DEVELOPMENT APPLICATION PROCEDURES AND FEES BYLAW NO. 2791, 2012

CONSOLIDATED FOR CONVENIENCE
July 9, 2026

In case of discrepancy, the original Bylaw or Amending Bylaw must be consulted

Consolidates Amendments authorized by:

- Amendment Bylaw (No. 1), 2015, No. 2855
- Amendment Bylaw (No. 2), 2016, No. 2868
- Amendment Bylaw (No. 3), 2018, No. 2936
- Amendment Bylaw (No. 4), 2020, No. 2997
- Amendment Bylaw (No. 5), 2021, No. 3046
- Amendment Bylaw (No. 6), 2024, No. 3119
- Amendment Bylaw (No. 7), 2026, No. 3187
- Amendment Bylaw (No. 8), 2026, No. 3190

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2791

A bylaw to establish development application procedures and fees and development approval information policies and procedures under Part 14 of the *Local Government Act*, heritage application procedures under Part 15 of the *Local Government Act*, and heritage application fees under Part 7 of the *Community Charter.* **[Amendment Bylaw, 2016, No. 2868]**

The MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

PART I: APPLICATION PROCEDURES

1. An owner of land, or a person authorized by the owner for that purpose as evidenced by a written authorization forming part of the application, may apply to the Director of Development Services for the following in the form prescribed for that purpose by the Director, and must provide the information required by the form:

   (a) an amendment to the Official Community Plan;

   (b) an amendment to the zoning bylaw;

   (c) a development permit;

   (d) a development variance permit;

   (d.1) Minor DVP [*Defined in Section 38A*] **[Amendment Bylaw, 2024, No. 3119]**

   (e) a temporary use permit;

   (f) discharge of, or amendment to, a land use contract;

   (g) an exemption from a bylaw establishing a flood construction level or floodplain setback;

   (h) an exemption from the minimum highway frontage in Section 512 of the *Local Government Act;* **[Amendment Bylaw, 2016, No. 2868]**

   (i) a heritage alteration permit;

   (j) a heritage revitalization agreement;

   (k) a heritage designation bylaw;

   (l) conversion of a previously occupied building to strata lots.

   (m) a housing agreement; **[Amendment Bylaw, 2021, No. 3046]** and,

   (n) a Section 219 covenant or any other covenant **[Amendment Bylaw, 2021, No. 3046].**

2. In the case of an application for a zoning amendment or amendment of the Official Community Plan that proposes a change of land use or change in the permitted density of land use, the applicant must comply with the public consultation procedures and provide the information on public consultation set out in Schedule A, except that Council or the Director of Development Services may waive the requirement for public consultation if Council or the Director of Development Services determines that such consultation may involve a contravention of a federal or provincial enactment. **[Amendment Bylaw, 2020, No. 2997]**

3. A reapplication for an amendment to a bylaw or land use contract or for a permit or exemption that has been refused may not be made within 6 months of the date on which the applicant was notified of the refusal unless Council specifies a lesser or greater period of time by resolution passed by a 2/3 majority of Council members eligible to vote.

4. If an applicant for a development permit seeks to vary a bylaw under Division 5, 11, 12, 13 or 14 of Part 14 of the *Local Government Act* and the applicable development permit guidelines do not address such variances, the applicant must make a concurrent application for a development variance permit or Minor DVP and pay the application fee in accordance with this Bylaw. **[Amendment Bylaw, 2016, No. 2868] [Amendment Bylaw, 2024, No. 3119]**

4A. In the case of an application for a temporary use permit, the Director of Development Services shall give notice in accordance with Section 494 of the *Local Government Act,* but the Director may instead report the application to the Council for a decision on whether to give notice. **[Amendment Bylaw, 2015, No. 2855] and [Amendment Bylaw, 2016, No. 2868]**

5. The distance specified for the purpose of notification in relation to an application to amend a bylaw or land use contact or for a temporary use permit is 100 metres, and in relation to an application for a development variance permit is 50 metres, in each case measured from the boundaries of any parcel to which the application pertains. For certainty, in accordance with the *Local Government Act*, a minor DVP does not require notice. **[Amendment Bylaw, 2015, No. 2855] [Amendment Bylaw, 2024, No. 3119]**

6. In the case of an application for an amendment of the Official Community Plan or the zoning bylaw, the applicant must within 14 days of making the application post on the land that is the subject of the application a notification sign, which must either:

   (a) be supplied by the Township at the applicant's cost, or

   (b) if directed by the Township, be supplied by the applicant at the applicant's cost, to specifications as to size, material, composition and form specified by the Township,

   and notify the Director of Development Services in writing that the sign has been posted. **[Amendment Bylaw, 2018, No. 2936]**

7. The notification sign must be:

   (a) posted so as to face each street on which the subject land has frontage, every 50.0 metres of frontage in the case of parcels whose frontage exceeds 50.0 metres;

   (b) placed at least 1.0 metre above grade and not more than 2.0 metres above grade;

(c) maintained in good repair and replaced at the applicant's cost if defaced, damaged or removed, until removal is required under subsection (d); and

(d) removed on the next business day following the Council's decision with respect to the application to which it pertains.

8. If the applicant does not maintain a notification sign in accordance with this Bylaw, the Council may postpone or cancel a scheduled public hearing until the requirements of the Bylaw have been complied with, and the Township may impose an additional application fee equal to the Township's actual cost of rescheduling the hearing.

9. A notification sign is not required if the Director of Development Services determines that the development that is the subject of the application is so minor as to have minimal impact on adjoining lands.

10. The applicant shall be provided with a copy of any report of the Director of Development Services or other Township staff after the agenda for the meeting of Council at which their application will be under consideration has been circulated to members of Council, and prior to the meeting.

11. Persons wishing to make representations to the Council with respect to a development variance permit application may do so in writing up to the close of business on the day on which the Council intends to consider issuing the permit, and may be heard at the Council meeting with leave of the person presiding.

12. The Corporate Officer must notify the applicant in writing of a refusal by Council to amend a bylaw or issue a permit, within fifteen days of the date of refusal.

PART II: APPLICATION FEES

13. Applications under this Bylaw must be accompanied by the fees set out in Schedule B, plus any fee prescribed by the Land Title and Survey Authority for the filing of applicable notices in the Land Title Office. For certainty, an amendment to the Official Community Plan or the zoning bylaw initiated by the Council is not an application under this Bylaw. **[Amendment Bylaw, 2015, No. 2855]**

14. If the application is withdrawn before being considered by the Council or a committee of the Council at any meeting, or by the Director of Development Services in the case of a minor DVP, the applicant shall be entitled to a refund of 50% of the application fee to a maximum refund of $1000.00 and if the application is withdrawn prior to the filing of notice in the Land Title Office, the applicant shall be entitled to a refund of the filing fee. **[Amendment Bylaw, 2021, No. 3046] [Amendment Bylaw, 2024, No. 3119]**

PART III: DEVELOPMENT APPROVAL INFORMATION

15. Upon the request of the Director of Development Services and within the time specified in the request, an applicant described in Section 1(b), (c) or (e) must provide to the Director of Development Services written Terms of Reference for the preparation of information on the impact of the proposed activity or development that is the subject of the application.

16. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Terms of Reference must include those matters in the scope of the information that is to be prepared:

(a) the natural environment of the area affected including adjacent marine areas, surface drainage, ecosystems and biological diversity, with particular emphasis on areas of unusual environmental sensitivity and any rare plant or animal species;

(b) local highways, fire protection systems, water supply systems, municipal solid waste disposal and recycling facilities, energy and communications utilities, and local parking facilities;

(c) local school facilities; local, regional and provincial parks; hospitals and other health care services; local transportation services including public transit;

(d) local commercial services and employment opportunities, but the question of market demand for the activity or development need not be dealt with when the application is for a development permit;

(e) property tax revenues of the Township;

(f) energy and water conservation;

(g) natural hazards including tsunami hazards and the effects of sea level rise;

(h) cultural heritage resources including resources of historical, archaeological, paleontological or architectural significance whether on land or underwater; and

(i) aesthetic values including the appearance of the development and the effect of any artificial lighting proposed.

17. In addition to any matter listed in Section 16, the applicant may include in the Terms of Reference any matter on which the applicant considers information ought to be provided to the Township to permit a full understanding of the Impact of the proposed activity or development on the community.

18. In the case of an application for a development permit or temporary use permit, the Terms of Reference must address any particular information requirements that are identified in or arise from any applicable guidelines in the Official Community Plan or Zoning Bylaw.

19. In addition to any other requirements the Terms of Reference may require the person preparing the impact information to provide information on the relationship between the proposed activity or development and

(a) the Regional Growth Strategy of the Capital Regional District; and

(b) in the case of a proposed zoning amendment, the Official Community Plan.

20. The Terms of Reference may specify that the impact information will be prepared by a person having professional expertise in the matters included in the Terms of Reference, any may include information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information.

21. The Terms of Reference must specify the date by which and the form and the number of copies in which the impact information will be provided.

22. Within 10 business days of receipt of the Terms of Reference the Director of Development Services must indicate in writing to the applicant that:

(a) the Terms of Reference submitted by the applicant are acceptable;

(b) the Terms of Reference submitted by the applicant are acceptable if additional matters specified by the Director and within the scope of Section 16 of this Bylaw are included;

(c) the Terms of Reference submitted by the applicant are acceptable if a person other than one who has been proposed by the applicant in the Terms of Reference, and whose selection has been approved in writing by the Director, prepares the impact information; or

(d) the Terms of Reference are unacceptable and must be replaced by the applicant.

23. For the purposes of Section 26, when accepting Terms of Reference, the Director of Development Services may advise the applicant of other projects proposed or under development in the area that may be affected by the applicant's proposed activity or development.

24. If the Director of Development Services does not provide advice pursuant to Section 22 by the end of the tenth business day the Director of Development Services is deemed to have accepted the proposed Terms of Reference.

25. Upon receipt of notice accepting the Terms of Reference or where the Terms of Reference have been deemed to be accepted, the applicant must prepare the impact information in accordance with the accepted Terms of Reference and within the time specified in the Terms of Reference must provide it to the Township, at the applicant's expense.

26. For every matter within the scope of Section 16 that is included in the Terms of Reference, the applicant must

(a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;

(b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development of which the Director has provided advice under Section 23;

(c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and

(d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided

all in accordance with generally accepted impact assessment methodology.

27. If Terms of Reference approved under Section 22 or deemed to be approved under Section 24 specify professional expertise in the preparation of impact information, prior to authorizing the preparation of the impact information by any person the applicant must deliver to the Director of Development Services information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information, unless that information was included in the approved Terms of Reference.

28. Within 10 business days of receipt of the information, the Director of Development Services must advise the applicant whether the proposed person is acceptable, and if the person is not acceptable the Director must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons. If such advice is not provided by the end of the tenth business day, the Director is deemed to have accepted the proposed person.

29. If the Director of Development Services is not satisfied that the impact information provided by the applicant under Section 25 is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the Director may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference, but a requirement for further information may be imposed once only.

30. If the Director of Development Services considers that the impact information provided by the applicant, or any portion of it, requires an independent review prior to being considered by the Township, the Director may require the applicant to provide such a review of the information including the methodology used in its preparation.

31. The Director of Development Services may specify that the independent review be conducted by a suitably qualified person, including, but limited to, a member of the faculty of a university or college, a member of the Planning Institute of B.C., a member of the Architectural Institute of B.C. or the B.C. Society of Landscape Architects, a member of the Association of Professional Engineers and Geoscientists of B.C., a Registered Professional Forester or a Registered Professional Biologist, a Registered Arborist and may specify terms of reference for the review.

32. The applicant must arrange for the independent review to be conducted and submitted in writing to the Township, at the applicant's expense and within the time specified by the Director of Development Services.

33. The information that is provided to the Township pursuant to this Part is required by the Township in the exercise of its powers under the *Local Government Act*. Every report or other document provided to the Township pursuant to this Bylaw must accordingly contain an express grant of permission to the Township to use and reproduce the information contained in the report or other document for non-commercial purposes.

34. The Director of Development Services must, when imposing requirements under this Part, advise the applicant of their right to reconsideration under Part VI of this Bylaw.

PART IV: DELEGATION IN RELATION TO PART 14 MATTERS [Amendment Bylaw, 2016, No. 2868]

35. The Director of Development Services may prescribe application forms for the purposes of this Bylaw, and in doing so may prescribe different forms and information requirements for different categories of application based on the nature or complexity of the application.

36. The Director of Development Services may prescribe the form of permits referred to in Section 1.

37. The Council delegates to the Director of Development Services the authority to issue development permits described in Schedule C that do not involve the variance of a bylaw under Division 5, 11, 12, 13 or 14 of Part 14 of the *Local Government Act*, unless the variance may be approved as a minor DVP, and the Director may refer such applications

to the Advisory Planning Commission for recommendations. **[Amendment Bylaw, 2016, No. 2868] [Amendment Bylaw, 2024, No. 3119]**

38. The Council delegates to the Director of Development Services the authority to deal with any application to amend any development permit, provided that the Director may not approve any amendment that:

(a) is not, in the Director's opinion, consistent with the applicable development permit guidelines;

(b) increases any variance authorized by the development permit, unless the variance may be approved as a minor DVP **[Amendment Bylaw, 2024, No. 3119]**, or

(c) in the case of a development permit dealing with the form and character of development, in the Director's opinion results in a material change to the form and character of the development.

38A. **Delegation of Minor DVPs in accordance with LGA s.498.1**, **[Amendment Bylaw, 2024, No. 3119]**

(a) The Council delegates to the Director of Development Services the authority to issue minor development variance permits in accordance with section 498.1 of the *Local Government Act* and the provisions of this Bylaw (described as "minor DVP").

(b) A minor variance includes:
- i. Variances to maximum fence heights of less than 25%;
- ii. Variances to maximum building heights of up to 2.3 metres;
- iii. Variances to minimum setbacks of less than 25%;
- iv. Variances to minimum parking requirements of less than 5%;
- v. Variances to site coverage less than 25%;
- vi. Variance to sign regulations up to 25%;
- vii. Notwithstanding the above, the full scope of variances authorized by the *Local Government Act* can be increased beyond 25% if, in the opinion of a Registered Professional Planner working for the Township, the variance, or development facilitated by the variance, is consistent with good land-use planning, and any one or more of the following applies:
  - A. the variance relates to an existing building or structure;
  - B. the variance facilitates subdivision of land, except in the ALR;
  - C. the variance relates to section 50 of the *Community Charter* [trees];
  - D. the variance results in enhanced accessibility for persons with disabilities.

(c) The percentage of a variance shall be calculated by the following equation, noting v_1 is the bylaw's existing regulation and v_2 is the proposed regulation if the variance is granted:

$$\frac{|v_1 - v_2|}{\left[\frac{v_1 + v_2}{2}\right]} \times 100 = {}^{0}/_{0}$$

(d) The Director must consider the following guidelines in deciding whether to issue a minor DVP:

i. The variance should not result in inappropriate development of the site.
ii. The variance should not adversely affect the natural environment.
iii. The variance should not substantially affect the use and enjoyment of adjacent land.
iv. The variance should not defeat the intent of the bylaw.
v. The variance or development facilitated by the variance should, in the opinion of a Registered Professional Planner working for the Township, be consistent with good land-use planning.
vi. In support of additional housing initiatives, greater leeway may be given for variances that facilitate the provision of dwelling units provided that maximum density of the applicable zone and Official Community Plan designation is not exceeded.
vii. In support of Council priorities, greater leeway may be given for variances that advance Township policy as identified in the Official Community Plan, bylaw or other plan or policy endorsed by resolution of Council.
viii. If the variance is likely to have more than minor adverse impacts on the public realm that are not justifiable by other criteria, has the applicant proposed sufficient mitigations or alternative benefits either to benefit surrounding property, the broader neighbourhood or the Township, as determined in the sole discretion of the Director.

(e) For certainty, the delegation to the Director of Development Services of the power to issue a development variance permit includes all the powers of Council in relation to such permits, including the power to impose conditions and requirements, require security and set standards on the issuance of a permit.

(f) The Director of Development Services must notify the applicant in writing of a refusal by the Director to issue a minor DVP within fifteen days of the date of refusal.

39. The Director may, in lieu of determining any particular permit or amendment application, make a recommendation to the Council that a decision on the issuance of the permit be made by the Council, and in such cases the Council and not the Director shall make the decision and the provisions of this Bylaw dealing with reconsideration shall not apply.

40. Except for delegated permits, and permits and applications initiated by the Township where the Chief Administrative Officer and the Director of Development Services are in concurrence that the permits or applications can proceed directly to Council, the Director of Development Services must refer permit and amendment applications to the Advisory Planning Commission in all circumstances where a bylaw of the Township requires such referral, or where the Council directs such referral, and the recommendations of the Commission shall be provided to the Council or Council committee at a meeting at which the application is to be considered. **[Amendment Bylaw, 2016, No. 2868]**

40A. Notwithstanding Section 40, the following applications will be directly referred to Council, or the Director of Development Services if subject to an application for minor DVP **[Amendment Bylaw, 2024, No. 3119]**, and not to the Advisory Planning Commission:

(a) Variances to maximum fence heights of less than 25%;

(b) Variances to maximum building heights of less than 25%;

(c) Variances to minimum setbacks of less than 25%;

(d) Variances to minimum parking requirements of less than 30%;

(e) Variance to site coverage less than 25%;

(f) Variance to minimum parcel area less than 25%;

(g) Variance to minimum lot width less than 25%;

(h) All variances to sign areas, heights and numbers.

41. For certainty, the delegation to the Director of Development Services of the power to issue or amend development permits within the scope of this Bylaw includes all the powers of Council in relation to such permits and amendments, including the power to supplement a bylaw and the power to impose conditions and requirements and set standards on the issuance of a permit.

42. Council delegates to the Director of Development Services the authority to sign and issue permits within the scope of this Bylaw and to cancel permits when they lapse.

43. The Director of Development Services may require security for the purposes of Section 502(3) of the *Local Government Act* when exercising the Director's powers under Section 37, Section 38, or Section 38A and: **[Amendment Bylaw, 2016, No. 2868] [Amendment Bylaw, 2024, No. 3119]**

(a) in the case of a condition in a permit respecting landscaping, the amount of the security shall be 120% of the cost to the Township, as estimated by the Director, of 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;

(b) in the case of an unsafe condition that might result from a contravention of a permit condition, the Director must consider the nature of the permit condition, the nature of the unsafe condition, and the cost to the Township of entering on the land, undertaking work to correct the unsafe condition, 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; and

(c) in the case of damage to the natural environment that might result from a contravention of a permit condition, the Director must consider the nature of the permit condition, the nature of the damage, and the cost to the Township of entering on the land, correcting the damage to the environment, and restoring or enhancing the natural environment to compensate for the damage that has been caused by the contravention of the permit condition. **[Amendment Bylaw, 2015, No. 2855]**

44. The Director of Development Services must send a notice of his or her decision under this Part in writing to the registered owner of the property who made the application or to the agent who made the application on the owner's behalf, advising the applicant of their right to reconsideration under Part VI of this Bylaw.

45. The notice will be deemed to have been received by the owner, or his or her agent, 8 days after notice is mailed at any post office box.

46. Council authorizes the Mayor and Corporate Officer to sign covenants and other documents related to the amendment of the Official Community Plan or Zoning Bylaw, the issuance of a permit, the amendment of a land use contract, or the granting of an exemption pursuant to this Bylaw.

46.A *Council delegates to the Subdivision Approving Officer the authority to accept on the Township's behalf a covenant or other document that is required by the Subdivision Approving Officer as a condition of subdivision approval, and Council authorizes the Mayor and Corporate Officer to sign the covenant and other documents*. **[Amendment Bylaw, 2024, No. 3119]**

46.B *Council delegates to the Subdivision Approving Officer the authority to exempt a parcel from the statutory (10%) or bylaw minimum frontage provided for in subsection 512(1) of the Local Government Act.* **[Amendment Bylaw, 2024, No. 3119]**

PART V: HERITAGE PROPERTY

47. In this Part, "building official" means a person performing the duties of a building official under Building Code Bylaw, 2002, No. 2538, as amended.

48. The Council delegates to the Director of Development Services the authority to order a heritage inspection under Section 600 of the *Local Government Act* and a heritage impact assessment under Section 602 of that Act, and in imposing such requirements the Director must advise the owner of their right to reconsideration under Part VI of this Bylaw. **[Amendment Bylaw, 2016, No. 2868]**

49. A building official must withhold the issuance of a building or demolition permit where the official considers the permit would authorize an alteration inconsistent with the heritage protection of the property in the following cases:

    (a) an alteration to property that is included in a community heritage register;

    (b) an alteration to property that is included in a schedule of protected heritage property within a heritage conservation area designated in the Official Community Plan;

    (c) an alteration to property that is the subject of a heritage designation bylaw under Section 611 of the *Local Government Act* or any predecessor legislation authorizing such designation; **[Amendment Bylaw, 2016, No. 2868]**

    (d) an alteration to property in respect of which a heritage control period has been declared under section 608 of the *Local Government Act*. **[Amendment Bylaw, 2016, No. 2868]**

50. Despite Section 49, a building official must not withhold the issuance of any building permit in respect of any alteration required by an enactment.

51. The building official must notify the applicant of a permit withheld under Section 49 in writing that the matter of the issuance of the permit will be considered by the Council at its next regular meeting after the approval is withheld, the date, time and location of which are stated in the notice.

52. A building official must withhold any demolition permit for a building on property that is included in a community heritage register until a building permit and all other necessary approvals have been issued with respect to the redevelopment of the property.

53. A building official must withhold any demolition permit for a building that is included in a schedule of protected heritage property within a heritage conservation area designated in the Official Community Plan, until a heritage alteration permit and all other necessary approvals have been issued with respect to the redevelopment of the property.

PART VI: RECONSIDERATION OF DECISIONS

54. An applicant who is subject to a decision of the Director of Development Services under Part III, Part IV or Part V of this Bylaw is entitled to have the decision reconsidered by Council in accordance with this Part.

55. The applicant must apply for reconsideration by delivering to the Corporate Officer, and providing a copy to the Director of Development Services, within 30 days after the decision of the Director is received or deemed to be received by the owner or his or her agent, a reconsideration application in writing, which must set out all of the following:

    (a) the date of the decision of the Director and the nature of the decision;

    (b) reasons why the owner wishes the decision to be reconsidered by Council;

    (c) the decision the owner requests be made by Council, with brief reasons in support of the requested decision; and

    (d) a copy of any materials the owner considers to be relevant to the reconsideration by Council.

56. Reconsiderations must occur at a regular meeting of Council held at least two weeks after the date on which the reconsideration application is delivered to the Corporate Officer.

57. The Corporate Officer may give notice of each reconsideration by Council in accordance with any notice requirements applicable to the original application that is set out in this Bylaw or the *Local Government Act*.

58. Before each reconsideration by Council, each Council member is entitled to receive a copy of the materials that were considered by the Director of Development Services in making the decision that is to be reconsidered, plus a copy of any additional materials submitted by the owner, by the Director and by other persons.

59. The owner is entitled to receive a copy of all documents that Council will consider, including any additional materials delivered by the owner or by the Director of Development Services or by other interested persons. Council may also view the subject land and obtain other information about the land and proposed development.

60. At a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by Council, either directly or through an agent.

61. At a reconsideration, the Director of Development Services may address Council or respond to its questions.

62. Council may adjourn a reconsideration of a decision.

63. After having reconsidered a decision, Council may either confirm the decision of the Director of Development Services or may vary the decision or set aside the decision and substitute the decision of Council.

64. The owner who applied for reconsideration is entitled to receive a written notice of Council's decision, which notice will be deemed sufficiently sent to the owner if mailed at a post office box.

PART VII: SHORT TITLE AND REPEAL

65. This Bylaw may be cited as "Development Application Procedures and Fees Bylaw No. 2791, 2012".

66. The following bylaws are repealed, together with all amendments thereto:

    (a) Subdivision Fee Bylaw, 1991, No. 2018;

    (b) Fees (Development Applications) Bylaw, 1995, No. 2203;

    (c) Development Approval Procedures Bylaw, 2003, No. 2562;

    (d) Delegation of Authority for Selected Development Permits Bylaw, 2010, No. 2751.

READ A FIRST TIME this 17th day of December, 2012.

READ A SECOND TIME this 16th day of December, 2013.

READ A THIRD TIME this 16th day of December, 2013.

ADOPTED this 6th day of January, 2014.

BARBARA DESJARDINS MAYOR	ANJA NURVO CORPORATE OFFICER

SCHEDULE A

PUBLIC CONSULTATION PROCEDURE

- The applicant must consult with residents and owners of property within 100 metres of the parcel that is the subject of the application by holding a public meeting on the parcel or another suitable location in the immediate neighbourhood.

- The public meeting must take place within 45 days of the date that the application was submitted to the Township. **[Amendment Bylaw, 2018, No. 2936]**

- The applicant must supply a copy of the Neighbourhood Open House notices to the File Manager, a minimum of 20 days before the proposed date of the Neighbourhood Open House and the Township will mail the applicant's notices at least 10 days prior to the Neighbourhood Open House. **[Amendment Bylaw, 2024, No. 3119]**

- The notice must state the date, time and place of the public meeting, and provide a general description of the applicant's proposal and the name and telephone number of a representative of the applicant who may be contacted regarding the application.

- If the meeting is not held on the parcel that is the subject of the application, sufficient graphic and photographic information must be available at the meeting to familiarize those in attendance with the location and physical characteristics of the parcel and illustrate the appearance of the proposed development.

- The applicant must provide to the Director of Development Services, with their application, the following information:

  - A map illustrating the location of parcels of land whose owners or residents were notified of the public meeting;

  - A copy of the notice of public meeting;

  - A summary of the proceedings at the public meeting including the names and addresses of those attending and a general indication of whether they expressed support for the application or opposition to the application;

  - A summary of suggestions that were made at the meeting for revisions to the application to improve its acceptability; and

  - Copies of any letters or other material provided to the applicant by persons notified of the public meeting or in attendance at the public meeting, and any responses provided by the applicant.

SCHEDULE B

DEVELOPMENT APPLICATION FEES

APPLICATION OR OTHER MATTER	FEE
OFFICIAL COMMUNITY PLAN:	
OCP amendment **[Amendment Bylaw, 2026, No. 3187]**	$2000
ZONING BYLAW:	
Zoning Bylaw text amendment **[Amendment Bylaw, 2026, No. 3187]**	$2000
Rezoning to a Residential zone **[Amendment Bylaw, 2026, No. 3187]**	$3000 plus $100 per dwelling unit
Rezoning to a Commercial (C) zone **[Amendment Bylaw, 2026, No. 3187]**	$3000 plus $1.00/$m^2$ of Gross Floor Area (based on maximum allowable)
Rezoning to an Industrial (I) zone **[Amendment Bylaw, 2026, No. 3187]**	$3000 plus $1.00/$m^2$ of Gross Floor Area (based on maximum allowable)
Rezoning to an Institutional (P) zone **[Amendment Bylaw, 2026, No. 3187]**	$3000
Rezoning to a Marine (M) zone **[Amendment Bylaw, 2026, No. 3187]**	$3000
Any zone to Comprehensive Development Zone (CD) zone **[Amendment Bylaw, 2021, No. 3046]** **[Amendment Bylaw, 2026, No. 3187]**	$3000 plus $100 per proposed residential unit. In addition, for commercial, or industrial, developments, $3000 plus $1.00/$m^2$ of Commercial or Industrial Gross Floor Area For mixed-use developments, the fee shall be based on combined total of the fees calculated for the residential portion and the fees calculated for the commercial or industrial portion. In all cases, residential unit count and Gross Floor Area shall be calculated based on the maximum possible yield under the proposed zoning.
DEVELOPMENT PERMIT: **[Amendment Bylaw, 2024, No. 3119]**	
Detached Accessory Dwelling Unit **[Amendment Bylaw, 2021, No. 3046]**	$500

Multiple Family Residential **[Amendment Bylaw, 2021, No. 3046]** **[Amendment Bylaw, 2026, No. 3187]**	$3000 plus $100 per dwelling unit
Commercial or Industrial **[Amendment Bylaw, 2026, No. 3187]**	$1000 plus $1.00/$m^2$ of proposed Gross Floor Area
Mixed use development	Fee to be calculated based on the combined fees for the residential and commercial/ industrial portions of the building or structure
Delegated Development Permit **[Amendment Bylaw, 2026, No. 3187]**	$500, plus $500 per proposed additional dwelling unit
Development Permit - Delegated Amendment **[Amendment Bylaw, 2026, No. 3190]**	$500
Development Permit for signs **[Amendment Bylaw, 2026, No. 3187]**	$250
Development Permit with variance (excluding signs) **[Amendment Bylaw, 2016, No. 2868]** **[Amendment Bylaw, 2026, No. 3187]**	$1000 in addition to development permit fee. Each additional variance is $250.
Development Permit with variance for signs **[Amendment Bylaw, 2016, No. 2868]** **[Amendment Bylaw, 2026, No. 3187]**	$250. Each additional variance is $250.
Hazardous Conditions **[Amendment Bylaw, 2018, No. 2936]** **[Amendment Bylaw, 2026, No. 3187]**	$500
<u>OTHER FEES:</u> **[Amendment Bylaw, 2015, No. 2855]**	
Development Variance Permit (excluding signs) **[Amendment Bylaw, 2016, No. 2868]** **[Amendment Bylaw, 2024, No. 3119]** **[Amendment Bylaw, 2026, No. 3187]**	$1000. Each additional variance is $250.
Development Variance Permit for a sign **[Amendment Bylaw, 2016, No. 2868]** **[Amendment Bylaw, 2026, No. 3187]**	$250. Each additional variance is $250.
Minor DVPs **[Amendment Bylaw, 2024, No. 3119]** **[Amendment Bylaw, 2026, No. 3187]**	$500. Each additional variance is $250.
Conversion to Strata Lots	$500 plus $50 per proposed strata lot
Highway Frontage Exemption	$500
Heritage Alteration Permit	$500

Heritage Revitalization Agreement	$1000
Heritage Designation Bylaw	$500
Housing Agreement for a Detached Accessory Dwelling Unit **[Amendment Bylaw, 2021, No. 3046]**	$250
Covenant for a Detached Accessory Dwelling Unit **[Amendment Bylaw, 2021, No. 3046]**	$250
Temporary Use Permit **[Amendment Bylaw, 2026, No. 3187]**	$1500
One time only renewal of a Temporary Use Permit **[Amendment Bylaw, 2016, No. 2868]**	$500
Subdivision, including any required development permit that authorizes subdivision only **[Amendment Bylaw, 2015, No. 2855]** **[Amendment Bylaw, 2026, No. 3187]**	$2000 plus $100 per proposed additional lot
Removal of notices from a land title **[Amendment Bylaw, 2016, No. 2868]**	$100
Except as otherwise provided for in this schedule, the execution, amendment or discharge of a covenant or other legal document related to any of the above items **[Amendment Bylaw, 2016, No. 2868]** **[Amendment Bylaw, 2021, No. 3046]**	$500
Road Closure	$1500
Legal costs associated with any of the above items	At cost
Third party consulting fees associated with any of the above items	At cost
Advertising or Public Notification **[Amendment Bylaw, 2016, No. 2868]**	At cost
Mail out for Neighbourhood Consultation Meeting **[Amendment Bylaw, 2018, No. 2936]** **[Amendment Bylaw, 2026, No. 3187]**	$2.50 per envelope
Other approvals requiring a Council Resolution (e.g. Cemetery endorsement) **[Amendment Bylaw, 2018, No. 2936]**	$250

SCHEDULE C

DELEGATION OF DEVELOPMENT PERMIT POWERS

[Amendment Bylaw, 2015, No. 2855] [Amendment Bylaw, 2018, No. 2936] [Amendment Bylaw, 2024, No. 3119]

1. All development permits dealing with the form and character of development to deal with any of the following:

    a. Replacement of existing windows or doors to improve energy efficiency.

    b. Replacement of balcony railings or panels.

    c. Replacement of exterior cladding in connection with building envelope repairs.

    d. Changes to the colour of exterior finishes that are consistent with the form and character of the building authorized by an existing development permit.

    e. Replacement of exterior stairs or landings where no variances are required.

    f. Addition of doors or windows to commercial and industrial buildings.

    g. Addition of windows, door, and garage doors to multi-unit residential buildings.

    h. Alterations to the roofline of multi-unit residential buildings required to accommodate the replacement or installation of elevators.

    i. Installation of signage on commercial or industrial buildings that complies with the Sign Regulation Bylaw, 1996, No. 2252, as amended.

2. All Residential development, in any building form, up to and including six (6) units on a fee simple parcel.

3. All Signage in DPA #11 and within 20m of the Gorge Waterway high watermark, 10m of the Strait of Juan de Fuca, or within the Hazardous Conditions Development Permit Area.

4. Accessory Buildings that contain plumbing that are not otherwise exempt for a development permit requirement.

5. All Accessory Buildings within 20m of the Gorge Waterway high watermark, 10m of the Strait of Juan de Fuca, or within the Hazardous Conditions Development Permit Area.