

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by adding definitions for small-scale commercial urban food production, foodstand and greenhouse, amending the definition of home occupation, amending Schedule D – Home Occupation, to remove urban agriculture as a home occupation, as well as amending the general regulations by adding a Schedule L.

The Council of the Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1072)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:
 - (a) in the Introduction and General Regulations, by adding the following sections 42-44 immediately after section 41:
 - “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.”
 - (b) in Schedule A – Definitions:
 - (i) by adding the following definition immediately after the definition of “sleeping unit”:

“ ‘Small-scale commercial urban food production’ means:

 - (a) cultivating and harvesting plants or fungi;
 - (b) beekeeping and harvesting honey;
 - (c) keeping poultry to collect eggs; and
 - (d) sorting, cleaning and packaging the items noted above

for retail purposes, as well as selling and storing harvested products on the premises.”

- (ii) by adding the following definition immediately after the definition of “floor space ratio”:

“ ‘Foodstand’ means a container which holds, shelves or otherwise displays products of small-scale commercial urban food production for retail purposes outdoors.”
- (iii) by adding the following definition immediately after the definition of “Grade”:

“ ‘Greenhouse’ means a structure, or that portion of a structure, made primarily of glass or other translucent material for the purpose of cultivation or protection of plants”
- (iv) by amending the definition of “home occupation” by:
 - (a) striking out the word “or” after the word “premises”;
 - (b) striking out the period after the words “multiple dwelling”, and replacing it with a semi-colon;
- (c) adding the following subsection (c), immediately after subsection (b):

“(c) small-scale commercial urban food production.”
- (d) in Schedule D – Home Occupations:
 - (i) in section 5(g), by striking out the semi-colon and replacing it with a period;
 - (ii) by striking out section 5(h)
- (e) by inserting Schedule L attached to this bylaw as Schedule 1 immediately after Schedule K.

READ A FIRST TIME the	day of	2016
READ A SECOND TIME the	day of	2016
Public hearing held on the	day of	2016
READ A THIRD TIME the	day of	2016
ADOPTED on the	day of	2016

CITY CLERK

MAYOR

SCHEDULE L – SMALL SCALE COMMERCIAL URBAN FOOD PRODUCTION

1. Products

- a. Subject to subsection (b), only the following items may be cultivated, harvested, kept, sorted, cleaned and packaged as part of small-scale commercial urban food production:
 - i. fruits
 - ii. vegetables
 - iii. flowers
 - iv. fibre
 - v. seeds
 - vi. nuts
 - vii. seedlings
 - viii. herbs
 - ix. eggs
 - x. honey
 - xi. mushrooms
 - xii. plant cuttings
- b. In addition to the products in subsection (a), compost and other soil amendments produced as a result of small-scale commercial urban food production may be produced for retail purposes in zones listed in Part 7 - Industrial And Service Zones.
- c. Notwithstanding subsection (a), products regulated by the *Controlled Drug and Substances Act* (Canada) may not be produced as part of small-scale commercial urban food production.

SCHEDULE L – SMALL SCALE COMMERCIAL URBAN FOOD PRODUCTION

2. Sale on Lot

Sale of products of small-scale commercial urban food production is permitted on a lot on which small-scale commercial urban food production occurs, regardless of whether retail use is permitted, provided it occurs:

- a. within a foodstand located in the front yard; or
- b. as a component of the following uses, where permitted:
 - i. retail
 - ii. restaurant
 - iii. free standing food sales outlet
 - iv. other use which permits the sale of the items in section 1(a)

3. Foodstand

A foodstand must not:

- a. Exceed an area of 1.85m² or height of 3.35m
- b. Be located within 0.60m of a lot boundary
- c. Be fully enclosed
- d. Remain on the front yard without items for sale in excess of eight consecutive days
- e. Hold, shelve or otherwise display an item unless it:
 - i. is listed in section 1(a) of this Schedule;
 - ii. was harvested on the lot on which the foodstand is located; and
 - iii. is displayed and sold in raw, unprocessed form.
- f. No more than one foodstand may be used or erected on one lot.