



## **Development Application Procedures Bylaw No. 4844, 2023**

### **Consolidated for Convenience Only**

**This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and application of the bylaws of this subject.**

Consolidated up to **November 10, 2025**, to include Bylaws:

4858      Adopted Mar. 25, 2024

4870      Adopted Nov. 10, 2025

# THE CORPORATION OF THE DISTRICT OF OAK BAY

## BYLAW NO. 4844

### DEVELOPMENT APPLICATION PROCEDURES BYLAW

#### A BY-LAW TO ESTABLISH DEVELOPMENT APPLICATION PROCEDURES AND DEVELOPMENT APPROVAL INFORMATION REQUIREMENTS WITHIN THE DISTRICT OF OAK BAY

The Municipal Council of the District of Oak Bay in an open meeting assembled enacts as follows:

#### 1. DEFINITIONS

The definitions in the *Local Government Act* RSBC 2015, c 1, *Community Charter* and District of Oak Bay Zoning Bylaw, as amended from time to time, are applicable to this bylaw, except those listed below:

**“Applicant”** means a person or entity that applies for an Application in relation to a matter outlined in Section 3.

**“Application”** means a request for an amendment to a District bylaw, for an issuance of a land use permit, or for other development approval or agreement submitted by an **Applicant** in relation to any matter outlined in Section 3.

**“Commission”** means an advisory commission established by Council bylaw and includes the **Advisory Planning Commission, Advisory Design Panel and Heritage Advisory Commission**.

**“Director”** means the Director of Community Building and Planning Services for the **District** or their designate.

**“District”** means the Corporation of the District of Oak Bay.

**“Official Community Plan”** or **“OCP”** means the Official Community Plan attached to the District of Oak Bay Official Community Plan Bylaw No. 4620 (2014).

**“Owner”** means, in respect of real property, all registered owners of a **Site**, as verified through a recent Land Title Office search, and includes an agent authorized by the **Owner** in writing.

**Planning, Building and Development Fees and Charges Bylaw**” means Planning, Building and Development Fees and Charges Bylaw No. 4845, 2023

**“Qualified Professional”** means the following professionals with experience relevant to the applicable matter, as determined by the **Director**: a professional engineer, geoscientist,

architect, landscape architect, biologist, planner or other professional licensed to practice in British Columbia, including a “qualified environmental professional” as defined in the Riparian Areas Protection Regulation, BC Reg 178/2019.

“**Site**” means an area of land consisting of one or more registered lot(s) subject to an **Application**.

“**Uplands Siting and Design Approval**” means an application for siting and design approval under the Uplands Regulations Bylaw No. 3545.

“**Zoning Bylaw**” means District of Oak Bay Zoning Bylaw No. 3531.

## 2. INTERPRETATION

- a) Any enactment referred to in this bylaw is a reference to an enactment of:
  - i) the **Council of the District**, or
  - ii) British Columbiaas amended, revised, consolidated or replaced from time to time.
- b) If any section, subsection, sentence, clause, definition, phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid provision must be severed from this bylaw with the remainder of the bylaw left valid and enforceable.
- c) This Bylaw is not intended to conflict with any provision of the *Local Government Act* relating to any application or to fetter any statutory authority of the **District**.

## 3. SCOPE

This bylaw applies to an **Application**:

- a) for:
  - i) an amendment to the **Official Community Plan**;
  - ii) an amendment to the **Zoning Bylaw**;
- b) for the issuance of:
  - i) a Development Permit;
  - ii) a Development **Permit** with Variances;
  - iii) a Development Variance Permit;
  - iv) a Heritage Alteration Permit;
  - v) an **Uplands Siting and Design Approval**;  
*[Note: Temporary Use Permits are not presently authorized by the District's Official Community Plan.]*
- c) for:
  - i) a Phased Development Agreement;
  - ii) an Heritage Revitalization Agreement; and

- iii) a modification or discharge of a Covenant or other Charge registered under *the Land Title Act* in favour of the **District**.

## 4. APPLICATION PROCEDURES & REQUIREMENTS

### 4.1 General Procedures for all Applications

- a) Procedures under which an **Owner** may apply for an amendment to the **Official Community Plan** or the **Zoning Bylaw**, or both, are set out in Schedule A.
- b) Procedures under which an **Owner** may apply for a Heritage Revitalization Agreement or Phased Development Agreement are set out in Schedule B.
- c) Procedures under which an **Owner** may apply for a Development Permit, Development Permit with Variances or **Uplands Siting and Design Approval** are set out in Schedule C.
- d) Procedures under which an **Owner** may apply for a Heritage Alteration Permit are set out in Schedule D.
- e) Procedures under which an **Owner** may apply for a Development Variance Permit are set out in Schedule E.
- f) Applications for other approvals and agreements related to development shall be made to the **Director**, and provide information reasonably required by the **Director** to process such applications in compliance with statutory requirements and, where necessary, seek Council's approval.

### 4.2 General Requirements for all Applications

In addition to **Application** requirements and procedures found in Schedules A, B, C, D, and E of this bylaw, which are incorporated into and form part of this Bylaw, the following are required for all **Applications**:

- a) An **Application** shall be made to the **Director** and shall be executed in writing by the **Owner(s)** of the **Site** that is the subject to the **Application**.
- b) If there is a change of ownership of a **Site** that is the subject to an existing **Application**, the **Applicant** must promptly provide an updated title certificate and written authorization from the new **Owner**, and the **Director** may delay proceeding further with the **Application** until this information and authorization is provided.
- c) An **Application** shall:
  - i) be submitted to the **Director** in the form prescribed by the **Director**, which shall be made available on the **District's** website, and
  - ii) include all information required by the form and the **Director** pursuant to this Bylaw; and
  - iii) be accompanied by all relevant fees (e.g. application, legal, public hearing, etc.), as outlined in the **Planning, Building and Development Fees and Charges Bylaw**, made payable to the **District**.

#### 4.3 Incomplete and Renewed Applications

- a) If an incomplete **Application** is submitted, the **Application** shall not be considered to be accepted until the **Director** advises it will be processed. If the **Director** refuses to process an **Application**, the **Director** will inform the **Applicant**, verbally or in writing, what is required for the **Application** to be considered complete.
- b) An **Application** that has been substantially inactive or incomplete for a period of 180 days, as determined by the **Director**, will be considered as abandoned, such **Application** will be closed following 30 days written notice. The **Director** may consider a written request from the **Applicant** for extension of the time frames imposed by this section provided such request is made before the **Application** is closed.
- c) If an **Application** has been closed, the **Applicant** must, even if the new **Application** is substantially the same as the closed Application, begin the **Application** process again in accordance with this Bylaw and submit a new complete **Application** and fees.

#### 4.4 Re-application following Refusal

- a) Where an **Application** that has been refused by Council or a delegated decision making authority, re-application shall not be permitted for a period of six (6) months immediately following the date of refusal, except as permitted pursuant to the provisions of the *Local Government Act*.
- b) A re-application is considered a new application and additional fees apply.
- c) Revised **Applications** that are, in the opinion of the **Director**, significantly different from an **Application** that has been refused can be accepted for consideration immediately as a new **Application** subject to satisfying all the requirements of this Bylaw anew.

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#### 4.5 Applications Requiring a Professional

Where a development proposal indicates a building that meets one or more of the following criteria, all building plans, elevations and floor plans must be completed by a registered architect in good standing and licensed to practice in British Columbia, and where and if applicable, other **Qualified Professional(s)** in good standing and licensed to practice in British Columbia, subject to and in compliance with the *Professional Governance Act*, SBC 2018, c. 47, *Professional Governance Act Architects Regulation*, BC Reg. 33/2023 and all other applicable provincial legislation:

- a) The building footprint exceeds 600m<sup>2</sup> ;
- b) The building height is four (4) or more storeys;
- c) The building contains five (5) or more dwelling units, as defined in the Building Code, the British Columbia Building Code established by the order of the Minister of Municipal Affairs and Housing numbered BA 2018 1 and dated July 16, 2018 ("Building Code");
- d) A mixed-use building that has a gross area that exceeds 470 m<sup>2</sup> and that has one or more dwelling units as defined in the *Building Code*;

- e) A mixed-use building that has one or more dwelling units, as defined in the *Building Code*, in combination with assembly occupancy, care occupancy, detention occupancy or treatment occupancy as all of those terms are defined in the *Building Code*;
- f) A hotel as defined in the *Hotel Guest Registration Act*, RSBC 1996, c. 205 that has a gross area that exceeds 470 m<sup>2</sup>;
- g) The building is used for care occupancy and treatment occupancy or detention occupancy, as all of those terms are defined in the *Building Code*;
- h) The building is used for assembly occupancy, Group A, Divisions 1, 3, 4, as defined in the *Building Code* except as permitted in Article 3.1.2.6 of the *Building Code*;
- i) The building is used for business and personal services occupancy, mercantile occupancy or medium-hazard and low-hazard industrial occupancy as all of those terms are defined in the *Building Code* if the building has a gross area that exceeds 470m<sup>2</sup>;
- j) The building is used for high-hazard occupancy as defined in the *Building Code*; or
- k) The building requires firewalls as provided for in the *Building Code* with a common egress system for occupants.

## 5. PUBLIC NOTIFICATION & CONSULTATION

### 5.1 Public Notification by the District

- a) In accordance with the *Local Government Act*, the distance specified for Notice from the **District** is 50 metres from the legal boundaries of the **Site** subject to an **Application**.
- b) The **Director** may be required to give additional notification by unanimous vote of the Council present.

### 5.2 Applicant Public Information Meetings

#### 5.2.1 Applicant Public Information Meeting Requirement

- a) The **Owner** must hold a public information meeting prior to **Council** considering an **Application** for an **Official Community Plan** amendment, **Heritage Revitalization Agreement** or **Phased Development Agreement** in order to provide an additional opportunity for the public to access information and to enquire about the **Application**.
- b) The **Director** may require the **Owner** to hold a public information meeting prior to **Council** considering an **Application** for a **Zoning Bylaw** amendment in order to provide an additional opportunity for the public to access information and to enquire about the **Application**.

#### 5.2.2. Applicant Public Information Meeting Standards

If a public information meeting is required, it is the **Owner's** responsibility to arrange and conduct the meeting to the satisfaction of the **District** and principles of procedural fairness, including according to the following standards:

- a) Notice of the location, time and duration of a public information meeting shall be given in accordance with the intent to provide a reasonable opportunity for the public to access information and to enquire thoroughly about the proposal. Where possible, the meeting should be held in the area most impacted by the proposal.
- b) Prior to initial consideration of the **Application** by **Council**, the **Applicant** shall submit to **District** staff a report summarizing the public information meeting and provide, at a minimum, a general summary of the public information meeting outlining any discussions and issues raised by those attending that includes responses to the following questions:
  - i) Where was the meeting held?
  - ii) At what time and for what duration was the meeting held?
  - iii) How many people attended the meeting?
  - iv) How was the meeting advertised?
  - v) How were surrounding property owners notified of the meeting?
  - vi) What information was provided at the meeting?

### **5.3 Public Notification Sign by the Applicant.**

- a) The **Applicant** is required, at its own cost, to post a development notification sign in accordance with the requirements and specifications identified in Schedule F for an Application for an **Official Community Plan** amendment, **Zoning Bylaw** amendment, Heritage Revitalization Agreement or Phased Development Agreement
- b) Failure to post a required development notification sign in accordance with this bylaw and its Schedules may result in the postponement of consideration of the **Application** by Council, and all costs incurred by the **District** for public notification as a result of such postponement will be the responsibility of the **Applicant**.

### **5.4 Additional Referral Process**

- a) Council may at any time in any application process require that an **Application** be referred to any **Commission**, internal staff or external agency for review, information and comment that Council considers appropriate.
- b) Such additional referral does not constrain Council in its decision-making process or require it to await comments from the referred party.

## **6. DELEGATION OF AUTHORITY**

- 6.1 Pursuant to the *Local Government Act*, Council delegates to the Director the duties and powers of Council as follows:
  - i) To establish and revise **Application** forms applicable to this Bylaw;
  - ii) To establish and revise the forms of permit applicable to this Bylaw (noting the forms included in the Schedules are for convenience and may be updated without amendment of this Bylaw);
  - iii) To determine whether to waive, in consideration of the type and magnitude of the **Application**:
    - a. the requirement for a Surveyors Certificate prepared by a BC Land Surveyor;
    - b. the level of detail required for **Site** Plans required with Applications;
  - iv) To determine whether a Public Information Meeting is required as per Section 5.2.of this Bylaw;
  - v) To require Development Approval Information as per Section 7 of this Bylaw.
  - vi) To determine whether to require additional information to be submitted with an **Application**, in consideration of the type and magnitude of the Application;
  - vii) To determine information requirements and procedures for other applications for approvals or agreements, related to development, not explicitly outlined in this Bylaw.

- viii) To determine whether to refer an **Application** to any of the **District's Commissions** for review, information and comment in accordance with the relevant **Commission Bylaw**, or to promptly direct the **Application** to Council without referral;
- ix) To determine whether and what additional information may be required on the Applicant's Public Notification Signage;
- x) To determine and provide Notice of First Reading in accordance with section 467 of the *Local Government Act*, and to prepare a zoning amendment bylaw for consideration by Council for **Zoning Bylaw** amendment applications that do not require a Public Hearing;
- xi) To determine whether and when to give notice for Development Variance Permits, subject to compliance with the *Local Government Act*.
- xii) To require security as a pre-condition or as a condition of the issuance of a Development Permit, **Uplands Siting and Design Approval** or Heritage Alteration Permit, noting the following guidelines:
  - a. For landscaping security, see Schedule G;
  - b. In addition to other security, the **Director** may require that the Applicant provide security in an amount equal to 125% of the cost of work that the **Director** reasonably considers may be required, in view of the scale and nature of the development being authorized, the nature of the **Site**, and the cost to the District of undertaking the work to correct an unsafe condition that could result from the contravention of a condition of the permit, including the cost of repairing any damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work;
  - c. In addition to other security, the **Director** may require that the Applicant provide security in an amount equal to 125% of the cost of work that the **Director** reasonably considers may be required, in view of the scale and nature of the development being authorized and the nature of the site, and the cost to the District of restoring or enhancing the natural environment to compensate for and correct damage to the environment that could result from the contravention of a condition of the permit;
  - d. In addition to other security, for a Heritage Alteration Permit, the **Director** may require additional security in an amount equal to 125% of a complete construction cost estimate for the work proposed to be undertaken under the HAP, in accordance with section 618 of the *Local Government Act* [to guarantee the performance of the terms, requirements and conditions of the permit], from a **Qualified Professional**.
  - e. When security is required, the **Owner** shall provide the security before undertaking any activity authorized by the permit, and:
    - i. when required as a pre-condition to a permit, before the Director signs and issues the permit; or
    - ii. when required as a condition of a permit, or incorporated into the terms of the permit, before receiving a building permit (failure to do so being cause to revoke such permit).

- xiii) For an **OCP Amendment**, to determine whether and what level of consultation is required with the government agencies, First Nations and other bodies listed in section 475(2)(b) of the *Local Government Act*.
- xiv) In order to avoid a permit lapsing, to approve or deny a written request for one extension up to twelve (12) months to an issued Development Permit, Development Variance Permit, Heritage Alteration Permit, or an **Uplands Siting and Design Approval** provided no change in the issued permit is proposed and provided there have been no material changes in the applicable guidelines. Any change to a permit or further extension of a permit will require a new **Application**.
- xv) To approve or deny a written request for minor amendments (as considered by the **Director**) to issued Development Permits, Heritage Alteration Permits or **Uplands Siting and Design Approvals**.
- xvi) To issue a development variance permit if the proposed variance is minor, and for this purpose.

**Criteria**

1. The criteria for determining whether a proposed variance is minor are as follows:

(a) Setback:

Variances to the minimum setback from building(s) or structure(s) to a property line, as set out in the Zoning Bylaw, where:

- (i) For individual setbacks, the resulting setback remains greater than or equal to 1.5 metres;
- (ii) For total side lot line setbacks, the proposed variance is for less than or equal to a 25% decrease; or,
- (iii) The proposed variance is to accommodate an existing building or structure where no change to the siting of the building or structure is proposed.

(b) Roof Height and Building Height:

Variances to the maximum permitted height of buildings or structures, as set out in the Zoning Bylaw, where:

- (i) The proposed variance is for an increase of 10% or less in excess of the allowed height; or,
- (ii) The proposed variance is to accommodate an existing building or structure where no change to the height of the building or structure is proposed.

(c) Projections into the Required Setback:

Any proposed variance to the regulations for projections into a required setback as set out in the Zoning Bylaw.

(d) Building Separation Regulation:

The proposed variance is for a reduction of not more than 10% of the building separation requirement as set out in the Zoning Bylaw.

(e) Siting of Paved Surfaces:

The proposed variance allows an increase in the maximum permitted paved surface area of 10% or less of the required paved surface area requirement as set out in the Zoning Bylaw.

(f) Live landscaping requirement:

Variances to the required live landscaping requirement as set out in the Zoning Bylaw where the variance is justified by a report from a Qualified Landscape Architect demonstrating why the requirement cannot be met on the site, and:

- (i) The proposed variance is for a reduction of 10% or less of the required live landscaping coverage; or,
- (ii) The proposed variance pertains to the configuration of the minimum consolidated live landscaping area but does not vary the total area required.

(g) Fence Height:

The proposed variance results in a fence height of no greater than 2.0 metres.

(h) Impermeable surface coverage:

The proposed variance is for an increase of 10% or less over the required impermeable surface coverage maximum as set out in the Zoning Bylaw.

Guidelines

2. The Director must consider the following guidelines in deciding whether to issue a development variance permit:

- (a) If the proposed variance is consistent with the general purpose or intent of the applicable bylaws and policies, including the Official Community Plan; and,
- (b) If the proposed variance is necessary to address a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.); or,
- (c) If there is a community, environmental, or heritage protection benefit to the larger community in granting the variance.

Decision by the Director

3. The Director, may, in their sole discretion, make any of the following decisions, all of which must be communicated to the owner who applied for the development variance permit (the “Applicant”):

- (a) If the Director has determined that the application is a minor variance as set out in Section 1 and has considered the guidelines in Section 2 above, issue the development variance permit, and include any conditions the Director deems appropriate;
- (b) The Director may refer the application to Council for Council’s consideration if

the Director determines that it would be in the public interest to do so (“Director Referral”);

(c) The Director may refuse to issue the development variance permit. If the Director refuses to issue the development variance permit, the Director must provide reasons in writing to the Applicant.

#### Director Referral and Reconsideration Process

4. If the Director opts for a Director Referral under Section 3(b) above, then the Director will provide the Municipal Clerk with the original application within ten (10) days of their decision to refer.

5. If the Director refuses to issue the development variance permit, under Section 3(c) above, then the Applicant may apply to have the decision reconsidered by Council by applying in writing to the Municipal Clerk within ten (10) days after the decision of the Director has been communicated in writing to the Applicant (the “Reconsideration Application”). The Applicant must include the following information in its Reconsideration Application:

- (a) The development variance permit application as it appeared before the Director;
- (b) A copy of the reasons provided by the Director under Section 3(c) above;
- (c) The reasons why the Applicant wishes Council to reconsider the decision; and,
- (d) The new decision the Applicant requests Council to make, with brief reasons to support the new decision.

6. When the Municipal Clerk receives either a Director Referral or Reconsideration Application, the Municipal Clerk must:

- (a) Schedule the item on the agenda of a regular meeting of Council in accordance with Sections 8 and 9 below; and,
- (b) Deliver to each Council member a copy of the information that was provided under Sections 4 and 5 above.

7. For the Director Referral, the Applicant is not required to pay an additional fee to have the item appear before Council.

8. For both the Director Referral and Reconsideration Application, waiver of notice under Section 499(1.1) of the Local Government Act does not apply, and the municipality is required to follow the notice requirements for development variance permits as set out under Section 499.1 of the Local Government Act.

9. Council must hear the Director Referral or Reconsideration Application within ten (10) weeks after the date of delivery to the Municipal Clerk.

*(\*\*Bylaw 4870, Nov. 10, 2025)*

**6.2** Where this bylaw delegates a power, duty or function, the delegation is also to the person who holds the deputy of that position when the **Director** is not available.

**6.3** A person to whom a power, duty or function has been delegated has no authority to further delegate to another person any power, duty or function that has been delegated by this bylaw.

## **7. AUTHORIZATION TO REQUIRE DEVELOPMENT APPROVAL INFORMATION**

- a) In accordance with the **OCP** that specifies circumstances or designates areas where “development approval information” may be required, the **Director** is authorized to require in writing that the **Applicant** provide development approval information in a report that is certified by a **Qualified Professional** that:
  - i) complies with and fully addresses term of reference which are provided by the **Director** in accordance with Section 7(b).
  - ii) identifies and defines the context, interaction, scope, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats;
  - iii) provides recommendations for conditions or requirements Council or the **Director** may impose to mitigate or ameliorate the anticipated impacts identified; and
  - iv) provides recommendations and details costs for modifications to the environment, or construction of works, required to mitigate or ameliorate the anticipated impacts.
- b) The **Director** may require the **Applicant** to provide information on, and a systematic detailed assessment of:
  - i) compliance of the activity or development with
    1. the **Official Community Plan**
    2. Regional Growth Strategy of the Capital Regional District
    3. and any other relevant **District** bylaw, plan or policy in preparation or adopted by Council;

- ii) compatibility with adjacent and community land uses, functions, form, character, aesthetics and scale of development;
- iii) socio-economic impacts affecting the day to day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, housing impacts including tenant relocation assistance, local services and socio-cultural issues;
- iv) land use impacts such as noise, vibration, glare and electrical interference;
- v) landscape and visual impacts including their nature, significance and magnitude and including impacts on view corridors and shadows, visual envelope, prominent features, experiential characteristics, and landscape character;
- vi) transportation demand management strategies, including, but not limited to transportation impacts, public transit service and requirements, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, **Site** access and egress, access network connectivity and accessibility;
- vii) retail trade impacts of a proposed commercial development, including but not limited to, the effects of additional competition, the effects on commercial vacancy rates, and the impacts to neighbourhood/sector stability;
- viii) air quality impacts including, but not limited to, pollution, dust, fumes, smoke and odours;
- ix) impacts to ground and surface water quality including, but not limited to, pollution, temperature, oxygen levels, acidity, nutrients, silts, and pathogens;
- x) geotechnical conditions including, but not limited to, soil composition, profile, classification, agricultural suitability and capability, geologic process and terrain stability;
- xi) hydrological and/or hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- xii) terrestrial and aquatic ecology including, but not limited to, biological diversity, impacts to flora and fauna, habitat size, complexity, fragmentation or isolation, change to suitability or capability, restoration, creation or enhancement;
- xiii) historical, heritage, cultural and archaeological buildings, sites or assets;
- xiv) the phasing and timing of the activity or development;
- xv) hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, storm surge, and inundation (including appropriate construction elevations and setbacks or other hazard);
- xvi) compatibility of the activity or project with adjacent **District** owned land, rights of way, covenants and easements;
- xvii) Local infrastructure and site servicing including, but not limited to, drainage, rainwater management, water, sewer and other utilities.
- xviii) community facilities and services including, but not limited to, schools, parks, recreation, emergency protective and health services;
- xix) climate change impacts including energy and green house gas emission impacts and
- xx) any other topic in relation to which the **Director** considers the proposed activity or development impacts the jurisdiction of the **District**.

- c) Where applicable, an assessment required under this section must make recommendations on measures to mitigate and to compensate for any impacts identified.
- d) The **District** may distribute a report and publicize the results of a report provided under this Section in accordance with the *Freedom of Information and Protection of Privacy Act*, and every report provided must contain an express grant of permission acknowledging this and allowing the District to use and reproduce it for non-commercial purposes.
- e) The **Director** will, when imposing requirements under this Section, advise the **Applicant** of their right to reconsideration under Section 8 of this Bylaw.

## 8. RECONSIDERATION

- a) **Applicant's Right to request Reconsideration:** If the **Applicant** objects with the **Director's** decision under this Bylaw, and is entitled to a right of reconsideration in accordance with the *Local Government Act*, an **Applicant** may request that Council reconsider the decision of the **Director** in accordance with the provisions for reconsideration set out in this Section.
- b) **Time limit for Reconsideration:** Within 20 days of being notified in writing of a decision of the **Director**, the **Applicant** may apply to the Corporate Administrator to have Council reconsider a decision of the **Director**.
- c) **Applicant's Reasons:** The Applicant must in writing identify brief reasons in support of their request for reconsideration and a copy of any materials relevant to the reconsideration.
- d) **Notice of Reconsideration:** The 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.
- e) **Representation to Council:** The **Applicant** may make oral or written submission to Council and may appoint a representative to make representation.
- f) **Council's Authority:** Council may either confirm the decision made by the **Director** or substitute its own decision.

## 9. FEES

The payment of **Application fees** by an **Applicant** is governed by the **Planning, Building and Development Fees and Charges Bylaw No. 4845, 2023**

## **10. SUSPENSION**

Any one or more of the procedures in this bylaw, except those that are required by provincial legislation may be temporarily suspended (either generally or specific to an Application) by unanimous vote of the Council present.

## **11. REPEAL**

“Oak Bay Land Use Procedures and Fees Bylaw No. 4653 (2015)”, and all its amendments are hereby repealed.

## **12. CITATION**

This Bylaw may be cited as the **“Development Application Procedures Bylaw No. 4844, (2023)”**

READ a first and second time by Municipal Council on the 31st day of July, 2023.

READ a third time by Municipal Council on the 31st day of July, 2023.

ADOPTED and FINALLY PASSED on the 11th day of September, 2023.

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Kevin Murdoch, Mayor

Chris Coates, Corporate Officer

Sealed with the Seal of the  
Corporation of the District of Oak Bay

## Schedule A

### Application to Amend the Official Community Plan or the Zoning Bylaw, or Both

#### A1. APPLICATION REQUIREMENTS

In addition to requirements identified in the main part of this Bylaw, the **Owner** is solely responsible for the provision of:

- a) The completed **application** form including the applicable fees and the authorizing signatures of the **Owner**.
- b) A Surveyors Certificate prepared by a BC Land Surveyor for the existing development on the subject property, with dimensions and areas, unless waived by the **Director**.
- c) Copy of current Title Certificate dated within 15 days of the **Application**, including copies of any covenants and other non-financial encumbrances on title.
- d) Project Description and Rationale, including review of applicable **OCP** policies.
- e) **Site Plan** which contains the following minimum information about the subject property, unless waived by the **Director**:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas.
  - iii) Significant physical features and topographic information, and all existing watercourses and wetlands, and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation;
  - vii) Details of proposed uses and buildings, including type and location of units;
  - viii) Roads, existing and/or proposed; and
  - ix) Open space.
  - x) Zoning Data Table
- f) Completed 'Site Disclosure Statement', as per the *Local Government Act and Environmental Management Act*, for the Site, or identification of the applicable exemption in accordance with the *Contaminated Sites Regulation*.
- g) Additional information as may be required by the **Director**, including in accordance with Section 6 and 7 of this Bylaw and in accordance with policies contained within the District's **Official Community Plan (OCP)**.

## **A2. PROCESSING PROCEDURE**

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the **Application**, and staffing considerations:

- a) Pre-Application meetings between **Owner** and Planning Staff are encouraged.
- b) **Owner** submits complete **Application** and fees to **District** Staff. Processing will not commence until all the **application** requirements are met and accepted by the Director. Staff will advise if the **Application** will not be processed and the **Applicant** will have the opportunity to complete the **Application**.
- c) Staff will provide the design of the required development notification sign notice sign to the **Applicant**, mapping of the area required for notification of the Neighbourhood Public Meeting, and mailing labels if requested.
- d) The **Applicant** shall:
  - i) install the Development Notification Sign in accordance with Section 5.3 and Schedule F;
  - ii) hold a Public Information Meeting in the District in accordance with Section 5.2 of this Bylaw;
  - iii) report to the **Director** in writing on the Development Notification Sign and the Public Information Meeting.
- e) The **Director** shall consider whether to exercise their delegated authority to require Development Approval Information in accordance with Section 7, and the **Applicant** shall provide such information if requested.
- f) Staff refer the **Application** to internal departments for their review and comment.
- g) Staff send the **Applicant** a Development Review Team (DRT) letter outlining **District** staff's comments on the **Application** and proposal and where necessary outlining the changes to the **Application** and proposal that may be needed for consistency with **District** Policies and Bylaws.
- h) **Applicant** submits revisions to the **Application** where necessary including any revised plans.
- i) Staff prepares a report for the relevant **Commission** as applicable. The **Applicant** is invited to attend any meeting where the **application** is being considered.
- j) If the *Local Government Act* does not require a Public Hearing, and a zoning amendment bylaw has been prepared for consideration by Council, Staff may prepare and give Notice of First Reading in accordance with section 467 of the *Local Government Act*.
- k) Staff prepares a report for Council outlining the **Application** and presenting the proposed bylaws and which may include:
  - i) the results of the Public Information Meeting;
  - ii) the recommendation(s) from the **Commission** as applicable;

- iii) recommendations regarding first and second readings on the proposed amendment bylaw(s);
- iv) if the **Application** includes an amendment to the **Official Community Plan**, the list of government agencies that might be affected by the proposal and information regarding the opportunities for consultation with one or more of the persons, organizations and authorities and whether it should be early and ongoing for Council's consideration; and
- v) scheduling of the Public Hearing, if required.

l) Council may, upon considering the **Application**, request additional information, give first and/or second readings to the amending bylaw, or may refer, table, or deny the **Application**.

m) Staff schedules the Public Hearing, if required by the *Local Government Act* or if requested by Council, and provides statutory notification and advertising, produces an agenda for the Public Hearing and distributes to Council.

n) District holds the Public Hearing, if required.

o) Following the Public Hearing(s) (or second reading where no hearing is required or held) Council, may without further notice, give the amending bylaw(s) third reading or may refer, table, or deny the **Application**. Council may, but is not required to consider adoption of an amending bylaw on the same night as third reading.

p) Staff prepares a report for adoption of the bylaw(s). If all conditions of third reading have been met, the bylaw(s) shall be considered for adoption.

q) Where an amending bylaw is only given third reading, Staff prepares a report for adoption of the bylaw(s). If all conditions of third reading have been met including registering of legal agreements, the bylaw(s) may then be forwarded to Council and be considered for adoption.

r) The **Applicant** is notified within 10 days of Council's decision.

## Schedule B

### Application for a Heritage Revitalization Agreement or Phased Development Agreement

#### **B1. APPLICATION REQUIREMENTS**

In addition to requirements identified in the main part of this Bylaw, the **Owner** is solely responsible for the provision of:

- a) The completed **application** form including the applicable fees and the authorizing signatures of the **Owner**.
- b) A Surveyors Certificate prepared by a BC Land Surveyor for existing development on the subject property, with dimensions and areas, unless waived by the **Director**.
- c) Copy of current Title Certificate dated within 15 days of the **Application**, including copies of any covenants and other non-financial encumbrances on title.
- d) Project Description and Rationale, including review of applicable **OCP** policies.
- e) **Site Plan** which contains the following minimum information about the subject property, unless waived by the **Director**:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas.
  - iii) Significant physical features and topographic information, and all existing watercourses and wetlands, and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation;
  - vii) Details of proposed uses and buildings, including type and location of units;
  - viii) Roads, existing and/or proposed; and
  - ix) Open space.
  - x) Zoning Data Table
- f) If applicable, completed 'Site Disclosure Statement', as per the *Local Government Act and Environmental Management Act*, for the Site, or identification of the applicable exemption in accordance with the *Contaminated Sites Regulation*.
- g) Heritage Revitalization Plan and/or Phasing Plan
- h) Additional information as may be required by the **Director**, including in accordance with Section 6 and 7 of this Bylaw and in accordance with policies contained within the District's **Official Community Plan (OCP)**.

## **B2. PROCESSING PROCEDURE**

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the Application, and staffing considerations:

- a) Pre-Application meetings between Owner and Planning Staff are encouraged.
- b) Owner submits complete **Application** and **fees** to District Staff. Processing will not commence until all the application requirements are met and accepted by the Director. Staff will advise if the **Application** will not be processed and the **Applicant** will have the opportunity to complete the **Application**.
- c) The Applicant shall:
  - i) install the Development Notification Sign in accordance with Section 5.3 and Schedule F;
  - ii) hold a Public Information Meeting in the district in accordance with Section 5.2 of this Bylaw;
  - iii) report to the **Director** in writing on the Development Notification Sign and the Public Information Meeting.
- d) The **Director** shall consider whether to exercise their delegated authority to require Development Approval Information in accordance with Section 7, and the **Applicant** shall provide such information if requested.
- e) Staff refer the **application** to internal departments for their review and comment.
- f) Staff send the **Applicant** a Development Review Team (DRT) letter outlining the **District's** comments on the **Application** and proposal and where necessary outline the changes to the **Application** and proposal that may be needed for consistency with District Policies and Bylaws.
- g) Applicant submits revisions to the **Application** including any revised plans
- h) Staff prepares a report for the applicable **Commission**. The **Applicant** is invited to attend any meeting where the **Application** is being considered.
- i) Staff prepares a report for Council outlining the **Application** and presenting the proposed bylaws.
- j) Staff prepares a report for **Council** which may include:
  - i) the results of the Public Information Meeting;
  - ii) the recommendation(s) from the **Commission** as applicable;
  - iii) recommendations regarding first and second readings on the proposed bylaw(s);
- v) **Council** may, upon considering the **Application**, request additional information, give first and/or second readings to the implementing bylaw, or may refer, table, or deny the **Application**.

- l) Staff schedules the public hearing, if required by the *Local Government Act* or of requested by Council and provides statutory notification and advertising, produces an agenda for the Public Hearing and distributes to Council.
- m) District holds the Public Hearing.
- n) Following the Public Hearing(s) Council, without further notice, may give the Bylaw(s) third reading or may refer, table, or deny the **Application**. Council may, but is not required to, consider adoption of an amending bylaw on the same night as third reading.
- o) Where an bylaw is only given third reading, Staff prepares a report for adoption of the bylaw(s). If all conditions of third reading have been met including registering of legal agreements, the bylaw(s) may then be forwarded to Council and be considered for adoption.
- p) The **Applicant** is notified within 10 days of Council's decision.

## Schedule C

### Application for a Development Permit, Development Permit with Variances or Uplands Siting and Design Approval

#### C1. APPLICATION REQUIREMENTS

In addition to requirements identified in the main part of this Bylaw, the **Owner** is solely responsible for the provision of:

- a) The completed **application** form including the applicable fees and the authorizing signature(s) as required.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor unless waived by the **Director**.
- c) Copy of current Title Certificate from within the last 15 days including any covenants and charges.
- d) Project Description and Rationale, including statement of how the application is consistent with each of the applicable Development Permit Guidelines. For **Uplands Siting and Design Approvals** a completed Uplands Design Guidelines checklist must be completed and submitted.
- e) A **Site Plan** which contains the following minimum information about the subject property:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation unless waived by the **Director**;
  - vii) Roads, existing and/or proposed;
  - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
  - ix) Open space.
  - x) Zoning Data Table
  - xi) Materials checklist
- f) Where the Development Permit is for form and character, elevation drawings will be required to be in colour, illustrating the proposed outside of the building and include a list of materials and colours to be used.
- g) Completed 'Site Disclosure Statement', as per the *Local Government Act* and *Environmental Management Act* for the Site or identification of the applicable exemption in accordance with the *Contaminated Sites Regulation*.

- h) Landscape Plans, as required, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
  - i) Site organization, including planting beds, and landscape features;
  - ii) All plant material and landscape features at installed sizes, accurate location, and spacing;
  - iii) Plant list using botanical and common names for all recommended plant material and size specification;
  - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
  - v) A cost estimate of completing any required landscape plan as per Schedule G
- i) Additional information as may be required by the **Director**, including in accordance with Section 6 and 7 of this Bylaw.

## C2. PROCESSING PROCEDURE

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the Application, and staffing considerations:

- a) Pre-Application meetings between **Owner** and Planning Staff are encouraged.
- b) **Owner** submits complete application and fees to staff. Processing will not commence until all the **Application** requirements are met and accepted by the **Director**. Staff will advise if the **Application** will not be processed and the **Applicant** will have the opportunity to complete the **Application**.
- c) The **Director** shall consider whether to exercise their delegated authority to require Development Approval Information in accordance with Section 7, and the **Applicant** shall provide such information if requested.
- d) Staff refer the **Application** to internal departments for their review and comment.
- e) Staff send the **Applicant** a Development Review Team (DRT) letter outlining the **District** Staff's comments on the **Application** and proposal. Staff may recommend the changes to the **Application** and proposal that may be needed for consistency with District Policies and Bylaws.
- f) **Applicant** submits revisions to the **Application** where necessary including any revised plans.
- g) Staff prepares a report for the relevant **Commission** as applicable. The **Applicant** is invited to attend any meeting where the application is being considered.

- h) If decision making is delegated, the **Director** will proceed with their consideration of the **Application**. If the **Applicant** is not satisfied with that decision, they may seek reconsideration by Council in accordance with this Bylaw.
- i) If decision making is not delegated or if the **Applicant** seeks reconsideration, Staff prepares a report for Council which may include:
  - i) the Application and reports and plans provided by the **Applicant**;
  - ii) Staff's summary;
  - iii) the recommendation(s) from the **Commission** as applicable;
  - iv) applicable Development Permit information including guidelines;
  - v) recommendations regarding issuance of the Permit;
  - vi) copy of proposed Permit (which may be in draft form).
- j) Council may, upon considering the **Application**, request additional information, refer, table, approve or deny the permit.
- k) The **Applicant** is notified within 10 days of Council's decision.
- l) If Council authorizes the issuance of a permit, the **Director** will complete the **permit** and sign and issue it to the **Owner**, on satisfaction of pre-conditions to issuance that may have been required by Council, if any.
- m) If Council denies the permit, Council will give reasons consistent with the guidelines and allow the **applicant** to change the application to meet Council's interpretation of the guidelines. If a permit is denied for non-compliance with zoning regulations, Staff need only identify the bylaw non-compliance.
- n) Council or the **Director** may require security as a pre-condition to staff signing and issuing the permit, in accordance with this Bylaw, and the Applicant shall provide the Security as: automatically renewing irrevocable letter of credit, bank draft or cash. Otherwise, security is paid by the Applicant before undertaking any activity authorized by the permit, or applying for a building permit.
- o) After Council approval, **Applicant** satisfies any pre-conditions to issuance by Staff. On satisfaction of pre-conditions, staff sign and issue the permit.
- p) If issued the **Director** will file in the Land Title Office a notice in the form prescribed for that purpose, excluding **Uplands Siting and Design Approvals**
- q) If necessary, the **Applicant** may subsequently apply to the **Director** for a minor amendment or extension of the permit in accordance with the Bylaw.

## Schedule C.1

### Development Permit

*[Sample Form of Permit included for Convenience. Director has delegated authority to determine form.]*

#### DEVELOPMENT PERMIT with or without VARIANCE

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**District File No:** DP No. (YYYY No.)

**DPA(s):**

**Registered Owner:**

**Civic Address:**

**Parcel Identifier:**

**Legal Description:**

**Description of proposed Development :**

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#### Pre- Conditions of Development Permit (if any):

This Development Permit is not considered to be issued in accordance with LGA s.490 until the Owner has satisfied all of the following (pre)conditions, in accordance with Council Resolution # and City Bylaws, all to the reasonable satisfaction of City Staff who may then sign and issue this Permit:

1. *[Drafting Note: insert pre-conditions]*
2. *[Drafting Note: If security is a pre-condition, then insert here and delete condition #3 below]*

#### Details of Variance (if any):

1. Only the following variances are approved by this permit:

Bylaw: **Zoning Bylaw No. 3531**

Section of Bylaw:

Reduction of \_\_\_\_\_ from \_\_\_\_ to \_\_\_\_.

Bylaw: **Zoning Bylaw No. 3531**

Section of Bylaw:

Increase of \_\_\_\_\_ from \_\_\_\_ to \_\_\_\_.

Bylaw:

Section of Bylaw:

Variance of \_\_\_\_\_ servicing standard from \_\_\_\_\_ to \_\_\_\_\_. Section of Bylaw

**Conditions of Development Permit:**

1. Development of the site must be completed in accordance with the following drawings and documents which are attached to and form part of this Permit:  
Schedule A *Insert date, name and author of plan]*  
Schedule B  
Schedule C  
Schedule D
2. As provided for under section 491 of the *Local Government Act*, and in addition to the other conditions of this permit, the following conditions specific to the Development and/or Site must be adhered to:  
*(Insert conditions)*
3. In addition, pursuant to section 502 of the *Local Government Act*, unless security has been provided as a pre-condition of this permit, it is a condition of this permit that the Owner shall provide the following security the earlier of before undertaking any activity authorized by the permit, and before receiving a building permit (failure to do so being cause to revoke such permit):  
*(Insert amount of security \$XXXX)*
4. Pursuant to section 504 of the *Local Government Act*, this permit will lapse two years from the date of the Development Permit approval unless construction, in accordance with the terms and conditions of this permit, has substantially started.

For the purposes of this permit construction is considered to be substantially started when:

- i) a valid building permit for the development has been issued and has not lapsed;
- ii) excavation or construction works associated with the development hereby approved must have commenced to the satisfaction of the Director of Community Building and Planning Services. Demolition does not constitute construction.
6. The plans and specifications attached to this Permit are an integral part of this Permit.
7. Nothing in this Permit confers any approval, permission or authority to carry out work on public property, including but not limited to the boulevard and the portion of any driveway lying outside the boundaries of the Site.
8. This permit is issued subject to compliance with all relevant District of Oak Bay bylaws as supplemented by this Permit.

9. Despite issuance of this Permit, construction may not start without a Building Permit, Tree Permit or other necessary permits. It is the owner's responsibility to determine whether such permits are required.
10. This Permit has been authorized in the context of the development of the Land as depicted in the Plans and Documents. Except for minor revisions not materially affecting the form or character of the development of the Land as so depicted, which may be approved by the **Director** of Building and Planning, all amendments, variations or revisions to the Plans and Documents must be approved by resolution of the Municipal Council.

**Registration:**

Notice of this Permit shall be filed by the District in the Land Titles Office at Victoria, B.C. under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (DP No.) or any amendments hereto shall be binding upon all persons who acquire an interest in the affected Lands affected by this Permit.

**Approved by Council Resolution No. \_\_\_\_\_**

**Date:**

## **D1. APPLICATION REQUIREMENTS**

In addition to requirements identified in the main part of this Bylaw, the **Owner** is solely responsible for the provision of:

- a) The completed **application form** including the applicable fees and the authorizing signature(s) as required.
- b) A Surveyors Certificate prepared by BC Land Surveyor unless waived by the **Director**.
- c) Copy of current Title Certificate from within the last 15 days including any covenants and charges.
- d) Project Description and Rationale, including statement of how the **application** is consistent with heritage policies regarding the issuance of a heritage alteration permit applicable to the **Site**, including orders, designations, revitalization agreements and Heritage Conservation Area guidelines, as applicable
- e) **A Site Plan** which contains the following minimum information about the subject property:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation unless waived by the **Director**;
  - vii) Roads, existing and/or proposed;
  - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
  - ix) Open space.
  - x) Zoning Data Table
- f) Elevation drawings will be required to be in colour, illustrating the proposed outside of the building and include a list of materials and colours to be used.
- g) Completed 'Site Disclosure Statement', as per the *Local Government Act* and *Environmental Management Act* for the **Site** or identification of the applicable exemption in accordance with the *Contaminated Sites Regulation*..
- h) Landscape Plans, as required, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
  - i) Site organization, including planting beds, and landscape features;
  - ii) All plant material and landscape features at installed sizes, accurate location, and spacing;

- iii) Plant list using botanical and common names for all recommended plant material and size specification;
- iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
- v) A cost estimate of completing any required landscape plan as per Schedule G
- i) Heritage Protection Plan/Statement
- j) Additional information as may be required by the **Director**, including in accordance with Section 6 of this Bylaw.

## **D2. PROCESSING PROCEDURE**

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the Application, and staffing considerations:

- a) Pre-Application meetings between **Owner** and Planning Staff are encouraged.
- b) **Owner** submits complete **application** and fees to staff. Processing will not commence until all the **Application** requirements are met and accepted by the **Director**. Staff will advise if the **Application** will not be processed and the **Applicant** will have the opportunity to complete the **Application**.
- c) The **Director** shall consider whether to exercise their delegated authority to require additional information in accordance with Section 7, and the **Applicant** shall provide such information if requested.
- d) Staff refer the **Application** to internal departments for their review and comment.
- e) Staff send the **Applicant** a Development Review Team (DRT) letter outlining the **District Staff's** comments on the **Application** and proposal. Staff may recommend changes to the application and proposal that may be needed for consistency with District Policies and Bylaws.
- f) Applicant submits revisions where necessary to the **Application** including any revised plans.
- g) Staff prepares a report for the relevant **Commission** as applicable. The **Applicant** is invited to attend any meeting where the application is being considered.
- h) If decision making is delegated, the **Director** will proceed with their consideration of the **Application**. If the **Applicant** is not satisfied with that decision, they may seek reconsideration by Council in accordance with this Bylaw.
- i) If decision making is not delegated or the **Applicant** seeks reconsideration, Staff prepares a report for **Council** which may include:
  - i) the **Application** and reports and plans provided by the **Owner**;

- ii) Staff's summary;
- iii) the recommendation(s) from the **Commission** as applicable;
- iv) applicable heritage policies, including orders, designations, revitalization agreements and Heritage Conservation Area guidelines, as applicable;
- v) recommendations regarding issuance of the **Permit**;
- vi) copy of proposed Permit.

j) Council may, upon considering the **Application**, request additional information, refer, table, approve or deny the permit.

k) The **Applicant** is notified within 10 days of Council's decision.

l) If Council authorizes the issuance of a permit, the **Director** will complete the permit and sign and issue it to the **Owner**, on satisfaction of pre-conditions to issuance that may have been required by Council, if any.

m) If Council denies the permit, Council will give reasons consistent with the policies, guidelines and allow the **Applicant** to change the **Application** to meet Council's interpretation. If a permit is denied for non-compliance with zoning regulations, Staff need only identify the bylaw non-compliance.

n) Council or the **Director** may require security as a pre-condition to Staff signing and issuing the permit, in accordance with this Bylaw, and the **Applicant** shall provide the Security as: automatically renewing irrevocable letter of credit, bank draft or cash. Otherwise, security is paid by the **Applicant** the earlier of before undertaking any activity authorized by the permit, or applying for a building permit.

o) After Council approval, **Applicant** satisfies any pre-conditions to issuance by Staff. On satisfaction of pre-conditions, staff sign and issue the permit.

p) If issued, the **Director** will also file in the Land Title Office a notice in the form prescribed for that purpose.

## Schedule D.1

### Heritage Alteration Permit

*[Sample Form of Permit included for Convenience. Director has delegated authority to determine form.]*

#### HERITAGE ALTERATION PERMIT

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**District File No:** HAP No. (YYYY No.)

**Applicable Orders, Revitalization Agreements, Designations and/or HCA Registered**

**Owner:**

**Civic Address:**

**Parcel Identifier:**

**Legal Description:**

**Description of current development/land:**

**Description of proposed Development:**

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**Pre-Conditions of Heritage Alteration Permit (if any):**

This Heritage Alteration Permit is not considered to be issued in accordance with LGA s.617 until the Owner has satisfied all of the following (pre)conditions, in accordance with Council Resolution # \_\_\_\_\_ and District Bylaws, all to the reasonable satisfaction of District Staff who may then sign and issue this Permit:

1. *[Drafting Note: insert pre-conditions]*
2. *[Drafting Note: If security is a pre-condition, then insert here and delete condition #3 below]*

**Details of Variance (if any):**

1. Only the following variances are approved by this permit:

*[Drafting Note: insert details]*

Bylaw: **Zoning Bylaw No. 3531**

Section of Bylaw:

Reduction of \_\_\_\_\_ from \_\_\_\_ to \_\_\_\_.

Bylaw: **Zoning Bylaw No. 3531**

Section of Bylaw:

Increase of \_\_\_\_\_ from \_\_\_\_ to \_\_\_\_.

Bylaw:

Section of Bylaw:  
Variance of \_\_\_\_\_ servicing standard from \_\_\_\_\_ to \_\_\_\_\_.Section of Bylaw

**Conditions of Heritage Alteration Permit:**

1. Development of the Site must be completed in accordance with the following drawings and documents, which are attached to and form part of this permit:  
Schedule A *(insert date, name and author of plan)*  
Schedule B  
Schedule C  
Schedule D
2. As provided for under Part 15 Heritage Conservation of the *Local Government Act*, and in addition to the other conditions of this permit, the following conditions must be adhered to:  
*(Insert Details)*
3. In addition, pursuant to Section 618 of the *Local Government Act*, unless security has been provided as a pre-condition of this permit, it is a condition of this permit that the Owner shall provide the following security the earlier of before undertaking any activity authorized by the permit, and before receiving a building permit (failure to do so being cause to revoke such permit):  
*(Insert security amount \$XXXXXX).*
4. This permit will lapse two years from the date of the Development Permit approval unless construction, in accordance with the terms and conditions of this permit, has substantially started.

Construction is considered to be substantially started when

- i) a valid building permit for the Development has been issued and shall not have lapsed; and
- ii) excavation or construction works associated with the Development approved must have commenced to the satisfaction of the **Director of Community Building and Planning Services**. Demolition does not constitute construction.

5. The plans and specifications attached to this Permit are an integral part of this Permit.
6. Nothing in this Permit confers any approval, permission or authority to carry out work on public property, including but not limited to the boulevard and the portion of any driveway lying outside the boundaries of the Land.
7. This permit is issued subject to compliance with all relevant District of Oak Bay bylaws as supplemented by this Permit.

Despite issuance of this permit, construction may not start without a Building Permit, Tree Permit or other necessary permits. It is the owner's responsibility to determine whether such permits are required.

**Registration:**

Notice of this Permit shall be filed by the District in the Land Titles Office at Victoria, B.C. under s.594 of the *Local Government Act*, and upon such filing, the terms of this Permit (HAP No.) or any amendments hereto shall be binding upon all persons who acquire an interest in the affected Lands affected by this Permit.

**Approved by Council Resolution No. \_\_\_\_\_**

**Date:**

## Schedule E

### Application for a Development Variance Permit

#### **E1. APPLICATION REQUIREMENTS**

In addition to requirements identified in the main part of this Bylaw, the **Owner** is solely responsible for the provision of:

- a) The completed **application** form including the applicable fees and the authorizing signatures of the **Owner**.
- b) A Surveyors Certificate prepared by a BC Land Surveyor for existing development on the subject property, with dimensions and areas, unless waived by the **Director**.
- c) Copy of current Title Certificate dated within 15 days of the **Application**, including copies of any covenants and other non-financial encumbrances on title.
- d) Project Description and Rationale, including review of applicable **OCP** policies.
- e) **Site Plan** which contains the following minimum information about the subject property, unless waived by the **Director** in consideration of the variance requested and the type and scale of existing or proposed development:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas.
  - iii) Significant physical features and topographic information, and all existing watercourses and wetlands, and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation;
  - vii) Details of proposed uses and buildings, including type and location of units;
  - viii) Roads, existing and/or proposed; and
  - ix) Open space
  - x) Zoning Data Table
- f) Completed 'Site Disclosure Statement', as per the *Local Government Act and Environmental Management Act*, for the Site, or identification of the applicable exemption in accordance with the *Contaminated Sites Regulation*.
- g) Additional information as may be required by the **Director**, including in accordance with Section 6 and 7 of this Bylaw and in accordance with policies contained within the District's **Official Community Plan (OCP)**.

## **E2. PROCESSING PROCEDURE**

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the **Application**, and staffing considerations:

- a) Pre-Application meetings between **Owner** and Planning Staff are encouraged.
- b) **Owner** submits complete **Application** and **fees** to District Staff. Processing will not commence until all the application requirements are met and accepted by the **Director**. Staff will advise if the **Application** will not be processed and the **Applicant** will have the opportunity to complete the **Application**.
- c) The **Director** shall consider whether to exercise their delegated authority to require Development Approval Information in accordance with Section 7, and the **Applicant** shall provide such information if requested.
- d) Staff refer the **Application** to internal departments for their review and comment.
- e) Staff send the **Applicant** a Development Review Team (DRT) letter outlining the **District's** comments on the **application** and proposal and where necessary outline the changes to the **application** and proposal that may be needed for consistency with District Policies and Bylaws.
- f) **Applicant** submits revisions to the **Application** including any revised plans.
- g) Where a DVP Application is advanced to Council with a positive or neutral recommendation from Staff, Staff will give statutory Notice.
- h) Staff prepares a report for Council outlining the **application** and presenting the draft permit.
- i) **Council** may, upon considering the **Application**, request additional information, refer, table, approve (if Notice has been given) or deny the permit.
- j) The **Applicant** is notified within 10 days of Council's decision.
- k) If Council authorizes the issuance of a permit, the **Director** will complete the permit and sign and issue it to the **Owner**, on satisfaction of pre-conditions to issuance that may have been required by Council, if any.
- l) Council or the **Director** may require security as a pre-condition to Staff signing and issuing the permit, in accordance with this Bylaw, and the **Applicant** shall provide the Security as: automatically renewing irrevocable letter of credit, bank draft or cash. Otherwise, security is paid by the **Applicant** the earlier of before undertaking any activity authorized by the permit or applying for a building permit.
- m) After Council approval, **Applicant** satisfies any pre-conditions to issuance by Staff. On satisfaction of pre-conditions, Staff sign and issue the permit.

- n) If issued, the **Director** will file in the Land Title Office a notice in the form prescribed for that purpose.
- o) If necessary, the **Applicant** may subsequently apply to the **Director** for an extension of the permit in accordance with the Bylaw.

## Schedule E.1

### Development Variance Permit

*[Sample Form of Permit included for Convenience. Director has delegated authority to determine form.]*

#### DEVELOPMENT VARIANCE PERMIT

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**District File No:** DVP No. (YYYY No.)

**Registered Owner:**

**Civic Address:**

**Parcel Identifier:**

**Legal Description:**

**Description of existing development/ Site:**

**Description of Proposal/Development:**

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#### Details of Variance:

1. Only the following variances are approved by this permit:

Bylaw: **Zoning Bylaw No. 3531**  
Section of Bylaw:  
Reduction of \_\_\_\_\_ from \_\_\_\_ to \_\_\_\_.

Bylaw: **Zoning Bylaw No. 3531**  
Section of Bylaw:  
Increase of \_\_\_\_\_ from \_\_\_\_ to \_\_\_\_.

Bylaw:  
Section of Bylaw:  
Variance of \_\_\_\_\_ servicing standard from \_\_\_\_ to \_\_\_\_.

2. The bylaw variance(s) allowed pursuant to this Permit has/have been authorized in the context of and only for the development of the Land as depicted in the Plans and Documents. All amendments, variations or revisions to the Plans and Documents must be approved by resolution of the Municipal Council.

#### Conditions of Development Variance Permit:

1. Development of the site must be completed in accordance with the attached drawings and documents:  
Schedule A

Schedule B  
Schedule C  
Schedule D

2. As provided for under section 491 of the *Local Government Act*, the following conditions must be adhered to:
3. In addition, pursuant to section 502 of the *Local Government Act*, unless security has been provided as a pre-condition of this permit, it is a condition of this permit that the Owner shall provide the following security the earlier of before undertaking any activity authorized by the permit, and before receiving a building permit (failure to do so being cause to revoke such permit):

\$XXXXX.

4. Pursuant to section 504 of the *Local Government Act*, this permit will lapse two years from the date of the Permit approval unless construction, in accordance with the terms and conditions of this permit, has substantially started.

Construction is considered to be substantially started when

- i) a valid building permit for the development has been issued and shall not have lapsed;
- ii) excavation or construction works associated with the development hereby approved must have commenced to the satisfaction of the Director of Community Building and Planning Services. Demolition does not constitute construction.

5. The plans and specifications attached to this Permit are an integral part of this Permit.
6. Nothing in this Permit confers any approval, permission or authority to carry out work on public property, including but not limited to the boulevard and the portion of any driveway lying outside the boundaries of the Site.
7. This permit is issued subject to compliance with all relevant District of Oak Bay bylaws and given that the proposed development is supplemented by this Permit.

Despite issuance of this permit, construction may not start without a Building Permit, Tree Permit or other necessary permits. It is the owner's responsibility to determine whether such permits are required.

**Registration:**

Notice of this Permit shall be filed by the District in the Land Titles Office at Victoria, B.C. under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (DVP No.) or any amendments hereto shall be binding upon all persons who acquire an interest in the affected Lands affected by this Permit.

**Approved by Council Resolution No. \_\_\_\_\_**  
**Date:**

## Schedule F

### Development Notification Sign Requirements

#### Timing:

A development notification sign shall be posted by the **applicant** within 15 days of the **application** being accepted by the **District**.

#### Location:

All development notification signs shall be placed on a **Site** that is subject to an **Application** so that they are clearly visible from the street and will be located approximately three metres inside the property line of the subject **Site**.

#### Number:

One development notice sign is required for each 100 metres of road frontage of a subject **Site**, provided that no more than three signs are required for any one **Site**.

#### Sign Content:

Development notification signage must include (as applicable) the following information:

- The **District's** municipal logo (digital copy file available from the **District**);
- The existing and proposed zone of the property and existing and proposed OCP Land Use Designation;
- The purpose of the **Application**;
- A context map showing the location of the property subject to the **Application**;
- Contact information for the **Applicant**;
- Contact information for the **District's** Community Building and Planning Department;
- Date and Time for Public Hearing, if applicable;
- Date and Time of Public Information Meeting, if applicable;
- Any additional information as required by the **Director**.

The **District** may provide a digital copy file of the proposed sign, or will review copy prepared by Applicant.

#### Sign Installation:

Development notification signs shall be located in a manner which does not interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of withstanding wind and weather.

Signs must be maintained and replaced as necessary.

#### Sign Standard:

**Size:** Approximately 0.9m x 1.2m (3' x 4')

**Material:** Coroplast mounted on 1.3 cm (1/2") plywood or particle board

#### Verification:

An **Applicant** shall verify to the **Director** that the sign or signs have been posted by providing dated photographs of the signs

**Duration:**

Development notification signs must remain in place until one of the following occurs:

- (i) The Public Hearing related to the **Application** concludes;
- (ii) Council adopts or refuses to adopt the bylaw relevant to the **Application**; or
- (iii) The Application has been abandoned by the **Applicant**.

Development notification signs must be removed by the **Applicant** within seven (7) days of an event listed in i) – iii) taking place.

## Schedule G Landscape Security Specifications

### 1. Landscape security amount

The landscape security shall be calculated at 125% of the total landscaping cost by a **qualified professional**, 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.

(c) Security costs may also include an amount for the **District** entering on the land, installing the landscaping, and inspecting and maintaining the landscaping for such a period of time as would be required to ensure its survival in perpetuity.