

The contents of this Bylaw are produced and consolidated for convenience only. Every effort has been made to ensure the accuracy and completeness of the material, however, the Town cannot guarantee its legal accuracy and does not accept responsibility for loss or inconvenience suffered by users as a result of inaccuracies. Please be advised that this material is not admissible in a court of law in accordance with the *Evidence Act of British Columbia*. For such purposes certified copies of Bylaws must be obtained from the Corporate Officer.

## TOWN OF SIDNEY

### BYLAW NO. 1380 (CONSOLIDATED)

*Amendment Bylaws have been incorporated in to this document.*

#### **A BYLAW TO ESTABLISH APPLICATION PROCEDURES FOR AMENDMENT TO THE OFFICIAL COMMUNITY PLAN BYLAW OR THE LAND USE BYLAW AND THE ISSUE OF A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT.**

---

The Council of the Town of Sidney in open meeting assembled, enacts as follows:

#### **1. Citation**

This Bylaw may be cited for all purposes as the Town of Sidney “**Land Use Procedures Bylaw 1380, 1997.**”

#### **2. Application of Permit**

This Bylaw shall only apply to the following:

##### 2.1 Amendments to:

- a) the Official Community Plan Bylaw
- b) the Zoning Bylaw.

##### 2.2 Issuance of:

- a) Development Permits
- b) Development Variance Permits
- c) Temporary Commercial and Industrial Use Permits

#### **3. Amendments to Official Community Plan Bylaw or Zoning Bylaw**

3.1 An application for an amendment to the Official Community Plan Bylaw or the Zoning Bylaw shall be made by the owner of the land which is the subject of the application or by a person authorized, in writing, by the owner.

3.2 An application for an amendment shall be made to the Planning Department of the Town of Sidney on the applicable forms attached hereto as Schedule "A" and forming a part of this Bylaw.

3.3 An application will not be considered unless all applicable information as outlined in the Town of Sidney Policy on Planning Procedures is received.

3.4 At the time of application for an amendment, the applicant shall pay to the Town an application fee in the amount set out in Schedule “B” attached hereto and forming part of the Bylaw, with the exception of that which is stipulated under Section 3.4.1.

- 3.4.1 Where 10 or more adjacent or adjoining properties, comprising single and/or two-family dwellings make application for an amendment to the Official Community Plan and/or Zoning Bylaw, and provided that at least 10 of these properties are owned by different owners, then the cost of the application as set out in the attached Schedule "B" will consist of only the advertising fee (\$1,500.00) + 10% for administration costs. This exception shall only apply to OCP and Zoning Amendment applications which involve changes to single and two-family uses.
- 3.5 When an application for an amendment has been received, the applicant shall install a Notice of Development Application sign on the subject property within two weeks. A Notice of Development Application sign shall be:
- a) Designed in accordance with Schedule "D" forming a part of this bylaw;
  - b) Professionally prepared;
  - c) Installed on private property along the frontage of the property;
  - d) Installed on stakes, posts, or attached to a fence located on private property; and
  - e) Legible from the street.
- 3.6 An application for an amendment will not be added to a Committee of the Whole or Council meeting agenda for review until a Notice of Development Application sign has been installed on the subject property in accordance with the provisions contained in this bylaw. The applicant shall provide proof of the installation of the sign to Development Services staff.
- 3.7 A Notice of Development Application sign shall remain installed on the subject property for the duration of the amendment application process. It shall be removed by the applicant after the application process is complete.
- 3.8 Where an application for an amendment has been received, notice of the development application shall be mailed within two weeks to the owners as shown on the assessment roll as at the date of receipt of the application, and to any tenants in occupation as at the date of receipt of the application, of all parcels, any part of which is:
- a) the subject of the bylaw amendment; or
  - b) within 100 metres (328 feet) of the part of the land that is subject to the application.
- 3.9 In the case of an application to amend a bylaw, the application shall be processed by the Municipal Planner who will deal with the application as established by the Town of Sidney Policy on Planning Procedures.
- 3.10 Where an application is approved to proceed to bylaw for an amendment of the Official Community Plan Bylaw or Zoning Bylaw, notice shall be given in accordance with the Local Government Act to the owners as shown on the assessment roll as at the date of the first reading of the bylaw, and to any tenants in occupation, as at the date of the mailing or delivery of the notice, of all parcels, any part of which is:
- a) the subject of the bylaw amendment; or
  - b) within 100 metres (328 feet) of the part of the land that is subject to the application.

- 3.11 Upon receipt of the application and subsequent reports, Council may proceed with an amendment bylaw or may reject the application. Where an application has been refused by Council, the Clerk shall notify the applicant in writing within thirty (30) days immediately following the date of refusal.

#### **4. Development Permit**

- 4.1 An application for a Development Permit shall be made by the owner of the land which is the subject of the application or by a person authorized, in writing, by the owner.
- 4.2 An application for a Development Permit shall be made to the Planning Department of the Town of Sidney on the applicable forms attached hereto as Schedule "A" and forming a part of this Bylaw.
- 4.3 An application will not be considered unless all applicable information as outlined in the Town of Sidney Policy on Planning Procedures is received.
- 4.4 At the time of application for the Development Permit, the applicant shall pay to the Town an application fee in the amount as set out in Schedule "B" attached hereto and forming a part of this Bylaw.
- 4.5 Where an application for a Development Permit (Major) for a property designated Downtown Commercial (COM-1) in the Official Community Plan Bylaw has been received, notice of the development application shall be mailed within two weeks to the owners as shown on the assessment roll as at the date of receipt of the application, and to any tenants in occupation as at the date of receipt of the application, of all parcels, any part of which is:
- a) the subject of the bylaw amendment; or
  - b) within 75 metres (246 feet) of the part of the land that is subject to the application.
- 4.6 In the case of an application for Development Permit, the application shall be processed by the Municipal Planner who will deal with the application as established by the Town of Sidney Policy on Planning Procedures.
- 4.6.1 Upon receipt of an application and all necessary reports, the Director of Development Services may approve and issue a Development Permit (Minor) as proposed in the application. The Director of Development Services may not reject any application but must forward any application which he does not approve to Council for further consideration. *(A minor application for the purpose stated above are for projects in which there is no increase in gross floor area or reduction in the number of off-street parking spaces.)*
- 4.6.2 Upon receipt of the application for Development Permit (Major), or a Development Permit (Minor), which the Director of Development Services has not approved, Council may:
- a) Authorize the issuance of the permit as proposed in the application and issue a permit as set out in Schedule "C" of this Bylaw;
  - b) Authorize the issuance of the permit on such terms as may be specified by Council and issue a permit as set out in Schedule "C" of this Bylaw; or
  - c) Refuse to authorize the issuance of the permit.

- 4.7 Where an application has been refused by Council, the Clerk shall notify the applicant in writing within 30 (thirty) days immediately following the date of refusal.
- 4.8 a) Upon approval of the Development Permit, Council may require that the applicant for the Development Permit provide security to the Town in the amount of 25% of the Construction cost stated on the permit. This payment may be paid in the form of an irrevocable letter of credit, cash or bond.
- b) Council may undertake at the expense of the holder of the permit, the work, construction or other activities required to satisfy the landscaping condition, correct an unsafe condition or correct damage to an environmental condition.

## **5. Development Variance Permit**

- 5.1 An application for a Development Variance Permit shall made by the owner of the land which is the subject of the application or by a person authorized, in writing, by the owner.
- 5.2 An application for a Development Variance Permit shall be made to the Planning Department of the Town of Sidney on the applicable forms attached hereto as Schedule "A" and forming a part of this Bylaw.
- 5.3 An application will not be considered unless all applicable information as outlined in the Town of Sidney Policy on Planning Procedures is received.
- 5.4 At the time of application for the Development Variance Permit, the applicant shall pay to the Town an application fee in the amount as set out in Schedule "B" attached hereto and forming a part of this Bylaw.
- 5.5 In the case of an application for Development Variance Permit, the application shall be processed by the Municipal Planner who will deal with the application as established by the Town of Sidney Policy on Planning Procedures.
- 5.6 Where an application has received approval to proceed with a Development Variance Application, notice shall be given in accordance with the *Local Government Act* to the owners as shown on the assessment roll as at the date of application for the permit, and to any tenants in occupation, as at the date of the mailing or delivery of the notice, of all parcels, any part of which is:
- a) the subject of the permit; or
- b) within 75 metres (246 feet) of the part of the land that is subject to the permit.
- 5.7 Upon receipt of the application, responses from the public and all necessary reports Council may:
- a) authorize the issuance of the permit as proposed in the application and issue a permit as set out in Schedule "C" of this Bylaw;
- b) authorize the issuance of the permit on such terms as may be specified by Council and issue a permit as set out in Schedule "C" of this Bylaw; or
- c) refuse to authorize the issuance of the permit.
- 5.8 Where an application has been refused by Council, the Clerk shall notify the applicant in writing within 30 (thirty) days immediately following the date of refusal.

## **6. Temporary Commercial or Industrial Use Permits**

- 6.1 An application for a permit shall be made by the owner of the land which is the subject of the application or by a person authorized, in writing, by the owner.
- 6.2 An application for a permit shall be made to the Planning Department of the Town of Sidney on the applicable forms attached hereto as Schedule "A" and forming a part of this Bylaw.
- 6.3 An application will not be considered unless all applicable information as outlined in the Town of Sidney Policy on Planning Procedures is received.
- 6.4 At the time of application for a permit, the applicant shall pay to the Town an application fee in the amount as set out in Schedule "B" attached hereto and forming a part of this Bylaw.
- 6.5 In the case of an application to amend a permit, the application shall be processed by the Municipal Planner who will deal with the application as established by the Town of Sidney Policy on Planning Procedures.
- 6.6 Where an application is approved to proceed, notice shall be given in accordance with the *Local Government Act* to the owners as shown on the assessment roll as at the date of application for the permit, and to any tenants in occupation, as at the date of the mailing or delivery of the notice, of all parcels, any part of which is:
- a) the subject of the permit; or
  - b) within 75 metres (246 feet) of the part of the land that is subject to the permit.
- 6.7 Upon receipt of the application, responses from the public and all necessary reports, Council may:
- a) authorize the issuance of the permit as proposed in the application and issue a permit as set out in Schedule "C" of this Bylaw;
  - b) authorize the issuance of the permit on such terms as may be specified by Council and issue a permit as set out in Schedule "C" of this Bylaw; or
  - c) refuse to authorize the issuance of the permit.
- 6.8 Where an application has been refused by Council, the Clerk shall notify the applicant in writing within 30 (thirty) days immediately following the date of refusal.

## **7. Repealing of Bylaw**

Bylaw No. 801 being the Town of Sidney's "Rezoning Fee Assessment and Procedure Bylaw 801", together with all amendments thereto is hereby repealed.

Introduced and read a first time the 10<sup>th</sup> day of March, 1997.

Read a second time the 10<sup>th</sup> day of March, 1997.

Read a third time the 10<sup>th</sup> day of March, 1997.

Reconsidered and finally adopted the 24<sup>th</sup> day of March 1997.

(original signed) \_\_\_\_\_  
**MAYOR**

(original signed) \_\_\_\_\_  
**CLERK**

- 
- (amendment 01) **Bylaw No. 1517**
  - (amendment 02) **Bylaw No. 1599**
  - (amendment 03) **Bylaw No. 1743**
  - (amendment 04) **Bylaw No. 2091**
  - (amendment 05) **Bylaw No. 2153**
  - (amendment 06) **Bylaw No. 2205**

**Schedule "A"**

**APPLICATION FORM**



**TOWN OF SIDNEY**

**APPLICATION FOR OFFICIAL COMMUNITY PLAN AMENDMENT, ZONING AMENDMENT  
AND APPLICATION FOR PERMIT**

1. I hereby make application for a **(check applicable box)**,

- Development Permit: Minor
- Development Permit: Major
- Development Variance Permit
- Temporary Commercial or Industrial Permit
- Official Community Plan Amendment
- Zoning Amendment

for the property described as,

Lot(s) \_\_\_\_\_, Block \_\_\_\_\_, Range \_\_\_\_\_ Section(s) \_\_\_\_\_, North Saanich District,  
Plan \_\_\_\_\_

Civic Address: \_\_\_\_\_

2. Are there any buildings on the site now?  Yes  No

If yes, current use is

\_\_\_\_\_  
\_\_\_\_\_

3. The present OCP designation of the property is \_\_\_\_\_

4. The property is within a Development Permit Area  Yes  No

5. The present zoning of the property is \_\_\_\_\_

6. If the application is for a Development Variance Permit:

The following variance is requested from Bylaw \_\_\_\_\_ Section \_\_\_\_\_:

*(please provide detailed description of the variance below)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Full Description of Proposed Development

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***(including plans and specifications attached hereto, in conformance with the Town  
of Sidney Application Checklist)***

8. Registered owner(s) of the property: **(PLEASE PRINT CLEARLY)**

Name(s)\*: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_

Telephone: Business \_\_\_\_\_ Other \_\_\_\_\_ Email \_\_\_\_\_

9. If the applicant is not the owner: **(PLEASE PRINT CLEARLY)**

Name(s)\*: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_

Telephone: Business \_\_\_\_\_ Other \_\_\_\_\_ Email \_\_\_\_\_

**\* If the registered owner or applicant is a corporation, please provide the corporation name and name of the signatory who must have signing authority (e.g. a director). If more than one individual is registered as the owner, please provide all names. Don't forget to also provide all signatures!**

**If the application is for a strata lot or building, a signed statement from the Strata Council approving of the application is required.**

I hereby declare that all the above statements and the information contained in the material(s) submitted in support of this application are to the best of my belief true and correct in all respects.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Applicant's Signature



## Schedule "B"

### APPLICATION FEES

1. The following fees shall be paid to the Town of Sidney by the applicant upon submission of applications provided for in this Bylaw:

#### Single and Two Family Applications

Amendment to Official Community Plan Bylaw	\$1,300.00 + \$1,500.00 Public Hearing + \$300.00 mail-out deposit
Amendment to Zoning Bylaw	\$1,300.00 + \$1,500.00 Public Hearing + \$300.00 mail-out deposit
Joint Zoning and OCP	\$1,800.00 + \$1,500.00 Public Hearing + \$300.00 mail-out deposit

#### Other Uses:

Amendment to Official Community Plan Bylaw	\$1,700.00 + \$1,500.00 Public Hearing + \$300.00 mail-out deposit
Amendment to Zoning Bylaw	\$1,700.00 + \$1,500.00 Public Hearing + \$300.00 mail-out deposit
Joint Zoning and OCP Application	\$2,500.00 + \$1,500.00 Public Hearing + \$300.00 mail-out deposit
Temporary Use Permit	\$1,700.00
Development Permit (Minor)	\$150.00 flat fee
Development Permit (Major)	\$300.00 flat fee plus \$50.00 per unit of residential construction as per the application. \$300.00 flat fee plus \$0.50 × sq.m. of floor area as per application for all other uses. +\$300.00 mail-out deposit

- for properties designated as Downtown  
Commercial (COM-1) in the OCP Bylaw

(And the Cumulative total of both when the development has both more than one use.)

**Notwithstanding the above, Development Permit fees are WAIVED from January 1, 2021 to December 31, 2021 for exterior modifications providing weather protection to outdoor seating areas for businesses that include food services.**

Development Variance Permit	\$250.00
-----------------------------	----------

2. The deposit of \$300 is to recover the cost of mailing the Notice of Development Application. If the actual cost associated with this mailing is less than the amount of the deposit, the difference shall be refunded to the applicant. If the actual cost is greater, the applicant shall pay the difference.

**Schedule "C"**

**PERMIT**

Land Titles Registration No. \_\_\_\_\_



**TOWN OF SIDNEY**

**PERMIT**

**NO. DP** \_\_\_\_\_

**TO:**

**ADDRESS:**

1. This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands within the Municipality described below, and any and all buildings, structures and other development therein:

**LOT**  
**BLOCK**  
**SECTION**  
**RANGE**  
**DISTRICT**  
**PLAN**  
**PROPERTY ADDRESS:**

3. The Zoning Bylaw  
 The Subdivision Control Bylaw  
 Section 488 to 498 of the Local Government Act  
 is/are varied or supplemented as follows:-

**In conformance with the \_\_\_\_\_ Development Permit Area Objectives and Guidelines of Official Community Plan 1920, a Development Permit is hereby issued to permit the construction \_\_\_\_\_ on the subject property, subject to the following conditions:**

1. \_\_\_\_\_
2. \_\_\_\_\_

4. The Development shall be carried out according to the following time schedule:

**Completion of the project within 1 year of the date of the issuance of a building permit.**

5. As a condition of the issuance of this Permit, Council is holding the security set out to ensure that Development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its employees, agent or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) A Bearer Bond in the amount of n/a
- (b) A Performance Bond in a form acceptable to the Municipality in the amount of n/a
- (c) An Irrevocable Letter of Credit in the amount of n/a
- (d) A Certified Cheque in the amount of n/a

6. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any Plans and Specifications attached to this Permit, which shall form a part hereof.

**Sheets \_\_\_\_\_, Development Permit No. DP \_\_\_\_\_**

7. If the Permittee does not commence the development permitted by this Permit within **2 years**, of the date of this Permit, this Permit shall lapse.

8. This Permit **is not** a Building Permit.

**Authorizing Resolution passed by the Council the \_\_\_\_\_ day of**

**Issued this \_\_\_\_\_ day of**

---

**CORPORATE OFFICER**

**Schedule "D"**  
**NOTICE OF DEVELOPMENT APPLICATION SIGN**

(Leave space for Town Crest)

**TOWN OF SIDNEY**

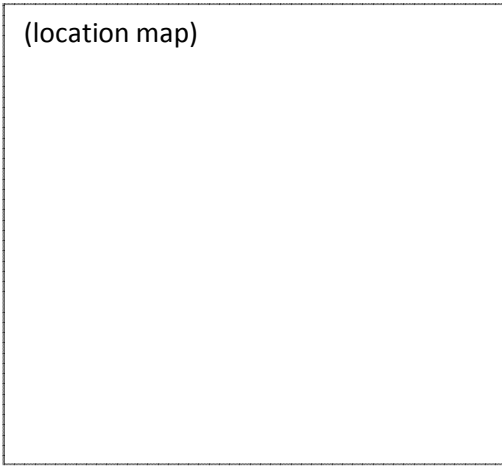
**NOTICE OF DEVELOPMENT APPLICATION**

**(address)**

This property is subject to a Zoning Bylaw amendment **and/or** Official Community Plan amendment application. The property owner is proposing to construct \_\_\_\_\_

This property is also subject to a Development Permit **and/or** Development Variance Permit application.

(location map)



**Applicant information:**

Name:

Telephone:

Email:

**For further information, please contact the Town of Sidney  
Development Services Department at 250-656-1725, or go to [www.sidney.ca](http://www.sidney.ca)**