

NO. 80 - 159

A BY-LAW

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the Community Charter.

(Consolidated on October 17, 2019 up to Bylaw No.19-074)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

To define the zones into which the City of Victoria is divided, and to regulate and control the uses of lands and buildings therein.

The Municipal Council of the Corporation of the City of Victoria enacts as follows:

INTRODUCTION AND GENERAL REGULATIONS

1. This bylaw may be cited as the "Zoning Regulation Bylaw".
2. The "Interpretation Bylaw, 1974" applies to this bylaw, and unless the context requires otherwise, the words and phrases between inverted commas in Schedule "A" have, throughout this bylaw, including Schedule "A", the meanings assigned to them in Schedule "A".
3. Pursuant to the provisions of Section 716 of the Municipal Act the City is divided into zones.
4. The zones are known by the abbreviations and the corresponding names appearing in the Table of Contents at the beginning of Schedule "B".
5. Each parcel or area of land presently contained within each zone by virtue of the provisions of any bylaws of the City, enacted before the adoption of this bylaw, shall remain in such zone until such time as it is removed therefrom by a subsequent bylaw of the Council, each of such bylaws to be known as a "rezoning bylaw".
6. Immediately after the adoption of this bylaw the Director shall prepare a map, to be known as the "Zoning Map", depicting the said zones and showing which lands are included within each zone, which map shall during office hours be available for inspection by the public.
7. A person may obtain a copy of the Zoning Map, certified correct by the Director, by paying to the City a reasonable fee as may be prescribed by the Director.
8. In all civil and criminal judicial proceedings a copy of the Zoning Map, purporting to be certified as aforesaid, shall be prima facie evidence of the location of each zone and of the lands included therein as at and since the date of the certificate, without proof of the signature or appointment of the Director.
9. Whenever any land is removed from one zone into another by a rezoning bylaw the Director shall, forthwith after the adoption of such bylaw, replace the Zoning Map with a fresh Zoning Map, reflecting the rezoning effected by such bylaw, and shall certify and date it, provided that if more than one rezoning bylaws are adopted on the same day one new Zoning Map reflecting all such rezonings, shall suffice.
10. The provisions of Sections 6, 7 and 8 apply to the fresh Zoning Map created pursuant to the preceding section.

11. The boundary between two zones divided by a street or railway is a line along the centre of such street or railway, which shall ipso facto be adjusted if and when such street or railway is widened or narrowed, so as to remain in the centre.
12. Whenever any land, fronting on a street or railway, is removed from one zone and placed into another that half of the street or railway upon which it fronts shall ipso facto also be so removed and rezoned.
13. Unless expressly designated otherwise, the surface of all water is within the same zone as the nearest land to it within the City boundaries.
14. (1) Within each zone the use of land, including the surface of water, and of buildings and the size, shape and siting of buildings are regulated and controlled by the regulations contained within the part of Schedule "B" applicable to such zone.
- (2) Without limiting the generality of subsection (1):
- (a) no land, building or structure in a zone shall be used for any purpose other than a use that is stated to be a permitted use within the part of Schedule "B" applicable to that zone, or that is otherwise expressly permitted under these general regulations;
- (b) buildings and structures in a zone, and the use of all buildings and structures, must comply with the maximum and minimum requirements for floor area, floor space ratio, height, number of storeys, setbacks, site coverage, and with all other requirements that are specified within the part of Schedule "B" applicable to such zone, including the provisions of any other schedule to this bylaw that are incorporated by reference into that part; and
- (c) all parcels of land created by subdivision within a zone must have the minimum site area and lot width that is specified within the part of Schedule "B" applicable to such zone, including the provisions of any schedule to this bylaw that are incorporated by reference into that part.
- (3) As an exception to subsection (1) and subsections (2)(b) and (c), and despite any other provision of Schedule "B", the regulations contained in sections 1 to 6 inclusive of Schedule "H" – Panhandle Lot Regulations apply to all panhandle lots created by subdivision in a residential zone after July 10, 2009, with the intention that panhandle lots created by subdivision in a residential zone after July 10, 2009, and buildings and structures on those panhandle lots, must comply with the maximum and minimum requirements for site area, lot width, floor area, height, number of storeys, setbacks, site coverage, accessory buildings and with all other requirements that are specified within sections 1 to 6 inclusive of Schedule "H"
15. Except where regulations as to the provision of off-street parking or loading space are expressly contained within the regulations applicable to a particular zone such regulations as are contained in Schedule "C" apply to all buildings and zones specified in Schedule "C".
16. (1) A person must not use or occupy, or allow or permit another person to use or occupy, land or a building in contravention of this Bylaw.
- (2) Land may be used for a public or private park if it is not clear whether that land is in a zone established for the purposes of this Bylaw.

17. (1) Subject to the preceding section, where a particular use of land or buildings is expressly authorized in one zone, such use is prohibited in all zones where it is not also expressly authorized.
- (2) Without limiting the generality of subsection (1), liquor retail stores, whether as a principal or accessory use, are prohibited in all zones except where expressly permitted under this bylaw.
- (3) Without limiting the generality of subsection (1), storefront cannabis retailer, whether as a principal or accessory use, is prohibited in all zones except where expressly permitted under this bylaw.
- (4) Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except
- (a) where they are expressly permitted subject to regulations applicable in those zones;
 - (b) rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:
 - (i) the self-contained dwelling unit is occupied by the operator of the short-term rental; and
 - (ii) short-term rental complies with all regulations in Schedule D as if it were transient accommodation.”
18. Where part only of a lot is contained within a zone, the regulations, if any, applicable in that zone to the use of land and buildings, to the size, shape and sitings of buildings, and to off-street parking and loading space shall all be complied with within the boundaries of that part of the lot as though that part constituted the entire lot, and as though the remainder of the lot did not exist, provided that the restrictions imposed by this section shall not apply to:
- (a) a use of land or buildings; or
 - (b) the size, shape or siting of buildings; or
 - (c) the provision of off-street parking or loading space, if:
 - (i) the regulation in question is the same in both or all zones into which the lot is divided, and
 - (ii) it applies to a use which is permitted in both or all such zones, and
 - (iii) the regulations, if any, applicable to such use in respect of size, shape and siting of buildings and in respect of off-street parking and loading space do not differ in the zones into which the lot is divided.
19. Not more than one building other than an accessory building shall be erected or used on one lot, unless the regulations applicable in a particular zone expressly permit otherwise, and no building shall be erected partly on one lot and partly on another.
20. Subject to the provisions of Section 722 of the Municipal Act, no person who owns or occupies any land, building or any part thereof shall use or permit the use of such land or building or any part thereof or erect or add to or alter any building on any such land except in the manner expressly authorized by the applicable provisions of this bylaw.

21. (1) No building permit shall be issued for any construction unless such proposed construction conforms to the applicable provisions of this bylaw.
- (2) Despite the restrictions on density contained in this Bylaw, a building may be constructed before another building on the same lot is demolished, such that during the period of construction, the total density of buildings on that lot is greater than that otherwise permitted under this Bylaw, but only if a restrictive covenant is registered in favour of the City requiring the demolition of the other building when construction of the new building is complete.
22. Subject to the provisions of Section 722 of the Municipal Act, no license relating to any premises shall be issued under the provisions of the Trades Licence Bylaw, unless the Director certifies that the use of the premises for the proposed business does not appear to conflict with the provisions of this bylaw.
23. No information verbally given by any officer or servant of the City as to the zoning status of any land or building shall be deemed to be a representation giving rise to a cause of action against such officer or servant or against the City.
24. Any bylaw enacted pursuant to the provisions of Section 717 of the Municipal Act for the sole purpose of designating land as a development permit area and any rezoning bylaw shall be deemed to be an amendment to this bylaw even though in form it does not purport to be so.
25. References within a Part of Schedule "B" to this bylaw to "Sections" shall be deemed to be references to Sections of such Part.
26. (1) Except where regulations as to the provision of off-street parking or loading space are expressly contained within the regulations applicable to a particular zone such regulations as are contained in Schedule "C" apply to all buildings and zones specified in Schedule "C".
- (2) The provisions of Schedule "D" apply to home occupations to the extent indicated therein.
27. (1) In the case of an irregular lot the provisions of this bylaw applicable to setback requirements shall be interpreted as though the street line or street frontage were that side of the largest rectangle that can be inscribed within the boundaries of the lot, which is, on average, nearest to the street, provided that nothing herein affects the provisions of the Subdivision Bylaw relating to irregular lots.
- (2) Notwithstanding the provisions of subsection (1), for any panhandle lot the street line or street frontage may be the lesser side of the largest rectangle which can be inscribed within the boundaries of the lot.
28. If, by any provision of this bylaw, a lot, having a minimum total area as required by this bylaw, is also required to have a minimum average width, such latter requirement shall, in respect of any irregular lot having more than the minimum requisite total area be deemed to have been complied with if, within its total area, there is a lesser area, equal to not less than the minimum total area applicable to the lot, and if such lesser area by itself satisfies the requirement as to average width.
29. The Director is charged with the responsibility of administering this bylaw.
30. Any person who contravenes any provision of this bylaw is guilty of an offence and liable, on conviction, to the penalties for offences prescribed by the Offence Act.

31. No provision of this bylaw depends for its validity on the validity of any other provision.
32. Subject to the provisions of Section 5, the Zoning Regulation Bylaw, 80-12 and all its amendments are repealed, provided that nothing herein contained shall be construed as repealing any bylaw enacted pursuant to the provisions of Section 717 (3) of the Municipal Act.
33.
 - (1) A person must not use or occupy land for the purpose of a Casino – Class 2.
 - (2) A person must not use or occupy land for the purpose of an All-Night Dance Club or a Dance Club.
34. Not implemented (Accessible housing)
35. A Regulations Table for a particular Zone under Part B establishes the category and method of regulating the density, siting, size, and dimensions of uses, land, buildings, and other structures that are subject to this Bylaw.
36. A cistern is permitted in any zone, subject to the regulations in Schedule “K”.
37. The illustrations and diagrams in Schedule “A” of this bylaw are for illustrative purposes only and do not form part of this bylaw, and in the event of any discrepancy or inconsistency between the text of Schedule “A” and an illustration or diagram in Schedule “A”, the text shall prevail.
38. Where a use is permitted in one zone subject to the regulations in another zone, the regulations in the other zone do not form part of or a condition of the permitted use.
39. If a parcel or area of land is subject to regulations in more than one zone, subject to a contrary intention appearing, the most restrictive regulation applicable shall apply in the event of a conflict.
40. Unless regulations applicable to a particular zone expressly provide otherwise with respect to outdoor features, the regulations applicable to site coverage, setback and height of accessory buildings within that zone apply to outdoor features above 0.6m in height from natural grade or finished grade, whichever is lower, as though they are accessory buildings.
41. Unless a regulation expressly provides otherwise, regulations applicable to site coverage and setback of outdoor features do not apply to outdoor features which are 0.6m or lower in height from natural grade or finished grade, whichever is lower.
42. Small-scale commercial urban food production is permitted in all zones, provided it is not noxious or offensive to neighbours or the general public by reason of emitting odor, noise or artificial lighting, and is subject to the regulations contained in Schedule “L”.
43. A rooftop greenhouse is not to be included in the calculation of total floor area, height or number of storeys, except when located on a lot which contains:
 - (a) a single family dwelling;
 - (b) an attached dwelling;
 - (c) a semi-attached dwelling;
 - (d) a house conversion; or
 - (e) a multiple dwelling containing fewer than four self-containing dwelling units.

44. A rooftop greenhouse must not exceed:

- (a) 3.65m in height; or
- (b) 28m² or 50% of the building's roof area, whichever is less.

45. Notwithstanding any other provision of this Bylaw, dwelling units located on lots listed in Schedule "N" may only be occupied pursuant to residential rental tenure.

Amended March 28, 2019
Bylaw 19-029

46. Notwithstanding Sections 40 and 41, on waterfront lots occupied by residential uses, setback regulations that apply to principal buildings also apply to garden suites, accessory buildings, outdoor features and retaining walls that are located between the principal building and the property boundary with the waterfront.

Amended Feb 27, 2020
Bylaw 20-002

47. For the purposes of this Bylaw, an air space parcel is deemed to be part of the same lot as the parcel at ground level.

Amended Mar 12 & 26, 2020
Bylaw 20-029 and 20-053

48. (1) Notwithstanding any other provision of this Bylaw, the maximum floor space ratio on a lot containing affordable housing development is the higher of:

- a) the floor space ratio allowing for such use in the zone in which the lot is located; or
- b) the floor space ratio that is specified in Schedule "O" as applicable to that lot,

subject to any conditions as to the provision of amenities in the applicable zone or Schedule "O", as the case may be.

Amended April 14, 2022
Bylaw 22-019

(2) For the purposes of subsection (1), if the maximum floor space ratio specified for a lot is the same in (1)(a) and (1)(b), then the maximum floor space ratio for affordable housing development is that in (1)(b), subject to any conditions as to the provision of amenities in Schedule "O".

Passed and given third reading by the Municipal Council the 18th day of December A.D. 1980.

Public hearing held the 29th day of January A.D. 1981.

Reconsidered and adopted by the votes of not less than two-thirds of the members of the Municipal Council present on the 29th day of January A.D. 1981.

CITY CLERK

MAYOR

Amended April 14, 2022 Bylaw 22-019 – (Section 48 added)
 Amended Sept 21, 2017 Bylaw 17-084 - (Section 17(4) added)
 Amending Bylaw 16-024 in process
 Amended Sept 8/16 Bylaw 16-16-058 - (Sections 17(3))
 Amended Sept 8/16 Bylaw 16-16-064 - (Sections 42 and 43)
 Amended Jan 28/16 Bylaw 16-004 - (Sections 40 and 41)
 Amended Apr 16/15 Bylaw 15-018 – (Section 36)
 Amended Mar 26/15 Bylaw 15-001 – (Sections 37 & 38)
 Amended Mar 24/11 Bylaw 11-015 – (Sections 14 & 36)
 Amended Sept. 8/05 Bylaw 05-91 – (Sections 16 & 21)
 Amended Mar 27/03 Bylaw #03-34 – (Section 33)
 Amended Feb 4/99 Bylaw #98-80 – (Sections 7, 9 & 22)
 Amended March 28, 2019 Bylaw #19-029 - (Section 45)
 Amended February 27, 2020 Bylaw #20-002 - (Section 46)
 Amended March 12, 2020 Bylaw #20-029 – (Section 46)
 Amended March 26, 2020 Bylaw #20-053 – (Section 47)

