

NO. 18-090

## LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 9)

### A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Land Use Procedures Bylaw to amend the definition of “affordable housing” and application fees relating to affordable housing, accessory dwelling units and emergency preparedness containers.

Under its statutory powers, including Part 14 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

#### Title

1. This Bylaw may be cited as the “LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 9)”.

#### Amendments

2. Bylaw No. 16-028, Land Use Procedures Bylaw, 2016, is amended as follows:
  - (a) in section 4, by repealing the definition of “affordable housing” and replacing it with the following:

“**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”,
  - (b) by repealing Schedule A and replacing it with the new Schedule A attached to this Bylaw as Appendix 1.

#### Effective Date

3. This Bylaw comes into force on adoption.

READ A FIRST TIME the day of 2018

READ A SECOND TIME the day of 2018

READ A THIRD TIME the day of 2018

ADOPTED on the day of 2018

CITY CLERK

MAYOR

## Appendix 1

### City of Victoria Bylaw No. 16-028

#### Schedule A

#### APPLICATION FEES

##### 1 Pre-application fee

The pre-application fee for giving notice of a Community Meeting, is:

- (1) \$750 if notice of a Community Meeting must be given to owners and occupiers of properties within 100 metres of the subject property; or,
- (2) \$1250 if notice of a Community Meeting 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 Regulation Bylaw* amendment;
  - (b) an application to amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
  - (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;
  - (d) 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;
    - (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.
  - (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.
  - (d) 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) For applications described in paragraphs (5)(a)(i), (ii) and (iii), no fee is required pursuant to paragraph (5) if the application also includes an application under paragraph (2), in which case the base application fee in paragraph (3) applies.
- (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.
- (8) Notwithstanding paragraph (4), the base application fee for a permit which the Director is authorized to issue is \$200. Where a parking variance is proposed an additional fee of \$250 will apply.
- (9) Notwithstanding paragraph (8), the base application fee for a permit which the Director is authorized to issue in:
- (a) Development Permit Area 16 for buildings over 100 m<sup>2</sup> is 50% of the development permit fee as provided in paragraph (5);
  - (b) Development Permit Area 15E is 50% of the development permit fee as provided in paragraph (5).

- (10) 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 m<sup>2</sup> in floor area; and
  - (b) that does not fall within paragraph (8).
- (11) For a heritage alteration permit in which the proposed development is for a single family dwelling or a duplex:
  - (a) If there are no variances, no application fee is required;
  - (b) If there are variances, the base application fee is not required, but the fee for each variance is \$250.
- (12) 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.
- (2) The administration fee for an application in respect of which Council provides an opportunity for public comment, payable when Council determines the date of the opportunity for public comment, is as follows:
  - (a) For a temporary use permit: \$1800;
  - (b) For all other applications: \$200.

### **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. If the revised plans do not address the requirements as set out in the Application Review Summary, a fee of \$500 shall be required for each subsequent resubmission until all technical requirements have been addressed to the satisfaction of the Director.

- (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 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.