



LAND USE PROCEDURES BYLAW

BYLAW NO. 16-028

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*.
(Consolidated on July 25, 2024 up to Bylaw No. 24-045)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

NO. 16-028

LAND USE PROCEDURES BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No.16-059, No.17-006, No.17-012, No.17-023, No.17-054, No.17-107, No. 18-018, No.18-090, No.19-037, No.19-067, No.20-076, 21-055, 22-014, 22-021, 22-072, 22-057, 22-026, 23-066, 23-085, 24-021, 24-045)

A Bylaw to define procedures under which an owner of land may apply for an amendment to the Official Community Plan, Zoning Bylaw 2018, or the Zoning Regulation Bylaw, for the issuance of a permit, to impose application fees, to specify notification distances, and to delegate Council's authority to make decisions in certain circumstances.

WHEREAS:

A local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for a permit under Part 14 of the *Local Government Act*; and

The Council of the City of Victoria has adopted an official community plan and a zoning bylaw; and

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A local government may, by bylaw, impose application fees for an application to initiate changes to an official community plan or zoning bylaw, the issuance of a permit under Part 14 or Section 617 of the *Local Government Act*, or a heritage revitalization agreement; and

A local government may by bylaw specify a distance from affected land for the purpose of notifying owners and tenants in occupation of proposed bylaw amendments and permits; and

The Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE, the Council of the City of Victoria, in open meeting assembled, enacts as follows:

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PART 1 – INTRODUCTORY PROVISIONS

Title

- 1. This Bylaw may be cited as the "LAND USE PROCEDURES BYLAW, 2016".

Repeal

- 2. Bylaw No. 09-048, the "Land Use Procedures Bylaw" is repealed.

Severability

3. If any Section, subsection, sentence clause or phrase forming part 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 from the Bylaw without affecting the validity of the Bylaw or any remaining portion of the Bylaw.

Definitions

4. In this bylaw,

“affordable housing” means

any housing unit which is:

- (a) part of a development wholly owned and operated by a registered non-profit residential housing society or government agency, or operated by a registered non-profit residential housing society or government agency pursuant to a legally binding arrangement with the property owner; and
- (b) subject to a housing agreement with the City, or a covenant in favour of the City, securing its use as a below-market housing unit in perpetuity”,

"ADP" means
the City's Advisory Design Panel

“anchor rod” means

any steel or other rod, pipe or thing an intended purpose of which is to shore or support an excavation face or to prevent subsidence

“CALUC” means
Community Association Land Use Committee

“Committee” means

a select or standing committee of Council

“Community Meeting” means

a public meeting held in association with a Community Association Land Use Committee operating under the Community Association Land Use Committee Procedures for Processing Rezoning and Variance Applications as approved by a resolution of Council

“development permit” or **“DP”** means
a permit authorized by Section 490 of the *Local Government Act*

“development variance permit” or **“DVP”** means

a permit authorized by Section 489 of the *Local Government Act*

"Director" means

the City's Director of Sustainable Planning and Community Development
Department

“Engineer” means

the City’s Director of Engineering and Public Works or a person acting
under his authority

"HAPL" means

the City's Heritage Advisory Panel;

“heritage alteration permit” means

a permit authorized by Section 617 of the *Local Government Act*

“heritage conservation area” or **“HCA”** means

an area designated pursuant to section 614(1) of the *Local Government Act*

“heritage registered property” means

property listed on the community heritage register under section 598 of the
Local Government Act

“heritage revitalization agreement” means

an agreement authorized by Section 610 of the *Local Government Act*

“Official Community Plan” or **“OCP”** means

the City’s Official Community Plan Bylaw, 2012

“public comment” means

members of the public addressing Council, other than at a public hearing,
regarding the subject matter of a decision Council proposes to make

“public hearing” means

a public hearing that is required to be held under the *Local Government Act*
before Council adopts a bylaw

“temporary use permit” or **“TUP”** means

a permit authorized by Section 493 of the *Local Government Act*

“TRG” means

the Technical Review Group composed of City of Victoria staff

“zoning bylaw” means

the City’s Zoning Regulation Bylaw and Zoning Bylaw 2018

Applications subject to this bylaw

5. This bylaw establishes fees and procedures in relation to applications for:
- (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) a temporary use permit;
 - (d) a heritage revitalization agreement;
 - (e) a development variance permit;
 - (f) a development permit;
 - (g) a heritage alteration permit.

PART 2 - APPLICATIONS

Pre-application requirements

6. Before submitting an application to initiate changes to the OCP or zoning bylaw, the applicant must:
- (a) pay to the City the pre-application notification fee as calculated in accordance with Schedule A of this Bylaw;
 - (b) arrange and participate in a Community Meeting not more than six months in advance of the application submission date;
 - (c) submit plans for the proposed development to the City to post online for public comment not less than 30 days and not more than six months in advance of the application submission date; and
 - (d) post signage in accordance with Schedule C-1 of this Bylaw.
- 6A. The pre-application notification fee under section 6(a) does not apply where the requirements of section 6(b), (c) and (d) have all been waived pursuant to section 8.
- 6B. The Director may require the applicant to repeat the requirements in section 6 if the plans for the proposed development has had the following revisions:
- (a) additional uses added;
 - (b) increase in height or density; or
 - (c) decrease in setbacks or increase in site coverage equal to or greater than 20%.
- 6C. In the event section 6B is triggered and the requirements under 6(b), (c) and (d) have not been waived pursuant to section 8, the applicant

must pay the pre-application notification fee as calculated in accordance with Schedule A.

Notification Distance

7. The City will provide owners and occupiers within the areas specified in Section 7A with notification of the date of the processes under section 6(b) and (c), if applicable.

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7A. The notification under section 7 will be provided to the owners and occupiers of properties located within 100 metres of the subject property of an application listed in Section 27 of this Bylaw, except if the application includes an OCP amendment, the notification distance is 200 metres.

Waiving Pre-application Requirements

8. The requirement under section 6(b) may be solely waived or the requirements under sections 6(b), (c) and (d) may be waived altogether, by:
- (a) Council;
 - (b) in writing by the CALUC in the area in which the proposed development is located; or
 - (c) by the Director, if, in the Director's opinion:
 - i. the applicant has made reasonable attempts to hold a Community Meeting; or
 - ii. extraordinary circumstances exist that make it unsafe or impractical to hold a Community Meeting.

Application Forms

9. The Director is authorized to establish and revise the application form for any application to be used from time to time pursuant to this Bylaw.

Application requirements

10. All applications must be submitted to the Director on the form provided by the City for the purpose of the application, and must be accompanied by:
- (a) all of the information and supporting documents specified in the application form;
 - (b) the fees set out in Schedule A to this Bylaw.

Evidence of participation in a Community Meeting

11. If a Community Meeting was required in relation to an application, the applicant must submit evidence that the applicant has participated in the Community Meeting.

Receipt of applications

12. If a person submits a complete application to the Director, the Director must process the application.

Incomplete applications

13. If a person submits an incomplete application to the Director, the Director may:
 - (a) process the application; or
 - (b) refuse to process the application.

Notification of incomplete applications

14. If the Director refuses to process an incomplete application, the Director must inform the applicant, either verbally or in writing, why the application is incomplete.

Application Referral

15. When processing an application, the Director may refer the application to other agencies or associations, the TRG, Advisory Committees or other staff members.

Application Review Summary

16. When processing an application the Director may provide an applicant with a summary of any feedback the Director receives following the referrals contemplated in Section 15.

Council Referral

17. Council or a Committee of Council may refer a development permit application or a heritage alteration permit to ADP or HAPL or a joint meeting of ADP and HAPL for its recommendations concerning the design of the application or other matters within the ADP's or HAPL's terms of reference.

Application fee

18. The application fee for an application under this Bylaw is the sum of the following amounts, each of which is set out in, or must be calculated in accordance with, Schedule A:
 - (a) the pre-application fee for giving notice;
 - (b) the base application fee;
 - (c) the administration fee; and
 - (d) the resubmission fee.

Affordable Housing application fee

19. Notwithstanding Section 18, for an application under this Bylaw where all of the dwelling units proposed in the development are affordable housing dwelling units, no base application fee or variance fee is required.
20. Notwithstanding Section 18, for an application under this Bylaw where a portion of the dwelling units proposed in the development are affordable housing dwelling units, the base application fee and variance fee are reduced based on the floor area of affordable housing units as a percentage of the total floor area of the building. Fees are not reduced for floor areas associated with common areas, parking or amenity space.

Refund

21. An applicant who has paid the base application fee is entitled to:
 - (a) a 90% refund if the application is withdrawn or cancelled within 15 business days from the date of submission; or
 - 24-021 (b) a 75% refund if the application is withdrawn or cancelled within 16 to 40 business days from the date of submission.
- 22-057 21A. An applicant who has paid the base application fee pertaining to a proposed development in Development Permit Area 15F and complied with the applicable provisions of the City's Tenant Assistance Policy and a Tenant Assistance Plan consistent with such Policy is entitled to a refund of \$5000 or the application fee, whichever is less, after the City has issued an occupancy permit for the development.
- 24-021

Refund of administration fee

- 24-021 22. An applicant who has paid the administration fee in relation to an application is entitled to a refund of that fee if the application is cancelled, withdrawn or abandoned, and the applicant requests a refund, before the City has incurred any expenses in relation to the giving notice of a public hearing or the waiver of a public hearing in relation to the application.

Landscape security

23. The City may require the applicant to provide landscape security calculated in accordance with Schedule E of this Bylaw, and if landscape security is required, it must be provided to the City before issuance of a building permit.

Cancellation of Applications

24. (a) If an application has been accepted by the Director for processing and further information from the applicant is requested after review by the Director, TRG Committee or Council, the applicant is required to provide the requested information within 6 months. If the applicant does not provide the requested information within 6 months of the request, the City

will provide a final written notification to the applicant and if the requested information is not provided within 3 months of the final written notification, the file will be closed.

- (b) If an application is declined by Council resolution, the file will be closed.

Reapplication - cancelled file

25. (a) An applicant wishing to reopen a cancelled file under Section 24(a) must submit a new application and pay the applicable fee prescribed in Schedule A of this Bylaw, but the one year waiting period for reapplications under Section 32 of this Bylaw does not apply.
- 24-021 (b) An applicant wishing to reopen a closed file under Section 24(b) must submit a new application in accordance with the timeline under Section 32 and pay the application fee prescribed in Schedule A of this Bylaw.

Application Sign Posting Requirements - Permits

- 23-085
24-021 26. The applicant must post signage in compliance with Schedule B of this Bylaw for the following types of permits:
- (a) development variance permit;
 - (b) development permit with variances;
 - (c) heritage alteration permit with variances;
 - (d) a temporary use permit.

Application Sign Posting Requirements – Other applications

27. A person who submits an application for any of the following must post signage in compliance with Schedule C of this Bylaw:
- (a) A zoning bylaw amendment;
 - 24-021 (b) an *Official Community Plan Bylaw* amendment;
 - (c) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
28. Section 27 does not apply to:
- 24-021 (a) City-initiated amendments that involve ten or more parcels; or
 - (b) where, in the opinion of the Director, the posting of signage is not practical because the owner of the affected site does not consent and there is no suitable public property for the signage in sufficiently close proximity to the affected site.

Public hearing

- 24-021 29. In accordance with the *Local Government Act*, a public hearing is required before Council adopts a bylaw to:
- (a) amend the zoning bylaw, subject to section 29A and 29B;
 - (b) amend the OCP;
 - (c) enter into or amend a heritage revitalization agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning or alter the zoning bylaw in relation to residential rental tenure;
 - (d) heritage designate a property.
- 24-021 29A. A public hearing on a proposed zoning amendment bylaw is not permitted if:
- 1.
 - (a) the bylaw is consistent with the OCP;
 - (b) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development; and
 - (c) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures as part of the development; or
 - 2. the sole purpose of the bylaw is to comply with section 481.3 of the *Local Government Act*.
- 29B. A public hearing is not required on a proposed zoning amendment bylaw if the bylaw is consistent with the OCP.

Right to waive a public hearing

- 24-021 30. Council may waive the holding of a public hearing in relation to a zoning amendment bylaw if the proposed amendment is consistent with the OCP and does not meet the criteria in section 29A.

24-021 <section repealed>

Notice of public hearing, zoning bylaw amendment or permits

- 24-021 31. The distance specified for the purpose of notification of the following processes is:

<u>Process</u>	<u>Distance</u>
Notification of public hearing for:	
Amendment to the OCP	200 metres

Amendment to the zoning bylaw	100 metres
Heritage revitalization agreement bylaw or heritage designation bylaw	100 metres
Notification of zoning amendment bylaw where public hearing not permitted or has been waived	100 metres
Notice of Council resolution to issue development permit with variances, heritage alteration permit with variances, development variance permit or temporary use permit	All parcels that are the subject of, or that are adjacent to the parcels that are the subject of the permit in relation to which Council proposes to make a decision.

Reapplications

32. If the Council does not approve an application submitted in accordance with this bylaw, a person must not submit the same application within one year of the date of Council's decision to not approve the application. However, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.

PART 3 – DELEGATION AND RECONSIDERATION

Types of permits

33. Council delegates to the Director the authority to issue the types of permits listed in column A of the table attached as Schedule D to this Bylaw, in the areas listed in column B, accordance with the conditions set out in column C.

Referral

34. Before exercising the delegated authority to make a decision under this Bylaw, the Director may refer an application to other agencies or associations, ADP, HAPL, the TRG, or other staff as required.

Referral consideration

- 24-021 35. If the Director refers an application as contemplated in Section 34 above, the Director must consider but is not bound to accept any recommendations or comments of the body or bodies to which the Director has referred the application.

Landscape security delegation

36. Council delegates to the Director the authority to require landscape security in accordance with Section 23, which amount shall be calculated in accordance with Schedule E of this Bylaw.

Council reconsideration

37. If an application is refused, or if the applicant objects to a proposed provision of the permit or approval, the applicant may request that Council reconsider the decision of the Director in accordance with the provisions for reconsideration set out in this Part.

Time limit for reconsideration

38. Within 10 days of being notified in writing of a decision of the Director the applicant may apply to the City's Corporate Administrator to have Council reconsider a decision of the Director.

Notice of reconsideration

39. The City's Corporate Administrator must give the applicant at least 10 days' notice of the time and place of Council's reconsideration, and of the applicant's right to appear before Council to make representations concerning the application.

Representation to Council

40. A person exercising the right of reconsideration may make oral or written submission to Council and may appoint a representative to make representation.

Council's authority

41. Council may either confirm the decision made by the Director or substitute its own decision, including conditions of a permit or additional conditions of the permit.

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READ A FIRST TIME on the	10th	day of	March	2016.
READ A SECOND TIME on the	10th	day of	March	2016.
READ A THIRD TIME on the	24th	day of	March	2016.

ADOPTED on the

24th day of

March

2016.

“CHRIS COATES”

“LISA HELPS”

CORPORATE ADMINISTRATOR

MAYOR

City of Victoria
Bylaw No. 16-028
Schedule A
APPLICATION FEES

1. Pre-application fee

The pre-application fee for giving notice, is:

- (1) \$800 if notice must be given to owners and occupiers of properties within 100 metres of the subject property; or,
- (2) \$2400 if notice must be given to owners and occupiers of properties within 200 metres of the subject property.

2. Base application fee

- (1) The base application fee for an application to amend the Official Community Plan is \$2500.
- (2) The base application fee described in paragraph (3) applies to the following applications:
 - (a) a zoning bylaw amendment;
 - (b) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning;
 - (c) a temporary use permit.
- (3) The base application fee for the applications listed in paragraph (2) is calculated as follows, plus \$250 for each variance that is requested or proposed in the application:
 - (a) For an application in which the proposed development is exclusively residential use:
 - (i) Proposal for one duplex: \$3000;
 - (ii) Proposal for one triplex: \$4000;
 - (iii) Proposal for one, two or three dwelling units that are not captured by paragraph (3)(a)(i) or (ii): \$2000 per dwelling unit proposed;

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- (iv) Proposal pertaining to more than three dwelling units (regardless of dwelling unit type): \$6000 plus \$0.50 per square metre of floor area.
 - (b) For an application in which the proposed development is non-residential use or mixed use:
 - (i) Proposal equal to or under 500 square metres: \$3000 plus \$0.50 per square metre of floor area;
 - (ii) Proposal over 500 square metres: \$6000 plus \$0.50 per square metre of floor area.
 - (c) For an application in which the proposed development is not captured by paragraph (3)(a) or (b): \$2000.
 - (d) For an application described in paragraph (3)(a), (b), or (c), in which any accessory dwelling units are proposed, the accessory dwelling units are not counted as dwelling units for the purposes of calculating the base application fee.
 - (e) Notwithstanding paragraph (3)(d), an application in which only accessory dwelling unit(s) are proposed shall have a base application fee of \$2000.
- (4) The base application fee described in paragraph (5) applies to the following applications:
- (a) a development permit;
 - (b) a heritage alteration permit.
- (5) The base application fee for the applications listed in paragraph (4) is calculated as follows, plus \$250 for each variance that is requested or proposed in the application:
- (a) For an application in which the proposed development is exclusively residential use:
 - (i) Proposal for one duplex: \$3000;
 - (ii) Proposal for one triplex: \$4000;
 - (iii) Proposal for one, two or three dwelling units that are not captured by paragraph (5)(a)(i) or (ii): \$2000 per dwelling unit proposed;
 - (iv) Proposal pertaining to more than three dwelling units (regardless of dwelling unit type): \$6000 plus \$2.50 per square metre of floor area;

- 22-057 (v) Notwithstanding the previous subparagraphs (i) – (iv), the following fees apply for proposed developments in Development Permit Area 15F:
- 24-021 (A) one dwelling unit: \$2,000,
- (B) two dwelling units: \$3,000,
- (C) three to six dwelling units: \$12,000,
- (D) more than six dwelling units: \$15,000.
- 24-021 (vi) Notwithstanding the previous subparagraphs, a proposal for a garden suite in Development Permit Area 15E is \$2,500.
- (b) For an application in which the proposed development is non-residential use or mixed use:
- (i) Proposal equal to or under 500 square metres: \$3000 plus \$2.50 per square metre of floor area;
- (ii) Proposal over 500 square metres: \$6000 plus \$2.50 per square metre of floor area.
- (c) For an application in which the proposed development is not captured by paragraph (5)(a) or (b): \$2000.
- 22-057 (d) With the exception of applications described in paragraph (5)(a)(v), for an application described in paragraphs (5)(a), (b), or (c), in which any accessory dwelling units are proposed, the accessory dwelling units are not counted as dwelling units for the purposes of calculating the base application fee.
- (e) Notwithstanding paragraph (5)(d), an application in which only accessory dwelling unit(s) are proposed shall have a base application fee of \$2000.
- (f) If a development permit or heritage alteration permit application is submitted under paragraph 5(a)(i), (ii) or (iii) in conjunction with an application under paragraph 2 for the same project:
- (i) only one base application fee is payable, calculated in accordance with paragraph (3); and
- (ii) only one variance fee is payable for each proposed variance, calculated in accordance with paragraph (3).
- (6) The base application fee for a development variance permit is \$750 (includes one variance), plus \$250 for each additional variance that is requested or proposed in the application beyond the first.

(7) The base application fee for a development permit for subdivision only is \$250 for each new lot that is proposed to be created in the application.

22-057

(8) Notwithstanding paragraphs (4) and (6), the base application fee for a permit which the Director is authorized to issue is as follows:

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(a) the base application fee for a development permit in

(i) Development Permit Area 16 for buildings over 100 m² is 50% of the development permit fee as provided in paragraph (5);

(ii) Development Permit Area 15E for a garden suite is \$2,000;

(iii) Development Permit Area 15F for a proposal for:

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(A) one dwelling unit: \$2,000,

(B) two dwelling units: \$3,000,

(C) three to six dwelling units: \$10,000;

(D) more than six dwelling units: \$13,000;

(b) the base application fee for a heritage alteration permit for a single family dwelling or duplex is \$0; and

(c) the base application fee for a permit not addressed in subparagraph (a) or (b) is \$200.

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(9) Notwithstanding paragraph (4), the base application fee is \$500 for an application:

(a) proposing only emergency preparedness container(s) and equipment that are collectively under 100 m² in floor area; and

(b) that does not fall within paragraph (8).

(10) Notwithstanding paragraph (4), no base application fee is payable for a heritage alteration permit for a single family dwelling or duplex; however, where a variance is proposed, a fee of \$250 for each variance applies.

(11) Notwithstanding paragraph (2), the base application fee to allow any “storefront cannabis retailer” use is the greater of \$7500 and the application fee calculated in accordance with paragraph (3).

3. Administration Fee

(1) The administration fee for an application that requires a public hearing, payable when the Council forwards the bylaw to a public hearing, is as follows:

- (a) For an application for heritage designation: No fee;
- (b) For all other applications: \$1800.

4. Resubmission fee

- (1) If the plans submitted in support of the application require revisions as set out in an Application Review Summary as provided by the TRG, revised plans will be reviewed by City staff and no additional fees will be charged.
- (2) If plans are revised as a result of changes proposed by the applicant, and not requested by staff, Committee, Council, ADP or HAPL, then an additional fee of \$500 shall be required for each new submission.
- (3) There is no resubmission fee when an applicant resubmits revised plans in response to comments arising from City staff, Committee, Council, ADP or HAPL.

5. Amendments to existing legal agreements

The fee to have an existing legal agreement with the City amended is \$500 plus the City's legal costs to complete the amendment.

6. Request Council authorization

The fee to request staff to prepare and present a report to Council in order to request Council authorization is \$1000.

7. Site profile for contaminated sites

If a site profile for contaminated sites is required in conjunction with an application, the fee is \$100.

City of Victoria

Bylaw No. 16-028

Schedule B

PROCEDURES FOR SIGN POSTING – PERMITS

23-085

1. Where a notice or sign is required pursuant to section 26 of this Bylaw, a sign or signs shall be posted on the property or properties subject to the application in compliance with this Schedule.
2. The City shall determine the specifications, format, and information content of the sign or signs.
3. The applicant shall:
 - (a) obtain the sign or signs from the City or obtain the specifications for the sign from the City;
 - (b) post the sign or signs on the subject property for a minimum of 10 days prior to the date of the Council's meeting concerning the application;
 - (c) post additional meeting notices and additional signs if required;
 - (d) maintain the sign or signs on the subject property for the required time period.
4. The applicant shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the application. The City shall determine the required number and location of the sign or signs, taking into account the configuration of the site and visibility to the public.

City of Victoria
Bylaw No. 16-028
Schedule C

PROCEDURES FOR SIGN POSTING – OTHER APPLICATIONS

- 23-085
1. Where a notice or sign is required pursuant to section 27 of this Bylaw, a sign or signs shall be posted on the property or properties subject to the application in compliance with this Schedule.
 2. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.
 3. The applicant shall, at its sole expense:
 - (a) prepare the sign or signs in accordance with the specifications provided by the City;
 - (b) post the sign or signs on the subject property for a minimum of 10 days prior to the initial Committee meeting;
 - (c) post additional meeting notices and additional signs if required by the City;
 - (d) maintain the sign or signs on the subject property until the Public Hearing for the application has been held.
 4. The applicant shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the application. The City shall determine the required number and location of the sign or signs, taking into account the configuration of the site and visibility to the public.

City of Victoria
Bylaw No. 16-028
Schedule C-1

PROCEDURES FOR SIGN POSTING – PRE-APPLICATION PUBLIC INPUT

1. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.
2. The applicant shall, at its sole expense:
 - (a) prepare the sign or signs in accordance with the specifications provided by the City;
 - (b) post the sign or signs on the subject property for 30 consecutive days and no longer than 35 days, with such period of time to be calculated starting from the same day the plans are posted online by the City for public input;
 - (c) post additional signs if required by the City;
 - (d) maintain the sign or signs on the subject property for the duration of the notice period under section 1.
3. The applicant shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the application. The City shall determine the required number and location of the sign or signs, taking into account the configuration of the site and visibility to the public.

City of Victoria

Bylaw No. 16-028

Schedule D

DELEGATED APPROVALS

The Director is authorized to issue the types of permits listed in Column A, in the areas set out in Column B, subject to the conditions specified in Column C of the following table.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
1	DP for new buildings, building additions, structures and equipment	DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 16: General Form and Character	Permit valid for two years from the date of issuance.
2	HAP without variances for a single family dwelling or duplex	All DP Areas and all HCAs	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP. Permit valid for two years from the date of issuance.
3 23-085	DP , HAP, or DVP authorizing minor amendments to plans attached to or referenced in an existing approved permit	All DP Areas and all HCAs	The Director is satisfied that the proposed amendments are substantially in accord with the terms and conditions of the original approved permit, including variances and are consistent with the guidelines under the OCP. The expiry date of the original permit applies.
4 23-085	DP or HAP for the renewal of an existing valid DP or HAP	All DP Areas and all HCAs	The permit being renewed must be: <ul style="list-style-type: none"> ○ unexpired at the time of application; ○ unchanged from the original application, unless the changes are for consistency with new policies or regulations. Permit valid for two years from the date of issuance.

22-057

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
5	DP for new buildings, building additions, structures and equipment	DPA 8: Victoria Arm - Gorge Waterway	The guidelines set out in the OCP must be satisfied. Permit is valid for two years from the date of issuance.
6	DP for new buildings, building additions, structures and equipment that are less than 100 m ² in floor area	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	Permit is valid for two years from the date of issuance.
7	DP for an accessory building or buildings	DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15D: Intensive Residential – Duplex DPA 15E: Intensive Residential – Garden Suites	Permit is valid for two years from the date of issuance.
8	DP for floating buildings, floating building additions or floating structures of any size	Fisherman’s Wharf Marine District Zone within DPA 11: James Bay and Outer Harbour	Permit is valid for two years from the date of issuance.
9	DP for floating buildings, floating building additions and	All DP Areas and all HCAs	Permit is valid for two years from the date of issuance.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
	floating structures that do not exceed 100 m ² in floor area		
10	DP or HAP for the replacement of exterior materials on existing buildings	All DP Areas and all HCAs	Permit is valid for two years from the date of issuance.
22-057 22-026 23-085	11 DP or HAP for landscaping changes where there is an approved DP or HAP where no occupancy permit has been issued	All DP Areas and all HCAs, except: DPA 16A: General Urban Design, DPA 17 (HC): North Park Village Area, and HCA 2: Robert Street Heritage Conservation Area	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit.
22-026	12 DP or HAP for landscaping changes where there is an approved DP or HAP after the occupancy permit has been issued	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct HCA 1: Traditional Residential	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
		HCA 2: Robert Street	
22-026 23-085	13 DP or HAP for landscaping changes without an approved Development Permit or Heritage Alteration Permit	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 6B (HC): Small Urban Villages Heritage DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm - Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10B (HC): Rock Bay Heritage DPA 12 (HC): Legislative Precinct HCA 1: Traditional Residential HCA 2: Robert Street	The proposed landscaping must comply with applicable guidelines. Permit is valid for two years from the date of issuance.
23-085	14 DP or HAP for temporary buildings and structures that do not exceed 100 m ² in floor area	All DP Areas and all HCAs	Temporary buildings and structures located on private property. Covenant in place to ensure removal of temporary buildings or structures within two years from the date of issuance of the Development Permit for the temporary building or structure.
22-085	15 DP or HAP for temporary construction trailers and temporary residential unit sales trailers	All DP Areas and all HCAs	Temporary construction trailers and temporary residential unit sales trailers located on private property. Covenant is in place to ensure removal of temporary construction trailers and temporary residential unit sales trailers subject to the following time frame:

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			<ul style="list-style-type: none"> ○ Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or ○ Six months after the date that the principal building or structure on the property is no longer the subject of a valid and subsisting Building Permit; or ○ If neither a Building Permit or Occupancy Permit is required or will be issued for the principal building on the property, then two years from the date of issuance of the Development Permit for the temporary construction trailers and temporary residential unit sales trailer.
16	DP for new buildings and building additions that are less than 150m ² in floor area.	CD-9 Zone, Dockside District within DPA 13: Core Songhees	<p>The proposed building and building addition must comply with applicable guidelines</p> <p>Permit is valid for two years from the date of issuance.</p>
17	DP for changes to landscaping previously approved under a Development Permit or Heritage Alteration Permit	CD-9 Zone, Dockside District within DPA 13: Core Songhees	<p>The proposed landscaping must comply with applicable guidelines or be in accordance with a landscape plan that is attached to and form part of an approved permit.</p> <p>Permit is valid for two years from the date of issuance.</p>
18	<p>A DP or HAP with a parking variance, where:</p> <ul style="list-style-type: none"> i) the DP or HAP is delegated elsewhere in this table; and ii) the change of use is permitted in the zoning bylaw; and iii) the variance does not exceed 20 motor vehicle parking stalls; and iv) the total variance of long-term and/or short- 	All DP Areas and all HCAs	The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues and that suitable Transportation Demand Management measures are

23-085

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
	term bicycle parking stalls does not exceed 6 stalls.		secured by legal agreement as required. Permit is valid for two years from the date of issuance.
22-085 19	A DP or HAP with a parking variance, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the change of use is permitted in the zoning bylaw; and iii) the existing number of parking stalls is lawfully non-conforming pursuant to section 525 and 529 of the <i>Local Government Act</i> ; and iv) the proposed new use requires no more than 20 additional motor vehicle parking stalls, even if the total variance for the building exceeds 20 motor vehicle parking stalls; and v) the proposed new use requires no more than 6 additional bicycle parking stalls, even if the total variance for the building exceeds 6 bicycle parking stalls.	All DP Areas and all HCAs	The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues and that suitable Transportation Demand Management measures are secured by legal agreement as required. Permit is valid for two years from the date of issuance.
23-085 20	A DVP for a minor parking variance, where the criteria to determine if a variance is minor is as follows: i) the change of use is permitted in the zoning bylaw; and ii) the variance does not exceed 20 motor vehicle parking stalls; and iii) the total variance of long-term and/or short-term bicycle parking stalls does not exceed 6 stalls.	N/A	The Director is satisfied that the proposed variance is in accordance with the following guidelines: i) the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues, and ii) suitable Transportation Demand Management

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			<p>measures are secured by legal agreement as required.</p> <p>Permit is valid for two years from the date of issuance.</p>
21	<p>A DVP for a minor parking variance, where the criteria to determine if a variance is minor is as follows:</p> <ul style="list-style-type: none"> i) the change of use is permitted in the zoning bylaw; and ii) the existing number of parking stalls is lawfully non-conforming pursuant to section 525 and 529 of the <i>Local Government Act</i>; and iii) the proposed new use requires no more than 20 additional motor vehicle parking stalls, even if the total variance for the building exceeds 20 motor vehicle parking stalls; and iv) the proposed new use requires no more than 6 additional bicycle parking stalls, even if the total variance for the building exceeds 6 bicycle parking stalls. 	N/A	<p>The Director is satisfied that the proposed variance is in accordance with the following guidelines:</p> <ul style="list-style-type: none"> i) the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues, and ii) suitable Transportation Demand Management measures are secured by legal agreement as required. <p>Permit is valid for two years from the date of issuance.</p>
22	<p>DP, with or without variances, for new buildings, building additions, structures and equipment for residential developments with secured affordability</p>	All DP Areas	<p>The proposed development complies with the applicable guidelines.</p> <p>The proposed development is:</p> <ol style="list-style-type: none"> 1. subject to a legal agreement securing affordability and rental tenure for a minimum period of 60 years, and is either: <ul style="list-style-type: none"> a. wholly owned and operated by a public housing body, as prescribed in the <i>Residential Tenancy Act</i>, or

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			<p>b. operated by a public housing body, as prescribed in the <i>Residential Tenancy Act</i>, pursuant to a legally binding arrangement with the property owner; or</p> <p>2. subject to a legal agreement securing affordability for a minimum period of 60 years and is either wholly owned and operated by a housing cooperative meeting the below requirements, or operated by a housing cooperative that meets the below requirements and operates the development pursuant to a legally binding arrangement with the property owner:</p> <p>a. the housing cooperative must</p> <p>i. be a housing cooperative pursuant to the <i>Cooperative Association Act</i>,</p> <p>ii. have purposes including the provision of affordable housing to low- or moderate-income households, and</p> <p>iii. have constating documents preventing the remuneration of directors and providing for the disposition of assets on dissolution or wind-up to an organization with similar purposes and restrictions.</p> <p>Permit is valid for two years from the date of issuance.</p>

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Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
23	<p>A Development Variance Permit, a DP with a variance or a HAP with a variance where the variance relates to:</p> <ul style="list-style-type: none"> i) the number of accessible parking spaces or van accessible parking spaces ii) the design specifications of spaces described in i) above iii) the number of motor vehicle parking stalls resulting from a requirement to install accessible parking spaces or van accessible parking spaces 	All DP Areas	<p>The proposed development complies with the applicable guidelines</p> <p>The applicant has provided evidence to the satisfaction of the Director that demonstrates that site conditions prevent:</p> <ul style="list-style-type: none"> i) the number of required accessible or van accessible parking spaces from being installed; ii) full compliance with the design specifications; <p>and that all reasonable efforts have been made to maximize the provision of accessible or van accessible parking spaces and/or to comply with the design specifications.</p> <p>Where the provision of accessible parking results in a variance relating to motor vehicle parking stalls, including visitor stalls, the Director is satisfied that this variance does not adversely impact the neighbourhood by unduly contributing to on-street parking issues.</p> <p>Permit is valid for two years from the date of issuance.</p>
24	DPs for new buildings, building additions, structures, landscaping and equipment	DPA 15F: Missing Middle Housing	<p>The proposed development complies with the applicable guidelines.</p> <p>Permit is valid for two</p>

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23-085

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			years from the date is issuance.
23-085 25	DPs or HAPs, with or without variances, for new buildings, building additions, structures and equipment for child care facilities	All DP Areas	The proposed development complies with the applicable guidelines Permit is valid for two years from the date of issuance.
23-085 26	A DP or HAP with minor variance(s) related to size, siting, or dimensions of a building, structure or use that is permitted on the land, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the criteria to determine if a proposed variance is minor is in Schedule D-1.	All DP Areas and all HCAs	The proposed development complies with the applicable guidelines. Permit is valid for two years from the date of issuance.
27	A DVP for minor variance(s) related to size, siting, or dimensions of a building, structure or use that is permitted on the land, where the criteria to determine if a proposed variance is minor is in Schedule D-1.	N/A	The Director is satisfied that the proposed variance is in accordance with the guidelines in Schedule D-2. Permit is valid for two years from the date of issuance.
28	A DP or HAP with minor variance(s) related to design standards of parking, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the criteria to determine if a proposed variance is minor is when the variance is related to any of the following: • Sections 2-3 of Schedule C of the Zoning Regulation Bylaw; or • Sections 5.1.2-5.1.5 of Zoning Bylaw 2018.	All DP Areas and all HCAs	The Director is satisfied that the proposed variance would not result in any safety or accessibility concerns or operational issues. Permit is valid for two years from the date of issuance.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
29	<p>A DVP for minor variance(s) related to design standards of parking, where the criteria to determine if a proposed variance is minor is when the variance is related to any of the following:</p> <ul style="list-style-type: none"> • Sections 2-3 of Schedule C of the Zoning Regulation Bylaw; or • Sections 5.1.2-5.1.5 of Zoning Bylaw 2018. 	N/A	<p>The Director is satisfied that the proposed variance is in accordance with the following guidelines: the proposed variance would not result in any safety or accessibility concerns or operational issues.</p> <p>Permit is valid for two years from the date of issuance.</p>
24-021 30	<p>A DP or HAP, with or without variances, for new buildings and building additions for small-scale multi-unit housing in a restricted zone.</p>	All DP Areas	<p>The proposed development complies with the applicable guidelines.</p> <p>Permit is valid for two years from the date of issuance.</p>
24-021 31	<p>A DP or HAP, with or without variances, for new residential or mixed-use buildings or additions, up to 2.5:1 FSR and six storeys, where at least 50% of the total floor area is comprised of residential use.</p>	All DP Areas and all HCAs	<p>The proposed development complies with the applicable guidelines.</p> <p>Permit is valid for two years from the date of issuance.</p>

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Schedule D-1

CRITERIA FOR MINOR VARIANCES

A permit for or with minor variances related to size, siting, or dimensions of a building, structure or use that is permitted on the land, may be considered by the Director if the variance is minor pursuant to the following criteria.

23-085

A variance is minor if:

1. the applicant has demonstrated to the satisfaction of the Director that:
 - a. they have explored all reasonable alternative solutions to the variance and none are available; and
 - b. any possible mitigations to issues related to the variance have been incorporated into the proposal; and
2. the Director is satisfied based on evidence provided by the applicant and the particular circumstances of the application, that the variance would:
 - a. be unnoticeable by a typical user of the site, and nearby private and public property; or,
 - b. not have a substantial negative impact on the livability and functionality of any of the subject site, nearby private property, or nearby public property, including impacts on:
 - i. Shadowing
 - ii. Privacy
 - iii. Usable outdoor space
 - iv. Natural features and vegetation
 - v. Access, connectivity or function for any pedestrians or vehicles (motorized and non-motorized)
 - vi. Access to or operations of underground infrastructure
 - vii. Street Vitality

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Schedule D-2

GUIDELINES FOR DEVELOPMENT VARIANCE PERMITS

23-085

These guidelines are intended to provide a framework for the Director when reviewing a development variance permit for minor variances related to siting, size, and dimensions of a building, structure, or use permitted on the land, in conjunction with the specific circumstances of the proposal including the site conditions, constraints, and context.

The Director shall consider the following guidelines when deciding whether to issue any development variance permit application for minor variances:

- a. For applications within the *Downtown Core Area Plan* (2011) boundaries:
 - i. Downtown Core Area Plan (2011) – with special attention to the following sections:
 - 1. Appendix 1: Public Outward View Guidelines
 - 2. Appendix 2: Public External View Guidelines
 - 3. Appendix 3: Sidewalk Width Guidelines
 - 4. Appendix 4: Building Design Guidelines
- b. For applications located outside of the *Downtown Core Area Plan* (2011) boundaries related to:
 - i. mixed-uses, uses other than residential, or residential with seven or more dwelling units:
 - 1. General Urban Design Guidelines (2022).
 - ii. residential uses with less than seven dwelling units:
 - 1. Missing Middle Design Guidelines (2022).

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Schedule E

LANDSCAPE SECURITY

1 Landscape security amount

The landscape security shall be calculated at 120% of the total landscaping cost, based on an estimate of the landscaping costs that the applicant provides to the Director, with a minimum landscape security of \$2000.

2 Landscaping costs

(a) The landscaping costs that must be included within the estimate provided to the Director include but are not limited to the following:

- (1) Tree protection measures;
- (2) Landscape grading;
- (3) Landscape retaining walls;
- (4) Landscape paving including structural bases;
- (5) Landscape structures, such as fences, screen walls, living walls, built-in planters, and shade structures;
- (6) Landscape furnishings, such as benches and seating, bicycle parking facilities, waste and recycling containers, recreational equipment, and play equipment;
- (7) Plant materials, such as trees, shrubs, perennials, grasses or other ground cover;
- (8) Green roofs;
- (9) Sod and seeding;
- (10) Growing medium;
- (11) Structural soil cells;
- (12) Water features;
- (13) Site lighting;
- (14) Labour;

- (15) Irrigation; and
 - (16) Other landscape materials.
- (b) All estimated costs provided under subsection (a) must include applicable taxes.

24-045

Schedule F
[Repealed]

24-045

Schedule G
[Repealed]