

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4213  
(as amended by 4231, 4382 and 4438)

A Bylaw to set administrative charges and  
establish procedures for land use and development applications

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

INTERPRETATION

1. In this Bylaw

**"conclusion"** in respect to an application made under this Bylaw, means an application which has been denied or approved by the Municipal Council, or an application which has been withdrawn by the applicant.

**"Director of Building and Planning"** means the Director of Building and Planning, as designated by Municipal Council, or his/her designate.

**"Municipal Clerk"** means the Municipal Clerk, as designated by Municipal Council, or his/her designate.

**"Municipality"** means The Corporation of the District of Oak Bay;  
*(\*\*Bylaw 4382, adopted October 22, 2007)*

**"Official Community Plan"** means Bylaw 3943, " Oak Bay Official Community Plan Bylaw, 1997" as amended, or its successor(s).

**"Treasurer"** means the Municipal Treasurer, as designated by Municipal Council, or his/her designate.

**"value"** means the fair market value of the development proposed to be undertaken, including materials whether donated or purchased, labour whether contracted, volunteered or provided by the developer, design, consulting services, construction management services, construction insurance and contractor's profit and overhead, all as determined by the Director of Building and Planning in light of prevailing local rates and conditions.  
*(\*\*Bylaw 4382, adopted October 22, 2007)*

**"Zoning Bylaw"** means Bylaw 3531, "Zoning Bylaw, 1986", as amended, or its successor(s).

ZONING BYLAW AMENDMENTS

2. An application for an amendment to the Zoning Bylaw, shall
  - (1) be submitted in writing to the Municipal Clerk;
  - (2) be accompanied by the applicable fees at the appropriate stages in accordance with Section A of Schedule "A" attached hereto and forming a part hereof;
  - (3) include a full legal description of the parcel or parcels subject to the application;
  - (4) identify the zoning requested and describe, where applicable, the proposed development, including a preliminary development plan showing use, site coverage, floor area ratio, siting, elevations, off-street parking, vehicular accesses and landscaping; and
  - (5) be signed by either the owner of the parcel or parcels subject to the application, or the holder of a registered or registrable interest therein.
  
3. Where an application is submitted to rezone lands, the applicant shall prepare and post notification signs on the lands involved, and shall:
  - (1) prepare and erect one sign on each street frontage of the proposed development within four weeks of the development being submitted in accordance with the specifications set out in Schedule "B" attached hereto and forming part hereof;
  - (2) verify to the Municipal Clerk, in the form set out in Schedule "E" attached hereto and forming part hereof, that the signs have been erected;
  - (3) maintain and/or replace the signs as necessary; and
  - (4) remove the signs within one week of the application being denied or approved by Municipal Council or within one week of the application being withdrawn by the applicant.

AMENDMENTS TO OFFICIAL COMMUNITY PLAN

4. An application for an amendment to the Official Community Plan shall
  - (1) be submitted in writing to the Municipal Clerk;
  - (2) be accompanied by the applicable fees at the appropriate stages in accordance with Section B of Schedule "A" attached hereto and forming a part hereof;
  - (3) include a description of the land use designation requested and the purpose of same; and

- (4) be signed by either the owner of the parcel or parcels subject to the application or the holder of a registered or registrable interest therein.

#### PERMITS

5. An application for a permit under Division (9) of Part 26 of the *Local Government Act* shall

- (1) be submitted in writing to the Municipal Clerk;
- (2) be accompanied by the applicable fees at the appropriate stages in accordance with Section C of Schedule "A" attached hereto and forming a part hereof;
- (3) include a full legal description of the parcel or parcels subject to the application;
- (4) describe the proposed development, including a preliminary development plan showing, where applicable, use, site coverage, floor area ratio, siting, elevations, off-street parking, vehicular access and landscaping;
- (5) in the case of a development variance permit, specify the provision or provisions of the bylaw that are requested to be varied, and the purpose for which and the manner in which they are to be varied; and
- (6) be signed by either the owner of the parcel or parcels subject to the application, or the holder of a registered or registrable interest therein.

- 5.1 The requirement set out in Section 5(2) notwithstanding, where an application for a development variance permit represents a proposal to rebuild, restore or replace a structure, building or thing substantially destroyed by fire, earthquake, landslip, flood, accident, malicious act or other event beyond the control of the applicant, and where

- (1) the development variance permit application is made not later than 12 months after the date of such event; and
- (2) the applicant requests in writing that the Municipal Clerk submit to the Municipal Council as a preliminary matter a request that the non-refundable application fee be waived,

then the Municipal Clerk shall submit the fee waiver request to the Municipal Council, which may, by resolution and after considering the circumstances, agree to waive the non-refundable application fee, with such waiver not to be construed as any guarantee, promise or representation with regard to the disposition of the application on its merits.

(\*\* Bylaw 4231, adopted June 14, 2004)

6. (1) Pursuant to the *Local Government Act*, an applicant for a development permit under Division (9) of Part 26 of the said *Act* shall, prior to the issuance of the development permit, provide security to the Municipality in an amount calculated as follows:

<u>Value of Development Envisaged by Development Permit</u>	<u>Required Security</u>
\$2,000,000 or less:	2.5% of project value
Greater than \$2,000,000; less than Or equal to \$10,000,000:	\$50,000, plus 1.75% of the amount by which the project value exceeds \$2,000,000
Greater than \$10,000,000:	\$190,000, plus 0.5% of the amount by which the project value exceeds \$10,000,000

, provided, however, that:

- (a) the Director of Building and Planning may waive the requirement for security for a development permit that relates to a project of value less than \$100,000, where the development permit contains no conditions respecting landscaping;
- (b) the Municipal Council may require an amount of security higher than that calculated in accordance with the formula set out in this Subsection where, in its assessment having regard to advice from a qualified professional, the location or nature of the project, or both, create a demonstrable and significant risk of damage to the environment; and
- (c) upon issuance of an occupancy permit by the Municipality in respect of the development, or, if there is no requirement for an occupancy permit, upon substantial completion of the development as determined by the Director of Building and Planning, the security taken under this Subsection shall be returned to the permit holder less, where the development permit contains conditions respecting landscaping, 10% of the amount of the security, which shall be held by the Municipality for a further period of one year to secure care and maintenance of the landscaping.

(\*\*Bylaw 4382, adopted October 22, 2007)

- (2) Pursuant to the *Local Government Act*, an applicant for a Temporary Commercial and Industrial Use Permit under Division (9) of Part 26 of the said Act shall, upon a request by Municipal Council and prior to the issuance of a permit, provide security to the Municipality in an amount to be determined by Municipal Council as authorized by the Act, to guarantee the performance of the terms of the permit.

## AMENDMENTS TO LAND USE CONTRACTS

7. An application for an amendment to a Land Use Contract shall:
  - (1) be submitted in writing to the Municipal Clerk;
  - (2) be accompanied by the applicable fees at the appropriate stages in accordance with Section D of Schedule "A" attached hereto and forming a part hereof;
  - (3) include a full legal description of the parcel or parcels subject to the application;
  - (4) describe the amendment requested and the purpose of same; and
  - (5) be signed by either the owner of the parcel or parcels subject to the application or the holder of a registered or registrable interest therein.
  
8. Where an application is submitted to amend a land use contract which relates to the density or use of any area covered by the contract, the applicant shall prepare and post notification signs on the lands involved, and shall:
  - (1) prepare and erect one sign on each street frontage of the lands subject to the application within four weeks of the application being submitted, in accordance with the specifications set out in Schedule "C" attached hereto and forming part hereof;
  - (2) verify to the Municipal Clerk, in the form set out in Schedule "E" attached hereto and forming part hereof, that the signs have been erected;
  - (3) maintain and/or replace the signs as necessary; and
  - (4) remove the signs within one week of the application being denied or approved by Municipal Council or within one week of the application being withdrawn by the applicant.

## HERITAGE REVITALIZATION AGREEMENTS

9. Where an application is submitted to enter into a Heritage Revitalization Agreement which would permit a change to the use or density of use for property that is not otherwise authorized by the Zoning Bylaw, the owner of the property that is subject to the Heritage Revitalization Agreement shall prepare and post notification signs on the lands involved, and shall:
  - (1) prepare and erect one sign on each street frontage of the lands subject to the proposed agreement within four weeks of the proposal for agreement being submitted, in accordance with the specifications set out in Schedule "D" attached hereto and forming part hereof;

- (2) verify to the Municipal Clerk, in the form set out in Schedule "E" attached hereto and forming part hereof, that the signs have been erected;
  - (3) maintain and/or replace the signs as necessary; and
  - (4) remove the signs within one week of the agreement being approved by Municipal Council or within one week of the agreement being withdrawn by the applicant.
10. An application to amend a Heritage Revitalization Agreement which would permit a change to the use or density of use for property that is not otherwise authorized by the Zoning Bylaw, shall
- (1) be submitted in writing to the Municipal Clerk;
  - (2) be accompanied by the applicable fees at the appropriate stages in accordance with Section E of Schedule "A" attached hereto and forming a part hereof;
  - (3) include a full legal description of the parcel or parcels subject to the application;
  - (4) describe the amendment requested and the purpose of same; and
  - (5) be signed by either the owner of the parcel or parcels subject to the application or the holder of a registered or registrable interest therein.

#### RE-APPLICATION

11. Where an application under Sections 2, 4, 5 or 7 has been denied by the Municipal Council, no like application in respect of the same parcel or parcels shall be considered by Council within six months of the date of such denial.

#### CITATION

12. This Bylaw may be cited as the "**LAND USE APPLICATION PROCEDURE AND FEE ASSESSMENT BYLAW, 2004**".

#### REPEALS

13. The following Bylaws are hereby repealed except insofar as they repeal any other Bylaw:
- (1) Bylaw No. 3895, "*Land Use Application Procedure and Fee Assessment Bylaw, 1996*"
  - (2) Bylaw No. 4007, "*Land Use Application Procedure and Fee Assessment Bylaw Amendment Bylaw, 1999*"

READ a first, second and third time by the Municipal Council on January 12, 2004

ADOPTED and FINALLY PASSED by the Municipal Council on January 26, 2004

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

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

Schedule "A"

Fee Schedule

A. ZONING BYLAW AMENDMENTS

- (1) Non-refundable application fee (to be paid at time of application)

\$700.00

plus,

- (2)
  - (a) A deposit of Two Thousand Five Hundred Dollars (\$2,500) to cover the costs of processing, inspection, advertising and administration incurred by the Municipality that are related to the application to which the fee in Part A(1) of this Schedule relates.
  - (b) Additional deposits in increments of Five Hundred Dollars (\$500) shall be paid as required to cover costs detailed in 2(a) which exceed or are expected by the Director of Building and Planning to exceed the initial deposit required in Part A(2) (a) of this Fee Schedule.
  - (c) The request for additional deposits shall be made in writing to the applicant by the Director of Building and Planning, who shall provide estimates of the additional costs that are likely to be incurred by the Municipality.
  - (d) Upon conclusion of an application, the Treasurer shall cause a reconciliation of all charges incurred under this Section to be prepared and forwarded to the applicant.
  - (e) In cases where the amount on deposit, as specified in Part 2(a) and 2(b), is more than the costs actually incurred by the Municipality, the Treasurer shall refund the excess deposit to the applicant.
  - (f) In cases where the amount on deposit as specified in Part 2(a) and 2(b) is less than the costs actually incurred by the Municipality, the Treasurer shall bill the excess costs to the applicant.

B. OFFICIAL COMMUNITY PLAN AMENDMENTS

- (1) Non-refundable application fee (to be paid at time of application)

\$700.00

plus,

- (2)
  - (a) A deposit of Two Thousand Five Hundred Dollars (\$2,500) to cover the costs of processing, inspection, advertising and administration incurred by the Municipality that are related to the application to which the fee in Part B(1) of this Schedule relates.
  - (b) Additional deposits in increments of Five Hundred Dollars (\$500) shall be paid as required to cover costs detailed in 2(a) which exceed or are expected by the Director of Building and Planning to exceed the initial deposit required in Part B(2)(a) of this Fee Schedule.
  - (c) The request for additional deposits shall be made in writing to the applicant by the Director of Building and Planning, who shall provide estimates of the additional costs that are likely to be incurred by the Municipality.
  - (d) Upon conclusion of an application, the Treasurer shall cause a reconciliation of all charges incurred under this Section to be prepared and forwarded to the applicant.
  - (e) In cases where the amount on deposit, as specified in Part 2(a) and 2(b), is more than the costs actually incurred by the Municipality, the Treasurer shall refund the excess deposit to the applicant.
  - (f) In cases where the amount on deposit as specified in Part 2(a) and 2(b) is less than the costs actually incurred by the Municipality, the Treasurer shall bill the excess costs to the applicant.
- (3) No fee shall be levied for an application to amend the Official Community Plan made in conjunction with an application to amend the Zoning Bylaw, where both applications arise out of the same development proposal and are dealt with at the same public hearing.

**C. DEVELOPMENT PERMITS, DEVELOPMENT VARIANCE PERMITS AND TEMPORARY COMMERCIAL PERMITS**

**C.1 Development Permits**

- (1) Non-refundable application fee (to be paid at the time of application):  
\$500.00, plus \$65.00 for each variance of a bylaw provision in excess of one (1) that is required to accommodate the development or other proposal represented by the application.

*(\*\*Bylaw 4438, adopted October 27, 2008)*

**C.2 Development Variance Permits in respect to Section 4.13 of the Zoning Bylaw (keeping or parking of restricted objects)**

- (1) Non-refundable application fee (to be paid at time of application):  
\$250.00

**C.3 Development Variance Permits Other Than Those Described in C.2**

- (1) Non-refundable application fee (to be paid at the time of application):  
\$325.00, plus \$65.00 for each variance of a bylaw provision in excess of one (1) that is required to accommodate the development or other proposal represented by the application.

*(\*\*Bylaw 4438, adopted October 27, 2008)*

**C.4 Temporary Commercial and Industrial Use Permits**

- (1) Non-refundable application fee (to be paid at time of application):  
\$700.00

plus,

- (2)
  - (a) A deposit of Two Thousand Five Hundred Dollars (\$2,500.00) to cover the costs of processing, inspection, advertising and administration incurred by the Municipality that are related to the application to which the fee in Part C4(1) of this Schedule relates.
  - (b) Additional deposits in increments of Five Hundred Dollars (\$500.00) shall be paid as required to cover costs detailed in 2(a) above which exceed or are expected by the Director of Building and Planning to exceed the initial deposit required in Part C.4(2)(a) of this Schedule.
  - (c) The request for additional deposits shall be made in writing to the applicant by the Director of Building and Planning, who shall provide estimates of the additional costs that are likely to be incurred by the Municipality.
  - (d) Upon conclusion of an application, the Treasurer shall cause a reconciliation of all charges incurred under this Part to be prepared and forwarded to the applicant.
  - (e) In cases where the amount on deposit, as specified in 2(a) and 2(b), is more than the costs actually incurred by the Municipality, the Treasurer shall refund the excess deposit to the applicant.
  - (f) In cases where the amount on deposit as specified in 2(a) and 2(b) is less than the costs actually incurred by the Municipality, the Treasurer shall bill the excess costs to the applicant.

D. LAND USE CONTRACT AMENDMENTS

**D.1 By Bylaw (where application relates to density or use)**

- (1) Non-refundable application fee (to be paid at time of application)

\$700.00

plus,

- (2) (a) A deposit of Two Thousand Five Hundred Dollars (\$2,500) to cover the costs of processing, inspection, advertising and administration incurred by the Municipality that are related to the application to which the fee in Part D.1(1) of this Schedule relates.
- (b) Additional deposits in increments of Five Hundred Dollars (\$500) shall be paid as required to cover costs detailed in 2(a) which exceed or are expected by the Director of Building and Planning to exceed the initial deposit required in Part D.1(2)(a) of this Fee Schedule.
- (c) The request for additional deposits shall be made in writing to the applicant by the Director of Building and Planning, who shall provide estimates of the additional costs that are likely to be incurred by the Municipality.
- (d) Upon conclusion of an application, the Treasurer shall cause a reconciliation of all charges incurred under this Section to be prepared and forwarded to the applicant.
- (e) In cases where the amount on deposit, as specified in Part 2(a) and 2(b), is more than the costs actually incurred by the Municipality, the Treasurer shall refund the excess deposit to the applicant.
- (f) In cases where the amount on deposit as specified in Part 2(a) and 2(b) is less than the costs actually incurred by the Municipality, the Treasurer shall bill the excess costs to the applicant.

**D.2 By Development Variance Permit or Development Permit (unrelated to density or use)**

- (1) Non-refundable application fee (to be paid at time of application)

\$500.00

E. HERITAGE REVITALIZATION AGREEMENT AMENDMENTS

- (1) Non-refundable application fee (to be paid at time of application)

\$700.00

plus,

- (2) (a) A deposit of Two Thousand Five Hundred Dollars (\$2,500) to cover the costs of processing, inspection, advertising and administration incurred by the Municipality that are related to the application to which the fee in Part B(1) of this Schedule relates.
- (b) Additional deposits in increments of Five Hundred Dollars (\$500) shall be paid as required to cover costs detailed in 2(a) which exceed or are expected by the Director of Building and Planning to exceed the initial deposit required in Part B(2)(a) of this Fee Schedule.
- (c) The request for additional deposits shall be made in writing to the applicant by the Director of Building and Planning, who shall provide estimates of the additional costs that are likely to be incurred by the Municipality.
- (d) Upon conclusion of an application, the Treasurer shall cause a reconciliation of all charges incurred under this Section to be prepared and forwarded to the applicant.
- (e) In cases where the amount on deposit, as specified in Part 2(a) and 2(b), is more than the costs actually incurred by the Municipality, the Treasurer shall refund the excess deposit to the applicant.
- (f) In cases where the amount on deposit as specified in Part 2(a) and 2(b) is less than the costs actually incurred by the Municipality, the Treasurer shall bill the excess costs to the applicant.

→ 8'0" →

(white background)

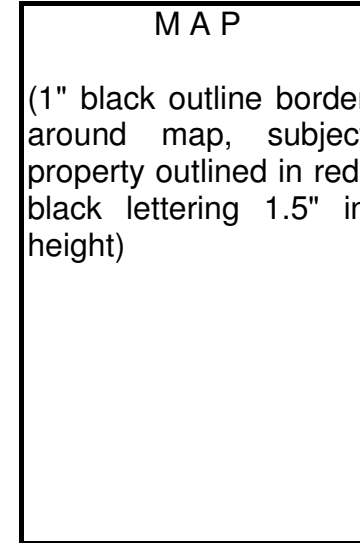
(red lettering)

# REZONING APPLICATION

(black lettering):

2"↑

AN APPLICATION HAS BEEN SUBMITTED TO THE DISTRICT OF OAK BAY TO REZONE \_\_\_\_\_ FROM \_\_\_\_\_ TO \_\_\_\_\_ FOR THE PURPOSE OF \_\_\_\_\_



2'6"↑

APPLICANT: \_\_\_\_\_

APPLICANT'S PHONE NO: \_\_\_\_\_

FURTHER INFORMATION MAY BE OBTAINED FROM THE APPLICANT OR THE OAK BAY BUILDING AND PLANNING DEPARTMENT - 598-3311.

→ 2' 0" →

4'0" ↑

SCHEDULE "B"

→ 8'0" →

### Additional Specifications

Sign Material  
Lettering Style  
Map to include

- 1/2" plywood or particle board
- block Helvetica in capitals
- north arrow, street name, civic address and site identification

→ 8'0" →

(white background)

(red lettering) **LAND USE CONTRACT AMENDMENT**

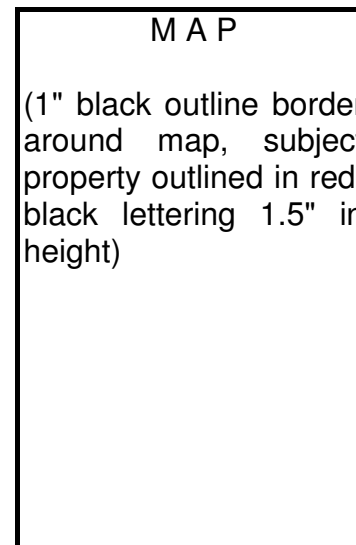
(black lettering):

2"↑ AN APPLICATION HAS BEEN SUBMITTED TO THE DISTRICT OF OAK BAY TO AMEND THE LAND USE CONTRACT IN RESPECT TO THIS PROPERTY FOR THE PURPOSE OF \_\_\_\_\_

APPLICANT: \_\_\_\_\_

APPLICANT'S PHONE NO: \_\_\_\_\_

FURTHER INFORMATION MAY BE OBTAINED FROM THE APPLICANT OR THE OAK BAY BUILDING AND PLANNING DEPARTMENT - 598-3311.



(1" black outline border around map, subject property outlined in red, black lettering 1.5" in height)

→ 2' 0" →

4'0" ↑

2'6"↑

SCHEDULE "C"

→ 8'0" →

Additional Specifications

- Sign Material
- Lettering Style
- Map to include

- 1/2" plywood or particle board
- block Helvetica in capitals
- north arrow, street name, civic address and site identification

→ 8'0" →

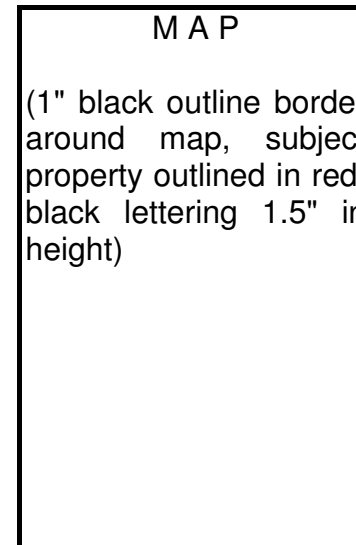
(white background)

(red lettering) **HERITAGE REVITALIZATION AGREEMENT**

(black lettering):

2"↑ AN APPLICATION HAS BEEN SUBMITTED TO THE DISTRICT OF OAK BAY TO ENTER INTO A HERITAGE REVITALIZATION AGREEMENT WHICH WILL PERMIT \_\_\_\_\_

\_\_\_\_\_



2'6"↑

→ 2' 0" →

4'0" ↑ APPLICANT: \_\_\_\_\_

APPLICANT'S PHONE NO: \_\_\_\_\_

FURTHER INFORMATION MAY BE OBTAINED FROM THE APPLICANT OR THE OAK BAY BUILDING AND PLANNING DEPARTMENT - 598-3311.

SCHEDULE "D"

→ 8'0" →

Additional Specifications

- Sign Material
- Lettering Style
- Map to include

- 1/2" plywood or particle board
- block Helvetica in capitals
- north arrow, street name, civic address and site identification

SCHEDULE "E"



THE CORPORATION OF THE DISTRICT OF OAK BAY

NOTIFICATION OF SIGN PLACEMENT  
FOR LAND USE APPLICATION

DATE: \_\_\_\_\_

PROJECT LOCATION: \_\_\_\_\_  
\_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

(PLACE PHOTOGRAPH[S] HERE)

The photograph(s) should clearly indicate:

- (a) the sign placement, and
- (b) the text on the sign.

I hereby certify that the sign(s) depicted in the above photograph(s) has (have) been placed on the site of our land use application, with one sign for each principal street frontage.

Applicants'

Signature: \_\_\_\_\_

*A change of intent will require you to amend your sign.*

This form should be completed and returned immediately after placement of the sign(s) to the District of Oak Bay, Office of the Municipal Clerk, 2167 Oak Bay Avenue, Victoria, B.C., V8R 1G2.