

TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Tree Preservation Bylaw* to:

1. ensure that trees are not cut down unnecessarily in the process of construction; and
2. update definitions and internal references so that they are accurate and current.

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Under its statutory powers, including section 8(3)(c) of the *Community Charter*, 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 “TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)”.

Amendments

- 2 Bylaw No. 05-106, the Tree Preservation Bylaw, is amended in section 2 as follows:

- (a) by repealing the definition for “building envelope” and substituting the following definition:

“means that part of a lot on which the primary building may be sited under the setback regulations of the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,

- (b) by repealing the definition for “building envelope line” and substituting the following definition:

“means the setback of the primary building established under the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,

- (c) under the definition of “protected tree”, at paragraph (i), by striking out “80cm” and replacing it with “30cm”,

- (d) under the definition of “tree”, by striking out “living,” and

- (e) by striking out “60cm” and replacing it with “30cm” in paragraphs (e), (f) and (g) of the definition of “protected tree”.

3 The Tree Preservation Bylaw is further amended in section 5 as follows:

- (a) in subsection (2)(c)(i), by striking out “85” and replacing it with “112(2)”, and
- (b) by inserting the following new subsection directly after subsection (2)(c)(ii):

“(3) For the purposes of subsection (2), it is deemed not to be necessary or required to remove, cut down or alter the protected tree or protected tree seedling if it is possible to construct or install the accessory building, driveway, off-street parking or utilities service connections in a different location on the lot without removing, cutting down or altering the tree.”.

4 The Tree Preservation Bylaw is further amended as follows:

- (a) in section 11, by inserting the following directly after “falling”:

“, as confirmed by a certified arborist who holds the International Society of Arboriculture’s Tree Risk Assessment Qualification (TRAQ)”.

- (b) in section 17(2), by striking out “\$350.00” and replacing it with “\$700.00”,
- (c) in section 19(1)(a), by striking out “\$30.00” and replacing it with “\$50.00”,
- (d) in section 17, by inserting the following new subsection directly after subsection (3):

“(4) For the purposes of subsection 1(g), if the permit holder provides evidence to the Director that a replacement tree or tree seedling cannot be accommodated on the same lot without compromising sound arboricultural practices due to the size or other characteristics of the lot, and the Director is satisfied of the same, then:

- (a) the permit holder must provide to the City \$2000.00 cash-in-lieu for each replacement tree or tree seedling that cannot be accommodated, and such money shall then be used for the planting of trees on other sites; and
- (b) the amount of security that the applicant is to provide pursuant to subsection (2) will not include security for each replacement tree or tree seedling that is not being accommodated on the same lot in accordance with this subsection (4).”, and

- (e) by inserting the following new section 25 directly after section 24:

“Transition Provision

- 25.** If the City received an application for a permit, licence or other City approval on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application.”.

Repeal of Transition Provision

- 5** Section 4(e) of this Bylaw is repealed.

Commencement

- 6** This Bylaw comes into force on adoption, except section 5, which comes into force five years after the date of adoption of this Bylaw.

READ A FIRST TIME the **19th** day of **September** 2019

READ A SECOND TIME the **19th** day of **September** 2019

READ A THIRD TIME the **19th** day of **September** 2019

RESCIND THIRD READING the day of 2019

AMENDED the day of 2019

READ A THIRD TIME the day of 2019

ADOPTED on the day of 2019

CITY CLERK

MAYOR