

INFILL HOUSING
HOW TO GUIDE

DISTRICT OF OAK BAY

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Illustration credit Calum Srigley, Modus Associate.

1 INTRODUCTION

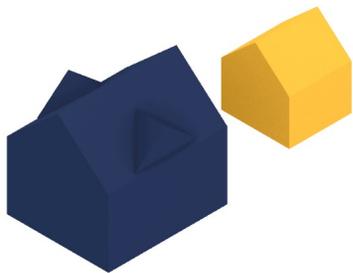
The purpose of this document is to support homeowners and developers with the process of designing and building infill housing in Oak Bay. This guide is for general informational purposes only, should not be construed as legal advice and does not replace Oak Bay bylaws, policies and processes.

The guide provides an overview of infill housing; how to determine your property's eligibility for infill; relevant regulations for developing infill housing, with illustrations; the general process and permits required for developing infill; and an overview of potential costs and resources. Finally, this document provides guidance for designing infill that complements existing Oak Bay neighbourhoods and a detailed explanation of relevant regulations.

What is Infill Housing?

Infill housing is new ground-oriented housing built on existing residential lots that usually have an existing house or duplex in place. Infill is considered 'gentle density' as it is typically built at a similar scale to single detached and duplex housing but increases the number of dwelling units. Infill can realize additional housing in existing neighbourhoods without drastically changing the 'look and feel' of the neighbourhood. Examples of infill housing are illustrated below:

Accessory Dwelling Unit



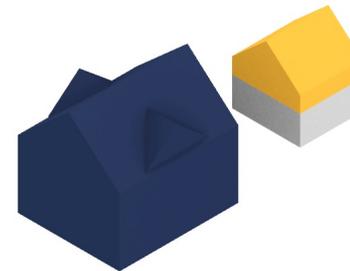
Independent dwelling units situated in free-standing detached buildings.

Secondary Suite



Independent dwelling units located within larger residential units, such as a detached home or a duplex unit. Each secondary suite has its own kitchen and bathroom facilities, as well as its own front entrance.

Accessory Dwelling Unit with Garage



Accessory Dwelling Units can include detached garages where living space is situated above an enclosed parking area. These are some times referred to as 'coach homes' or 'carriage houses'.

Duplex



A form of attached housing with two independent residential units (not including secondary suites), which are typically located side by side but can also be situated front to back or one above the other.

Triplex or Fourplex



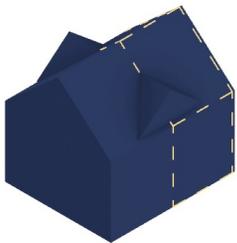
Multiple-Unit Dwelling housing which includes 3 or 4 units in various configurations, not including secondary suites.

Duplex with Secondary Suite



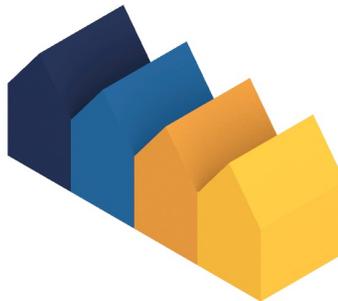
A form of attached housing with two independent residential Dwelling Units, with a secondary suite incorporated into one or both principal Dwelling Units.

House Conversions



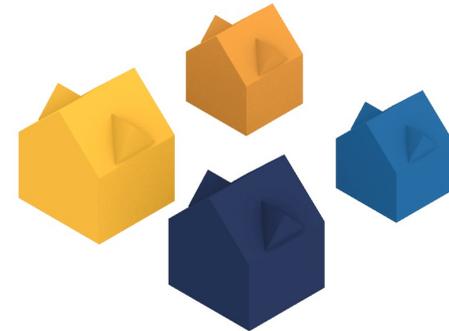
Where the interior of an existing home has been converted into separate units, house conversions are sometimes achieved with an addition to the existing structure, or without major changes to the exterior of the home.

Townhouse



Multiple-Unit Dwelling housing which includes 3 or more units (not including secondary suites) that are attached side-by-side and typically have ground-oriented front entrances.

Detached Dwellings



A group of up to 4 detached One-Unit Dwellings homes arranged on a single parcel.

Infill Housing Strategy

In 2022, Oak Bay's District Council endorsed an Infill Housing Strategy to examine a range of infill housing options based on housing needs and neighbourhood context. The Strategy was created through robust public and stakeholder engagement, as well as technical analysis, and put forward guiding principles and key directions for an infill housing program appropriate for Oak Bay. The Strategy's Draft Guiding Principles were:

- Provide Diverse Housing Options
- Support Ease of Implementation
- Cherish What the Community Loves

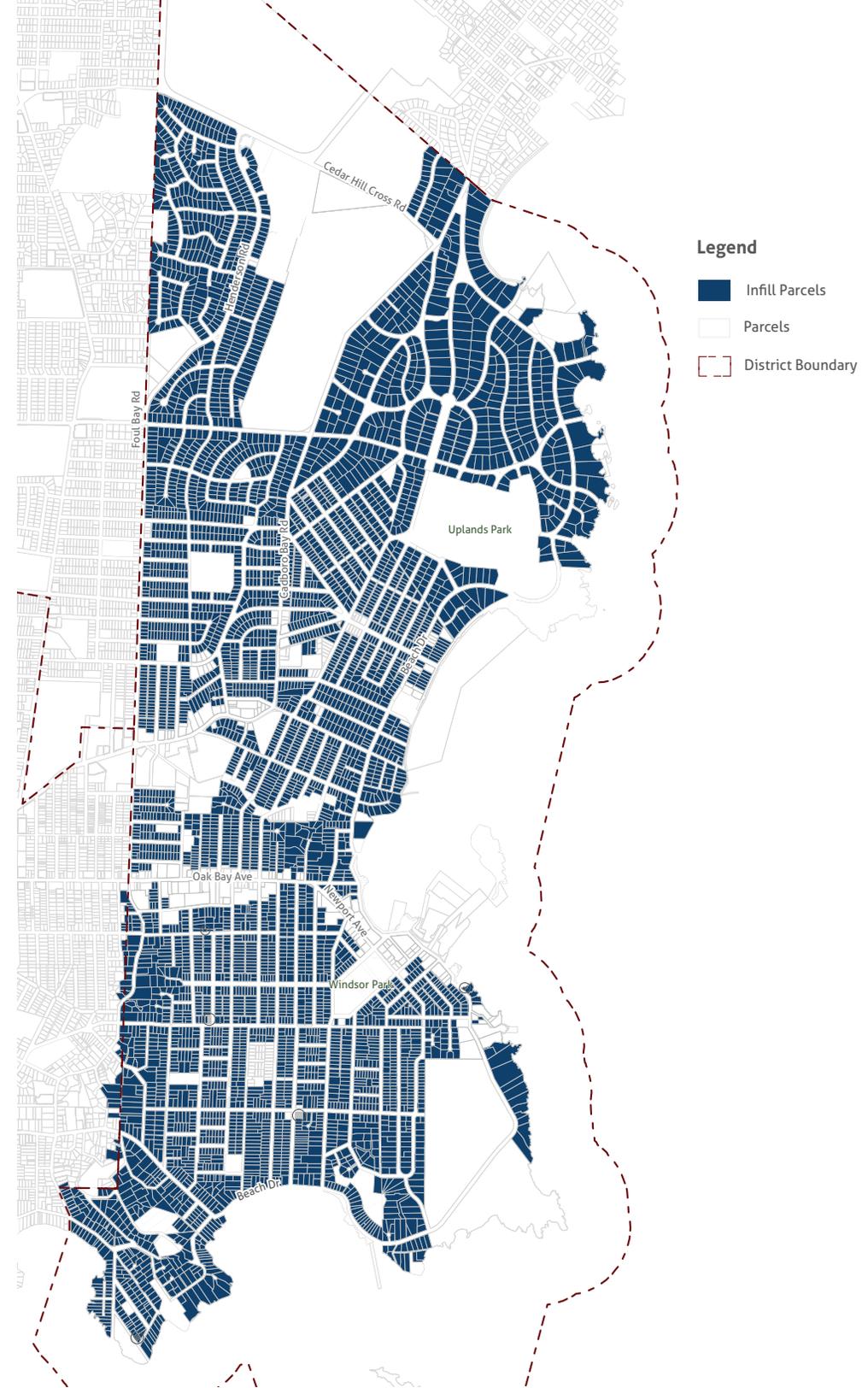
While the Strategy was set to be implemented in 2023, the Province of British Columbia announced new housing legislation for infill housing (otherwise known as Small-Scale Multi-Unit Housing) that applied province-wide and preempted the Infill Housing Strategy.

Provincial Bill 44 (Small-Scale Multi-Unit Housing)

In the spring of 2023, the Province introduced the Homes for People Plan which aims to increase housing supply and create more diverse housing options in BC. To implement the Plan, the Province brought forward several legislation changes over the course of 2023 and 2024. Of particular significance, the Province required municipalities to allow Small-Scale Multi-Unit Housing (SSMUH) in all areas otherwise restricted to single family and duplex homes. The deadline for allowing SSMUH densities through bylaw was June 2024.

The map at right demonstrates what and where infill housing applies in the District of Oak Bay.

For more information, refer to District of Oak Bay's Housing Action Program for FAQ's, linked [here](#).



Bylaw Amendments for Infill Housing

In June 2024, Oak Bay's District Council adopted bylaw amendments to comply with mandatory Provincial legislation for infill housing (referred to as Small-Scale Multi-Unit Housing). Specifically, the District adopted Zoning Bylaw amendments to allow up to 4 units on almost all 'Residential-zoned' (ie single-detached and duplex lots), with some exceptions based on the context:

- parcels 280 m² and smaller permit up to 3 units
- parcels larger than 280 m² permit up to 4 units
- Heritage-designated parcels permit up to 2 units unless additional density is enabled through a Heritage Revitalization Agreement

To facilitate the new permitted densities, the District also adopted amendments to parking requirements, building heights, setbacks, lot coverage, unit sizes and other criteria for siting homes in Oak Bay.

The regulations allow for both strata and rental housing.

If your property is in a zone where these densities were adopted, you may be eligible to build up to 4 units on your property. Refer to Section 3 to review the eligibility requirements.



2 WHICH BYLAWS APPLY?

The Zoning Bylaw is the principal regulatory document that must be considered. It establishes rules for development that helps achieve the community's vision for growth. It divides the land in Oak Bay into various 'zones', each with regulations for the types of buildings, the uses and densities allowed, the size of buildings and how they must be sited on a property and together with the Tree Bylaw, the type/quality of landscaping.

Key concepts and terms include:

Zone title or category | generally refers to the use and/or density of development permitted. Infill housing and SSMUH applies to the District's 'Residential' (or 'R' for short) zones.

Principal Uses | the main uses permitted on a site, typically in the largest (principal) building, and secondary uses, which are the uses that are permitted as long as a principal use also occurs.

Principal Buildings, Accessory Buildings, Accessory Structures and Accessory Dwelling Units | differentiate between various types of buildings or structures on a site. Different uses and regulations may apply depending on how a building or structure is categorized. For example, a principal building is generally where the main use - such as a 'residential' use - is permitted. Accessory buildings, structures and dwelling units accommodate secondary uses and/or are generally smaller than a principal building.

Density | is defined as a maximum number of units or maximum floor area ratio permitted on a site. Floor Area Ratio (FAR) is calculated by dividing the total floor area of a building by the area of land on which it is situated.

Building Height | defines the maximum height for buildings, measured to the top of the highest exterior wall.

Roof Height | defines the maximum roof height for buildings.

Setbacks | the minimum distance that a building and structure can be set from a property lot line or feature. Typically this includes front, interior side, exterior side and rear setbacks, as well as setbacks from other buildings.

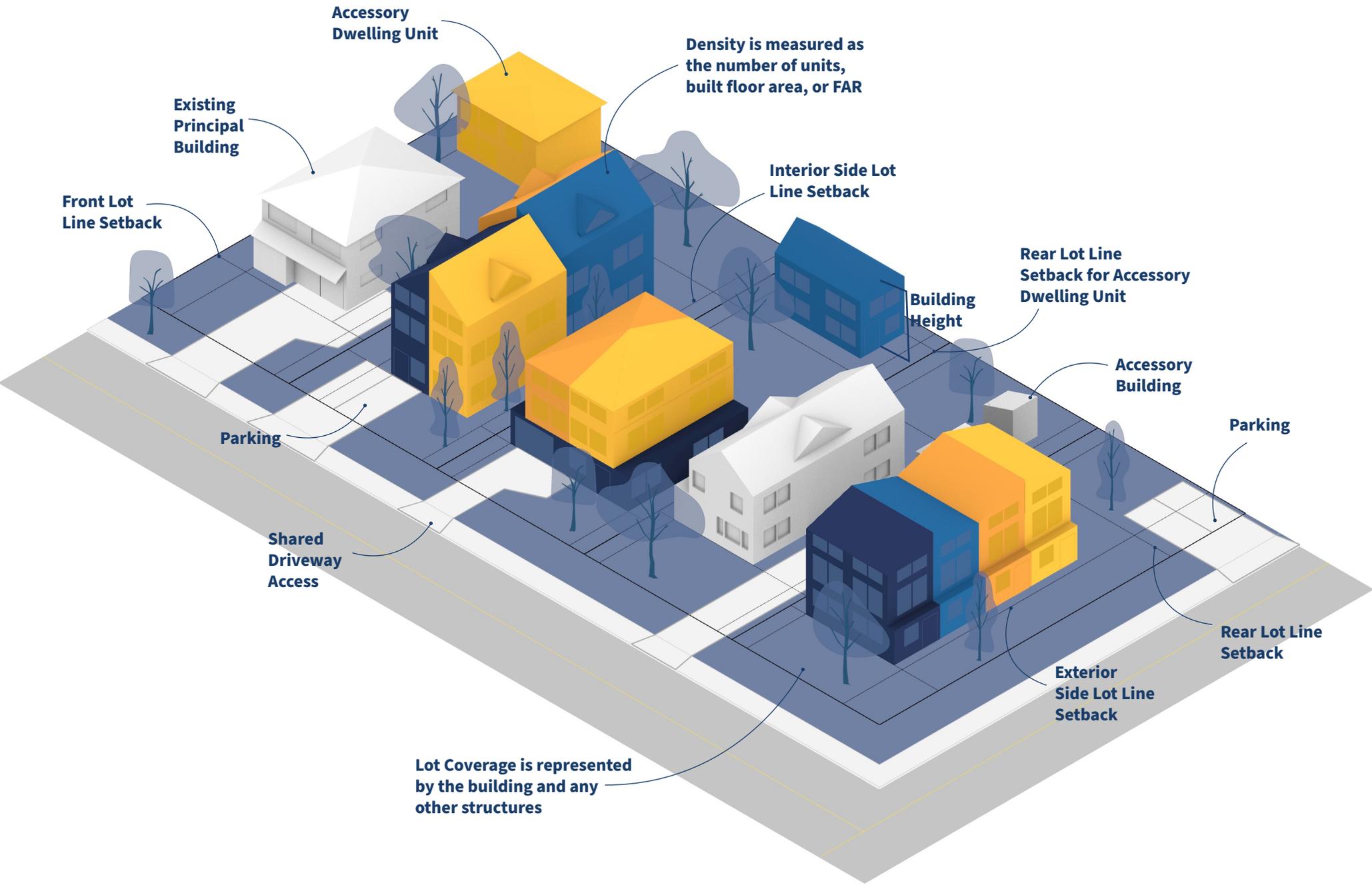
Lot Coverage | determines the maximum amount of the site that can be covered by buildings and other structures.

Impermeable Surface Coverage | determines an area of land covered by any surface that prevents or impedes the entry of water into the soil and causes water to run or flow off surfaces; including, but not limited to, buildings, structures and paved surfaces.

Surface Coverage | in addition to lot coverage, other regulations apply to surface coverage including minimum live landscaped areas and restrictions on paved surface coverage.

Parking standards | the minimum or maximum number of parking spaces and design parameters for parking. In Oak Bay the number of required parking and parking space design are regulated through the Parking Facilities Bylaw.

For more information on key zoning regulations refer to Section 7.



Other Important Land Use and Development Considerations

In addition to the Zoning Bylaw, infill development is also controlled through a variety of other regulations, including:

Infill Residential Development Permit Area

Development Permit Areas (DPA) are established within the OCP for certain areas or for certain types of development in order to refine the form and character of higher density development, or provide a layer of protection for existing landscapes, environmentally significant areas and hazardous lands.

Development of 3 to 4 units on a lot requires an Infill Residential Development Permit to ensure new infill housing fits the existing character of neighbourhoods. Development in the Uplands neighbourhood must follow the Uplands Design Guidelines and is therefore exempt from the Infill Residential DPA. The guidelines promote development that reflects the community's character, respects the natural environment, and allows existing homes to be retained.

The objectives of the Infill Residential DPA are to promote developments and redevelopments that accomplish the following:

1. Support a sustainable and compact community;
2. Respect and integrate with the evolving neighbourhood character and streetscapes;
3. Provide housing diversity to meet the changing needs of residents throughout their life cycle, including the needs of persons with physical and developmental disabilities;
4. Allow owners to retain existing houses and remain on their property;
5. Provide landscapes that retain and enhance the urban forest and include rainwater management; and,
6. Establish a 'good neighbour' design approach by integrating new houses with respect for landscaping, overlook, sunlight, views and parking .

All guidelines are provided in Section 8.3.1 of the Official Community Plan and the Infill Development Permit Area Guidelines have been included in this document for reference.

An application for an Infill Residential Development Permit Area requires submission of the following:

- A Completed application form and associated fees
- A Surveyor's Certificate
- A Copy of the Title Certificate including any covenants and charges
- A project description and rationale, including statements on how the application is consistent with the Development Permit Guidelines
- A Site Plan
- Elevation drawings in colour which illustrate the proposed outside of the building and include a list of materials and colours to be used
- A completed 'Site Disclosure Statement'
- Landscape Plans, prepared in accordance with the most recent BCSLA/ BCLNA Landscape Standard, and including:
 - Site organization, including planting beds, and landscape features;
 - All plant material and landscape features at installed sizes, accurate location, and spacing;
 - Plant list using botanical and common names for all recommended plant material and size specification;
 - Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping; and
 - A cost estimate of completing any required landscape plan as per Schedule G.
- Any additional information as required by the Director of Community Building and Planning Services

An Infill Residential Development Permit is reviewed by staff and referred to the Advisory Design Panel.

Parking Facilities Bylaw

This Bylaw regulates the amount of parking required for different types of uses, as well as regulating the size and location of parking. For infill housing (3 or more units), 1 space is required per unit in the R-1, R-2 and R-3 zones; 0.5 spaces are required per unit in the R-4 and R-5 zones.

Tree Protection Bylaw

This Bylaw regulates the cutting and pruning of certain trees on private land. A tree permit is required prior to cutting or removing any Garry oak, arbutus, Pacific yew, black hawthorn, shore pine and Pacific dogwood tree that is over 4 cm in diameter and any other trees greater than 30 cm in diameter. Where a tree is removed, a replacement tree(s) is required as a condition of development.

Additionally, the Bylaw sets out targets for ‘tree canopy coverage’ which differs by residential zone; applicants must demonstrate how existing and planted trees meet the tree canopy requirements.

Driveway Access Bylaw

The Driveway Access Bylaw establishes requirements for any driveway accessing public roads. A permit is required for any new driveway access.

For infill zones, the Bylaw restricts properties to no more than one driveway access unless the parcel frontage is greater than 30.5 m and a second one is required for “safe and efficient” movement of vehicles on and off the property. One exception is that for townhouse type developments where each unit fronts the street, individual driveways are permitted, however, the total width must not exceed 40% of the frontage.

Uplands Regulation Bylaw

Under the Special Powers Act of 1935, the Uplands Regulations Bylaw enables District Council to make special regulations for parcels within the Uplands neighbourhood. As such, infill housing for any parcel within the Uplands neighbourhood are subject to Design Guidelines and a Siting and Design Review application. Applications are reviewed by the Advisory Design Panel and must be approved by Council.

Building and Plumbing Bylaw

This Bylaw regulates construction within the District and applies to construction, demolition or moving buildings, as well as plumbing or blasting within Oak Bay, in accordance with the BC Building Code. The Bylaw establishes conditions and requirements for building and plumbing permits, including differentiating between ‘complex’ buildings - which are buildings that exceed 600 m² and ‘standard’ buildings. Most infill projects will qualify as ‘standard’ and are subject to fewer requirements than ‘complex’ buildings.

Development Application Procedures Bylaw

This Bylaw establishes rules and regulations for land use and development applications in Oak Bay. This Bylaw establishes the procedures for various applications not covered under the Building and Plumbing Bylaw, including applications for variances to Zoning Bylaw regulations, Development Permits, Heritage Alteration Permits or Revitalization Agreements, and Uplands Siting and Design Approval.

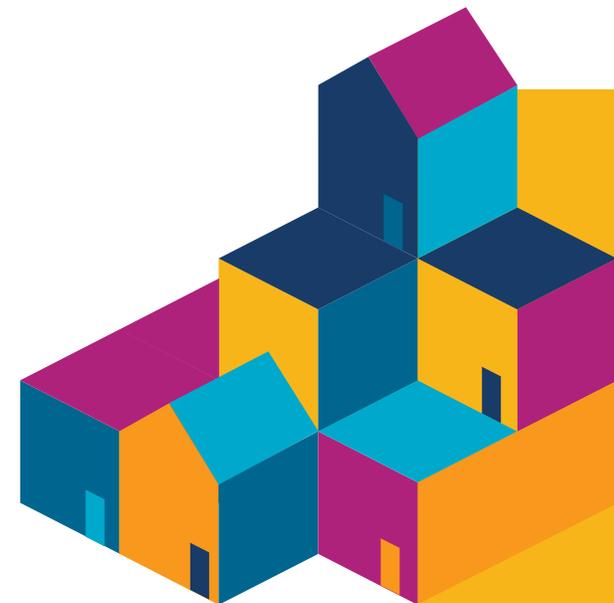
3 CAN I BUILD INFILL ON MY PROPERTY?

Determine If Your Property Is Eligible

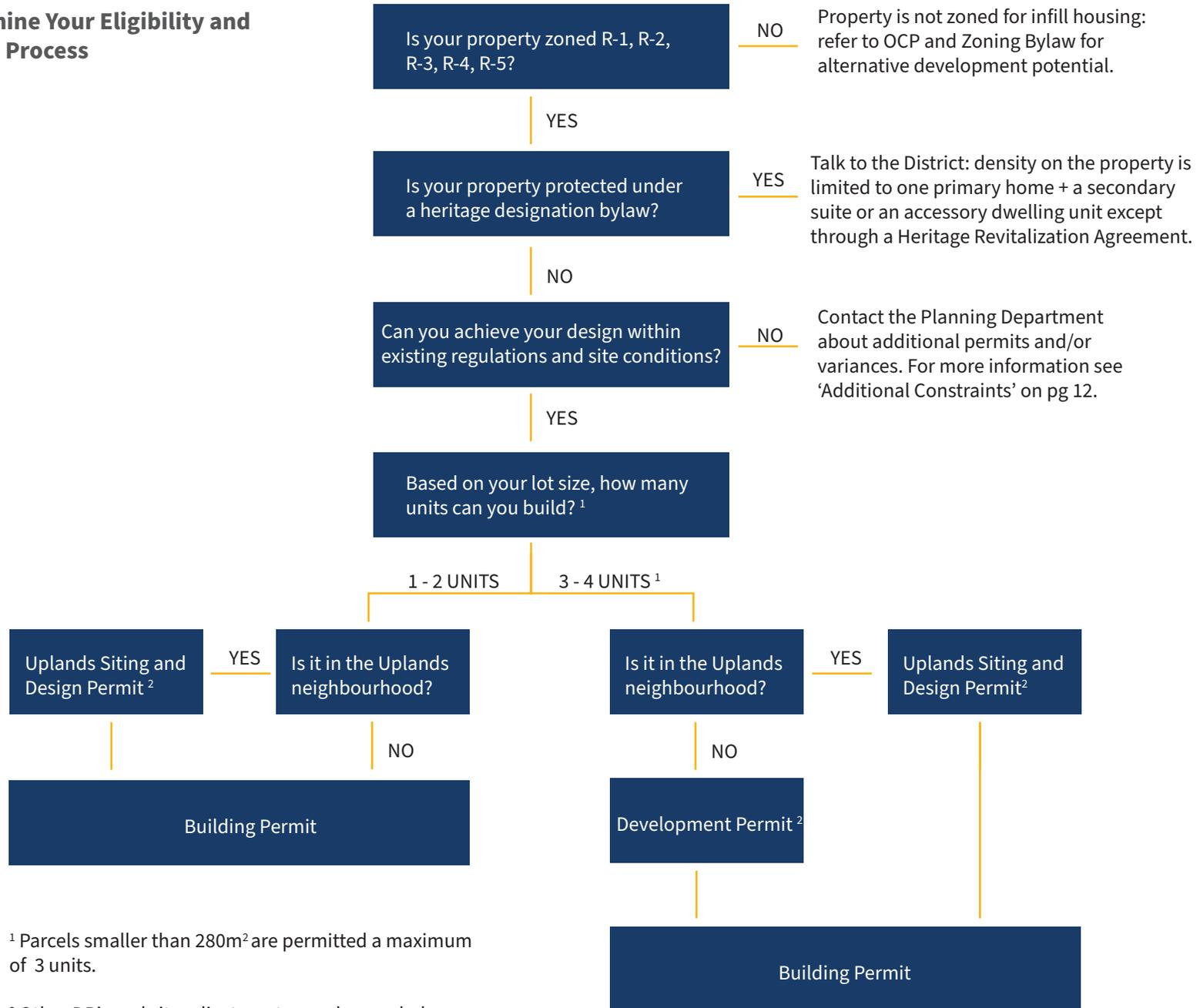
To find out if your property is eligible for infill housing development, check Oak Bay's public online map and associated Zoning Bylaw regulations. There are 3 key pieces of information to look for: zone, parcel size, and heritage status.

1. Navigate to Oak Bay's public GIS map, linked [here](#).
2. Click on 'I want to' in the top right hand corner and select 'find parcel by address' in the drop-down menu.
3. Enter your street address and select your parcel from the drop-down menu. Your parcel should be highlighted on the map and the corresponding parcel ID, Address, Lot Square Footage, Age of Home and Zoning will be displayed on the left hand side of the map. Be sure to type the address in the exact format used in the system, including abbreviations (ie. "XXXX Beach Dr" works while "XXXX Beach Drive" would not.)
4. Click on the arrow to the right of the text to view additional details.
Note:
 - the applicable zone
 - the size of the parcel in m²
 - whether the property has heritage status
5. With this information, refer to the Flow Chart on the following page to determine your eligibility and potential density.

If you have any questions or feedback related to eligibility please contact Oak Bay's Planning Department at planning@oakbay.ca or 250-598-3311



Determine Your Eligibility and Permit Process



¹ Parcels smaller than 280m² are permitted a maximum of 3 units.

² Other DP's and site adjustments may be needed.

Potential Infill Building Types by Zone

Depending on the size and status of your parcel, a range of housing types and arrangements may be possible. Some are listed in the table below:

Housing Types (up to a maximum of 4 units)	
R-1	A new or existing home with a secondary suite and/or up to 2 Accessory Dwelling Units
	Converting an existing home into a Multiple-Unit Dwelling building, with or without an Accessory Dwelling Unit
	A new Multiple-Unit Dwelling building, including townhouses, with or without an Accessory Dwelling Unit
	Up to 4 detached One-Unit Dwellings (note that zoning regulations require that no more than 2 units be designed as 'Principal Buildings' and 2 as smaller 'Accessory Dwelling Unit')
	2 Two-Unit Dwelling (duplex) buildings, side by side or front to back
R-5*	A new or existing home with a secondary suite and/or up to 2 Accessory Dwelling Units
	Converting an existing home into a multiple-unit dwelling building, with or without an Accessory Dwelling Unit in the rear yard
	Two-Unit Dwelling (duplex) building with up to 2 Secondary Suites or Accessory Dwelling Units in the rear yard
	A new multiple-unit dwelling building (triplex, fourplex), with or without an Accessory Dwelling Unit
	Up to 3 detached One-Unit Dwellings (note that zoning regulations require that no more than 1 unit be designed as a 'Principal Building' and 2 as smaller Accessory Dwelling Unit)

**due to lot size constraints in the R-5 zone, there are greater limitations in possible housing arrangements*

In many cases, infill housing could be either rented or may be able to be stratified and sold as individual homes. Only secondary suites cannot be stratified.

For more inspiration on housing infill types and configurations, refer to the Provincial Standardized Housing Design Catalogue, linked [here](#).

Secondary Suites

BC Building Code defines a secondary suite as a self-contained dwelling unit located within a building or portion of a building that is:

- completely separated from other parts of the building by a vertical fire separation that has a fire resistance rating of not less than 1 hour and extends from the ground or lowermost assembly continuously through or adjacent to all storeys and spaces including service spaces of the separated portions,
- of only residential occupancy that contains only one other dwelling unit and common spaces, and
- where both dwelling units constitute a single real estate entity.

For more information, refer [here](#).



Additional Constraints

In addition to the considerations noted above, development on your property may also be constrained by hazardous conditions or by pre-existing legal restrictions registered on title.

Other Development Permit Areas

Beyond the Infill Residential Development Permit Area, there are other DPAs that may apply including:

- Watercourses DPA
- Shorelines DPA
- Hazardous Conditions DPA (note that hazardous conditions may impact the ability to maximize infill density)

Where a property is designated for a Watercourse, Shorelines or Hazardous Conditions Development Permit Area, the property owner may be required to obtain a Development Permit prior to a Building Permit application. Density on the site may be limited where hazardous conditions such as unstable slopes, erosion or sea-level rise cannot be mitigated.

To find out if there is a Development Permit Area designated on your property:

1. Navigate to Oak Bay's public GIS map, linked [here](#).
2. Click on 'I want to' in the top left hand corner.
3. Select 'change visible layers' in the drop-down menu. Under 'Planning and Development', ensure that 'OCP Schedules' and 'Development Permit Areas' are selected. Deselect 'Schedule B: Land Use'.
4. Return to 'I want to' and select 'find parcel by address' in the drop-down menu.
5. Enter your street address and select the parcel from the drop-down menu.
6. Check the map to see if any Development Permit Areas are visible on your parcel (your property will be coloured pink, orange, green or blue). Refer to page 9 of this guide for more information on how to navigate Oak Bay's public GIS map.

If your property is designated as a Development Permit Area, you may be required to submit a Development Permit application along with your Building Permit. Discuss the process with the Oak Bay Planning Department.

Legal Restrictions on Title

Site layouts or the number of units that can be built can also be restricted by legal agreements registered on title, such as:

- Statutory Building Schemes,
- Statutory Right of Ways,
- Easements, or
- Restrictive Covenants

To find out whether any of these restrictions apply to your property, see [Land Title Record Search](#) or seek legal advice.

4 HOW DO I ACTUALLY BUILD THIS?

If your property is eligible for infill housing (see section 3), there are a number of general steps required before getting your shovel in the ground and moving in. The following provides a general overview of the typical steps involved.

Steps to Building Infill

1. Do your research

- This includes identifying your property's zone, lot size, zoning requirements and any additional bylaws, legal agreements or Development Permit Areas that might impact the ability to develop the site.
- It is recommended to engage the services of a planning consultant, architect or designer to guide the process at any time. There are many professionals that specialize in infill housing development.
- This could include sketching your ideas and reviewing the standardized infill housing plans released by the Province, linked [here](#).

2. Seek Input from Oak Bay Staff

- This is a recommended step that can help potential applicants to confirm eligibility and specific requirements directly with the District's Community Building and Planning Department. Contact planning@oakbay.ca or call (250) 598-3311.

3. Meet with your neighbours to discuss your plans

- This is an optional step but a great way to gain support for your project and understand and address any concerns they may have.

4. Undertake detailed site planning and design

- At this time you will need to engage design professionals or a design/build firm to create a design and generate the required set of drawings for a submission, including a Development Permit Application. A professional will ensure your building meets all the necessary bylaw regulations, as well as the BC Building Code.

5. Identify and demonstrate site servicing, utilities and tree protection/replacement requirements and locations

- A civil engineer can ensure adequate services, like water and sewer, are available to service the units, and that connections are properly designed and installed.
- An arborist or landscape architect can advise on or recommend measures to help protect existing trees and identify opportunities for any new or replacement trees needed.
- Reach out to BC Hydro to discuss requirements for electrical connections. Refer to BC Hydro's Guide for Small-Scale Multi-Unit Housing, linked [here](#).

6. Identify any variances

- Confirm that your design meets the requirements of all the District bylaws - such as parking, setbacks or height - and whether any variances are required.
- If the use and/or density you seek are not permitted, then a separate rezoning process may be required. For more information on rezoning, reference [this link](#).

7. Engage a licensed residential builder if this hasn't already been done.

- Review your designs with them and get a cost estimate.

8. Secure construction financing (typically from your bank), if needed

9. Finalize your designs

10. Ensure your builder has enrolled in third party insurance

- Unless you are an owner/builder, new homes built in B.C. are required to be covered by third-party home warranty insurance. For more information refer to [this link](#).

11. **Submit your applications**

- this includes your Development Permit and Building Permit applications, and any other required permits (see section 3) to planning@oakbay.ca.

12. **District review**

- staff will review the permit application(s), circulate applications internally and advise of any additional steps or information needed.
- once your Building Permit is ready to be issued, full payment of the Building Permit fees and securities is required. The Building Permit will be emailed to you.

13. **Advisory Design Panel**

- Infill Residential DPA applications and Uplands Siting and Design Permits are reviewed by an Advisory Design Panel.

14. **Inspections**

- once the Building Permit is approved and construction progresses, call the District of Oak Bay to schedule the required inspections. Refer to contact information listed in Section 3.

15. **Strata subdivision, if necessary**

- if you are planning on selling any of the newly constructed housing units, you will need to file an application to the Provincial Land Titles office. Stratifying existing units requires a separate District approval.

16. **Occupancy**

- Once the District is satisfied that the construction is consistent with all permits and meets Oak Bay's bylaws and the BC Building Code, they will issue an occupancy permit, allowing the buildings to be occupied, rented or sold.



Professionals Involved

You may need to hire a range of professionals to help you work on different pieces of your application. The following lists some of the professionals that may be required to help with your project:

- An **architect** or **building designer** will create or modify detailed building plans. In most cases a registered architect is only required for buildings with a footprint larger than 600 m² (6,458 ft²) but depending on your vision you may wish to work with an architect even if not required. An architect or designer can also facilitate an Infill Residential Development Permit Area application.
- A **landscape architect** will need to complete a planting plan. A landscape architect or designer can design plans for your property's landscaping. A landscape architect is required to support an Infill Residential DPA application.
- A **civil engineer** may be required depending on the scope of your project, and designs the water, sanitary sewer, stormwater connections for your infill project.
- A **licensed plumber** will determine the water demand associated with new residential units.
- A **land surveyor** completes the site survey required for all permit applications. A surveyor can also prepare a strata plan in the case that infill units are intended to be stratified and sold. The surveyor will also verify that the construction meets siting and height requirements, a condition of the Building Permit.
- An **ISA Certified arborist** provides recommendations any time work is proposed in or around a tree that is considered 'protected' through the Tree Protection Bylaw, including removal or pruning.
- A **Qualified Environmental Professional** may be required to prepare a report to support an Environmental Development Permit application.
- A **structural engineer** may need to review your architectural designs and provide a structural plan and review.
- A **geotechnical engineer** evaluates and makes recommendations on soil conditions and foundation requirements; this may be a requirement for Building Permits or Hazardous Land Development Permit application.
- A **heritage professional** can work with you and your architect or designer to ensure character defining elements are conserved and celebrated within a Heritage Revitalization Agreement.
- A **lawyer** can help review or discharge any legal agreements that restrict the use of your property or submit a strata application to BC Land Titles.



General Costs for Developing Infill Housing

After land acquisition costs, development generally consists of two types of costs: soft costs and hard costs. Some examples include:

Soft costs

- Architectural or building design
- Surveying
- Servicing design
- Legal fees, including any applications to the Land Titles Office
- Insurance
- Permit fees
- Servicing fees, such as Public Sewer Connection Fees, Development Cost Charges and Amenity Cost Charges , where applicable
- Landscape Design
- Securities for tree protection and tree planting; landscaping; works and services, where applicable
- New home warranty
- Fees and interest on financing

Hard costs

- Demolition/deconstruction costs, if needed
- Construction costs, including site preparation, construction and finishing
- Servicing and utilities costs such as creating/upgrading water service pipes and meter, sewer, stormwater, electrical, gas, telephone/internet connections
- Landscaping, tree planting and lighting

The Province of British Columbia has released hard cost estimates on a variety of standardized infill housing types, linked [here](#).

Financing

Often financing is the biggest uncertainty when considering property redevelopment. Most development projects are financed through lenders than specialize in Construction Mortgages. This type of financing is structured to allow funding of the construction phase where funds are typically available in ‘draws’ based on certain project milestones. Depending on project goals, construction loans may then convert to a more traditional term mortgage.

A general rule of thumb for construction financing is that the owner must contribute at least 25% - typically in equity - to the project.

5 PERMITS

As long as your project meets zoning requirements, a number of permits may be required in order to realize your project:

Required Permits

- An **Infill Residential Development Permit** is required anytime 3 or 4 dwellings are proposed on a lot, refer to the District’s Official Community Plan linked here and the Development Application Procedures Bylaw, [here](#).
- A **Building Permit** is required before constructing, altering, or renovating a building or structure. For more information, refer to the District of Oak Bay’s webpage on Building Permits, linked [here](#).

A Building Permit application typically requires:

- a Building Permit application form
 - an agent authorization form if the application is being submitted by anyone other than the owner
 - a Certificate of Title and any legal charges or interests (i.e. easements, rights of way or covenants)
 - a Home Warranty Insurance registration form or exemption
 - contaminated site screening
 - energy performance documentation
 - construction drawings
 - site survey and height calculations
 - a Tree Management Plan
- A **plumbing permit** is required before adding or altering any plumbing systems or fixture. For more information, refer to the District of Oak Bay’s webpage on Building Permits, linked [here](#).

Additional Permits that may be required:

Depending on the nature of your project and other conditions, other applications may be required before Building Permit approval can be made. These include:

- A **Blasting Permit** is required any time blasting or the use of any explosive agent is proposed.
- A **Demolition Permit** is required prior to the demolition or deconstruction of any building or structure in the District.
- A **Tree Permit** is required any time work is proposed in or around a ‘protected tree’ (see Section 2 for the list of ‘protected trees’). Security is required for any replacement tree required under the permit, and may be required for trees that may be impacted by construction.
- An **Uplands Siting and Design Approval** is required for exterior work within the Uplands Neighbourhood. Design review considers site and architectural design.
- A **Driveway Access Permit** is required where a new or additional site access is requested.
- **Development Permits for a Natural Areas** or **Hazardous Conditions** are required where development occurs within an OCP-designated Development Permit Area.
- **Development Variance Permits** or **Board of Variance Permits** are required where a proposal requires a variance from the provisions of the Zoning Bylaw, with the exception of any use and density provisions. Unless your property is subject to a Heritage Revitalization Agreement, a rezoning application is required for any changes to use or density.
- A **Heritage Alteration Permit** is required for any exterior changes for a Heritage-designated property. Any increase in density beyond 2 units will require a Heritage Revitalization Agreement approval. To find out if your property is designated Heritage, refer to Section 3.
- An **Engineering Permit** will be required if the current underground services to the lot (drinking water, sanitary sewer, and storm sewer) are not appropriately sized for the proposed development.

How long does it take?

The amount of time it takes to design, approve and construct infill housing depends on the nature and complexity of the applications and the completeness of the information provided by the applicant.

Key contacts

- Building Inspections
250-598-2042 extension 7496
inspections@oakbay.ca
- Planning
250-598-2042
planning@oakbay.ca
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6 INFILL RESIDENTIAL DEVELOPMENT PERMIT GUIDELINES

Oak Bay is a cherished community characterized by historic and character homes and buildings, tree lined streets, lush west coast vegetation, and iconic views of the Salish Sea. As newcomers continue to be drawn to the community and new development occurs - particularly with the adoption of new infill housing regulations and densities - it is important to preserve the elements of Oak Bay that make it so special.

The objectives of the Infill Residential Development Permit Area are to promote developments and redevelopments that accomplish the following:

1. support a sustainable and compact community
2. respect and integrate with the evolving neighbourhood character and streetscapes
3. provide housing diversity to meet the changing needs of residents throughout their life cycle, including the needs of persons with physical and developmental disabilities
4. allow owners to retain existing houses and remain on their property
5. provide landscapes that retain and enhance the urban forest and include rainwater management
6. establish a 'good neighbour' design approach by integrating new houses with respect for landscaping, overlook, sunlight, views and parking

Site Planning

1. Locate and design the building massing to:
 - Be complementary with the character and scale of the surrounding neighbourhood and adjacent buildings in terms of building massing, street setbacks, landscaping, and quality of finishing and details.
 - Consider the potential for larger buildings and smaller setbacks on arterial and collector roads and adjacent to commercial areas
 - Respect the privacy of adjacent properties.
 - Limit shadowing of public outdoor use areas and adjacent residential properties.
 - Follow passive solar siting principles to reduce the energy needed for lighting and heating, e.g., penetration of sunlight and natural light into interior spaces.
2. Respect the patterns and rhythms of buildings and open spaces that are characteristic of the street. When it is not possible to achieve similar size and shape, the front of the building should be broken into smaller parts creating an illusion of a smaller building in scale with its neighbours.



3. Orient patios, porches, balconies and decks away from neighbouring yards, or if not possible, inseting or screening them, to improve privacy for neighbours, recognizing that some overlook of yards and decks between houses on adjoining lots is not unusual and may be unavoidable.
4. Design driveways, garages and parking pads to have a minimum intrusion on pedestrian use of the street, with landscaping of parking areas.
5. Emphasize building entries with features such as porches, steps, walkways and landscape, reflecting characteristics from the street and neighbourhood, and facing the street where possible. Consider how community connection with the street may be encouraged through the use of balconies, patios, porches and front yard sitting areas.
6. Use building materials, landscaping and paving that contribute to the quality of the streetscape and that are in keeping with other houses and properties on the street.
7. Design the proportion of the façade that has windows, and the size and detailing of windows, to relate to those of neighbouring houses.

8. Consider the location of windows carefully in relation to overlook, recognizing that some measure of overlook may be welcomed by neighbours where security is an issue. Plan window openings on the sidewalls so that they do not directly align with those of adjacent houses.
9. Use sustainable building practices and technologies such as water and energy conservation, waste reduction, reduction of greenhouse gas emissions, solar panels, geothermal energy, bird-friendly glazing and other emerging systems.
10. Avoid large expanses of uniform materials and flat monotonous façades facing streets and public open spaces.
11. Ancillary buildings or accessory dwellings on a site should be designed and finished in a manner complementary to, or consistent with the principal building on a site.
12. Encourage locating utility infrastructure (such as electrical meters, HVAC units etc.) on the side or rear facade of buildings where feasible and that are screened to minimize visual impact from the street and neighbouring properties.
13. Exterior garbage and recycling areas must be screened to minimize visual impact from public view.



Landscape Guidelines

1. Design the site layout and building locations to:

- Retain and conserve as much natural vegetation, rock outcrops, existing hydrology, and unique site features as possible, including Garry oaks, other large trees, and significant vegetation.
- Respect the existing topography, minimizing the need for cut and fill, major blasting, or tall retaining walls.

2. Use low impact development practices such as the following:

- Maximize the extent of landscaped areas on site with absorbent soils and minimize the amount of impervious surfaces to increase the natural infiltration (absorption) of rainwater and to provide a more natural or landscaped character.
- Reduce the amount of impervious paving and use permeable materials where possible, e.g., permeable pavers, permeable asphalt or concrete, decks, reinforced grass.
- Consider the use of bioswales, rain gardens, and other design techniques that allow greater infiltration of water, including within and around parking areas.

- Promote the use of rainwater collection/ re-use systems that collect rainwater for irrigation.

- Use native, low maintenance (drought resistant, low water requirement) plants and designs in landscape plans.

3. Design the landscape to retain, and if possible to increase, the tree canopy on the site, considering connectivity of green space with adjacent lots.

4. Design the front yard landscape to be predominantly vegetated, and design fences to allow views into the property.

5. Consider energy efficiency and conservation in landscape design, e.g., provide shade in summer, moderate wind, while allowing sunlight and daylight into buildings.

6. Design outdoor lighting and select outdoor light fixtures based on dark sky principles, e.g., shielded to direct light downward to ground surfaces only and avoid direct lighting of building faces and trees.



Access, Circulation and Parking Area Guidelines

1. Minimize the intrusion of driveways and parking by keeping driveways narrow, minimizing paved parking areas and encouraging shared driveways to units with individual vehicular access.
2. Locate on-site parking to the rear or side yard where possible.
3. Locate access and driveways to minimize impacts on existing trees.
4. Consider using laneways for access where they exist.
5. Design garages so they do not dominate the front face of the building closest to the street.



7 REGULATIONS, EXPLAINED

The following pages introduce key regulations that shape site planning and building design for infill development. Together, these regulations influence how buildings are arranged on a lot, how large they can be, and how they relate to neighbouring properties, streets, and open spaces.

The purpose of this section is to explain these concepts in plain language, using simple diagrams to illustrate how the regulations work in practice. Understanding these fundamentals can help clarify why infill buildings may look different from one another, even when they are subject to the same zoning rules.

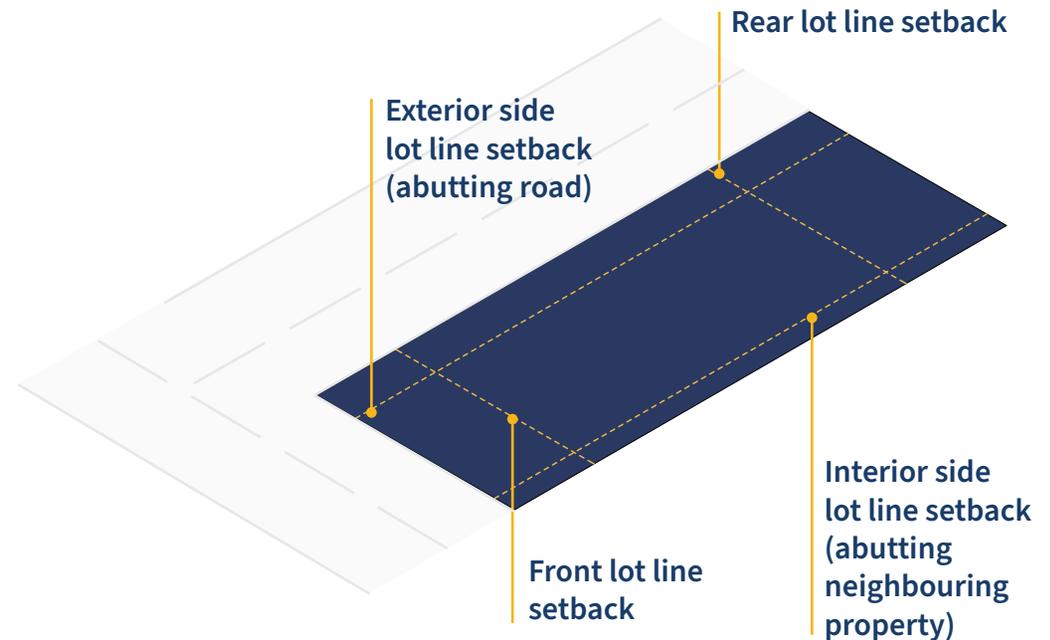
This section is provided for information and illustration purposes only. The full and legally binding requirements are contained in the Zoning Bylaw and other District bylaws and policies.

Topics covered include:

- Setbacks
- Building height
- Site coverage
- Floor Area Ratio (FAR)
- Parking and Circulation

Setbacks

Setbacks are the minimum clearance between a building or structure and a property line or other feature. They help determine where buildings can be placed on a lot and how close development can be to neighbouring properties, streets, and open spaces. Setbacks provide room for light, privacy, landscaping, access, and utilities, and help ensure new development fits comfortably within the surrounding neighbourhood.



Building Height

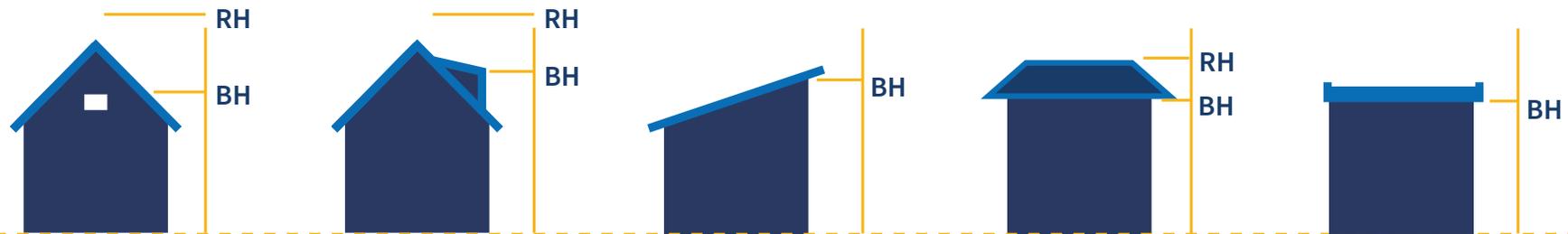
Building height for infill housing is restricted by a maximum wall height (building height), the highest point of a roof (roof height), and the number of storeys. Building height regulations help to manage how tall buildings appear in relation to their surroundings and ensures new development fits within the scale of the neighbourhood. In Oak Bay, maximum building height and roof height for infill housing vary by:

- Zone and,
- Type of building (principal or accessory dwelling unit)

Maximum building and roof heights for principal buildings in the R-1, R-2 and R-3 zones, as well as for principal buildings with 1 or 2 units in the R-4 and R-5 zones, are subject to a calculation based on the breadth of the lot. Maximum building and roof heights for principal buildings in the R-4 and R-5 zones with 3 or 4 residential units is limited to 8.5 m and 10 m, respectively. For accessory dwelling units, the maximum building and roof heights are 6 m and 7.5 m, respectively, in all zones.

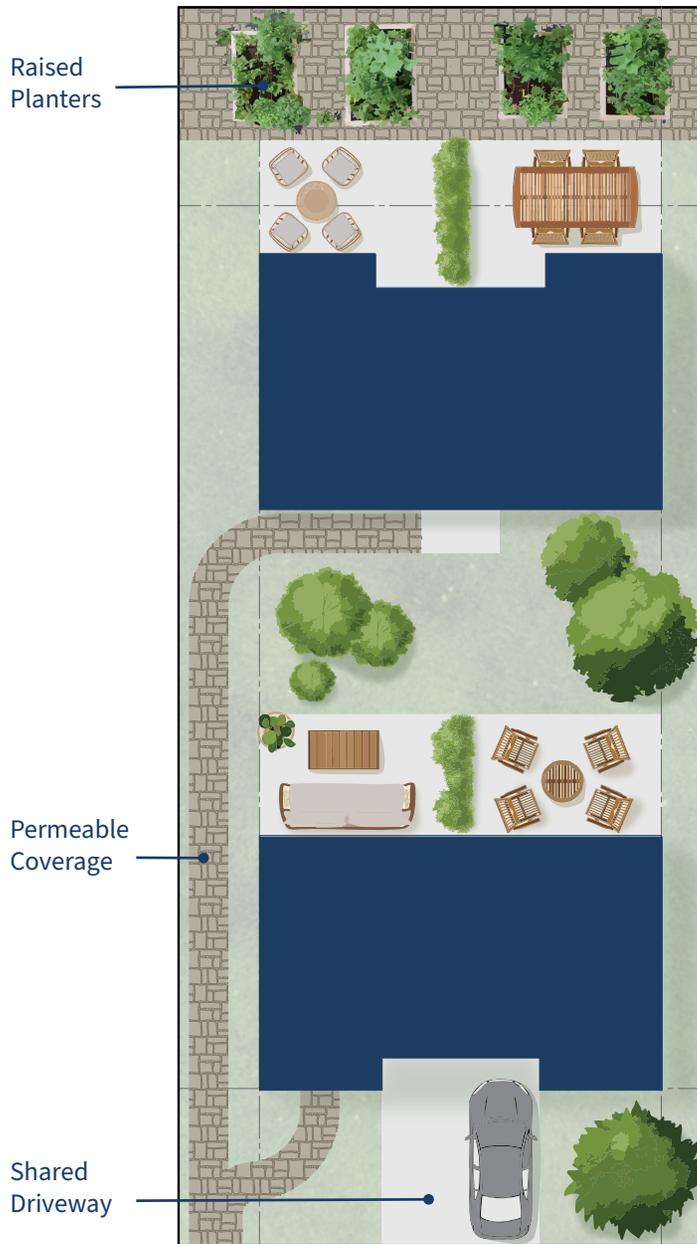
All principal buildings are limited to no more than 3 storeys (including basements) and accessory dwelling units are limited to no more than 2 storeys (including basements).

The diagrams below illustrate how maximum building height (BH) and roof height (RH) are measured under various scenarios.



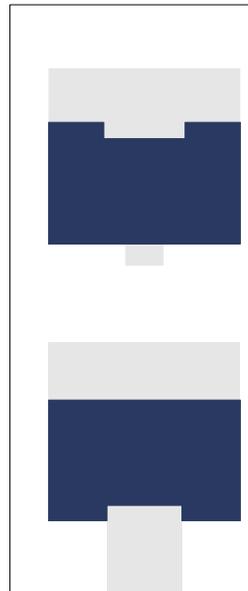
Site Coverage Regulations

Note: this is a conceptual drawing of infill development, based on an R-4 lot.



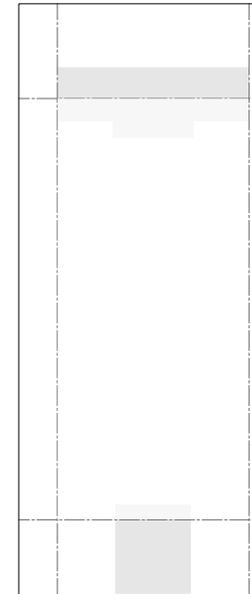
Lot Coverage

determines the maximum amount of the site that can be covered by buildings and other structures. Note that in the Zoning Bylaw, maximum permitted lot coverage varies based on the number of dwelling units, and in some cases by the building height or configuration of units on a property.



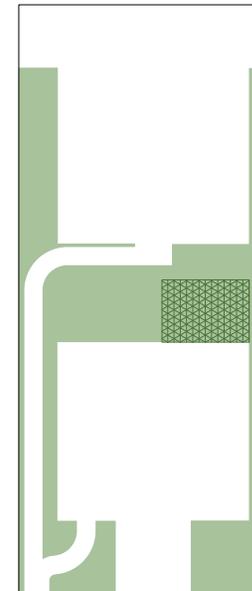
Impermeable Surface Coverage

determines the maximum amount of the site that can be covered by buildings, structures and other impermeable areas like paved patios.



Paved Surface Coverage

restricts the maximum percentage of impermeable area in a front yard or rear yard.



Live Landscaping

sets an area of land required to be covered by soft landscaping elements, such as trees, shrubs, plants, ornamental plantings or lawn, that are capable of healthy growth. In R-4 and R-5 zones, 35m² of consolidated live landscaping area is required (shown in the dark green square in the diagram at left).

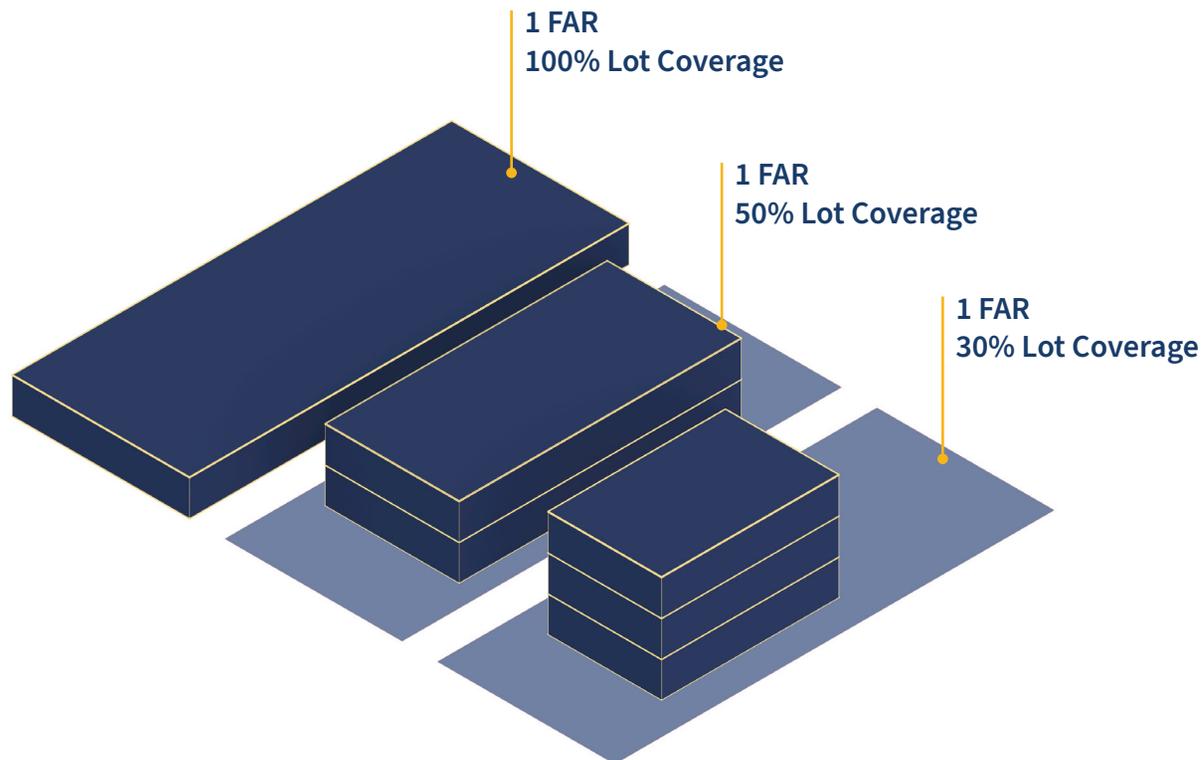
Floor Area Ratio

Floor Area Ratio (FAR) is one way communities, like Oak Bay, manage the overall size and mass of buildings in relation to the size of a lot. FAR limits the total buildable floor area to a proportion of the lot area. For example, an FAR of 1 allows built area equivalent to total lot area.

FAR varies by zone and number of units and is calculated by dividing the total floor area of a building (all storeys combined) by the area of the lot.

The diagram below illustrates three different buildings that all have the same FAR. While the total amount of floor space is equal in each example, the buildings look different because that floor area is arranged in different ways.

Some buildings cover more of the lot but are shorter, while others cover less of the lot and are taller. This shows that FAR controls how much can be built overall, but it does not prescribe a single building shape. Factors like lot coverage, number of storeys, setbacks, and design guidelines influence what a building ultimately looks like.



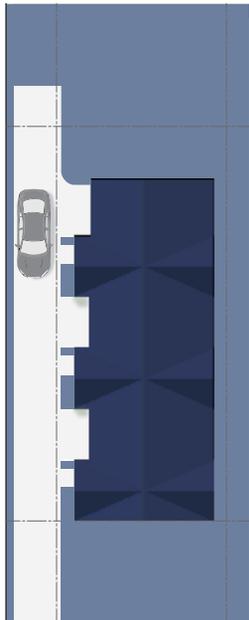
Parking and Circulation

A minimum number of parking spaces is required to be provided for each residential unit on a property, and the number required varies by zone and number of units. For example, a single detached home requires 2 spaces in all residential zones, but where there are 2 or more residential units only 1 space is required per unit (R-1, R-2 and R-3 zones), or 0.5 spaces per unit (R-4 and R-5 zones). In no case can more than 40% of the front yard be paved. To calculate the parking spaces required for a development, see the Parking Facilities Bylaw.

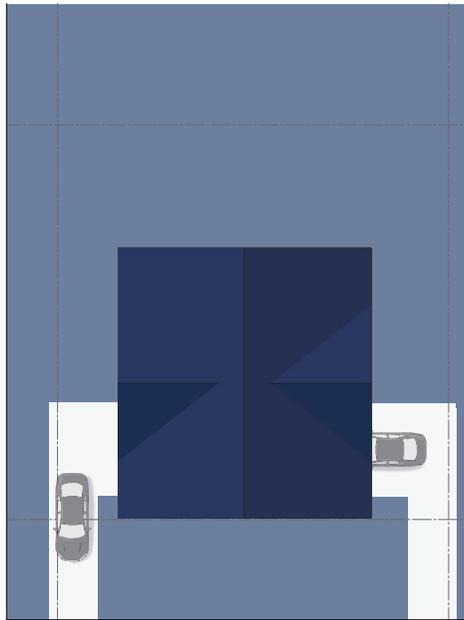
Access

Only one driveway from the public street is allowed, except:

- for lots wider than 30.5 m the District may permit an additional driveway if it's needed to establish safe and efficient circulation or,
- where driveways are directly connected to street fronting, attached garages (for example in a townhouse-type configuration), and the total width of all driveways is not more than 40% of the lot line that borders the street.



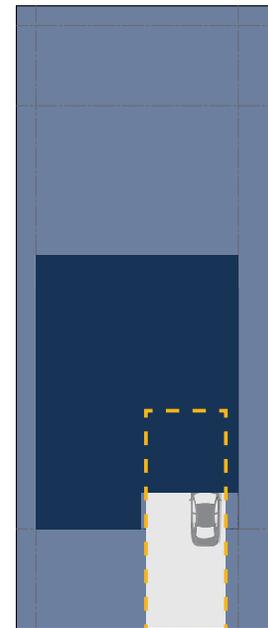
Single driveway servicing rowhomes



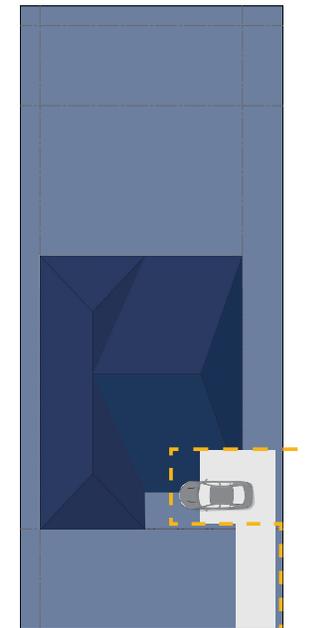
Wide lot with two driveways

Garage siting

In the R-4 and R-5 zones, where parking spaces are provided within an attached garage and the garage is sited between 85 and 90 degrees to the front property line or is set back at least 1 m (3.2 ft) from the main face of the building, a small amount of additional floor area (22 m²) is permitted in addition to the floor area permitted through the Zoning Bylaw.



Garage sited 1m back



Garage sited at 90°

