

NO. 19-037

**LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 10)**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to amend the *Land Use Procedures Bylaw* to:

1. clarify certain provisions in relation to fees and process;
2. add row numbers for ease of reference in Schedule D;
3. add a type of parking variance and Development Permit Area 15F to the list of delegated permits in Schedule D; and
4. update and clarify the items required in a landscape security estimate in Schedule E.

**Contents**

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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. 10)".

**Definition**

2. "LUP Bylaw" means Bylaw No. 16-028, Land Use Procedures Bylaw, 2016.

**Amendments**

3. The LUP Bylaw is amended as follows:
  - (a) in section 4, under the definition of "zoning bylaw", by adding "and Zoning Bylaw 2018" after "the City's Zoning Regulation Bylaw";
  - (b) by striking out section 21 and replacing it with:

"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    - a. a 90% refund if the application is withdrawn or cancelled within 15 business days from the date of submission; or
    - b. a 75% refund if the application is withdrawn or cancelled within 40 business days from the date of submission.";

- (c) in section 24, by inserting "(a)" prior to "If an application", and inserting the following new subsection:

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

- (d) in section 25, by:

(i) adding "(a)" prior to "An applicant wishing to";

(ii) striking out "closed file" and replacing it with "cancelled file under Section 24(a)";

(iii) inserting the following new subsection:

"(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 35 and pay the application fee prescribed in Schedule A of this Bylaw.";

- (e) by striking out section 28 and replacing it with:

"Section 27(a) does not apply to City-initiated amendments."

- (f) in section 50(a), by inserting "or under the Director's delegated authority;" after "by Council".

4. The LUP Bylaw is amended in Schedule A as follows:

- (a) by striking out section 2(5)(f), and replacing it with:

"(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).";

- (b) by striking out section 2(11) and replacing it with:

"(11) Notwithstanding paragraphs 4(b) and 8, 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.";

- (c) in section 4(1), by striking out "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.”; and

- (d) in section 4(3), by inserting “City staff,” immediately after “comments arising from”.

5. The LUP Bylaw is further amended as follows:

- (a) by striking out section 4 in each of Schedules B and C and replacing it with:

“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.”

- (b) by repealing Schedules D and E and replacing each with the respective Schedules D and E attached as Schedule 1 to this Bylaw.

#### **Effective Date**

6. This Bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2019
READ A SECOND TIME the	day of	2019
READ A THIRD TIME the	day of	2019
ADOPTED on the	day of	2019

CITY CLERK

MAYOR

### Schedule 1

### 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	DP or HAP 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	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"> <li>o unexpired at the time of application;</li> <li>o unchanged from the original application; and</li> <li>o not subject to any new policies or regulations.</li> </ul> Permit valid for two years from the date of issuance.
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.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
6	DP for new buildings, building additions, structures and equipment that are less than 100 m <sup>2</sup> 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 DPA 15F: Intensive Residential – Attached Residential Development	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 floating structures that do not exceed 100 m <sup>2</sup> in floor area	All DP Areas and all HCAs	Permit is valid for two years from the date of issuance.
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.
11	DP or HAP for landscaping changes where there is an approved DP or HAP where no occupancy permit has been issued	DPA 1 (HC) 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	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
		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 DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15C: Intensive Residential - Rockland DPA 15D: Intensive Residential - Duplex DPA 15E: Intensive Residential - Garden Suites DPA 16: General Form and Character DPA 15F: Intensive Residential – Attached Residential Development HCA 1: Traditional Residential	
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
13	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	The proposed landscaping must comply with applicable guidelines.  Permit is valid for two years from the date of issuance.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
		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	
14	Temporary buildings and structures that do not exceed 100 m <sup>2</sup> 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.
15	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: <ul style="list-style-type: none"> <li>○ Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or</li> <li>○ 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</li> <li>○ 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.</li> </ul>

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
16	DP for new buildings and building additions that are less than 150m <sup>2</sup> in floor area.	CD-9 Zone, Dockside District within DPA 13: Core Songhees	The proposed building and building addition must comply with applicable guidelines Permit is valid for two years from the date of issuance.
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	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. Permit is valid for two years from the date of issuance.
18	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 relates to a commercial, institutional or industrial use; and iii) the variance does not exceed 5 motor vehicle parking stalls; and iv) the total variance of long-term and/or short-term bicycle parking stalls does not exceed 6 stalls.	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 Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage 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 DPA 16: General Form and Character	The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to on-street parking issues.
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 relates to a commercial, institutional or industrial use; and iii) the existing number of parking stalls is lawfully non-conforming pursuant to section 525 and	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 Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage 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	The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to on-street parking issues.



Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
	<p>529 of the <i>Local Government Act</i>; and</p> <p>iv) the proposed new use requires no more than 5 additional motor vehicle parking stalls, even if the total variance for the building exceeds 5 motor vehicle parking stalls; and</p> <p>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.</p>	<p>DPA 14: Cathedral Hill Precinct</p> <p>DPA 16: General Form and Character</p>	

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

**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.