

**LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 22)**

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Land Use Procedures Bylaw to:

- reflect the new development permit areas and heritage conservation areas within the Official Community Plan Bylaw, 2025, and
- make updates necessary as a result of the Zoning Modernization Project.

Under its statutory powers, including Parts 14 and 15 of the *Local Government Act* and sections 154 and 194 of the *Community Charter*, the Council of the Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

**Title**

1. This Bylaw may be cited as the “LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 22)”.

**Definition**

2. In this Bylaw, “**LUP Bylaw**” means Bylaw No. 16-028, Land Use Procedures Bylaw, 2016.

**Amendments**

3. The LUP Bylaw is amended as follows:
  - (a) in section 4, at the definition of “Official Community Plan”, the year “2012” is repealed and replaced with “2025”;
  - (b) in section 4, the definition of “affordable housing” is by repealed and replaced with the following:

“**affordable housing**” means

any housing unit which is subject to a housing agreement with the City, or a covenant in favour of the City, securing its use as a below-market housing unit for a minimum of 60 years, and part of a development that is:

- (a) wholly owned and operated by a registered non-profit residential housing society or government agency, or
- (b) operated by a housing cooperative incorporated under the *Cooperative Association Act*, or

(c) operated by a registered non-profit residential housing society or government agency pursuant to a legally binding arrangement with the property owner”; and

(c) section 21A is repealed.

4. The LUP Bylaw is further amended in Schedule A as follows:

(a) in sections 2(5)(a)(v) and 2(8)(a)(iii), “15F” is repealed and replaced with “1”;

(b) section 2(5)(vi) is repealed; and

(c) section 2(8) is repealed and replaced with the following:

“(8) Notwithstanding paragraphs (4) and (6), the base application fee for a permit which the Director is authorized to issue is as follows:

(a) the base application fee for a development permit application that is entirely residential and is pertaining to:

(i) less than or equal to three dwelling units (regardless of dwelling unit type) is \$3000; or

(ii) more than three dwelling units (regardless of dwelling unit type) is \$6000 plus \$2.50 per square metre of floor area.

(b) the base application fee for a development permit application that is non-residential use or mixed use:

(i) a proposal equal to or under 500 square metres is \$3000 plus \$2.50 per square metre of floor area;

(ii) a proposal over 500 square metres is \$6000 plus \$2.50 per square metre of floor area.

(c) the base application fee for a heritage alteration permit for a single family dwelling or duplex is \$0; and

(d) the base application fee for a permit not addressed in subparagraphs (a), (b), or (c) is \$200.”

5. The LUP Bylaw is further amended as follows:

(a) in Schedule D, by repealing the table entirely and replacing it with the table contained in Appendix 1 of this Bylaw; and

(b) in Schedule D-2, by repealing sections (a) and (b) and replacing them with the following:

“ a. For applications located within the DPA 2: Downtown Core boundaries, the Downtown Core Design Guidelines and the *Downtown Core Area Plan* (2022)

b. For applications located outside of the DPA 2: Downtown Core boundaries, the General Urban Design Guidelines, with special attention to the following sections:

- i. 2.1.1 – General Guidelines
- ii. 2.1.2 – Vehicular Access, Parking, and Back-of-House."

**Effective Date**

6. This Bylaw comes into force on the date of adoption.

READ A FIRST TIME the **4<sup>th</sup>** day of **September** 2025

READ A SECOND TIME the **4<sup>th</sup>** day of **September** 2025

READ A THIRD TIME the **4<sup>th</sup>** day of **September** 2025

ADOPTED on the day of 2025

CITY CLERK

MAYOR

**Appendix 1****Schedule D****DELEGATED APPROVALS**

The Director is authorized to issue the types of permits listed in Column A, in the areas set out in Column B, subject to the conditions specified in Column C of the following table.

<b>Row #</b>	<b>A. Permit Types</b>	<b>B. DPAs and HCAs</b>	<b>C. Conditions</b>
1	DP for new buildings, building additions, structures and equipment	DPA 1: General Urban Design  EDPA: Shorelines and Waterways  HCA1: Commercial Heritage	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP. Permit valid for two years from the date of issuance.
2	HAP without variances for a single family dwelling, duplex, or triplex	All DP Areas and all HCAs	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP. Permit valid for two years from the date of issuance.
3	DP, HAP, or DVP authorizing minor amendments to plans attached to or referenced in an existing approved permit	All DP Areas and all HCAs	The Director is satisfied that the proposed amendments are substantially in accord with the terms and conditions of the original approved permit, including variances and are consistent with the guidelines under the OCP. The expiry date of the original permit applies.
4	DP or HAP for the renewal of an existing valid DP or HAP	All DP Areas and all HCAs	The permit being renewed must be: <ul style="list-style-type: none"> <li>○ unexpired at the time of application;</li> <li>○ unchanged from the original application, unless the changes are for consistency with new policies or regulations.</li> </ul> Permit valid for two years from the date of issuance.
5	DP for new buildings, building additions, structures and equipment that are less than 100 m <sup>2</sup> in floor area	DPA 1: General Urban Design DPA 2: Downtown Core DPA 3: Songhees HCA 1: Commercial Heritage HCA 2: Residential Heritage	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.  Permit is valid for two years from the date of issuance.
6	DP for floating buildings, floating building additions or floating structures of any size	Fisherman's Wharf Subarea within DPA 2: Downtown Core	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.  Permit is valid for two years from the date of issuance.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
7	DP for floating buildings, floating building additions and floating structures that do not exceed 100 m <sup>2</sup> in floor area	All DP Areas and all HCAs	<p>The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.</p> <p>Permit is valid for two years from the date of issuance.</p>
8	DP or HAP for the replacement of exterior materials on existing buildings	All DP Areas and all HCAs	<p>The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.</p> <p>Permit is valid for two years from the date of issuance.</p>
9	DP or HAP for landscaping changes where there is an approved, or previously approved, DP or HAP.	All DP Areas and all HCAs	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit.
10	DP or HAP for landscaping changes without an approved Development Permit or Heritage Alteration Permit	DPA 2: Downtown, HCA 1: Commercial Heritage and EDPA 1: Shoreline and Waterways	The proposed landscaping must comply with applicable guidelines.
11	DP or HAP for temporary buildings and structures that do not exceed 100 m <sup>2</sup> in floor area	All DP Areas and all HCAs	<p>Temporary buildings and structures located on private property.</p> <p>Covenant in place to ensure removal of temporary buildings or structures within two years from the date of issuance of the Development Permit or Heritage Alteration Permit for the temporary building or structure.</p>
12	DP or HAP for temporary construction trailers and temporary residential unit sales trailers	All DP Areas and all HCAs	<p>Temporary construction trailers and temporary residential unit sales trailers located on private property.</p> <p>Covenant is in place to ensure removal of temporary construction trailers and temporary residential unit sales trailers subject to the following time frame:</p> <ul style="list-style-type: none"> <li>○ Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or</li> <li>○ Six months after the date that the principal building or structure on the property is no longer the subject of a valid and subsisting Building Permit; or</li> <li>○ If neither a Building Permit or Occupancy Permit is required or will be issued for the principal building on the property, then two years from the date of issuance of the Development Permit or Heritage Alteration Permit for the temporary construction trailers and</li> </ul>

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			temporary residential unit sales trailer.
13	DP for new buildings and building additions that are less than 150m <sup>2</sup> in floor area.	Dockside and Roundhouse Sub-Area within DPA 3: Songhees	The proposed building and building addition must comply with applicable guidelines. Permit is valid for two years from the date of issuance.
14	DP for changes to landscaping previously approved under a Development Permit or Heritage Alteration Permit	Dockside and Roundhouse Sub-Area within DPA 3: Songhees	The proposed landscaping must comply with applicable guidelines or be in accordance with a landscape plan that is attached to and form part of an approved permit. Permit is valid for two years from the date of issuance.
15	A DP or HAP with a parking variance, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the change of use is permitted in the zoning bylaw; and iii) the variance does not exceed 20 motor vehicle parking stalls; and iv) the total variance of long-term and/or short-term bicycle parking stalls does not exceed 6 stalls.	All DP Areas and all HCAs	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.  The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues and that suitable Transportation Demand Management measures are secured by legal agreement as required. Permit is valid for two years from the date of issuance.
16	A DP or HAP with a parking variance, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the change of use is permitted in the zoning bylaw; and iii) the existing number of parking stalls is lawfully non-conforming pursuant to section 525 and 529 of the <i>Local Government Act</i> ; and iv) the proposed new use requires no more than 20 additional motor vehicle parking stalls, even if the total variance for the building exceeds 20 motor vehicle parking stalls; and v) the proposed new use requires no more than 6 additional bicycle parking	All DP Areas and all HCAs	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.  The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues and that suitable Transportation Demand Management measures are secured by legal agreement as required. Permit is valid for two years from the date of issuance.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
	stalls, even if the total variance for the building exceeds 6 bicycle parking stalls.		
17	<p>A DVP for a minor parking variance, where the criteria to determine if a variance is minor is as follows:</p> <ul style="list-style-type: none"> <li>i) the change of use is permitted in the zoning bylaw; and</li> <li>ii) the variance does not exceed 20 motor vehicle parking stalls; and</li> <li>iii) the total variance of long-term and/or short-term bicycle parking stalls does not exceed 6 stalls.</li> </ul>	N/A	<p>The Director is satisfied that the proposed variance is in accordance with the following guidelines:</p> <ul style="list-style-type: none"> <li>i) the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues, and</li> <li>ii) suitable Transportation Demand Management measures are secured by legal agreement as required.</li> </ul> <p>Permit is valid for two years from the date of issuance.</p>
18	<p>A DVP for a minor parking variance, where the criteria to determine if a variance is minor is as follows:</p> <ul style="list-style-type: none"> <li>i) the change of use is permitted in the zoning bylaw; and</li> <li>ii) the existing number of parking stalls is lawfully non-conforming pursuant to section 525 and 529 of the <i>Local Government Act</i>; and</li> <li>iii) the proposed new use requires no more than 20 additional motor vehicle parking stalls, even if the total variance for the building exceeds 20 motor vehicle parking stalls; and</li> <li>iv) the proposed new use requires no more than 6 additional bicycle parking stalls, even if the total variance for the building exceeds 6 bicycle parking stalls.</li> </ul>	N/A	<p>The Director is satisfied that the proposed variance is in accordance with the following guidelines:</p> <ul style="list-style-type: none"> <li>i) the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues, and</li> <li>ii) suitable Transportation Demand Management measures are secured by legal agreement as required.</li> </ul> <p>Permit is valid for two years from the date of issuance.</p>
19	DP, with or without variances, for new buildings, building additions, structures and equipment for residential developments with secured affordability	All DP Areas	<p>The proposed development complies with the applicable guidelines.</p> <p>The proposed development is:</p> <ol style="list-style-type: none"> <li>1. subject to a legal agreement securing affordability and rental</li> </ol>

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			<p>tenure for a minimum period of 60 years, and is either:</p> <ol style="list-style-type: none"> <li>a. wholly owned and operated by a public housing body, as prescribed in the <i>Residential Tenancy Act</i>, or</li> <li>b. operated by a public housing body, as prescribed in the <i>Residential Tenancy Act</i>, pursuant to a legally binding arrangement with the property owner; or</li> </ol> <p>2. subject to a legal agreement securing affordability for a minimum period of 60 years and is either wholly owned and operated by a housing cooperative meeting the below requirements, or operated by a housing cooperative that meets the below requirements and operates the development pursuant to a legally binding arrangement with the property owner:</p> <ol style="list-style-type: none"> <li>a. the housing cooperative must <ol style="list-style-type: none"> <li>i. be a housing cooperative pursuant to the <i>Cooperative Association Act</i>,</li> <li>ii. have purposes including the provision of affordable housing to low- or moderate-income households, and</li> <li>iii. have constating documents preventing the remuneration of directors and providing for the disposition of assets on dissolution or wind-up to an organization with similar purposes and restrictions.</li> </ol> </li> </ol> <p>Permit is valid for two years from the date of issuance.</p>
20	<p>A Development Variance Permit, a DP with a variance or a HAP with a variance where the variance relates to:</p> <ol style="list-style-type: none"> <li>i) the number of accessible parking spaces or van accessible parking spaces</li> <li>ii) the design specifications of</li> </ol>	All DP Areas and all HCAs	<p>The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.</p> <p>The applicant has provided evidence to the satisfaction of the Director that demonstrates that site conditions prevent:</p> <ol style="list-style-type: none"> <li>i) the number of required accessible or van accessible parking spaces from being installed;</li> </ol>

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
	<p>spaces described in i) above</p> <p>iii) the number of motor vehicle parking stalls resulting from a requirement to install accessible parking spaces or van accessible parking spaces</p>		<p>ii) full compliance with the design specifications; and that all reasonable efforts have been made to maximize the provision of accessible or van accessible parking spaces and/or to comply with the design specifications.</p> <p>Where the provision of accessible parking results in a variance relating to motor vehicle parking stalls, including visitor stalls, the Director is satisfied that this variance does not adversely impact the neighbourhood by unduly contributing to on-street parking issues.</p> <p>Permit is valid for two years from the date of issuance.</p>
21	<p>DPs or HAPs, with or without variances, for new buildings, building additions, structures and equipment for child care facilities</p>	<p>All DP Areas and all HCAs</p>	<p>The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.</p> <p>Permit is valid for two years from the date of issuance.</p>
22	<p>A DP or HAP with minor variance(s) related to size, siting, or dimensions of a building, structure or use that is permitted on the land, where:</p> <p>i) the DP or HAP is delegated elsewhere in this table; and</p> <p>ii) the criteria to determine if a proposed variance is minor is in Schedule D-1.</p>	<p>All DP Areas and all HCAs</p>	<p>The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.</p> <p>Permit is valid for two years from the date of issuance.</p>
23	<p>A DVP for minor variance(s) related to size, siting, or dimensions of a building, structure or use that is permitted on the land, where the criteria to determine if a proposed variance is minor is in Schedule D-1.</p>	<p>N/A</p>	<p>The Director is satisfied that the proposed variance is in accordance with the guidelines in Schedule D-2.</p> <p>Permit is valid for two years from the date of issuance.</p>
24	<p>A DP or HAP with minor variance(s) related to design standards of parking, where:</p>	<p>All DP Areas and all HCAs</p>	<p>The Director is satisfied that the proposed variance would not result in any safety or accessibility concerns or operational issues.</p>

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
	i) the DP or HAP is delegated elsewhere in this table; and ii) the criteria to determine if a proposed variance is minor is when the variance is related to any of the following: <ul style="list-style-type: none"> <li>• Sections 2-3 of Schedule C of the Zoning Regulation Bylaw; or</li> <li>• Sections 5.1.2-5.1.5 of Zoning Bylaw 2018.</li> </ul>		Permit is valid for two years from the date of issuance.
25	A DVP for minor variance(s) related to design standards of parking, where the criteria to determine if a proposed variance is minor is when the variance is related to any of the following: <ul style="list-style-type: none"> <li>• Sections 2-3 of Schedule C of the Zoning Regulation Bylaw; or</li> <li>• Sections 5.1.2-5.1.5 of Zoning Bylaw 2018.</li> </ul>	N/A	The Director is satisfied that the proposed variance is in accordance with the following guidelines: the proposed variance would not result in any safety or accessibility concerns or operational issues. Permit is valid for two years from the date of issuance.
26	A DP or HAP, with or without variances, for new buildings and building additions for small-scale multi-unit housing in a restricted zone.	All DP Areas	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.  Permit is valid for two years from the date of issuance.
27	A DP or HAP, with or without variances, for new residential, where at least 50% of the total floor area is comprised of residential use: <ul style="list-style-type: none"> <li>• up to 1.6:1 FSR; or</li> <li>• up to 2.6:1 FSR when Zoning Bylaw 2018, Schedule C – Density Benefits, section a. or b. applies; or</li> <li>• up to 2.75: 1 FSR when Zoning Bylaw 2018, Schedule C – Density Benefits, section e. applies.</li> </ul>	All DP Areas and all HCAs	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP.  Permit is valid for two years from the date of issuance.
28	A DP for Tenant Assistance Plan for	TDPA 1: Tenant Protection	The Director is satisfied the proposed Tenant Assistance Plan complies with

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
	residential, commercial, or industrial development that results in displacement of any residential tenants from their rental unit.		the Tenant Protection During Redevelopment Bylaw and OCP.  Permit is valid for two years from the date of issuance.