



THE DISTRICT OF NORTH VANCOUVER DEVELOPMENT PROCEDURES BYLAW

BYLAW 8144

Effective Date – July 10, 2017

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Original Bylaw

Bylaw 8144

Date of Adoption

July 10, 2017

Amending Bylaw

Bylaw 8480

Bylaw 8610

Bylaw 8639

Bylaw 8712

Date of Adoption

March 15, 2021

February 27, 2023

December 4, 2023

February 24, 2025

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw Development Procedures Bylaw 8144, 2017. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

The Corporation of the District of North Vancouver

Bylaw 8144

A bylaw to define development review procedures for the District of North Vancouver

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, 2017”.

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, Delegated Development Variance Permit, or temporary use permit, in a form and content prescribed by the General Manager and this bylaw;
- (d) “Delegated Development Variance Permit” means a development variance permit for a minor variance under Sec. 498.1 of the *Local Government Act*, where the following criteria are satisfied:
 - i. The variance must not be associated with an application to amend the Official Community Plan or Zoning Bylaw, or with any other proposed bylaw amendment under preparation;
 - ii. The variance must not be associated with an application for a non-delegated development permit, housing agreement, heritage revitalization agreement, or phased development agreement;
 - iii. The variance must not be associated with, or required as a condition of, a subdivision application;
 - iv. The variance must not be associated with works completed without the necessary permit(s) or approval(s) or otherwise in contravention of District bylaws;
 - v. The variance must not be associated with non-conforming buildings or other structures, or the non-conforming use of buildings, structures or land;

- vi. The variance must not be associated with protected heritage property;
- vii. Deleted.
- viii. Deleted.

(8639, 8712)

- (e) “Fees and Charges Bylaw” means the District of North Vancouver Fees and Charges Bylaw 6481, as amended or replaced;
- (f) “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;
- (g) “Official Community Plan” means the District of North Vancouver Official Community Plan Bylaw 7900, as amended or replaced;
- (h) “Officers and Employees Bylaw” means the District of North Vancouver Officers and Employees Bylaw 7052, as amended or replaced;
- (i) “owner” means a person listed in the land titles office as the owner of a parcel;
- (j) “parcel” means any lot, block or other area of land that is the subject of an application;
- (k) “Zoning Bylaw” means the District of North Vancouver Zoning Bylaw 3210, 1965, as amended or replaced.

(8610)

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 wishes to seek District approval for an amendment to the Official Community Plan or Zoning Bylaw, and an applicant who wishes to seek District approval for a heritage revitalization agreement or phased development agreement, and an applicant who applies for issuance of a development permit, development variance permit, Delegated Development Variance Permit, or temporary use permit must:
 - (a) seek approval from Council or the General Manager in accordance with 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.

(8610)

- (2) The applicant must provide the following information, at the applicant's expense, to the General Manager at the time of application submission:
 - (a) owner's authorization 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 the development permits in accordance with the *Local Government Act* and Part 1 of Schedule B of the Official Community Plan;
 - (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 except for lands which are located outside of the District's four growth centres and zoned one of the Single Family Residential (RS) zones and in accordance with subsection 5(3); or
 - (e) issue, amend, refuse, and impose requirements in accordance with Schedule C, and require security in respect of a Delegated Development Variance Permit in accordance with the *Local Government Act* and in accordance with subsection 5(3) and subsection 5(4).

(8610)

- (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.

- (3) If the General Manager considers that security should be provided by an applicant as a condition of the issuance of a temporary use permit or a Delegated Development Variance Permit, the General Manager will determine the amount of the security in accordance with the following guidelines:
 - (a) the amount of security shall be in addition to the security required as a condition of issuance of any development permit or building permit issued for the development to which the temporary use permit or the Delegated Development Variance Permit relates; and
 - (b) the amount of security required for a temporary use permit shall not exceed the amount that is reasonably required (as determined by the General Manager) to secure conditions set by the General Manager for the temporary use permit pursuant to section 5(1)(d); and
 - (c) the amount of security required for a Delegated Development Variance Permit shall not exceed the amount that is reasonably required (as determined by the General Manager) to secure requirements set by the General Manager for the Delegated Development Variance Permit pursuant to section 5(1)(e).

(8610)

- (4) The General Manager must consider the guidelines set out in Schedule B in deciding whether to issue a Delegated Development Variance Permit.

(8610)

- (5) An applicant may not reapply for a refused:
 - (a) minor development permit;
 - (b) delegated Temporary Use Permit; or
 - (c) Delegated Development Variance Permit

within one (1) year of the date of refusal.

(8610)

Application Reconsideration

- 6. Within 10 days of the General Manager's decision to:
 - (1) issue, amend, refuse, impose requirements, set conditions and standards, supplement a bylaw, and impose conditions for the sequence and timing of

- construction, require development approval information or require security for a development permit;
- (2) issue, renew, refuse, set conditions, establish the permit expiration date, require an undertaking, require development approval information or require security in respect of a temporary use permit;
- (3) issue, amend, refuse, impose requirements, and require security, for a Delegated Development Variance 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.

(8610)

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 494 [Temporary Use Permits] and section 499 [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.

(8610)

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, at least 12 days before the public hearing:
 - (a) the District must post a minimum of two notices on the area or on a highway adjacent to the area that is the subject of the bylaw alteration, one of the

notices to be viewable by traffic in one direction and the other of the notices to be viewable by traffic in the opposite direction; and

- (b) where an area that is the subject of the bylaw alteration is located near a major arterial the District may post additional notices viewable from both directions on the arterial.
- (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 notices required pursuant to subsection 8(1)(a) 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 at a minimum contain the following:
 - (a) a title containing the words "Development Proposal;
 - (b) the date, time and location of the public hearing;
 - (c) the civic address of the parcel that is subject of the proposed development;
 - (d) a map showing the location of the proposed development,
 - (e) a brief description of the development in general terms; and
 - (f) District contact information.

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.

Amended by: 8480, 8610

Schedule A to Bylaw 8144

1.2 m / 4'

Development Proposal

PUBLIC HEARING:

Xpm, Day of week, Month X, Year

Location

Address of meeting

PROPOSAL:

Address of Proposal

[insert location map]

X

description

X

description

X

description

EARLY INPUT
MEETING

PUBLIC INFO
MEETING

WE ARE HERE

PUBLIC
HEARING



Contact:

Name, Development Planner
email or phone number
DNV.org/public-hearing

2.4 m / 8'

Schedule B to Bylaw 8144

Delegated Development Variance Permit Consideration Guidelines

The General Manager should consider:

1. Reasons – Why the bylaw requirement cannot be met, such as the physical constraints against meeting the bylaw requirement.
2. Input – Hear from persons notified in accordance with the Non-Statutory Public Consultation for Development Applications Corporate Policy.
3. Context – Adjacent planned or constructed buildings and structures, and adjacent planned or existing uses and activities.
4. Alternatives – The availability of substitutions or alternative solutions.
5. Impact – The magnitude and significance of the anticipated impacts.
6. Mitigation – Mitigation measures proposed to be undertaken to address the potential impacts of the proposed development, including whether sufficient security is provided to guarantee performance.

A variance should:

1. Maintain the general intent and purpose of the Official Community Plan and land use regulation bylaw being varied; and
2. Be desirable for the appropriate development and use of the land, building or other structure.

A variance should not:

1. Result in inappropriate development of the site;
2. Adversely affect:
 - a) public safety;
 - b) access to, or the operation and maintenance of civil infrastructure, amenities and facilities;
 - c) protected heritage property; or
 - d) the natural environment
 - e) privacy; or,
 - f) access to natural light or air

to an unacceptable level;

3. Result in unacceptable risk for the development or the adjoining or reasonably adjacent lands and developments from flooding, erosion, landslip, wildfire, avalanche, or other natural hazard;
4. Injuriously affect or unreasonably interfere with the use and enjoyment of adjoining or reasonably adjacent lands;
5. Be in conflict with a covenant, registered in favour of the District of North Vancouver under section 219 of the *Land Title Act*; or
6. Deal with a matter that is covered in an approved phased development agreement.

(8712)

Schedule C to Bylaw 8144

Delegated Development Variance Permit Requirements

A Delegated Development Variance Permit may include requirements to achieve or address the guidelines in Schedule B, including requirements relating to the following:

- (a) Requirements to provide a report, at the applicant's expense, prepared by a qualified professional with experience relevant to the matter, to assist the General Manager in determining what terms and conditions will be imposed;
- (b) Requirements to prevent unsafe conditions, or preventing damage to the environment;
- (c) The sequence and timing of the construction associated with the development;
- (e) The permit lapses if the construction is not substantially started in a timeframe established in the Delegated Development Variance Permit - not to exceed two (2) years; and
- (f) The registration of covenants under section 219 of the Land Title Act.

(8610)