



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

“Development Procedures Bylaw, 2001, No. 7343”

CONSOLIDATED FOR CONVENIENCE – JULY 11, 2022

Amendment #	Adoption Date	Subject
7760	March 27, 2006	Development Permit Areas for Streamside Protection and Enhancement
8066	April 26, 2010	Accessory Coach House Development
8136	January 24, 2011	Streamside Protection and Enhancement Development Permit Guidelines
8240	May 28, 2012	Sections 3 and 5
8348	June 9, 2014	Sections 2, 3, 4, 9, 13 and Schedule A
8408	July 13, 2015	Schedule A / Level-B Accessory Coach House
8424	June 22, 2015	Approval of Strata Conversions Less Than Three Dwelling Units
8454	December 9, 2015	Clarification of Public Meeting Requirement
8485	December 11, 2017	Schedule A Fees
8538	March 27, 2017	Schedule A Fees
8906	January 31, 2022	Schedule A Fees (effective March 1, 2022)
8916	July 11, 2022	Bill 26 Update for Minor Development Variance Permits

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 7343

A Bylaw to establish procedures to amend the Official Community Plan, the Zoning Bylaw, adopt a Heritage Revitalization Agreement Bylaw, or to issue permits under Part 26 of the *Local Government Act*

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

1. TITLE

This bylaw shall be cited as the City of North Vancouver “**Development Procedures Bylaw, 2001, No. 7343**”.

2. DEFINITIONS *[Bylaw 8348, June 9, 2014]*

“**Applicant**” means a person who is an owner of the property which is the subject of an application, or a person acting with the written consent of the owner;

“**City**” means the City of North Vancouver;

“**Minor Development Variance Permit**” means a Development Variance Permit for a variance to the “Zoning Bylaw, 1995, No. 6700” that meets the following criteria:

- (a) 10% for minimum parking space provision for vehicles and bicycles, and this reduction may be increased to 25% if the variance is required for the preservation of mature on-site trees;
- (b) Any variance related to parking design standards, such as dimensions, siting and access;
- (c) Any variance related to loading requirements, including number of required loading spaces and design standards, such as dimensions, siting and access;
- (d) One parking space in areas designated ‘R1’ and ‘R2’ in the “Official Community Plan Bylaw, 2014, No. 8400”;
- (e) Any variance related to garbage and recycling storage facilities;
- (f) 25% for building setbacks and separations, lot coverage, open site space, and permeable surfaces;
- (g) Any variance related to patios and decks;
- (h) The lesser of 10% or one storey for building height; and
- (i) Less than 10% for building envelope dimensions, such as building width and length, upper storey step-backs and angular planes;

and any variance related to the “Sign Bylaw, 1992, No. 6363”.
[Bylaw 8916, July 11, 2022]

3. SCOPE

This bylaw shall apply to:

- (a) An amendment to:
 - (i) The Official Community Plan
 - (ii) The Zoning Bylaw
 - (iii) A Land Use Contract
- (b) Issuance of:
 - (i) Development Permits;
 - (ii) Development Variance Permits;
 - (iii) Temporary Use Permits.
[Bylaw 8348, June 9, 2014]
- (c) The adoption of a Heritage Revitalization Agreement Bylaw.

4. APPLICANT, FEES, LEGAL FEES, AND REFUND POLICY

[Bylaw 8348, June 9, 2014]

- (a) Applications for bylaw amendments, permits, and permit extensions shall be submitted in writing to the City by the Applicant, and shall be accompanied by all information relevant to the proposed development required by the City to conduct a thorough review and analysis of the proposed development. The Applicant must apply in the form prescribed by the City and must provide the information required by the form.
 - (i) If the Director of Planning and Development is not satisfied that the information is sufficient either in scope, level of detail, accuracy or in any other respect, the Director of Planning and Development may, within 30 business days of receipt of the information submitted by the applicant, require the applicant to provide, at the applicant's expense, further information reasonably required to comply with this section;
 - (ii) Every report or other document provided to the municipality must contain an express grant of permission to the municipality to use and reproduce the information contained in the report or other document for non-commercial purposes.
- (b) All legal fees directly associated with amendments or permits covered by this bylaw shall be borne by the applicant. *[Bylaw 8454, December 9, 2015]*
- (c) Refunds of application fees shall be made on the following basis:
 - (i) If the application is rejected by the Council of the Corporation of the City of North Vancouver (Council) prior to any Public Hearing or Public Meeting process being authorized by Council, 50 percent of the application fee shall be refunded to the applicant;
 - (ii) If prior to any Public Hearing or Public Meeting process being authorized by Council the applicant withdraws the application within six months of submission, 50 percent of the application fee shall be refunded;

- (iii) If an application is withdrawn prior to any significant work being commenced by the City, an amount up to the full application fee may be refunded to the applicant at the discretion of the Director of Planning and Development;
- (iv) If the applicant fails within one year to respond to requests for further information in support of the application, the application shall be deemed void and in which case no refund of fee will be granted.

5. PROCESS

- (a) An application under Section 2 shall be processed by the Director of Planning and Development, or his designate, who shall submit a report to Council for consideration other than applications which may be approved by the Director of Planning and Development.
- (b) The review of applications by the Council or the Director of Planning and Development may include referrals to persons or groups for such reports or advice as is deemed necessary to evaluate the application.
- (c) In the event the Director of Planning and Development rejects a Development Permit, the applicant may apply to the Council for reconsideration of the application.
[Bylaw 8454, December 9, 2015]

6. DELEGATION OF COUNCIL POWERS

- (a) The Council delegates to the Director of Planning and Development the powers of the Council under s.490 of the *Local Government Act* to issue Development Permits in respect of Development Permit Areas established by the Official Community Plan, 2014, No. 8400, provided that they do not involve a variance to the Zoning Bylaw, 1995, No.6700, including the powers of the Council to require that the applicant provide security for the purposes of s.502 of the *Local Government Act*, however:
 - (i) The Director of Planning and Development reserves the ability to refer the Development Permit application to Council for consideration.
- (b) The Council delegates to the Director of Planning and Development the powers of the Council, pursuant to s.498.1 of the *Local Government Act*, to issue a Minor Development Variance Permit, subject to guidelines set out in Schedule "B".
- (c) In imposing security requirements under s.502 of the *Local Government Act*, the Director of Planning and Development may require the applicant to provide as security:
 - (i) undertaking works, construction or other activities to satisfy a condition in the permit respecting landscaping; plus
 - (ii) provide a letter of credit in the amount of 1% of the estimated value of all construction occurring within the scope of the permit as calculated by a quantity surveyor, to be cashed if conditions of the permit with respect to development energy usage are not met and certified as such by a recognized professional within a period of 24 months following the issuance of a certificate of occupancy and/or at the discretion of the Director of Planning and Development.

- (d) In imposing the security requirements set out in section 6(d), the Director of Planning and Development may require security to be maintained for so long as there is a reasonable possibility of contravention of a landscaping condition, the creation of an unsafe condition, and the causing of harm to the environment in connection with the development authorized by the permit.
- (e) An owner of land whose Development Permit application or Minor Development Variance Permit application is subject to this section may, at any time following application submission or within 10 business days following being notified in writing of the Director of Planning and Development's decision on their application, request Council reconsideration of their application by giving notice in writing to the Corporate Officer setting out the grounds for Council consideration, provided the owner has paid the applicable fee set out in Schedule "A".
- (f) The Corporate Officer must notify the applicant of the date of the meeting at which the reconsideration will occur.
- (g) The Council may either confirm the decision of the Director of Planning and Development; or substitute its own decision, including the Development Permit or Minor Development Variance Permit conditions and amounts of security.
- (h) The Council delegates to the Director of Planning and Development the powers of the Council under s.242 of the *Strata Property Act* to act as the approving authority for applications to convert previously occupied buildings with fewer than three units to strata title.

[Bylaw 8916, July 11, 2022]

7. AMENDMENTS TO OFFICIAL COMMUNITY PLAN, ZONING BYLAW OR LAND USE CONTRACTS AND ADOPTION OF HERITAGE REVITALIZATION AGREEMENT BYLAWS

Council shall, following receipt of a staff report with respect to an application to amend the Official Community Plan, the Zoning Bylaw, or a Land Use Contract, or adopt a Heritage Revitalization Agreement Bylaw: [Bylaw 8454, December 9, 2015]

- (a) Proceed with the consideration of the bylaw or bylaws as set forth in Part 26 or 27 of the *Local Government Act*;
- (b) Withhold consideration of the bylaw or bylaws pending further input from the applicant or City staff;
- (c) Reject the application.

8. DEVELOPMENT PERMITS AND DEVELOPMENT VARIANCE PERMITS

[Bylaw 8454, December 9, 2015]

Following receipt of a staff report with respect to a Development Permit or a Development Variance Permit application, Council may, at its discretion, hold a Public Meeting to provide an enhanced opportunity for public input. In the event that a development application involves a zoning amendment and a Development Permit / Development Variance Permit, the requirement for a Public Meeting shall be waived in lieu of the Public Hearing for the Zoning Amendment Bylaw.

Upon receipt of a staff report with respect to the Development Permit or a Development Variance Permit, Council shall:

- (a) Issue the permit; or
- (b) Withhold the permit pending resolution of issues raised by Council, staff or the public; or
- (c) Reject the permit application.

9. TEMPORARY USE PERMITS [Bylaw 8348, June 9, 2014]

Council may, following receipt of a staff report with respect to a Temporary Use Permit Application, hold a Public Meeting, and shall: [Bylaw 8454, December 9, 2015]

- (a) Upon compliance with the requirements of the *Local Government Act*, issue the permit with or without conditions and undertakings; or
- (b) Withhold the permit pending resolution of issues raised by Council, staff, or the public; or
- (c) Reject the permit application.

10. POSTING OF A SIGN

A sign may be required to be posted at the development site for public information prior to a Public Hearing, Public Meeting or public information meeting. Failure to post the sign may result in a delay in the process. [Bylaw 8454, December 9, 2015]

11. REFUSAL

Where an application under Section 2 has been rejected by Council, the City Clerk shall notify the applicant in writing within fifteen (15) days of the date of Council's rejection.

12. RE-APPLICATION

Where an application under Section 2 has been rejected by Council, no re-application for the same amendment shall be considered within one year from the date of Council's rejection.

13. EFFECT OF THIS BYLAW

Nothing in this bylaw shall be construed as:

- (a) Preventing Council from initiating an application to amend any plan, bylaw or land use contract or issuing to itself any permit;
- (b) Affecting the referral of any plan, bylaw, amendment or permit to any Council Committee, Commission or Panel; [Bylaw 8348, June 9, 2014]
- (c) Preventing the Council from tabling or otherwise dealing with any application in the manner it deems appropriate;

(d) Compelling the Council to consider an application provided for in this bylaw.

14. SEVERABILITY

If any portion of this bylaw is for any reason held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

15. REPEAL

"Development Procedures Bylaw, 1998, No. 7000" is hereby repealed.

READ a first time by the Council on the 23rd day of July, 2001.

READ a second time by the Council on the 23rd day of July, 2001.

READ a third time and passed by the Council on the 23rd day of July, 2001.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the 30th day of July, 2001.

"Barbara A. Sharp"

MAYOR

"Bruce A. Hawkshaw"

CITY CLERK

SCHEDULE "A"

FEES

INFORMATION
<p>Minor vs. Major Applications</p> <p>For the purpose of this Bylaw, the following definitions differentiate between the scale of minor and major proposals:</p> <p style="padding-left: 40px;">Minor – 1-5 principal residential units, primary child care use, or non-profit applicants (where a minimum of 80% of proposed residential units are secured at a minimum of 10% below market rental rates).</p> <p style="padding-left: 40px;">Major – 6 or more principal residential units, mixed-use, commercial, industrial, or institutional uses.</p> <p>Waived Fees</p> <p>Fees for City-led projects will be waived.</p>

TYPE OF APPLICATION	FEES
<p>1. Official Community Plan (OCP) OCP Amendment</p> <p style="padding-left: 40px;"><i>The following additional fee applies to any site area exceeding 8,000 m² or to policy development within any Special Study Area</i></p>	<p>\$10,000</p> <p>(\$1 per m² site area x FSR)/2</p>
<p>2. Zoning Bylaw Amendment Text Amendment or Rezoning to an Existing Zone Rezoning to a New Comprehensive Development (CD) Zone</p> <p style="padding-left: 40px;"><i>The following additional fees apply to major proposals, to a maximum total rezoning fee of \$25,000</i></p> <p style="padding-left: 40px;">Per proposed principal residential unit Per m² of proposed commercial space Per m² of proposed industrial or institutional space</p>	<p>\$4,000 \$6,000</p> <p>\$50 per unit \$1 per m² \$1 per 2m²</p>
<p>3. Development Permit Amendment to Development Permit Council Consideration of Development Permit (additional fee) Coach House Development Permit Rooftop Antenna Development Permit Other Form and Character Development Permit</p> <p style="padding-left: 40px;"><i>The following additional fees apply to major proposals, to a maximum total development permit fee of \$15,000</i></p> <p style="padding-left: 40px;">Per principal residential unit Per m² of proposed commercial space</p>	<p>\$1,000 \$1,500 \$1,250 \$2,500 \$4,000</p> <p>\$75 per unit \$1 per m²</p>

TYPE OF APPLICATION	FEES
4. Development Variance Permit Variance with staff consideration or variance concurrent with rezoning Variance with Council Consideration	\$1,500 \$3,000
5. Temporary Use Permit (TUP) Obtain, amend, or renew a TUP	\$2,500
6. Heritage Revitalization Agreement (HRA) Minor HRA (including amendment to existing HRA) Major HRA	\$4,000 \$6,000

ADDITIONAL ITEMS	FEES
1. Pre-Consultation Application (PCA) Minor PCA Major PCA Early direction from Council (additional fee)	\$500 \$1,500 \$1,500
2. Public Meeting or Public Hearing For any application requiring a public meeting or public hearing (to be charged per instance)	\$1,750
3. Environmental Site Disclosure For any application requiring a Site Disclosure Statement (otherwise waived)	\$105

[Bylaw 8906, January 31, 2022]

SCHEDULE “B”

MINOR DEVELOPMENT VARIANCE PERMIT CONSIDERATION GUIDELINES

The following guidelines must be considered in the evaluation of Minor Development Variance Permit applications:

1. The proposed variance should be consistent with the goals, objectives and policies within the Official Community Plan and any other relevant policy documents including, but not limited to, the City’s housing policies, Mobility Strategy, Well-being Strategy, Climate and Environment Strategy, and Economic Strategy.
2. The proposed variance should be supported by a sound justification based on one or more of the following:
 - (a) an inability to reasonably develop a site in an efficient and effective manner while complying with bylaw requirements;
 - (b) a benefit to the community or surrounding properties as a result of a preferable form of development or outcome that is enabled through the proposed variance.
3. The proposed variance should not result in an unacceptable negative impact on neighbouring properties and should fully consider mitigation measures to reduce any identified negative impacts.
4. The proposed variance should not impose any costs on the municipality.
5. The proposed variance should not defeat the explicit or implicit intent of the bylaw requirement being varied.
6. The proposed variance should not result in any safety issues.

Assessment by Categories

In addition to the general guidelines above, the Director of Planning and Development shall consider the following specific guidelines for each type of variance outlined below:

1. Sign Bylaw Variances:
 - the variance request respecting size, number and placement of signs does not result in a significant increase in the total number or size of on-site signage and is in keeping with the aesthetic and character of the buildings and surrounding area; and
 - the effect of the variance does not result in safety concerns or adverse impact to neighbouring properties, such as light pollution.
2. Parking Variances:
 - the reduction is not expected to have undue impact on the on-street parking in the area;

- if there is a reasonable alternative to the minimum parking standard, particularly taking the intended uses of the building into consideration. These alternatives may include bicycle parking, personalized mobility aids parking, public transit passes or other measures as the Director of Planning & Development may deem appropriate;
 - in the case of a parking variance for the protection of mature on-site trees, the parking variance is a direct result of the reduction of parking stalls to ensure adequate soil volume for the long term health of said trees; and
 - any variance to the parking design, location would not result in any safety concerns or operational issues.
3. Garbage and Recycling Storage Facility Variances:
- consultation with the facility operator, as well as consultation with City Engineer, is required to ensure changes are operationally feasible; and
 - noise impacts should be considered and the variance should not result in an increase in disruptive intermittent noise.
4. Building Siting Variances:
- that the variance to building siting requirements does not decrease the liveability of residential units and that there is a demonstration that the variance request does not result in undue impact on access to light and privacy.
5. Patio and Deck Variances:
- variance not to create undue privacy impact on adjoining neighbours; and
 - variance does not result in a significant increase of site coverage or impermeable surface on the lot.
6. Building Envelope Variances:
- variance to the building envelope or height be accompanied by supporting information clearly illustrating shadow and view impacts in a format acceptable to the Director of Planning & Development;
 - variance to building envelope and height be assessed for compatibility with adjacent land uses (both existing and as proposed in the OCP);
 - variance does not result in significant incremental shadow impacts, particularly where such an impact is to a sensitive public site, such as a park or greenspace; and
 - variance does not result in significant public view impacts as seen from the street or public spaces.

[Bylaw 8916, July 11, 2022]