Conducted without a Permit” as follows:

“If any development for which a permit is required by the District of North Vancouver Development Procedures Bylaw 8144 is commenced without a permit issued by the Council, the applicant for the proposed development must pay double the fee prescribed in this bylaw.”

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Certified a true copy

\_\_\_\_\_  
Municipal Clerk

### Table of Concordance

Existing Part 4B-A of Zoning Bylaw 3210	Amendment to Part 4B-A of Zoning Bylaw 3210	Reason for Change
<p><b><u>4B01- A Temporary Commercial and Industrial Use Permits</u></b></p> <p>Temporary Commercial and Industrial Use Permits will be issued within Temporary Use Permit Areas the territorial designation of the District of North Vancouver to:</p> <p>(1) Allow a commercial or industrial use not permitted by the zoning bylaw;            (2) Specify general conditions under which the temporary commercial or industrial use may be carried on;            (3) Allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.</p>	<p><b><u>4B01-A Temporary Use Permits</u></b></p> <p>The entire area of the District of North Vancouver is designated as an area where temporary use permits may be allowed.</p>	<p>-References to industrial and commercial uses removed to allow temporary permits to be issued for any use;            -Designated entire District as an area where temporary use permits are allowed.            -Removed subsections (1)(2) and (3) as these are statutory requirements outlined in the <i>Local Government Act</i>.</p>
<p><b><u>4B02-B Temporary Commercial and Industrial Use Permit Area</u></b></p> <p>The owner of land within the territorial designation of the District of North Vancouver a Temporary Commercial and Industrial Use Permit Area designated and delineated on the Zoning Map may apply for a Temporary Use Permit for commercial and industrial uses not permitted in the zoning bylaw.</p>	<p><i>Deleted</i></p>	<p>Redundant</p>
<p><b><u>4B03-C General Conditions</u></b></p> <p>(1) The temporary commercial or industrial use must not unreasonably interfere with orderly and efficient</p>	<p>(1) The temporary use must not unreasonably interfere with orderly and efficient development of the surrounding area;            (2) The temporary use shall be subject to conditions identified in Section 414</p>	<p>-References to industrial and commercial uses removed;            -Subsection (5)(6) and (7) have been removed as they are</p>

<p>development of the neighbourhood;</p> <p>(2) The temporary commercial or industrial use is subject to conditions identified in Section 414 Good Neighbour Requirements for Employment Zones;</p> <p>(3) The temporary use will operate at an intensity of use suitable to the surrounding area and will be compatible with regard to design and operation with other uses in the vicinity;</p> <p>(4) The temporary use can demonstrate a plan for relocation once the permit has lapsed;</p> <p>(5) The temporary commercial or industrial use permit may specify the demolition of a building or structure associated with the permit or the restoration of land as described in the permit to a condition specified in the permit by the date specified in the permit;</p> <p>(6) The temporary commercial or industrial use permit may specify that the applicant deposit securities to guarantee the performance of the terms of the permit; and</p> <p>(7) The temporary commercial or industrial use permit may specify the form of security and means for determining when there is default under the permit and the amount of the security that forfeits to the local government in the event of default.</p>	<p>Good Neighbour Requirements for Employment Zones;</p> <p>(3) The temporary use shall operate at an intensity of use suitable to the surrounding area and will be compatible with regard to design and operation with other uses in the vicinity;</p> <p>(4) The temporary shall demonstrate a plan for cessation or relocation of the use once the permit has lapsed; of a temporary use permit.</p>	<p>covered in draft Development Procedures Bylaw 8144 or the <i>Local Government Act</i></p>
<p><b>4B05-E <u>Temporary Commercial and Industrial Use Permit Issuance</u></b></p> <p>Issuance of Temporary Commercial and Industrial Use Permits is delegated to the Director of Planning, Permits and Bylaws.</p>	<p><i>Removed</i></p>	<p>Delegation authority relocated to Development Procedures Bylaw 8144</p>



<p><b>4B06-F Public Information Meeting</b></p> <p>If deemed necessary, the Director Generally Manager may require that a public information meeting be held in respect of an application for a Temporary Use Permit. <b>(Bylaw 7867)</b></p>	<p><i>Removed</i></p>	<p>Public Notification Requirement relocated to Development Procedures Bylaw 8144</p>
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Existing Bylaw 7738	Proposed Bylaw 8144	Reason for Change
<p><b>Title</b> 1. This bylaw may be cited as “DEVELOPMENT PROCEDURES BYLAW 7738.”</p>	<p><b>Citation</b> 1. This bylaw may be cited as “Development Procedures Bylaw 8144, 2015”.</p>	<p>New bylaw title.</p>
<p><i>No definitions in Bylaw 7738</i></p>	<p><b>Definitions</b> 2. In this bylaw:</p> <p>(a) “abutting” means sharing a common boundary of at least one point, or would share a common boundary of at least one point, if not for a shared highway which does not exceed 20 m in width;</p> <p>(b) “applicant” means the owner or a representative of the owner duly authorized to act on the owner’s behalf in relation to an application;</p> <p>(c) “application” means a written request by an applicant to amend the Official Community Plan or Zoning Bylaw, or to enter into a heritage revitalization agreement, or phased development agreement or for the issuance of a development permit, development variance permit, or temporary use permit, in a form and content prescribed by the General Manager and this bylaw;</p> <p>(d) “Fees and Charges Bylaw” means the District of North Vancouver Fees and Charges Bylaw 6481, as amended or replaced;</p> <p>(e) “General Manager” means the General Manager of Planning,</p>	<p>Definitions were added to assist with bylaw interpretation</p>

	<p>Properties &amp; Permits and his lawful deputy, as defined in the Officers and Employees Bylaw, and any person designated in writing by the General Manager of Planning, Properties &amp; Permits to carry out any administrative act or function under this bylaw;</p> <p>(f) "Official Community Plan" means the District of North Vancouver Official Community Plan Bylaw 7900, as amended or replaced;</p> <p>(g) "Officers and Employees Bylaw" means the District of North Vancouver Officers and Employees Bylaw 7052, as amended or replaced;</p> <p>(h) "owner" means a person listed in the land titles office as the owner of a parcel;</p> <p>(i) "parcel" means any lot, block or other area of land that is the subject of an application;</p> <p>(j) "Zoning Bylaw" means the District of North Vancouver Zoning Bylaw 3210, 1965, as amended or replaced.</p>	
<p><b>Scope</b> 2. This bylaw applies to:</p> <p>a) development applications, including: i. preliminary applications; ii. development permit applications; iii. development variance permit applications; iv. subdivision applications; v. temporary commercial and industrial use permits; vi. liquor license applications; and vii. sign permit applications.</p> <p>b) amendments to: i. an Official Community Plan; or ii. the Zoning Bylaw; and</p>	<p><b>Short Description of the purpose of the bylaw:</b> A bylaw to define public hearing notification requirements, and procedures under which an owner of land may apply to amend the Official Community Plan or Zoning Bylaw, enter into a heritage revitalization agreement, or phased development agreement, or for the issuance of a development permit, development variance permit, or temporary use permit.</p>	<p>Certain types of applications were removed as follows:</p> <ul style="list-style-type: none"> <li>- Subdivision (The processing of subdivision applications is within the Approving Officer's jurisdiction)</li> <li>- Liquor Licence Applications (The District's Liquor Application Policy is sufficient)</li> <li>- Sign Permits (Procedures are found in Sign Bylaw 7532)</li> </ul>

<p>c) research requests, document preparation, and other related services.</p>		<p>Application types added, which have a public hearing requirement as follows:</p> <ul style="list-style-type: none"> <li>- Heritage revitalization agreement</li> <li>- Phased development agreement</li> </ul>
<p><b>No delegation language in Bylaw 7738</b></p>	<p><b>Delegation</b>  3. (1) Council delegates to the General Manager the powers of Council to administer this bylaw including prescribing the form of permits issued and agreements approved under this bylaw.</p>	<p>Administrative delegation provisions added for clarity and certainty regarding the General Manager's powers to administer the bylaw.</p>
<p><b>Application</b>  3. An application under section 2 of this bylaw must be submitted to the District of North Vancouver by the registered owner of the land, or by a person authorized to do so in writing by the owner, and shall be accompanied by:</p> <ul style="list-style-type: none"> <li>a) a written description of the specific proposal;</li> <li>b) the reasons for the requested amendment to an Official Community Plan or Zoning Bylaw;</li> <li>c) those materials required for the processing of the application(s), as deemed appropriate by the Director of Planning, Permits and Bylaws; and</li> <li>d) the applicable fee(s) prescribed in Schedule "B" of the District of North Vancouver Fees and Charges Bylaw 6481.</li> </ul>	<p><b>Application</b>  4. (1) An applicant who intends to amend the Official Community Plan or Zoning Bylaw, and an applicant who intends to enter into a heritage revitalization agreement or phased development agreement, and an applicant who applies for issuance of a development permit, development variance permit or temporary use permit must:</p> <ul style="list-style-type: none"> <li>(a) seek approval from Council or the General Manager in accordance with the <i>Local Government Act</i> and this bylaw;</li> <li>(b) complete an application and submit it to the General Manager; and,</li> <li>(c) pay the application fee, at the time of application submission, in accordance with the Fees and Charges Bylaw.</li> </ul> <p>(2) The applicant must provide the following information, at the applicant's expense, to the General Manager at the time of application submission:</p> <ul style="list-style-type: none"> <li>(a) authorization from the owner for the applicant to act on the owner's behalf with respect to the application;</li> <li>(b) documents and plans which describe the proposal;</li> <li>(c) documents and plans that demonstrate compliance with the</li> </ul>	<p>Changes intended to improve clarity regarding delegated authority and a requirement to submit information at the applicant's cost.</p>

	<p>existing or proposed regulations, as applicable; and,</p> <p>(d) any additional information the General Manager determines is required to assist the Council or the General Manager in their consideration of the application.</p>	
<p><b>Refunds of Fees</b></p> <p>4. The refundable portion of a fee prescribed in Schedule "B" of the District of North Vancouver Fees and Charges Bylaw 6481 will be returned to the applicant in the following circumstances:</p> <p>a) if an application is withdrawn by the applicant or rejected by Council before either a public hearing or public meeting date is established or public notification is given, but not if the public hearing is waived; or</p> <p>b) if an application is approved by Council without the convening of a public hearing or public meeting or undertaking public notification.</p> <p><b>Development Conducted without a Permit</b></p> <p>6. If any development for which a permit is required by this bylaw is commenced without a permit issued by the Council, the applicant for the proposed development must pay double the fee prescribed in Schedule "B" of the District of North Vancouver Fees and Charges Bylaw 6481.</p>	<p><i>Removed</i></p>	<p>Fee provisions moved to the Fees and Charges Bylaw 6481</p>
<p><b>Process</b></p> <p>7. Every application will be processed by the Director of Planning, Permits and Bylaws who will present a detailed report to the Council for its consideration, except where authority to issue Development Permits has been delegated to the Director of Planning, Permits and Bylaws in accordance with section 11 of this bylaw.</p>	<p><b>Application Review and Consideration</b></p> <p>5. (1) Upon receipt of a complete application the General Manager may, as applicable:</p> <p>(a) review the application;</p> <p>(b) prepare a report, amending bylaw, or permit for Council's consideration;</p> <p>(c) issue, amend, refuse, impose requirements, set conditions and standards, supplement a bylaw, and impose conditions for the</p>	<p>The bylaw wording has been modified to be more consistent with legislative powers, duties and functions of Council, and the new Official Community Plan, which delegates the authority to the General Manager to consider the issuance of certain types of</p>

<p><b>Official Community Plan or Zoning Bylaw</b> 8. The Council shall, following receipt of the report pursuant to section 7 in respect of an application to amend the Zoning Bylaw or an Official Community Plan, proceed with an amending bylaw or reject the application.</p> <p><b>Permits</b> 9. After receipt of the report pursuant to section 7, the Council shall consider an application for a permit and at Council's discretion, hold a public meeting and then either:</p> <p>a) issue the permit, or b) refuse to issue the permit.</p> <p><b>Refusal</b> 10. Where an application for a bylaw amendment or a permit has been refused by Council, the Municipal Clerk shall notify the applicant in writing within 15 days of the date of refusal by Council.</p>	<p>sequence and timing of construction for development permits in accordance with the <i>Local Government Act</i> and Official Community Plan; or,</p> <p>(d) issue, renew, refuse, set conditions, establish the permit expiration date, require security, and require an undertaking in respect of a temporary <del>commercial or industrial</del> use permit in accordance with the <i>Local Government Act</i> and Zoning Bylaw.</p> <p>(2) Upon receipt of a complete application, General Manager's report, amending bylaw or permit, Council must consider the application in accordance with the <i>Local Government Act</i>, and may as applicable:</p> <p>(a) give the amending bylaw first reading; (b) forward the amending bylaw to a public hearing or waive the holding of a public hearing; (c) authorize the heritage revitalization agreement or phased development agreement; (d) authorize the issuance of a development permit, development variance permit or temporary use permit; (e) reject or refuse the application; or (f) defer or otherwise deal with the application;</p> <p>and after having given the bylaw 3 readings, adopt the bylaw.</p>	<p>development permits.</p> <p>The existing Sec. 10 refusal notice provision was not included in the new bylaw as the applicant is provided notice regardless of the outcome of the decision. This is done to ensure procedural fairness.</p>
<p><b>Delegation of Authority to Issue Development Permits</b> 11. Deleted.</p>	<p><i>Removed</i></p>	
<p><b>No Reconsideration language in Bylaw 7738</b></p>	<p><b>Application Reconsideration</b> 6. Within 10 days of the General Manager's decision to issue, amend, refuse, impose requirements, set conditions and standards, supplement a bylaw, and impose conditions for the sequence and timing of construction for a development permit or temporary use permit the applicant may request that Council reconsider the decision subject to the following:</p> <p>(a) the request shall be in writing, and include reasons in support of the reconsideration;</p>	<p>Changes intended to improve the clarity around procedures for the reconsideration of a decision by the General Manager. .</p>

	<p>(b) upon receipt of a complete written request for Council's reconsideration, the General Manager shall prepare and forward a report to Council attaching the application and setting out the reasons for the decision;</p> <p>(c) at a date and time set by Council the applicant shall have the opportunity to appear before Council and be heard regarding the decision of the General Manager; and</p> <p>(d) following this, Council shall reconsider the decision of the General Manager and either uphold the decision or substitute the Council's decision for the General Manager's.</p>	
<p><b>Existing public hearing notice delivery procedures are found in the Public Notification Policy.</b></p> <p>Public Hearing notice delivery "75 m radius".</p> <p>Temporary Use Permit notice delivery "Adjacent Neighbours"</p> <p>Development Variance Permit notice delivery "Adjacent Neighbours"</p>	<p><b>Delivery of Notice</b></p> <p>7. (1) The distance for mailing or delivery of notice of a public hearing under §466 of the <i>Local Government Act</i> is 100 metres from that part of the area that is subject to an amendment to the Official Community Plan or Zoning Bylaw, a heritage revitalization agreement, or phased development agreement and 75 metres for an amendment to the Zoning Bylaw for single-family subdivision.</p> <p>(2) The distance for mailing or delivery of notice under §493 [<i>Temporary Use Permits</i>] and §498 [<i>Development Variance Permits</i>] of the <i>Local Government Act</i> includes all parcels abutting that part of the area that is the subject of the permit application.</p>	<p>Notice provisions which supplement the legislative requirements should be enabled by Bylaw.</p>
<p><b>Existing public hearing notice posting procedures are found in the Public Notification Policy.</b></p> <p>Public Hearings. In practice we post a sign, although it is not noted in the attached policy.</p>	<p><b>Posting of Notice</b></p> <p>8. (1) In circumstances where the <i>Local Government Act</i> requires the delivery of a notice of public hearing to owners and tenants in occupation, except when the public hearing is waived, the District must, at least 7 days before the public hearing post a notice on the area, or on a highway adjacent to the area, that is the subject of the applicable bylaw.</p> <p>(2) Noncompliance with subsection (1) due to the removal, destruction or alteration of the notice by unknown persons, vandalism or natural occurrence will not affect the validity of the applicable bylaw.</p> <p>(3) The posted notice must have a minimum dimension of 1.2 m x 2.4 m.</p>	<p>Notice provisions which supplement the legislative requirements should be enabled by Bylaw.</p>

	<p>(4) The form of the posted notice must be substantially the same as Schedule A, as applicable to the application.</p> <p>(5) The posted notice must state the following, as applicable to the application:</p> <ul style="list-style-type: none"> <li>(a) time and date of the public hearing;</li> <li>(b) place of the public hearing;</li> <li>(c) a phrase which in general terms describes the proposal;</li> <li>(d) civic address of the parcel that is subject of the application; and,</li> <li>(e) a District website address and phone number.</li> </ul> <p>(6) Subject to subsection (1) a minimum of one notice must be posted on the area or on a highway adjacent to the area that is the subject of the bylaw alteration.</p>	
<b>No definitions in Bylaw 7738</b>	<p><b>Severability</b></p> <p>9. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.</p>	Intended to signal to a reviewing court that each provision of the bylaw is severable from the others and that the entire bylaw should not be declared invalid.
<p><b>Repeal</b></p> <p>12. The Development Procedures Bylaw 5959 and amendments thereto are repealed.</p>	<p><b>Repeal</b></p> <p>10. Development Procedures Bylaw 7738, 2008 and all amendment thereto are repealed.</p>	Repeal of outdated bylaw and amendments.
<p><b>Effective Date</b></p> <p>13. This bylaw will come into force and take effect on January 1, 2009.</p>	<p><b>Effective Date</b></p> <p>11. The effective date of this bylaw is January 1, 2016.</p>	New effective date.
<b>No Schedules in Bylaw 7738</b>	<b>Schedule A to Bylaw 8144</b>	Provides a visual reference for the sign notice.

Existing Fees and Charges Bylaw 6481	Amendment to Fees and Charges Bylaw 6481	Reason for Change
<p><b>1. Title</b> This bylaw may be cited as "The District of North Vancouver Fees and Charges Bylaw 6481, 1992"</p>	<p><b>1. Title</b> This bylaw may be cited as "The District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8218, 2017 (Amendment 51)"</p>	<p>Replace reference to Bylaw 7738 with reference to Bylaw 8144</p>
<p><b>2. Amendments</b></p> <p>Schedule B: "Development Conducted without a Permit "</p> <p>If any development for which a permit is required by the District of North Vancouver Development Procedures Bylaw 7738 is commenced without a permit issued by the Council, the applicant for the proposed development must pay double the fee prescribed in this bylaw."</p>	<p><b>2. Amendments</b></p> <p>Schedule B: "Development Conducted without a Permit "</p> <p>If any development for which a permit is required by the District of North Vancouver Development Procedures Bylaw 8144 is commenced without a permit issued by the Council, the applicant for the proposed development must pay double the fee prescribed in this bylaw."</p>	