DISTRICT OF OAK BAY

PREPARED FOR:	Council
FROM:	Andre Boel, Director of Community Building and Planning and Carly Rimell, Senior Planner
MEETING DATE:	June 03, 2024
SUBJECT:	Zoning Bylaw Changes for Infill Housing and Provincial Mandate

RECOMMENDATION(S)

THAT the report titled “Zoning Bylaw Changes for Infill Housing and Provincial Mandate”, authored by Andre Boel, Director of Community Building and Planning Services, dated June 3, 2024 be received.

And that Council consider the following staff recommendation(s):

THAT Council give first and second reading to Zoning Amendment Bylaw No. 4871, 2024 for an Infill Housing Program and to meet Provincial requirements (by allowing additional housing units in all restricted zones);

AND THAT Council give first, second and third reading to Parking Facilities Amendment Bylaw No. 4873, 2024 to support the implementation of the Infill Housing Program and Provincial requirements (by updating parking minimum requirements related to infill housing dwelling types);

Alternatively, staff await another direction from Council.

EXECUTIVE SUMMARY OF REPORT

This report discusses amendments to the Zoning Bylaw for the District’s Infill Housing Program and for required changes mandated by the Province through Bill 44 Housing Statutes (Residential Development) Amendment Act, 2023 that made changes to the Local Government Act to require Small Scale Multi Unit Housing (SSMUH).

Following public consultation and Council review, this report outlines recommended changes in response to Council direction from the May 16, 2024 Special Committee of the Whole meeting. These changes pertain to:

- Additional lot coverage for Accessory Dwelling Units where existing homes are retained;
- Floor Area Ratio revisions in response to Council direction and related further technical review
- Introduction of live landscaping targets to support minimum permeable surface areas
- Reduced paved surface allowances for front yards
- Reduced minimum parking requirements

- Not exercising legislative exemption for lots over 4050m2
- Form and character
- Incentives for retention of existing homes and heritage conservation

The resulting Infill Housing Zoning Bylaw regulations have been reviewed and vetted for consistency with the Provincial requirements. Once adopted, the Infill Housing Program will provide new housing options across all existing single-family neighbourhoods in the District.

BACKGROUND/HISTORIC CONTEXT

Oak Bay's Infill Housing Program

In 2021, Council directed staff to develop an Infill Housing Program for Oak Bay; the Infill Housing Strategy was endorsed by Council on September 26, 2022. The Strategy was built through robust public and stakeholder engagement as well as technical analysis and put forward Guiding Principles and Key Directions for an Oak Bay Infill Housing Program.

The Infill Housing Strategy Guiding Principles include:

1. Provide Diverse Housing Options
    - *by encouraging diverse housing sizes and forms*
2. Support Ease of Implementation
    - *by updating the District's Bylaws to support Infill Housing options*
3. Cherish What the Community Loves
    - *by preserving open space, supporting sustainability, and heritage*

With the endorsement of the Infill Housing Strategy in 2022, Phase 2 of the Program, the Infill Housing regulatory framework, was scheduled for implementation in 2023. Phase 2 was paused when the Province announced that sweeping legislative changes to increase housing supply were coming that could potentially differ with the framework of the Infill program.

Provincial SSMUH Legislation

On November 30, 2023 the Province of British Columbia gave Royal Assent to Bill 44 Housing Statutes (Residential Development) Amendment Act, 2023 and the Local Government Act was amended on December 7, 2023 to incorporate these changes. As a result the District is required to allow small scale multi-unit housing (SSMUH) of three, four or six units in "restricted zones".

Provincially defined "restricted zones" apply to where a single family dwelling or duplex is a permitted use. Upon review of the Provincial legislation staff determined that the following zones in the District of Oak Bay Zoning Bylaw No. 3531 and as shown on Attachment 1 are considered "restricted zones":

- Single Family Residential
    - RS-1, RS-2, RS-3, RS-4, RS-5 and RS-5B
- Two Family Residential
    - RD-1
- Comprehensive Development
    - CD-2
- Multi-Family Dwelling

    - RM-1LD, RM-1MD, RM-1HD, RM-3, RM-3HD, RM-4, RM-8, RM-MC1, RM-MC4
- Commercial
    - C-1, C-4, C-5
- Institutional
    - P-2

The Province implemented these regulations pertaining to SSMUH with the aim of delivering more homes for people, faster. Examples of SSMUH include, but are not limited to:

- secondary suites
- garden suites
- duplexes
- houseplexes; and
- townhouses.

The density allowance within “restricted zones” is related to the lot area and location in relation to available transit services see table 1 below and Attachment 2 for unit allowance within restricted zones:

Unit Allowance	**Characteristics of lots and associated requirements**
Allow up to a minimum of three units	A minimum of three (3) units must be permitted on each lot of land 280m2 or less in a restricted zone
Allow up to a minimum of four units	A minimum of four (4) units must be permitted on each lot of land greater than 280m2 in a restricted zone
Allow up to a minimum of six units*	A minimum of six (6) units must be permitted on each lot of land in a restricted zone that is: a) wholly or partly within 400m of a prescribed bus stop, and b) is 281m2 or greater in area

Table 1 Legislated minimum allowance for number of units

*Currently the transit service levels in or adjacent to the District do not meet the threshold to be considered a prescribed bus stop, therefore the minimum of up to six units is not required at this time

The legislation requires that local governments:

- Give notice of the Bylaw amendment in accordance with s.467 of the *Local Government Act*
- do not hold a public hearing on Zoning Bylaw amendments proposed to enable the SSMUH legislation regardless of whether it is consistent with the OCP
- adopt the necessary zoning bylaw amendments by June 30, 2024 to enable SSMUH
- notify the Minister of Housing in writing that the zoning bylaw amendments comply with the legislation and have been adopted and identify the location of any exempted lands and the supporting rationale (legislative provisions) for those exemptions

Failure to comply with the above requirements may result in a ministerial order to direct the District to comply with the legislation or override the District's bylaws altogether to meet the Provincial requirements associated with SSMUH.

The Province also released the Policy Manual and Site Standards (Policy Manual) which provides guidance to local government on best practices on implementing SSMUH that local governments must consider. The Policy Manual provides guidance on supporting site planning regulations (e.g. parking, setbacks and height) to ensure viable infill and SSMUH options.

District of Oak Bay Infill Housing Program Approach to SSMUH

It is important to note that both the District's priority projects and the new Provincial mandate share the same goal of increasing housing supply, creating more diverse housing choice over time, and contributing to more affordable housing. Since the legislated changes were announced staff presented a series of reports to Council through November and December 2023 identifying where Provincial Housing Directives and existing housing related Council Priority Projects (CPP) aligned or differed. This resulted in the prioritization of initiatives that supported compliance with new Provincial legislated requirements in the form of the Oak Bay Housing Action Program (HAP).

In January 2024 a request for proposals for Infill Housing Bylaw updates was issued and Modus Planning Design and Engagement was awarded the contract for CPP# 72 SSMUH Housing Zoning Bylaw Updates and CPP#73 OCP Bylaw Updates.

The project was initiated by conducting background research and analysis. This included a review of existing bylaws, plans, reports, studies, legislation, and the Provincial Policy Manual in the context of the District's land use by using GIS analysis, assessing bylaws and policies, and visual diagrams and modelling. This informed the high-level approach to guide the more detailed bylaw amendments alongside testing viability ensuring that the units could fit on the lot along with the other requirements such as parking. As recommended by the Policy Manual the lots were grouped into large lot zones (RS-1, RS-2 and RS-3) and small lot zones (RS-4 and RS-5) to inform recommended changes to the site planning regulations (see Attachment 3 and Attachment 4).

The site regulations review and testing indicated that the District regulations provide sufficient building envelope for infill. The testing also informed how regulations could be balanced to preserve elements of livability including landscaping, trees, and diversity in unit size.

This research and analyses were used to develop the options presented to the public at the three engagement events in late April and early May and at the Special Committee of the Whole meetings on May 6, 2024 and on May 16, 2024 (Attachment 5).

ANALYSIS

Response to May 16, 2024 Special Committee of the Whole

At the May 16, 2024 Special Committee of the Whole, Council directed changes to the bylaw updates to support the Infill Housing Program (updates to align with SSMUH legislative requirements). The draft minutes from the Special Committee of the Whole are included as Attachment 5. The revised approach to certain topics are described below.

This report uses existing and proposed zone descriptors interchangeably. Table 2 outlines the naming of the current and proposed names for residential zones:

Lot Groups	Current Zoning Bylaw	Draft Amendment Bylaw
Large Lot Zone	RS-1 One-Family Residential Use	R-1 Residential 1
Large Lot Zone	RS-2 One-Family Residential Use	R-2 Residential 2
Large Lot Zone	RS-3 One-Family Residential Use	R-3 Residential 3
Small Lot Zone	RS-4 One-Family Residential Use	R-4 Residential 4
Small Lot Zone	RS-5 One-Family Residential Use	R-5 Residential 5

Table 2 Interpretation table for zone names

Additional Lot Coverage for ADU's where existing homes are retained

Council directed staff to look at an increase of lot coverage of 5-10% more when an accessory dwelling unit (ADU) is proposed on an RS-4 or RS-5 lot where the existing house is retained.

Further analysis included consideration of existing conditions and potential future build out. Existing buildout on a typical RS-4 lot has an existing lot coverage of about 20% whereas the typical RS-5 lot has an existing lot coverage of closer to 25%. To respond to this Council direction staff have included the following in the draft bylaw amendment (Attachment 6) and summarized in table 3 below:

Zone	Additional Lot Coverage
R-4	Except where a Principal Building was granted an Occupancy Permit prior to the effective date of this Bylaw, an additional 7% Lot Coverage is permitted provided the additional Lot Coverage is exclusively used for an Accessory Dwelling Unit
R-5	Except where a Principal Building was granted Occupancy Permit prior to the effective date of this Bylaw, an additional 10% Lot Coverage is permitted provided the additional Lot Coverage is exclusively used for an Accessory Dwelling Unit

Table 3 Additional lot coverage provisions for small lots for accessory dwelling units

To further support the application and implementation of infill housing staff have revised the approach in the draft bylaw amendment to remove lot coverage from the definition of density and therefore lot coverage would no longer considered a measure of density. This means a property owner could apply to vary to increase the lot coverage as opposed to apply to rezone to increase lot coverage. Due to this revised approach to lot coverage staff are also recommending including floor area ratio (FAR) as noted in the section below.

Floor Area Ratio (FAR) revisions and Lot Coverage revisions

In response to Council's direction to increase lot coverage for ADU's in RS-4 and RS-5 staff and consultants completed a follow up review on related bylaw provisions. This

also included explorations into current basement exemptions and lot coverage restrictions. In order to manage building massing effectively the revised approach is recommending to continue to use FAR limits in the RS-4 and RS-5 zones (as opposed to the earlier proposal to remove it). This would ensure lot size and number of units inform the extent of maximum build out.

The revised approach of including FAR in the R-4 and R-5 zones would provide for a gradual scaling and distribution of density/intensity of buildout from the largest lots to the smallest lot zones (Attachment 4). It also provides for increased FAR to incentivize additional housing units. This revised approach will help allow flexibility and creativity in building form.

The current zoning bylaw has basement exemptions from FAR in both the large lot and small lot zones although they differ in application. This means that basements are not included as part of the calculation of floor area if they meet the specifications of the exemptions section. FAR numbers have been adjusted taking into consideration the expected use of exempt basement floor area. In addition, staff are recommending that for ease of implementation and more equitable application of the bylaw that the exemptions for basements reflect the exemptions as currently provided for in the small lot zones be used in large lot zones as well.

The revised approach for FAR is included within the draft bylaw amendment (Attachment 6) and summarized in table 4 below:

Zone	**Maximum Buildout 1 unit and secondary suite**			**Maximum Buildout for 1 unit and ADU**			**Maximum Buildout for 3 to 4 units**			
	FAR	total	Exempt*	FAR	total	Exempt*	FAR	total	Exempt*	Unit ~
R-4 (m2)	0.4	616	237	0.5	711	237	0.6	806	237	201
R-4 (ft2)	0.4	6633	2551	0.5	7653	2551	0.6	8674	2551	2168
R-5 (m2)	0.4	363	140	0.6	474	140	0.8	586	140	146
R-5 (ft2)	0.4	3904	1502	0.6	5105	1502	0.8	6307	1502	1577

Table 4 Maximum buildout under FAR summary table
**No more than 25% maximum lot size basement exemption*

A technical review looked at further changes and flexibility in relation to lot coverage to support ADU's where existing houses are retained. Lot coverage limits are currently defined as a density measure and for that reason cannot be varied, except through a Zoning Bylaw amendment due to Provincial legal limitations. To provide greater flexibility in providing for variances for lot coverage (for example for existing situations) the draft bylaw language has updated the Density definition to allow for the case-by-case consideration of lot coverage variances. This would support ease of implementation, for example in the case of adding ADU's on properties with existing homes.

Permeable Surface and Live Landscaping targets

Council directed staff to give best efforts to include a new definition of ‘permeable surface’ and associated metrics for the draft bylaw amendments.

Given that introducing a definition for permeable surface would impact the existing definition of paved surface and potentially interrelated definitions and site conditions, staff suggest the introduction of 'Live Landscaping Coverage' as an interim approach to address the concerns of site permeability. Staff have captured Council’s direction to include a definition for permeable surface and associated metric as part of the scope for the future phase of updates in concert with the Tree Protection Bylaw and further Zoning Bylaw analysis and updates.

To address the concerns heard from Council and the community in regard to preservation of open space, landscaping, and trees, staff have included a new definition for ‘live landscaping coverage’ and an associated metric within the draft bylaw amendment (Attachment 6) and summarized in table 5 below.

Zone	Live Landscaping Coverage
R-1	50%
R-2	40%
R-3	40%
R-4	30%
R-5	20%

Table 5 Live landscaping minimum coverage requirement by residential zone

Reduced Paved Surface allowance for Front Yards

Council directed staff to reduce the maximum front yard paved surface regulation in from 40% to 30% in the RS-4 and to reduce the maximum front yard paved surface regulation from 50% to 40% in the RS-5 and requested staff to come back with recommendations and implications on reducing this requirement. This was a result of a discussion about the impact of parking on paved surfaces, particularly at the front of properties.

Further review demonstrated that if Paved Surface limits were reduced by 10% in these zones there could still be some flexibility for onsite parking requirements (of 0.5 space per unit), pathways and other features. Table 6 below outlines recommended paved surface limits that take into account the (reduced) minimum parking requirements and is reflected in the draft bylaw amendment (Attachment 6).

Zone	Minimum Lot Size (m2)	Front Yard Max	Rear Yard Max
R-4	948	30%	25%
R-5	558	40%	25%

Table 6 Siting of paved surface maximums

Reduced Minimum Parking requirements

Council directed staff to lower the minimum parking requirements for RS-4 and RS-5 (proposed R-4 and R-5) from 0.75 space per unit to 0.5 space per unit. In combination with revised Paved Surface limits, this supports more permeable and landscaped areas.

Also, it does allow for additional parking, for example by applicants placing additional parking under the building. The change in parking minimums is reflected in Attachment 7 Parking Facilities Amendment Bylaw.

Not exercising legislative exemption for lots over 4050m2
The legislation sets out several conditions where certain parcels that would otherwise meet the restricted zone definition are exempt from the requirement to amend zoning to permit 4 units. As part of the exemptions provided for within s.481.4(1)(e) of the legislation, lots equal or greater than 4,050m2 (43,593ft2) are exempt from the requirements to permit a minimum of 4 units.

As per Council direction for these large lots, the unit allocation has been updated from 3 units to up to 4 units per lot for consistency with the other residential lots in the District.

Form and Character
Council directed staff to review and revise Zoning Bylaw regulations to regulate key aspects of form and character in lieu of a Development Permit Area (DPA).

Given the time limitation staff were not able to include options to regulate form and character as part of the draft bylaw amendments. Some aspects to regulate form and character that could be included in a zoning bylaw are:

- exemptions (to siting requirements or lot coverage) to incentivize certain architectural features such as verandas, bay windows, cantilevered sections, step-back requirements
- require a certain percentage of an exteriors wall(s) have articulation through either a projection or indentation
- site planning related to landscaping, screening and open space
- site access and circulation

In the next phase staff will develop options for Council to consider to regulate form and character. This means with current Council direction there will be no Development Permit based form and character for Infill Housing, except for projects that seek rezoning.

The limitations of this approach without Development Permit review include:

- zoning is a regulatory and relatively rigid tool as opposed to a Development Permit Area with objectives and guidelines that provides more flexibility to consider development within the context of a specific site and whether it overall meets the objectives of the DPA.
- Inability or limited ability to address issues such as:
    - Orientation and interface of buildings
    - Site and Building Design
    - Materials
    - Neighbourliness including shadowing impacts, privacy concerns and overall look and feel
    - Address site specific typologies such as corner lots or laneways

Introducing more zoning regulations on form and character could result in an increase of variances. The Development Variance Permit process does allow site specific consideration of exceptions to the Zoning Bylaw regulations.

Incentives for retention of existing homes and heritage conservation
In the next phase staff will develop options for Council to consider incentives related to retention of existing homes and heritage conservation.

CONCLUSION

The approach and preparation of the bylaws were developed based on the key directions from the Oak Bay Infill Housing Strategy, careful consideration of the Provincial Policy Manual and Site Standards, and analysis in the context of the District's land use and viability through GIS, visual diagrams and modeling, community feedback and Council direction.

The proposed Zoning Bylaw amendments and Parking Facilities Bylaw amendments provide flexibility by allowing for SSMUH with the retention of existing homes as well as for newly build projects. The Zoning Bylaw amendments also introduce live landscaping requirements to support tree planting, retention and permeability, and reduced parking requirements. These amendments provide a range of options for infill, respecting the community character, and the flexibility required to support a greater diversity of housing options.

Staff recommend that Council give first and second reading to Zoning Amendment Bylaw No. 4871, 2024 and that Council give first, second and third reading to Parking Facilities Amendment Bylaw No. 4873, 2024 for the Infill Housing Program to permit Small Scale Multi-Unit Housing (SSMUH).

OPTIONS

1. That Council give first and second reading to Zoning Amendment Bylaw No. 4871, 2024 Council and first, second and third reading to the Parking Facilities Amendment Bylaw No. 4873, 2024 for the Infill Housing Program to permit Small Scale Multi-Unit Housing (SSMUH)

2. That Council direct changes to Zoning Amendment Bylaw No. 4871, 2024 and to Parking Facilities Amendment Bylaw No. 4873, 2024 for the Infill Housing Program to permit Small Scale Multi-Unit Housing (SSMUH) and then give first and second reading to Zoning Amendment Bylaw No. 4871, 2024 and first, second and third reading to Parking Facilities Amendment Bylaw No. 4873, 2024 for the Infill Housing Program to permit Small Scale Multi-Unit Housing (SSMUH)

3. Alternative or additional direction.

ADVISORY BODY RECOMMENDATIONS WITH MINUTES EXCERPT (IF APPLICABLE)

N/A

COUNCIL PRIORITY SUPPORTED

Housing

FINANCIAL IMPACT

The Infill Housing Program could expand the current Development Review Service for the District. Currently, most Infill Housing types are not effectively supported in the Zoning Bylaw and the District is rarely receiving development applications that seek the

development of Infill Housing. This means current systems and staffing levels are predominantly geared to single family home re-development and alterations.

The financial implications of the project are two-fold:

- Firstly, there is the cost of executing the project itself. The estimated cost for completion of the Infill Housing project is approximately $200,000 plus staff time including the current proposed Zoning Bylaw changes and further work scheduled for the summer for other related bylaws. This is funded through the approximately $2.5M Growing Communities Funding allocation for housing projects.

- Secondly, once created, the program would result in new housing types resulting in additional types of development and building permit applications. It is anticipated that this new demand is for the most part in addition to existing applications. Successful implementation of the Infill Housing Program would require expansion of the existing planning and building services to facilitate the new types of planning approvals and building permits.

The exact impact of the new program is not known at this time. The resource impacts of the infill program extend to other departments as well including Parks, Recreation and Culture, Engineering and Public Works, the Fire Department, and Corporate Services. A separate Council Priority Project #79 Responding to Increased Development Interest has been earmarked to facilitate this. Through applications fees and the Growing Communities Funding referenced above provisions have been made for staffing needs as they may arise. Much will depend on the uptake by homeowners or developers. Part of the cost would be recovered through application fees, similar to existing application types.

Separate Council Priority Projects #80, Prepare Amenity Cost Charge Program and Prepare Development Cost Charges Program, are further reviewing infrastructure and community amenities limitations and future needs. A staff report on this matter is anticipated to be provided to Council this summer.

IAP2 FRAMEWORK ENGAGEMENT

☒ INFORM ☒ CONSULT ☐ INVOLVE ☐ COLLABORATE

In 2022, as part of the Infill Housing Program Updates engagement was undertaken to engage with the community about Infill Housing options. The results have been reported to Council previously on September 26, 2022. In contrast to the approach in 2022, this spring's process has been more limited to informing and consulting with the community about the provincially legislated changes that affect the Infill Housing program.

There were a variety of communications methods used to inform the community about engagement activities including websites, social media, print and email targeted at reaching a broad cross section of the community.

Public Consultation

The consultation efforts included information to introduce the project and help inform and collect feedback from the public on the recommended changes to the District's

regulatory framework. It described what was still within the District's authority and what elements are Provincially mandated. The consultation events were designed to target a broad cross section of community members by providing both online and in person events, at different times, days and locations. The community events included:

- Online Webinar April 25 from 6:00pm to 7:30pm on Zoom with 90 participants
- Open House May 1 from 4:00pm to 7:00pm at the Windsor Pavilion with 220 participants
- Open House May 4 from 1:00pm to 4:00pm at the Monterey Recreation Centre with 120 participants
- Special Committee of the Whole meeting on May 6, 2024 with 96 members of the public in attendance in person and others online

The subsequent May 16, 2024 Special Committee of the Whole meeting was held to continue the Council discussion and did not form part of the promoted events.

The consultation summary was provided for the May 16 Special Committee of the Whole meeting and is available at https://connect.oakbay.ca/housing-action-program

Statutory Notification

In accordance s.467 (Notice of Public Hearing Not Held) of the *Local Government Act* notice was placed in the Oak Bay News on May 23, 2024 and May 30, 2024.

TIMELINE/PROCESS/NEXT STEPS

The Province has set a deadline of June 30, 2024 when a local government must comply with the legislation for SSMUH by adopting the required Zoning Bylaw changes. A public hearing is prohibited from being held as per the legislation.

The following is a proposed timeline to adhere to the legislative deadline:

- June 3: Council consider Zoning Bylaw Amendment Bylaw No. 4871, 2024 and Parking Facilities Amendment Bylaw No. 4873, 2024
- June 3: Council consider first and second reading to Zoning Bylaw Amendment Bylaw No. 4871, 2024 and first, second and third reading to Parking Facilities Amendment Bylaw No. 4873, 2024
- June 3: Council direct any further changes to Zoning Bylaw Amendment Bylaw No. 4871, 2024 and Parking Facilities Amendment Bylaw No. 4873, 2024 at second reading as amended if needed as per the Council Procedure Bylaw
- June 24: Council consider third reading and adoption of Zoning Bylaw Amendment Bylaw No. 4871, 2024 and adoption of Parking Facilities Amendment Bylaw No. 4873, 2024
- Late June: Staff notify the Minister of Housing in writing that the Zoning Bylaw Amendment is in compliance with the legislative SSMUH requirements and has been adopted
- Late June: Staff notify the Minister of Housing in writing of lots exempted from the SSMUH requirements in accordance with the *Local Government Act*

- June and July: Continue to inform the community of the Infill Housing Program Bylaw Updates through the Zoning Bylaw and Parking Facilities Bylaw in response to the Provincial mandate
- Summer/Fall: Further Infill Housing Program and other related Bylaw Updates

To further implement the Infill Housing Program subsequent bylaws and policies will be prepared in the coming months for Council consideration that respond to the direction from Council at the May 16, 2024 Special Committee of the Whole meeting, other bylaw amendments suggested through the Infill Housing Strategy and by staff through this process. These may include amendments to the Official Community Plan, Zoning Bylaw, Tree Protection Bylaw, Subdivision Development Bylaw, and Driveway Access Bylaw

Key topics that are scoped for this phase of work include:

- tree protection
- retention of existing homes (with or without heritage value)
- permeable and impermeable site coverage
- driveway widths and access
- form and character considerations

There will be a further opportunity to review the Infill Housing Program elements through the comprehensive Official Community Plan Review and the comprehensive Zoning Bylaw review scheduled to take place over 2024 and 2025 and required to be completed by the Provincially mandated deadline of December 31, 2025. The focus of the OCP review will be on the 20 year Housing Needs and the changes needed to the land use framework to designate sufficient land for new housing as well as the Provincial guidance set to be released this summer.

Respectfully submitted,

Andre Boel, Director of Community Building and Planning
Carly Rimell, Senior Planner

With respect to the Financial Impact described in this report, I concur with the staff recommendation.

Rianna Lachance

_____
Rianna Lachance, Director of Financial Services

Reviewed and approved by the Director of Corporate Services.

Dianna Plouffe

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Dianna Plouffe, Director of Corporate Services

I have read and consider staff's recommendation to be supportable for Council's consideration.

Selina Williams

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Selina Williams, Chief Administrative Officer

ATTACHMENTS(S):

Attachment 1_Restricted Zones Subject to SSMUH Legislation

Attachment 2_Prescribed SSMUH Legislated Densities

Attachment 3_Comparison with Provincial Guidance and District Approach

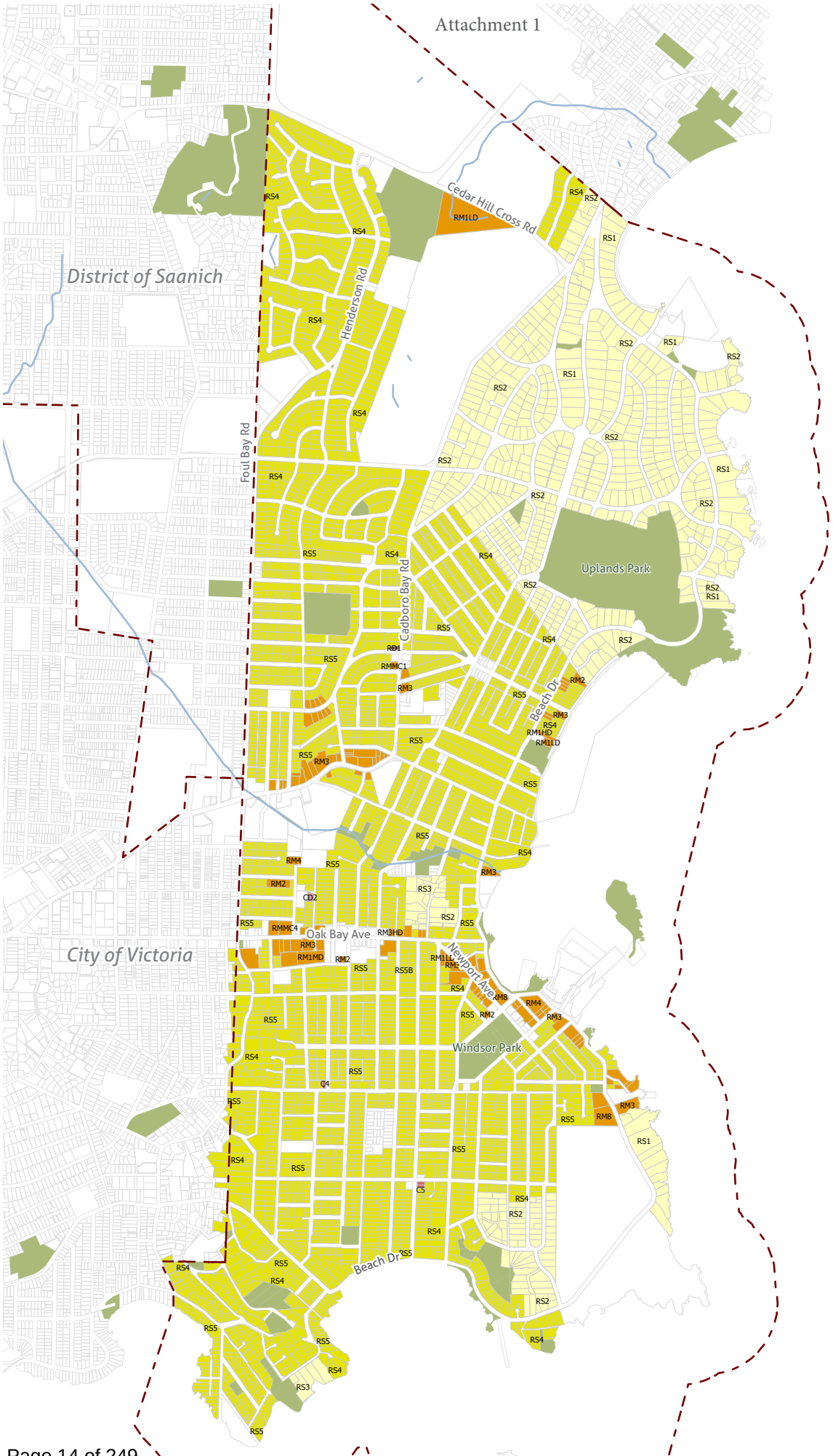
Attachment 4_Residential Infill Zones One Page Summaries

Attachment 5_Special Committee of the Whole Meeting Minutes - May 6 and May 16 2024 -DRAFT

Attachment 6_Zoning Amendment Bylaw No. 4871

Attachment 7_Parking Facilities Amendment Bylaw No. 4873

District of Oak Bay
Small-Scale, Multi-Unit Housing
Map A: Restricted Zones



1:25,000 @ 8.5x11"

0 500 1000

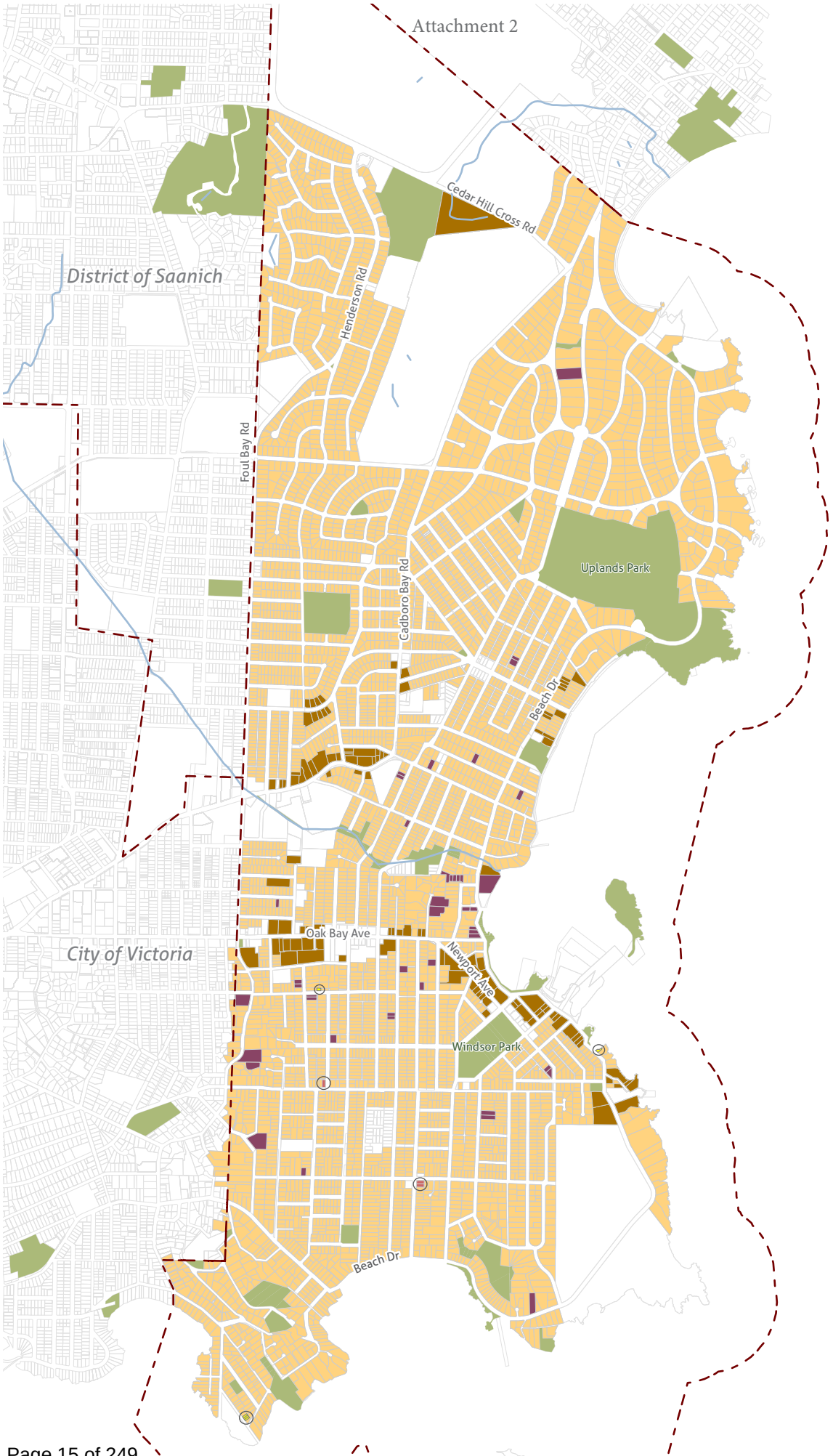
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Zones

- Single Family Residential — Large Lot (RS1, RS-2, RS-3)
- Single Family Residential — Small Lot (RS4, RS-5, RS-5B)
- Two-Family Residential (RD-1)
- Comprehensive Development (CD-2)
- Multi-Family Dwelling (RM-1LD, RM-1MD, RM-1HD, RM-2, RM-3, RM-3HD, RM-4, RM-8, RM-MC1, RM-MC4)
- Commercial (C-1, C4, C5)

Base

- Parcels
- Parks
- District Boundary
- Freshwater



District of Oak Bay
Small-Scale, Multi-Unit Housing
Map B: Proposed Maximum Densities

N

1:25,000 @ 8.5x11"

0 500 1000

Prescribed Suites/Units

- 3 Units (<280sqm)
- 4 Units (>280sqm)
- Heritage Designated Lots (2 Units and/or ADU)
- Commercial Lots (4 Units)
- Multi-Family Lots (4 Units or Apartment Forms)

Base

- Parcels
- Parks
- District Boundary
- Freshwater

Comparison with Provincial Guidance and District Approach

	Provincial Guidance	Proposed Oak Bay Approach
Site Planning Regulations		
Housing Typology (Building Type)	Local governments should be flexible in terms of permitting the full range of typologies and combinations and configurations for SSMUH development	Provides for a full range of typologies (accessory dwelling units, multiplex housing, secondary suites and townhouses), combinations and configurations, flexibility in distribution of unit sizes.
Density/Intensity	Local governments may regulate the intensity of a development through floor area ratio (FAR). Local governments should ensure that FAR still provides enough flexibility to enable landowners and developers to build an appropriate size and amount of SSMUH units on a lot.	Continue to use FAR in small and large lot zones to control building massing and include exemptions for basements. Approach includes higher FAR for infill housing forms. Removes minimum unit size in large lot zones. Ensures unit sizes in small lot zones allow for livable and marketable units.
Lot line setbacks	Reductions in current single detached zone setbacks will likely be required to accommodate an increased number if housing units. Local governments should adopt modest lot line setbacks, to ensure the viability of SSMUH housing forms, and provide flexibility.	Lot line setbacks have been reviewed for each zone and changes made to ensure appropriate setbacks remain in place to ensure fire access, privacy and adequate green space are provided on lots.
Building height/storeys	Local governments should consider allowing at least three storeys and a height of 11 metres for SSMUH housing.	Retain existing heights in large lot zones and increase maximum heights in small lot zones to enable sufficient livable space. In small lots zones the height increase in

		combinations with lot coverage provisions provides for an increase from 2 to 3 storeys.
Lot coverage	Lot coverage limits are used to protect pervious surfaces and open site space, and to help keep the size of new homes reasonable and more affordable	Remove lot coverage from the definition of density so that it would no longer be considered as a measure of density and therefore is more flexible. Provide for an increase for lot coverage for accessory dwelling units (ADUs) when an existing principal dwelling is retained.
Parking requirements	On-site parking requirements often have the greatest impact on the viability of SSMUH. Local governments should minimize parking requirements or remove parking requirements altogether.	Reduce parking requirements from 2 spaces per dwelling to 1 space per unit in large lot zones and 0.5 space per unit in small lot zones.
Other considerations for implementation		
Development Permit Areas (DPA)	Local governments may continue to use DPAs, provided they do not unreasonable restrict the ability to use land at the use or density prescribed in the legislation. Local governments are discouraged from using DPAs to control form and character of SSMUH developments up to six units in all but exceptional circumstances. The guidelines should not create barriers for infill housing.	The OCP currently has an Infill DPA; however it includes an exemption whereby DPs are not required when the proposed development does not require a rezoning to create additional residential units. Since SSMUH requires permitting increased densities in restricted zones as of right this exemption would not apply and development up to 4 units would take place without requiring an application for a DP.
Subdivision, lot sizes and strata titling	The legislation sets out specific lot sizes for the purpose of determining the SSMUH use and density of use that must be allowed by an updated zoning	No proposed changes to minimum lot sizes which continue to apply to fee simple and bareland strata lot subdivisions.

	bylaw. It does not however, establish minimum lot sizes for the purposes of subdivision.	Apart from legislated requirements there are no proposed local policies for strata conversion applications. Building strata subdivision of newly constructed buildings can be done as per existing Provincial regulation by property owners or developers who file a strata plan with the land titles office.
Tenure	The legislation does not presume that a specific form of tenure for SSMUH projects will be enabled through bylaw updates. The legislation does not favour ownership versus rental housing, but rather more housing generally in communities where housing choice has been limited by single-family and duplex zoning.	With regards to tenure of new units, property owners may build multiple units and stratify to support ownership tenure as well as rental. It is also expected that some property owners may build one or more rental units on a lot particularly through Secondary Suites and Accessory Dwelling Units. At this time the owner occupancy requirement and owner's declaration requirement remains in place that the registered owner(s) of the property must occupy either the primary dwelling unit or the secondary suite as their principal residence.
Geospatial visualization	With the support of geospatial analysis, local governments can make educated projections about how much additional density and population increase and associated impacts will result from SSMUH requirements	Geospatial analysis work is currently underway. The results will be used to inform the development of other Housing Action Program initiatives such as the Official Community Plan review, Housing Needs Report, Amenity Cost Charge (ACC) and Development Cost Charge (DCC) programs.

Infrastructure and Servicing Considerations	Local governments should assess the current and planned capacity of their systems, alongside the demand generated by, and financial implications for, their infrastructure and services under the SSMUH zoning.	Technical analysis and assessment for infrastructure and build out analysis is currently underway. The results will be used to inform the development of other Housing Action Program initiatives such as the comprehensive Official Community Plan review, ACC and DCC programs.
Exemptions	The legislation sets out several conditions under which certain parcels that would otherwise meet the Restricted Zone definition are exempt from the SSMUH requirement to amend zoning to permit three to six units	Council considered applying the exemption for parcels of land larger than 4,050m2; however, Council directed staff to not apply this exemption. These lands are now subject to allow up to a maximum of four units throughout the District. The only exemption applied is for heritage designated properties.
Extensions	To comply with the legislation, local governments will be required to update their zoning bylaws to align with SSMUH by June 30, 2024, unless an extension is granted by the Minister of Housing. A request for an extension was required to be submitted by June 1, 2024.	There are specific circumstances where a time-based extension can be requested, and only for specific areas where development would create a health, public safety or environmental risk. These conditions do not appear to be met for any areas in the District.

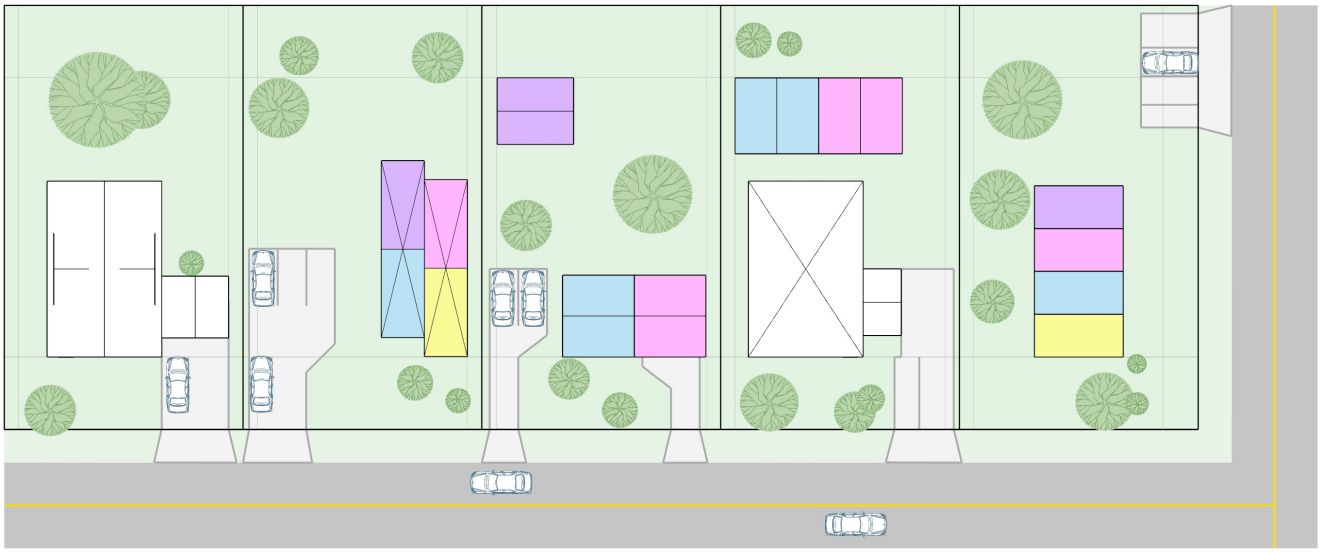
Large Lot Zones | RS-1, RS-2, RS-3

The models below illustrate potential infill scenarios under the recommended zoning provisions for larger lot zones. The homes in white represent existing single family homes under existing RS-3 zoning, and the colourful homes show potential infill housing (up to 4 units) in various configurations.

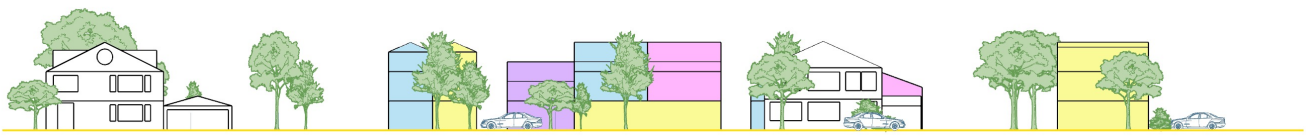
Infill Scenario - Perspective



Infill Scenario - Plan



Infill Scenario - Elevation



Zoning Parameter	Provincial Site Standards	Existing Parameters RS-1 One Family Residential Use	Proposed Parameters R-1 Residential 1
Front Lot Line Setback	• Min. 5 -6 m	• Principal Building: 10.66 m • Accessory Building or Structure: 10.66 m • Contextual front yard setback applies	• Principal Building: 10.7 m • Accessory Dwelling Unit: 10.7 m • Accessory Building or Structure: 10.7 m
Rear Lot Line Setback	• Min. 6 m for principal building • Min. 1.5 m for ADUs	• Principal Building: 7.62 m • Accessory Building or Structure: 1.52 m	• Principal Building: 7.6 m • Accessory Dwelling Unit, Accessory Building or Structure: 1.5 m
Side Lot Line Setback	• Min. 1.2 m	• Interior, Principal Building: 3.00 m • Interior, Accessory Building or Structure: 1.52 m • Exterior: 7.62 m (all) **Uplands** • Interior, Principal Building: 3.00 - 4.57 m (function of lot breadth) • Total of all setbacks: 6.00 - 12.19 m (function of lot breadth)	• Interior, Principal Building: 3.0 m • Interior, Accessory Dwelling Unit, Accessory Building or Structure: 1.5 m • Exterior: 7.6 m **Uplands** • Principal Building: 3.0 - 4.6 m • Total 6.0 - 12.2 m (function of lot breadth)
Maximum Height	• Max. 11 m to mid-point of pitched roof or highest point of flat roof • at least 8 m for ADU	• Principal Building, Building Height: 4.10 m - 7.32 m • Principal Building, Occupiable Height: 2.56 m - 4.57 m • Principal Building, Roof Height: 5.12 m - 9.14 m • Accessory Building, Building Height: 3.00 m • Occupiable Height: 0.25 m • Roof Height: 4.60 m • Accessory Structure, Building Height: 4.60 m	• Principal Building, Roof Height: 5.1 m - 9.1 m based on lot breadth • Principal Building, Building Height: 4.1 m - 7.3 m based on lot breadth • Accessory Dwelling Unit, Roof Height: 6.0 m • Accessory Dwelling Unit, Building Height: 4.4 m • Accessory Building, Roof Height: 4.6 m • Accessory Building, Building Height: 3.0 m • Accessory Structure, Building Height: 4.6 m
Maximum Number of Storeys	• 3 storeys for principal dwellings • 2 storeys for ADU	• N/A	• 3 storeys for Principal Buildings • 2 storeys for ADU
Maximum Lot Coverage	• 25-40%	• Principal Building: 25% • Accessory Building: 5% • Accessory Structure: 5%	**One-unit Residential** • Principal Building: 25% • Accessory Building: 5% • Accessory structure: 5% **SSMUH** • Principal, Accessory and ADUs combined: 30% • Accessory Structure: 5%
Off-Street Parking Requirements	• 1 space/unit or less	• 2 spaces/unit	• One-unit Residential and Suite: 2 spaces/unit • SSMUH: 1 space/unit
Maximum Paved Coverage	• none	• maximum 25% paved coverage in front yard and 25% in the rear yard	• Maximum 25% paved coverage in front yard and 25% in the rear yard • 50% live landscaping coverage
Floor Area Ratio	• none	• 0.4 (+ 0.05 for Accessory Buildings)	**Up to two Dwelling Units** • 0.2 including a maximum 0.05 for Accessory Buildings **SSMUH for three or more Dwelling Units** • 0.25
Minimum Floor Area	• none	• 150 m2	• none
Maximum Build-out (on minimum lot size)	• none	**One-unit Residential** • 1,619 m^2 (17,425 ft^2) or up to 3238 m^2 (34,850 ft^2) with basement, limited by 0.4 FAR	**Up to two Dwelling Units** • 809 m^2 (8,712 ft^2) or up to 1,619 m^2 (17,425 ft^2) with basement, limited by 0.2 FAR **Maximum build-out per unit (up to 4 units)** • 253 m^2 (2,723 ft^2) or up to 506 m^2 (5,445 ft^2) with basement, limited by 0.25 FAR

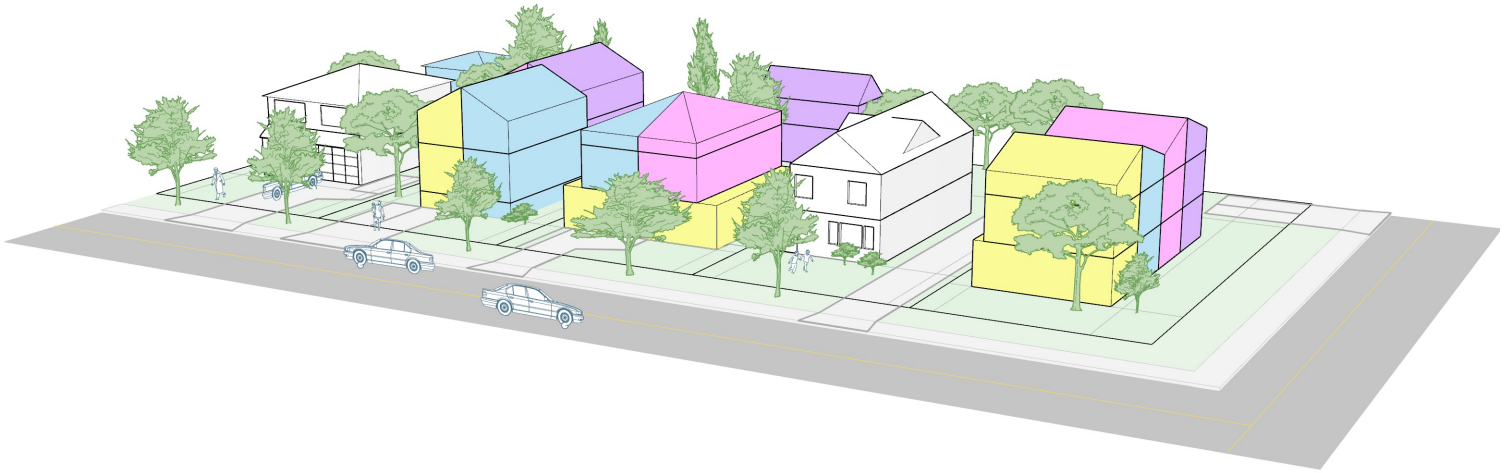
Zoning Parameter	Provincial Site Standards	Existing Parameters RS-2 One Family Residential Use	Proposed Parameters R-2 Residential 2
Front Lot Line Setback	• Min. 5 -6 m	• Principal Building: 10.66 m • Accessory Building or Structure: 10.66 m • Contextual front yard setback applies	• Principal Building: 10.7 m • Accessory Dwelling Unit: 10.7 m • Accessory Building or Structure: 10.7 m
Rear Lot Line Setback	• Min. 6 m for principal building • Min. 1.5 m for ADUs	• Principal Building: 7.62 m • Accessory Building or Structure: 1.52 m	• Principal Building: 7.6 m • Accessory Dwelling Unit, Accessory Building or Structure: 1.5 m
Side Lot Line Setback	• Min. 1.2 m	• Interior, Principal Building: 3.00 m • Interior, Accessory Building or Structure: 1.52 m • Exterior: 7.62 m (all) **Uplands** • Interior, Principal Building: 3.0 - 4.57 m (function of lot breadth) • Total of all setbacks: 6.0 - 12.19 m (function of lot breadth)	• Interior, Principal Building: 3.0 m • Interior, Accessory Building or Structure: 1.5 m • Exterior: 7.6 m (all) • Total all lot lines: 4.6 m **Uplands** • Principal Building: 3.0 - 4.6 m, total 6.0 - 12.2 m (function of lot breadth) • Total of all setbacks: 6.0 - 12.2 m (function of lot breadth)
Maximum Height	• Max. 11 m to mid-point of pitched roof or highest point of flat roof • at least 8 m for ADU	• Principal Building, Building Height: 4.10 m - 7.32 m • Principal Building, Occupiable Height: 2.56 m - 4.57 m • Principal Building, Roof Height: 5.12 m - 9.14 m • Accessory Building, Building Height: 3.00 m • Accessory Building, Occupiable Height: 0.25 m • Accessory Building, Roof Height: 4.60 m • Accessory Structure, Building Height: 4.60 m	• Principal Building, Roof Height: 5.1 m - 9.1 m based on lot breadth • Principal Building, Building Height: 4.1 m - 7.3 m based on lot breadth • Accessory Dwelling Unit, Roof Height: 6.0 m • Accessory Dwelling Unit, Building Height: 4.4 m • Accessory Building, Roof Height: 4.6 m • Accessory Building, Building Height: 3.0 m • Accessory Structure, Building Height: 4.6 m
Maximum Number of Storeys	• 3 storeys for principal dwellings • 2 storeys for ADU	• N/A	• 3 storeys for Principal Buildings • 2 storeys for ADU
Maximum Lot Coverage	• 25-40%	• Principal Building: 25% • Accessory Building: 5% • Accessory Structure: 5%	**One-unit Residential** • Principal Building: 25% • Accessory Building: 5% • Accessory Structure: 5% **SSMUH** • Principal, Accessory and ADUs combined: 30% • Accessory Structure: 5%
Off-Street Parking Requirements	• 1 space/unit or less	• 2 spaces/unit	• One-unit Residential: 2 spaces/unit • SSMUH: 1 space/unit
Maximum Paved Coverage	• none	• maximum 25% paved coverage in front yard and 25% in the rear yard	• maximum 25% paved coverage in front yard and 25% in the rear yard • 40% live landscaping coverage
Floor Area Ratio	• none	• 0.4 (+ 0.05 for Accessory Buildings)	**Up to two Dwelling Units** • 0.3 **SSMUH for three or more Dwelling Units** • 0.4
Minimum Floor Area	• none	• 150 m2	• none
Maximum Build-out (on minimum lot size)	• none	**One-unit Residential** • 890 m^2 (9,584 ft^2), or up to 1,447 m^2 (15,574 ft^2) with basement, limited by 0.4 FAR	**Up to two Dwelling Units** • 668 m^2 (7,188 ft^2) or up to 1,224 m^2 (13,178 ft^2) with basement, limited by 0.3 FAR **Maximum build-out per unit (up to 4 units)** • 223 m^2 (2,396 ft^2) or up to 362 m^2 (3,894 ft^2) with basement, limited by 0.4 FAR

Zoning Parameter	Provincial Site Standards	Existing Parameters RS-3 One Family Residential Use	Proposed Parameters R-3 Residential 3
Front Lot Line Setback	• Min. 2 m	• Principal Building: 7.62 m • Accessory Building or Structure: 7.62 m • Contextual front yard setback applies	• Principal Building: 7.6 m • Accessory Dwelling Unit: 7.6 m • Accessory Building or Structure: 7.6 m • No contextual front line setback
Rear Lot Line Setback	• Min.1.5 m	• Principal Building: 7.62 m • Accessory Building: 0.61 m • Accessory Structure: 1.52 m	• Principal Building: 7.6 m • Accessory Building: 0.6 m • Accessory Dwelling Unit or Structure: 1.5 m
Side Lot Line Setback	• Min. 1.2 m	• Interior, Principal Building: 1.52 m • Interior second storey, Principal Building: 3.00 m • Interior, Accessory Building: 0.61 m • Interior, Accessory Structure: 1.52 m • Exterior (all): 3.65 m • Total all lot lines: 4.57 m	• Interior, Principal Building: 1.5 m • Interior second storey, Principal Building: 3.0 m • Interior, Accessory Dwelling Unit: 1.5 m • Interior, Accessory Building: 0.6 m • Interior, Accessory Structure: 1.5 m • Exterior: 3.7 m (all) • Total all lot lines: 4.6 m
Maximum Height	• Max. 11 m to mid-point of pitched roof or highest point of flat roof	• Principal Building, Building Height: 4.10 m - 7.32 m • Principal Building, Occupiable Height: 2.56 m - 4.57 m • Principal Building, Roof Height: 5.12 m - 9.14 m • Accessory Building, Building Height: 3.00 m • Accessory Building, Occupiable Height: 0.25 m • Accessory Building, Roof Height: 4.60 m • Accessory Structure, Building Height: 4.60 m	• Principal Building, Roof Height: 2.7 m - 4.6 m, based on lot breadth • Principal Building, Building Height: 4.1 m - 7.3 m, based on lot breadth • Accessory Dwelling Unit, Roof Height: 6.0 m • Accessory Dwelling Unit, Building Height: 4.4 m • Accessory Building, Roof Height: 4.6 m • Accessory Building, Building Height: 3.0 m • Accessory Structure, Building Height: 4.6 m
Maximum Number of Storeys	• 3 storeys for principal dwellings	• N/A	• 3 storeys for Principal Buildings • 2 storeys for ADU
Maximum Lot Coverage	• 50%	• Principal Building: 25% • Accessory Building: 5% • Accessory Structure: 5%	**One-unit Residential** • Principal Building: 25% • Accessory Building: 5% • Accessory Structure: 5% **SSMUH** • Principal, Accessory and ADUs combined: 30% • Accessory Structure: 5%
Off-Street Parking Requirements	• 1 space/unit or less	• 2 spaces/unit	• One-unit residential: 2 spaces/unit • SSMUH: 1 space/unit
Maximum Paved Coverage	• none	• maximum 25% paved coverage in front yard and 25% in the rear yard	• Maximum 25% paved coverage in front yard and 25% in the rear yard • 40% live landscaping coverage
Floor Area Ratio	• none	• 0.4	**Up to two Dwelling Units** • 0.4 **SSMUH for three or more Dwelling Units** • 0.55
Minimum Floor Area	• none	• 110 m2	• none
Maximum Build-out (on minimum lot size)	• none	**One-unit Residential** • 446 m^2 (4,801 ft^2), or up to 725 m^2 (7,801 ft^2) with basement, limited by 0.4 FAR	**Up to two Dwelling Units** • 446 m^2 (4,900 ft^2), or up to 725 m^2 (7,801 ft^2) with basement, limited by 0.4 FAR **Maximum build-out per unit (up to 4 units)** • 153 m^2 (1,650 ft^2), or up to 223 m^2 (2,400 ft^2) with basement, limited by 0.55 FAR

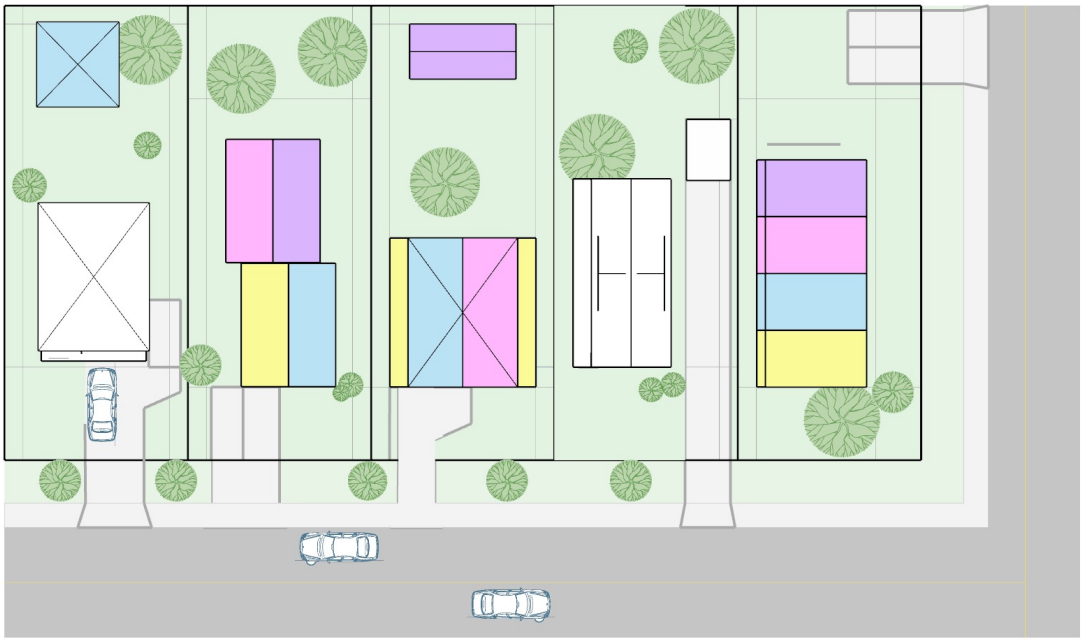
Small Lot Zones | RS-4, RS-5, RS-5B, CD-2, RD-1

The models below illustrate potential infill scenarios under the recommended zoning provisions for smaller lot zones. The homes in white represent existing single family homes under existing RS-5 zoning, and the colourful homes show potential infill housing (up to 4 units) in various configurations.

Infill Scenario - Perspective



Infill Scenario - Plan



Infill Scenario - Elevation



Zoning Parameter	Provincial Site Standards	Existing Parameters RS-4 One Family Residential Use	Proposed Parameters R-4 Residential 4
Front Lot Line Setback	• Min. 2 m	• Principal Building: 7.62 m • Accessory Building or Structure: 7.62 m • Contextual front yard setback applies	• Principal Building: 6.0 m • Accessory Dwelling Unit: 6.0 m • Accessory Building or Structure: 7.6 m • No contextual front line setback
Rear Lot Line Setback	• Min. 1.5 m	• Principal Building: 7.62 m or 25% lot depth • Accessory Building: 0.61 m • Accessory Structure: 1.52 m	• Principal Building: 7.6 m • Accessory Building: 0.6 m • Accessory Dwelling Unit or Structure: 1.5 m
Side Lot Line Setback	• Min. 1.2 m	• Interior, Principal Building: 1.52 m • Interior second storey, Principal Building: 3.00 m • Interior, Accessory Building: 0.61 m • Interior, Accessory Structure: 1.52 m • Exterior (all): 3.65 m • Total all lot lines: 4.57 m	• Interior, Principal Building: 1.5 m • Interior second storey, Principal Building: 3.0 m • Interior, Accessory Dwelling Unit: 1.5 m • Interior, Accessory Building: 0.6 m • Interior, Accessory Structure: 1.5 m • Exterior: 3.7 m (all) • Total all lot lines: 4.6 m
Maximum Height	• Max. 11 m to mid-point of pitched roof or highest point of flat roof	• Principal Building, Building Height: 4.10 m - 7.32 m • Principal Building, Occupiable Height: 2.56 m - 4.57 m • Principal Building, Roof Height: 5.12 m - 9.14 m based on frontage • Accessory Building, Building Height: 3.00 m • Accessory Building, Occupiable Height: 0.25 m • Accessory Building, Roof Height: 4.60 m • Accessory Structure, Building Height: 4.60 m	**One-unit Residential** • Principal Building, Roof Height: 5.1 m - 9.1 m, based on lot breadth • Principal Building, Building Height: 4.1 m - 7.3 m, based on lot breadth **SSMUH** • Principal Building, Roof Height: 10 m • Principal Building, Building Height: 8.5 m • Accessory Dwelling Unit, Roof Height: 6.0 m • Accessory Dwelling Unit, Building Height: 4.2 m • Accessory Building, Roof Height: 4.6 m • Accessory Building, Building Height: 3 m • Accessory Structure, Building Height: 4.6 m
Maximum Number of Storeys	• 3 storeys for principal dwellings	• N/A	• 3 storeys for Principal Buildings • 2 storeys for ADU
Maximum Lot Coverage	• 50%	**Two-storey Buildings** • 30% for all buildings and structures where 7% may be for accessory buildings **One-storey Buildings** • 35% for all buildings and structures where 7% may be for accessory buildings	**One Unit Residential** • Principal Building, Accessory Buildings and Structures: 30% up to 7% for Accessory Buildings; or **For one-storey Buildings** • 35% for all buildings and structures where 7% may be for accessory buildings **SSMUH** • Principal, accessory and ADUs combined: 30% up to 7% for accessory structures • Additional 7% coverage for ADUs where existing home retained
Off-Street Parking Requirements	• 1 space/unit or less	• 2 spaces/unit	• One-unit residential: 2 spaces/unit • SSMUH: 0.5 space/unit
Maximum Paved Coverage	• none	• maximum 25% paved coverage in front yard and 25% in the rear yard	• Maximum 30% paved coverage in front yard and 25% in the rear yard • 30% live landscaping coverage
Floor Area Ratio	• none	• 0.4	**Up to Two Dwelling Units** • 0.4 **Where home is retained and an ADU is added** • 0.5 **SSMUH for three or more Dwelling Units** • 0.6
Minimum Floor Area	• none	• 110 m2	• none
Maximum Build-out (on minimum lot size)	• none	**One-unit Residential** • 379 m^2 (4,082 ft^2), or up to 616 m^2 (6633 ft^2) with basement, limited by 0.4 FAR	**Up to two Dwelling Units** • 379 m^2 (4,082 ft^2), or up to 616 m^2 (6633 ft^2) with basement, limited by 0.4 FAR **Where home is retained and an ADU is added** • 474 m^2 (5,102 ft^2), or up to 711 m^2 (7,653 ft^2) with basement, limited by 0.5 FAR **Maximum build-out per unit (up to 4 units)** • 142 m^2 (1,531 ft^2), or up to 201 m^2 (2,168 ft^2) with basement, limited by 0.6 FAR

Zoning Parameter	Provincial Site Standards	Existing Parameters RS-5 One Family Residential Use	Proposed Parameters R-5 Residential 5
Front Lot Line Setback	• Min. 2 m	• Principal Building: 7.62 m • Accessory Building or Structure: 7.62 m • Contextual front yard setback applies	• Principal Building: 6.0 m • Accessory Dwelling Unit: 6.0 m • Accessory Building or Structure: 7.6 m • No contextual front line setback
Rear Lot Line Setback	• Min. 1.5 m	• Principal Building: 7.62 m or 25% lot depth • Accessory Building: 0.61 m • Accessory Structure: 1.52 m	• Principal Building: 7.6 m • Accessory Dwelling Unit or Structure: 1.5 m • Accessory Buildings: 0.6 m
Side Lot Line Setback	• Min. 1.2 m	• Interior, Principal: 1.52 m • Interior second storey, Principal Building: 3.00 m • Interior, Accessory Building: 0.61 m • Interior, Accessory Structure: 1.52 m • Exterior (all): 3.65 m • Total all lot lines: 4.57 m	• Interior, Principal Building: 1.5 m • Interior second storey, Principal Building: 3.0 m • Interior, Accessory Dwelling Unit: 1.5 m • Interior, Accessory Building: 0.6 m • Interior, Accessory Structure: 1.5 m • Exterior: 3.7 m (all) • Total all lot lines: 4.6 m
Maximum Height	• Max. 11 m to mid-point of pitched roof or highest point of flat roof	• Principal Building, Building Height: 4.10 m - 7.32 m • Principal Building, Occupiable Height: 2.56 m - 4.57 m • Principal Building, Roof Height: 5.12 m - 9.14 m • Accessory Building, Building Height: 3.00 m • Accessory Building Occupiable Height: 0.25 m • Accessory Building Roof Height: 4.60 m • Accessory Structure, Building Height: 4.60 m	**Up to Two Dwelling Units** • Principal Building, Roof Height: 5.1 m - 9.1 m • Principal Building, Building Height: 4.1 m - 7.3m **SSMUH** • Principal Building, Roof Height: 10.0 m • Principal Building, Building Height: 8.5 m • Accessory Dwelling Unit, Roof Height: 6.0 m • Accessory Dwelling Unit, Building Height: 4.4 m • Accessory Building, Roof Height: 4.6 m • Accessory Building, Building Height: 3.0 m • Accessory Structure, Building Height: 4.6 m
Maximum Number of Storeys	• 3 storeys for principal dwellings	• N/A	• 3 storeys for Principal Buildings • 2 storeys for ADU
Maximum Lot Coverage	• 50%	• 30% for all buildings and structures where a maximum 7% may be for accessory buildings (two-storey building)	**One-unit Residential** • Principal Building, Accessory Buildings and Structures: 30% where up to 7% may be for Accessory Buildings; or **For one-storey Buildings** • 35% for all buildings and structures where 7% may be for accessory buildings **SSMUH** • Principal Buildings, Accessory Buildings and ADUs combined: 30% and up to 7% may be for Accessory Structures • Additional 10% combined coverage for ADUS where existing home retained
Off-Street Parking Requirements	• 1 space/unit or less	• 2 spaces/unit	• One-unit residential: 2 spaces/unit • SSMUH: 0.5 space/unit
Maximum Paved Coverage	• none	• maximum 25% paved coverage of in front yard and 25% in the rear yard	• Maximum 40% paving in front and 25% in the rear yard • 20% live landscaping coverage
Floor Area Ratio	• none	• 0.4	**Up to Two Dwelling Units** • 0.4 **Where the home is retained and an ADU is added** • 0.6 **SSMUH for three or more Dwelling Units** • 0.8
Minimum Floor Area	• none	• 110 m2	• none
Maximum Build-out (on minimum lot size)	• none	**One-unit Residential** • 223 m^2 (2,403 ft^2), or up to 363 m^2 (3,904 ft^2) with basement, limited by 0.4 FAR	**Up to Two Dwelling Units** • 223 m^2 (2,403 ft^2), or up to 363 m^2 (3,904 ft^2) with basement, limited by 0.4 FAR **Existing home and ADU** • 335 m2 (3,604 ft2), or up to 474 m^2 (5,105 ft^2) with basement, limited by 0.6 FAR **Maximum build-out per unit (up to 4 units)** • 112 m2 (1,201 ft2), or up to 146 m^2 (1,577 ft^2) with basement, limited by 0.8 FAR

DISTRICT OF OAK BAY

MINUTES

Special Committee of the Whole - 06 May 2024

Monday, May 6, 2024 @ 6:00 PM

1442 Monterey Avenue - Monterey Recreation Centre

PRESENT: Mayor K. Murdoch
Councillor A. Appleton
Councillor H. Braithwaite
Councillor C. Green
Councillor E. Paterson
Councillor C. Smart
Councillor L. Watson

ABSENT:

STAFF: Chief Administrative Officer, S. Williams
Director of Corporate Services, D. Plouffe
Director of Community Building and Planning, A. Boel
Deputy Director of Community Building and Planning, B. Green
Director of Engineering and Public Works, E. Robertson
Manager of Communications, H. Goodgrove
Communications Coordinator, M. Williams
Senior Planner, C. Rimmel
Legislative Assistant, R. Putnins
Summer Planning Student, S. Parthiban

CALL TO ORDER
Call to Order

The Mayor called the meeting to order at 6:00 pm and acknowledged that the land on which we gather is in the traditional territory of the Coast and Straits Salish Peoples. Specifically, we recognize the Lekwungen peoples, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

APPROVAL OF AGENDA
Approval of Agenda - May 6, 2024

Draft

Note: This agenda has been produced in accordance with the Order of Business for Special meetings under the *Council Procedure Bylaw No. 4740, 2020,* which does not provide for public input. Recognizing this meeting is an important opportunity to engage with the public, the recommendation to adopt the agenda includes the opportunity for public input.

MOVED and SECONDED
THAT the agenda for the May 6, 2024, Special Committee of the Whole meeting be approved as presented, which includes Public Participation.

CARRIED

MAYOR'S REMARKS

Mayor's Remarks

Mayor Murdoch welcomed Council, staff, and members of the public to this Special Committee of the Whole meeting to discuss infill housing and explained the format of the meeting. Mayor Murdoch explained that the issue before us is in response to legislation handed down from the Provincial Government, and that Oak Bay is limited in their refusal abilities, given the superseding power of the Province.

SPECIAL MEETING MATTERS

Subject to Public Input

Housing in Oak Bay: Infill Housing Program and Provincial Housing Directives

Andre Boel, Director of Community Building and Planning introduced the report and presentation; supported by Brian Green, Deputy Director of Community Building and Planning, and Jeannette Elmore, Consultant, Modus Planning Design and Engagement.

The Mayor called for public comments at 7:29 pm.

Pat Wilson, South Oak Bay, identified as a heritage advocate and expressed support for the core principle of cherishing what the community loves. They commented on loss of greenspace and lack incentives to keep existing housing or heritage buildings over new units, and expressed desire for the street character to remain the same and noted that increased fees would discourage densification when the goal is to increase densification. They asked that character houses, not necessarily heritage houses, be given thought and consideration in the context of infill housing.

Jeannette Elmore, Consultant, Modus Planning Design and Engagement responded to the concern with greenspace, noting a possibility to have two parking stalls without sacrificing too much green space.

Andre Boel, Director of Community Building and Planning noted that the Infill Housing Program is not geared toward character or older houses or any building protections, as those are governed by the Official Community Plan.

Draft

Graeme Black, Oak Bay
G. Black asked what the impact would be to the tree canopy, and asked whether there would be a net gain or loss. They also asked about the impact of densification on groundwater supply for mature trees, as well as the municipal water system carrying capacity. They also sought more clarification on affordable housing targets.

Jeannette Elmore, Consultant, Modus Planning Design and Engagement noted that site coverage plans favor tree canopy. She also added that the District of Oak Bay has been working with a consultant and an arborist to further explore how to enhance the tree canopy.

Mayor Murdoch stated that there is no specific direction for affordable housing targets from the Province at this time.

Ed Robertson, Director of Engineering and Public Works stated that there has been no study to date on the groundwater supply and that there have been no water restrictions in place, and no indication of capacity concerns within the system.

John Thomson, Oak Bay
J. Thomson stated that 'the greenest building is the existing building'; stated support for the priority to turn existing homes into denser housing options and asked that environmental concerns be prioritized.

Mayor Murdoch stated his support for incentivizing the retention of existing housing stock over new builds.

Jeannette Elmore, Consultant, Modus Planning Design and Engagement stated that the recommendation enables retention of existing homes, as well as additional units on existing buildings. Given land values and construction costs, the incentive for keeping existing homes is economical.

John Armitage, South Oak Bay
Shared experience as an architect and stated that in their view, the proposed changes would radically change Oak Bay. They referenced the founding principles of the OCP, and support for built form and natural heritage. They also said that under these changes, trees would inevitably be lost. They spoke about proposed paved areas, especially front yard parking, and its effect on frontage and streetscape effect. They spoke to what he perceived to be an impediment in the building code for creating suites in heritage or character homes where the ceiling may be one of the protected features. They suggested that Oak Bay use their discretion to be more flexible and to allow suites in character homes so that existing housing stock be preserved.

Laura Ruzzier, Oak Bay
Expressed thanks to Council for opportunity to have a public dialogue and expressed support for densification but supports densification that is planned thoughtfully and does not change character of a community. L. Ruzzier asked why we still need this particular number of homes, if census shows a decline in Oak Bay population between 2018 and 2021, even with immigration each year. They asked for more targeted solutions to planning and

Draft

development, rather than sweeping zoning changes, and suggested targeting lots that have sat dormant as housing solutions and asks whether we can reach a different agreement with the Province.

Mayor Murdoch explained that the housing mandate comes from the Province of B.C., where the District of Oak Bay was identified early on. He suggested that the 2023 Census of Canada drop in population could be related to the loss of the Oak Bay Lodge. He added that while municipalities enable and empower building, they are not builders themselves, and cannot dictate building on private property. Mayor Murdoch clarified that the reason for the zoned approach to housing, is directly related to the requirements of the Province of B.C.

Ms. Patricia Dijak
P. Dijak expressed thanks to staff for reasonable setback requirements for housing beyond provincial outlines, for trees and climate action. They asked about above ground parking spaces and whether Oak Bay can require permeable surfaces such as grass, to help with water management and to filter pollutants out of watershed. They also asked if Oak Bay will be adopting a natural asset inventory, to become public amenities.

Brian Green, Deputy Director of Community Building and Planning, stated that currently the Zoning Bylaw defines paved surfaces for parking and noted that non-permeable surfaces could be explored.

Andre Boel, Director of Community Building and Planning, noted that the District of Oak Bay does not have a natural asset inventory and there are no current plans to conduct one.

Grant Bierlmeier, South Oak Bay
Shared gratitude for the open houses that he attended, and recommended removal of the requirement for owner occupancy in secondary suites and stated that this is distinct from provincial requirements on short term rental units. It was also stated that the District has been discriminatory to landlords and supports removal of owner occupancy restrictions to allow an increase in rental housing supply in Oak Bay.

Susan Roundtree, Oak Bay
S. Roundtree asked for clarification on four to one units on single lots, and whether the incentive is for destruction by developers, and whether all the lots would become strata's. Also asked about a potential for taxes being raised if there was refusal to comply with new housing order. S. Roundtree asked who choose the housing target, and what the intent is, and expressed concerns for flooding and water table management under new proposed development. They expressed support for pocket communities with small scale units, and asked if there is a minimum house size identified. They suggested that the ask from the Province is unreasonable at this time, without proper research and preparation.

Mayor Murdoch clarified that all of Oak Bay is being looked at for growth, not just certain areas. He noted that there are currently no minimum sizes for homes, and no requirement for stratification on new builds. Mayor Murdoch deferred to staff for any changes to basement suites or underground building regulations.

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Andre Boel, Director of Community Building and Planning confirmed there are no changes at this point, although a thorough infrastructure capacity analysis would look at this type of concern as the bylaw continues to be drafted.

Susan Mitchell, Oak Bay
Spoke as an Oak Bay resident for three generations and is not supportive of a high-density community. Spoke in support of infill housing, but in a more planned fashion, and shared concerns that infrastructure will not keep up with demands of new builds. S. Mitchell is not in favor of removing of greenspace in Carnarvon Park for housing, and asked what has been built in Oak Bay over the last four years.

Pamela Ubeda, South Oak Bay
Spoke as a new resident of Oak Bay and as an architect, and requested that attention is paid to multi-generational housing and expressed frustration with past experiences with Oak Bay to get a small garden suite approved for a relative. P. Ubeda also expressed concern regarding roadblocks and impediments to building secondary dwelling units and hopes that will change in the future.

Mayor Murdoch noted that the Official Community Plan speaks to infill, and that under these new provincial regulations, it is more important than ever to reach criteria.

Barbara Preston, North Oak Bay
Commented that there was not enough of neighbourhood consultation on infill housing, especially as it relates to Carnarvon Park. B. Preston also commented on the Uplands being a Canadian National Historic Site, and asked how it may be affected by infill housing. Also stated that if the Uplands does not have to develop, more pressure will be put on the rest of Oak Bay, and asked whether Council should consider future development on city-owned properties and if there is anything that Council can do to resist the provincial demand for Zoning changes. They spoke in support of density, but in a thoughtful and well-planned way.

Mayor Murdoch stated that the District of Oak Bay cannot ignore or resist the provincial orders, and that the Province of B.C. has prohibited public hearings. He stated that the District of Oak Bay has undertaken several public consultations on housing, which have been well attended. He further stated that the District of Oak Bay does not build, or control building, and that the target of 664 units for housing was set by the Province and prescribed to the District and that the District is responsible for creating the framework for building to happen, while maintaining the character of the community. He also stated that the Carnarvon Park housing option was brought forward as part of identifying possible city-owned lands that could support housing.

Mr. Gwen Lindern, Oak Bay
Asked if there is consideration for building on other parks in Oak Bay, and whether Carnarvon Park was a proposal from the District or the Province. G. Lindern also spoke in support of densification, but against removal of any greenspace, recreation spaces, and community spaces.

Don Read, Oak Bay

Draft

Asked for clarification regarding different lot sizes and proposed building guidelines associated with them, and disagreed with the rationale that similar sized builds would be on drastically different sized lots. D. Read asked why the builds are not relative to lot size, and asked Council to review these details.

Mayor Murdoch clarified that the provincial law outlines an allowance for up to three units on anything less than 3000 sqft., and four units on anything larger, under current zoning. He clarified that the aforementioned allowances are solely what is allowed without any additional ask. This ensures that the District is compliant with provincial law but allows re-zoning applications that may vary from these guidelines. The District has to allow four units, as a right, on qualifying single-family lots to be compliant with provincial legislation.

Mr. Edwardson, Oak Bay
Expressed support to Council for their action during a housing shortage, stating all municipalities must do their part, and is supportive of adding housing supply to make housing more affordable and attainable in Oak Bay. Mr. Edwardson spoke in support of changes to Oak Bay's character, which would allow new types of people to move in and evolve the neighbourhood. They asked for clarification on the Uplands zoning requirements for single family homes and secondary suites future potential and why those wouldn't be prioritized at this point in time. It was stated that it seems that densification was directed elsewhere than the Uplands and concluded that he supports as much density and housing diversity in the uplands as possible.

Jeannette Elmore, Consultant, Modus Planning Design and Engagement noted that under the provincial direction, parcels greater than an acre, which is most of the Uplands are identified to have "future potential".

Mayor Murdoch responded to Mr. Edwardsons observation that it seems like the Uplands are not experiencing the same direction on densification. The Mayor clarified that Council will be providing direction on the Zoning for the Uplands, and an option is to follow the recommendation to bring them into alignment with other single-family zones.

Kristina Vuckovic, Oak Bay
Asked Council if the proposed housing in Carnarvon Park would count as infill housing towards the targets, and if so, why it is not being discussed at this meeting. K. Vuckovic expressed disagreement with putting housing in the park, and asked if the proposed housing in Carnarvon Park would count as infill housing towards the provincially mandated targets.

Mayor Murdoch clarified that any housing built in the District of Oak Bay will count towards the Province of B.C. mandated housing target.

Susan Roundtree, Oak Bay
Asked about the possibility of getting close to all 664 units by developing at the empty site at the University of Victoria.
Mayor Murdoch confirmed that the District of Oak Bay does not own the land located at the University of Victoria land cannot direct a housing build.

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Pete Bekker, Oak Bay
Inquired about any consequences if the housing target order is not met.

Mayor Murdoch shared that the Province of B.C. has not stated how it will respond if the mandated housing targets for the District of Oak Bay are not met, but as long as there is a good faith effort to contribute to the housing supply, and semi-annual reports are being shared, the Province should be satisfied.

Todd Pabilsky, Oak Bay
Expressed concern about traffic congestion and on-street parking that would come with more housing.

Mayor Murdoch confirmed that traffic flow is written into the Official Community Plan and taken into account for growth.

The Mayor concluded Public Input at 8:55 pm.

MOVED AND SECONDED
THAT the meeting be extended to 10:00 PM

Councillor Green opposed.

MOVED AND SECONDED
THAT the meeting be extended to 9:30 PM

CARRIED

The meeting recessed 8:58, resumed at 9:03

The Mayor called for Council Discussion:

Councillor Green shared that her major takeaways were related to greenspace, permeable surfaces, and park land. Understanding the repercussions of the Provincial Government, should the district not reach the housing target is important to understand and to share that with the public. She noted that what people want to know is what impacts will be felt in their neighbourhoods, especially related to Uplands, heritage, and the four-unit issue as it relates to smaller lots versus larger lots. Councillor Green also expressed a desire to address the issues surrounding owner occupied secondary suites.

Councillor Watson expressed interest in incentives to retain existing buildings, and to achieve infill targets that would maintain character of streetscapes. She also would like to look into the B.C. Building Code and permitting as an impediment to creating liveable second story units in older homes. She supports looking into permeable paving to protect groundwater recharge and may need to look at alternative paving requirements. Councillor Watson expressed concern for parking requirements, that three spots are too many and would like to see it reduced to lower than 0.75 target and use the space on existing streets to park cars. She expressed support for any other tools, other than Development Permits, which will deal with building bulk.

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With respect to Floor Area Ratio in the Uplands, Councillor Appleton indicated that he was not supportive of reducing Floor Area Ratio in that area as the lower Floor Area Ratio encouraged larger, more expensive single-family dwellings whereas those larger lots provide opportunity or more innovative housing forms as they could accommodate parking and streetscape issues easier than on smaller lots. He is supportive of further thought and discussion on second floor stepbacks to avoid large looming buildings to appear to visually encroach on neighbouring buildings and expressed support to use those stepbacks to avoid the “big box”. He would like to see more creative solutions on the front yard paved area and how to reduce paving and parking.

Regarding development permit areas Councillor Appleton indicated a desire to have standards and guidelines in place to make the program work and to control the form; something between a comprehensive Development Permit Area that covers everything, and no Development Permit Area. He indicated that he is a proponent to have as much as possible written into the zoning bylaws with an eye to streamlining process, creating less work for staff, and dealing with less variances.

Councillor Braithewaite agrees with permeable paving as an option for surfaces. She expressed concern about the 50% hard surface area and would like to see parking increased to 1 from 0.75. She would also like to se maximum Floor Area Ratio in Uplands and larger parcel zones and has concern that there is no maximum Floor Area Ratio for infill housing.

Councillor Smart would like to see the focus kept on preserving existing housing stock using smaller rear yard setbacks, preserving greenspace, and not losing the opportunity to encourage accessible design. She stated that she would like to look at reframing the lens being used regarding the percentage of greenspace required versus the percentage of paving permitted. Councillor Smart is supportive of increasing number of housing units, especially those with accessible features. She would like the building permit process to be smoother and shorter, with either Floor Area Ratio or Development Permit Area. She would like to see a transportation demand management plan or have a two car spaces per unit maximum, where three or more units are provided.

Councillor Patterson requested better answers for utilities, parking, and paving, especially on smaller lots. She would like to see direction in the smaller zones to give better direction parking and paving that would avoid ghettoization and provide safe active transportation throughout. She asked to rethink Uplands and where there is a framework for developing a DPA.

Mayor Murdoch spoke firmly in favour of Floor Area Ratio over Development Permit Area. He would support keeping a couple of parking spots on lots, requiring one setback allowing for parking next to the house as well as in front He would also be supportive of seeing an exemption for one indoor parking space. He would like more clarity around the heights and preferred to design to the halfway point of the slope of the roof. He is supportive of reduced parking requirements in favour of density and stated his support of the setbacks presented including the second-floor step-backs. Mayor Murdoch states that defining roof height clearly would be valuable to define sense of scale for buildable roof height. Mayor if supportive of staff recommendations on Uplands, to preserve greenspace, etc., and then come back in the

Draft

future to begin looking at incentivizing more density in those areas. Mayor Murdoch also stated his desire to look at build infill, including carriage houses, laneway suites, and other creative solutions to maintain the existing housing stock.

ADJOURNMENT
Motion to Adjourn

MOVED and SECONDED
THAT the meeting be adjourned at 9:24pm.

CARRIED

_____	_____
Kevin Murdoch, Mayor	Dianna Plouffe, Director of Corporate Services

Draft

DISTRICT OF OAK BAY

MINUTES

Special Committee of the Whole - 16 May 2024

Thursday, May 16, 2024 @ 6:00 PM

Council Chambers

PRESENT: Mayor K. Murdoch
Councillor A. Appleton
Councillor H. Braithwaite
Councillor C. Green
Councillor E. Paterson
Councillor C. Smart
Councillor L. Watson

ABSENT:

STAFF: Chief Administrative Officer, S. Williams
Deputy Director of Corporate Services, A. Boyd
Director of Community Building and Planning, A. Boel
Deputy Director of Community Building and Planning, B. Green
Senior Planner, C. Rimell
Legislative Assistant, R. Putnins

CALL TO ORDER

They Mayor called the meeting to order at 6:01 PM and acknowledged that the land on which we gather is in the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen peoples, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

APPROVAL OF AGENDA

Approval of Agenda - May 16, 2024

MOVED and SECONDED
THAT the agenda for the May 16, 2024, Special Committee of the Whole meeting be approved as presented, which includes Public Participation.

CARRIED

Draft

MAYOR'S REMARKS

The Mayor shared the following remarks:

- *That the Province has mandated every community of BC to eliminate single-family and duplex zoning, and that Bill 44 states that every municipality in the province must allow up to four units per lot;*
- *That Council cannot refuse or resist these orders from the provincial government;*
- *That there have been several public information sessions that were well attended, and lots of public input and feedback provided;*
- *That tonight's meeting will be primarily focused on debate, and providing direction to Staff;*
- *That Council consider the obligation to infill housing, the future Official Community Plan, and that staff need time to provide professional input;*
- *Mayor Murdoch shared that the primary driver of his decision making is to find policies that encourage retention of existing housing stock, that would not make demolition the more advantageous option;*
- *That Multi-Family Units are financially viable options; and*
- *That Council can create Bylaws that encourage good design through infill housing.*

SPECIAL MEETING MATTERS

Infill Housing and Provincial Housing Mandate

Andre Boel, Director of Community Building and Planning presented the report and answered questions from Council, with support from Jeannette Elmore, Consultant with Modus Planning Design and Engagement, and Brian Green Deputy Director of Community Building and Planning.

The Mayor called for public input:

Alexander Economou, Oak Bay, expressed gratitude for the Zoning Bylaw change process, including public engagement, and staff's hard work on reports.

Tim Taddy, Oak Bay, thanked staff and Council for their work and public engagements. After reading the report, T. Taddy shared the following:

- *Site coverage concerns, 30% on RS-5 and RS-4, is not good for young families;*
- *There is a desire for as much green space as possible, while maintaining sufficient home square footage;*
- *The Province has recommended 50%, which is not asking for that much, but asks Council for a higher ratio to capture existing homes that are at maximum; and*
- *Requested that Council to explore expanding site coverage to increase the attractiveness of family homes.*

Draft

Pam Woodland, Oak Bay, requested the possibility of co-op housing in Oak Bay. P. Woodland also stated support for biodiversity and climate-friendly building and shared several organizations that Council may wish to work with to address problems (Friends of Bowker Creek, Oak Bay Climate Force, Community Association of Oak Bay).

MOVED and SECONDED
THAT the meeting be recessed for five minutes and return at 8:00 PM.

CARRIED

The meeting recessed at 7:56 PM.

The meeting was called back in order at 8:00 PM.

MOVED and SECONDED
THAT the report titled “Infill Housing and Provincial Housing Mandate”, authored by Andre Boel, Director of Community Building and Planning Services, dated May 16, 2024 be received.

CARRIED

MOVED and SECONDED
THAT Council direct staff to draft the necessary bylaw amendments for the large lot zones (RS-1, RS-2, and RS-3) for site planning considerations as outlined in Part 2 and Attachment 1 of the staff report titled “Infill Housing and Provincial Housing Mandate”, dated May 16, 2024 to ensure the Infill Housing Program viability for:

a) Lot coverage
b) Set-Backs and Step-Backs
c) Paved surfaces
d) Height
e) Floor area ratio; and
f) Parking

NOT VOTED ON DUE TO AMENDMENT

MOVED and SECONDED
THAT the motion be amended to remove the Second story Step-back of 3-metres from the RS-3 zone.

DEFEATED
Mayor Murdoch, Councillor Braithwaite, Councillor Green, Councillor Paterson, and Councillor Watson opposed

MOVED and SECONDED
THAT the motion be amended to change the Small Scale Multi Unit Housing Floor Area Ratio for RS-3 zoned lots from 0.55 to 0.5.

DEFEATED

Draft

Mayor Murdoch, Councillor Appleton, Councillor Paterson, Councillor Smart, and Councillor Watson opposed

MOVED and SECONDED
THAT the motion be amended to change the Floor Area Ratio in Small Scale Multi Unit Housing RS-1 zoned lots from 0.2 to 0.4.

DEFEATED
Mayor Murdoch, Councillor Braithwaite, Councillor Green, Councillor Paterson, and Councillor Watson opposed

MOVED and SECONDED
THAT in accordance with Section 10.2 of the *Council Procedure Bylaw No. 4740, 2020*, the meeting be extended to 10:00 PM.

CARRIED UNANIMOUSLY

MOVED and SECONDED
THAT the motion be tabled.

CARRIED

MOVED and SECONDED
THAT Council direct staff to draft the necessary bylaw amendments for the small lot zones (RS-4, RS-5) for site planning considerations as outlined in Part 2 and Attachment 1 “Infill Housing and Provincial Housing Mandate”, dated May 16, 2024 to ensure the Infill Housing Program viability for:

a) Lot coverage
b) Setbacks and Step-backs
c) Paved surfaces
d) Height
e) Floor area ratio; and
f) Parking

CARRIED

MOVED and SECONDED
THAT the motion be amended to include increasing the lot coverage on RS-4 and RS-5 lots from 30% to 40% when an Accessory Dwelling Unit is proposed.

DEFEATED
Mayor Murdoch, Councillor Braithwaite, Councillor Green, and Councillor Paterson opposed

MOVED and SECONDED
THAT the motion be amended to direct staff to look at options to increase lot coverage by 5-10% when an Accessory Dwelling Unit is proposed on existing RS-4 or RS-5 lots, and where existing housing is retained.

CARRIED

Draft

MOVED and SECONDED
THAT in accordance with Section 10.2 of the *Council Procedure Bylaw No. 4740, 2020*, the meeting be extended to 10:30 PM.

CARRIED

MOVED and SECONDED
THAT the motion be amended to change the minimum parking requirement in RS-4 and RS-5 zoned lots from 0.75 to 0.5 per unit.

CARRIED
Councillor Braithwaite and Councillor Green opposed

MOVED and SECONDED
THAT the motion be amended to reduce the maximum front paving to 30% for RS-4 lots, and 40% for RS-5 lots.

AND THAT staff come back with recommendations and implications on reducing the maximum front paving requirement.

CARRIED
Councillor Smart opposed

MOVED and SECONDED
THAT the motion be amended to direct staff to give their best effort to include a definition of permeable surface and associated metrics in the recommended bylaw changes.

CARRIED

Draft

The question was called on the main motion as amended:

THAT Council direct staff to draft the necessary bylaw amendments for the small lot zones (RS-4, RS-5) for site planning considerations as outlined in Part 2 and Attachment 1 “Infill Housing and Provincial Housing Mandate”, dated May 16, 2024 to ensure the Infill Housing Program viability for:

a) Lot coverage
b) Setbacks and Step-backs
c) Paved surfaces, with the maximum front paving reduced to 30% for RS-4 lots, and 40% for RS-5 lots
d) Height
e) Floor area ratio; and
f) Parking,

AND THAT staff include options to increase lot coverage by 5-10% when an Accessory Dwelling Unit is proposed on existing RS-4 or RS-5 lots, and where existing housing is retained;

AND THAT the minimum parking requirement in RS-4 and RS-5 zoned lots changed from 0.75 to 0.5 per unit;

AND THAT staff reduce the maximum front paving to 30% for RS-4 lots, and 40% for RS-5 lots;

AND THAT staff bring back recommendations and implications regarding reducing the maximum front paving requirement;

AND FURTHER THAT staff include a definition of permeable surface and associated metrics in the recommended bylaw changes.

CARRIED

MOVED and SECONDED
THAT the motion tabled earlier in the meeting be brought forward.

CARRIED

Draft

MOVED and SECONDED
THAT Council direct staff to draft the necessary bylaw amendments for the large lot zones (RS-1, RS-2, and RS-3) for site planning considerations as outlined in Part 2 and Attachment 1 of the staff report titled “Infill Housing and Provincial Housing Mandate”, dated May 16, 2024 to ensure the Infill Housing Program viability for:

a) Lot coverage
b) Set-Backs and Step-Backs
c) Paved surfaces
d) Height
e) Floor area ratio; and
f) Parking

CARRIED

MOVED and SECONDED
THAT the exemption from the Restricted Zone for lots greater than 4050 metres squared be applied to lots within the District of Oak Bay outside the Uplands.

DEFEATED
Mayor Murdoch, Councillor Green, Councillor Paterson, and Councillor Smart opposed

MOVED and SECONDED
THAT staff not exercise the Restricted Zone exemption and increase the permitted density of up to 4 units across all lots, including those over 4,050 metres squared.

CARRIED
Councillor Appleton, Councillor Braithwaite, and Councillor Watson opposed

MOVED and SECONDED
THAT the requirement for a registered owner to occupy one of the units in the principle residence and complete and sign an Owner's Declaration, be removed.

DEFEATED
Mayor Murdoch, Councillor Braithwaite, Councillor Green, and Councillor Paterson opposed

MOVED and SECONDED
THAT an incentive be created to retain houses with a heritage value.

CARRIED

MOVED and SECONDED
THAT in accordance with Section 10.2 of the *Council Procedure Bylaw No. 4740, 2020*, the meeting be extended to 10:40 PM.

CARRIED UNANIMOUSLY

MOVED and SECONDED
THAT staff review and revise the Zoning Bylaw regulations to regulate key aspects of form and character in lieu of a Development Permit Area.

CARRIED

Draft

ADJOURNMENT
Motion to Adjourn

MOVED and SECONDED
THAT the meeting be adjourned at 10:36 PM.

CARRIED

_____	_____
Kevin Murdoch, Mayor	Allison Boyd, Deputy Director of Corporate Services

Draft

Attachment 6: Zoning Bylaw Amendment No. 4871, 2024

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4871

A Bylaw to amend Zoning Bylaw No. 3531, 1986

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts that *Zoning Bylaw 3531, 1986*, as amended, is further amended for Infill Housing and Small Scale Multi Unit Housing (SSMUH) as follows:

1. TEXT AMENDMENT

1. In general terms, the following changes are being made to the bylaw:

    a. Part 2, Interpretation,
        i. Definitions for various dwelling unit types are changed;
        ii. New definitions for Accessory Dwelling Unit and Live Landscaping Coverage are added;
        iii. Definitions related to duplexes are replaced;
        iv. Definitions for Contextual Lot and Occupiable Height are removed.

    b. Part 3 Basic Provisions
        i. Names for former single family zones are changed;
        ii. Zones RS-5B, RD-1, CD-2 are removed.

    c. Part 4 General Regulations
        i. A new provision regarding screening of garbage receptacles is added;
        ii. Lot coverage options for certain garage arrangements are updated;
        iii. Paved surface limits for front and rear yards are changed;
        iv. Basement exemptions from floor area are updated;

    d. Part 6 Residential Uses
        i. All single-family zones are updated to allow for up to four (4) dwelling units as required by Provincial legislation;
        ii. Number of permitted Principal Buildings is increased;
        iii. Setbacks are changed;
        iv. Heights are changed, while Occupiable Height requirements are replaced with number of storeys limits;
        v. Provisions for Accessory Dwelling Units are added;
        vi. Floor Area Ratios are changed;
        vii. Lot Coverage Maximums are changed;
        viii. Live Landscaping Coverage minimums are added;
        ix. Contextual front lot line setbacks are removed;
        x. Zones RS-5B, RD-1, are being removed and provisions merged into the revised R-5 zone.

    e. Part 7 Comprehensive Development Use

i. Zone CD-2 is being removed and provisions merged into the revised R-5 zone.

f. Part 8 Multiple Dwellings Use
   i. References to other zones are updated;
   ii. Occupiable Height regulation is removed while number of storeys provisions remain in place.
   iii. Setbacks numbers are rounded;
   iv. Height requirements for zones that included singe family use are updated to allow for 4 units scenarios.

g. Part 9 Commercial Uses
   i. References to one-unit dwelling use are updated;
   ii. Occupiable Height regulation is removed while number of storeys provisions remain in place.
   iii. Setbacks numbers are rounded;
   iv. Height requirements for zones that included singe family use are updated to allow for 4 units scenarios.
   v. Principal Uses in zones which allowed for one-family residential use are updated to allow for 4 units per Provincial requirements;

h. Part 11 Institutional Uses
   i. Principal Uses in P2 which allowed for one-family residential use are updated to allow for 4 units per Provincial requirements;
   ii. Occupiable Height regulation is removed where listed;
   iii. Setbacks numbers are rounded;
   iv. References to other zones are updated;

i. Schedule A Minimum Lot Areas, Lot Frontages and Widths
   i. Names for former single family zones are changed;
   ii. Zones RS-5B, RD-1, CD-2 are being removed.

j. Schedule B Height Regulations
   i. Occupiable Height regulation is removed;

k. Schedule D Zoning Map
   i. The District Zoning Map is updated and added as a schedule.

2. The specific amendments to the bylaw are identified by the tracked changes outlined in Schedule A of this amendment bylaw, except for the numbering of divisions which will be finalized at time of consolidation, by retaining existing divisions and creating new divisions as needed.

2. CITATION

This Bylaw may be known and cited for all purposes as “Zoning Bylaw Amendment No. 4871, 2024”.

READ A FIRST TIME the	day of	, 2024
READ A SECOND TIME the	day of	, 2024
READ A THIRD TIME the	day of	, 2024
ADOPTED the	day of	, 2024

MAYOR

CORPORATE OFFICER

SCHEDULE A

THE CORPORATION OF THE DISTRICT OF
OAK BAY

ZONING BYLAW 3531

adopted September 22, l986

CONSOLIDATED TO May 13, 2024

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LIST OF AMENDMENTS

The following amendments have been incorporated into this printing of the Zoning Bylaw:

Bylaw Number	Adopted	Bylaw Number	Adopted
3544	January 12, 1987	4006	January 11,1999
3547	March 9, 1987	4036	May 25, 1999
3548	May 25, 1987	4022	July 19, 1999
3561	June 22, 1987	4068	March 13, 2000
3568	June 22, 1987	4069	March 13, 2000
3574	July 27, 1987	4074	April 25, 2000
3585	March 14, 1988	4092	September 25, 2000
3589	April 27, 1988	4083	December 11, 2000
3597	June 27, 1988	4108	February 26, 2001
3600	November 28, 1988	4109	February 26, 2001
3607	May 10, 1993	4110	February 26, 2001
3611	May 8, 1989	4112	February 26, 2001
3615	March 13, 1989	4132	November 13, 2001
3643	May 28, 1990	4147	March 25, 2002
3675	April 22, 1991	4160	June 24, 2002
3732	January 11, 1993	4173	November 25, 2002
3733	January 11, 1993	4168	May 12, 2003
3734	January 11, 1993	4195	September 8, 2003
3741	March 22, 1993	4201	February 23, 2004
3761	August 16, 1993	4235	September 27, 2004
3762	August 16, 1993	4243	January 24, 2005
3782	December 20, 1993	4254	March 14, 2005
3791	December 20, 1993	4256	April 25, 2005
3793	February 14, 1994	4281	June 27, 2005
3864	August 14, 1995	4291	March 13, 2006
3899	August 12, 1996	4293	November 14, 2005
3877	September 9, 1996	4295	November 14, 2005
3917	October 15, 1996	4305	April 24, 2006
3897	October 28, 1996	4320	June 11, 2007
3955	October 14, 1997	4335	June 11, 2007
3961	December 22, 1997	4365	June 11, 2007
3963	December 22, 1997	4366	June 11, 2007
3974	March 23, 1998	4367	June 11, 2007
3987	May 11, 1998	4374	September 10, 2007
3998	September 28, 1998	4381	December 17, 2007

ZONING BYLAW NO. 3531

LIST OF AMENDMENTS (continued)

The following amendments have been incorporated into this printing of the Zoning Bylaw:

Bylaw Number	Adopted
4386	December 17, 2007
4390	December 17, 2007
4401	March 10, 2008
4396	August 18, 2008
4428	September 29, 2008
4451	January 26, 2009
4474	July 20, 2009
4486	October 13, 2009
4505	April 26, 2010
4516	November 22, 2010
4530	April 18, 2011
4571	November 13, 2012
4572	November 13, 2012
4592	September 30, 2013
4606	May 12, 2014
4627	November 10, 2014
4648	June 22, 2015
4668	September 19, 2016
4680	May 8, 2017
4681	March 13, 2017
4686	May 8, 2017
4689	May 8, 2017
3531.102	February 13, 2018
3531.103	November 13, 2018
3531.104	July 8, 2019
3531.105	January 25, 2021
4817	July 18, 2022
4818	July 18, 2022
4825	September 20, 2022
4839	July 10, 2023
4847	February 26, 2024
4853	March 25, 2024
4856	May 13, 2024
4862	May 13, 2024

OFFICE CONSOLIDATION ONLY

Reference should be made to Bylaw 3531 and subsequent amendments for legal purposes.

THE CORPORATION OF THE DISTRICT OF OAK BAY
BYLAW NO. 3531

A Bylaw to regulate the development and use of land
in the District of Oak Bay

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, ENACTS as follows:

PART 1

INTRODUCTION

1.1 TITLE

This Bylaw may be cited as the "Zoning Bylaw, 1986".

1.2 REPEALS

1.2.1 The "Zoning Bylaw, 1974", being Bylaw No. 3066, as amended, is hereby repealed except as to its application to any acts done before or things existing at this date that are contrary to the said Bylaw, which Bylaw shall continue to be in force as to such acts, or things, and nothing herein shall be deemed to validate such acts or things.

1.2.2 The following clauses of the "Uplands Regulations Bylaw, 1977", being Bylaw 3223, as amended, are hereby repealed except as to their application to any acts done before or things existing at this date that are contrary to any of the said clauses, which clauses shall continue to be in force as to such acts, or things, and nothing herein shall be deemed to validate such acts or things:

Clause 2(1)(a) and (e); Clause 3; Clause 5, except for subclauses (6), (7) and (8); Clause 6; Clause 7; Clause 8; Clause 14; Clause 16 and Clause 18.

1.2.3 The "Size of Lots Bylaw, 1977" being Bylaw No. 3229, as amended, is hereby repealed except as to its application to any acts done before or things existing at this date that are contrary to the said Bylaw, which Bylaw shall continue to be in force as to such acts, or things and nothing herein shall be deemed to validate such acts or things.

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R~~S~~-5	~~One-Family~~ Residential Use
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~~RD-1~~	~~Two Family Residential Use (Bylaw 4627 – Nov 10/14)~~

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1.4 DIVISIONS

The divisions of this Bylaw have been formed to conform to the "Interpretation Act", as follows:

Part	1
Section	1.4
Subsection	1.4.3
Paragraph	1.4.3.(6)
Sub-paragraph	1.4.3.(6)(a)
Clause	1.4.3.(6)(a)(ii)

PART 2

INTERPRETATION

2.1 In this Bylaw, except as specifically otherwise defined herein:

"ACCESSORY BUILDING" means a building of secondary use; the uses of such buildings are limited to that of a garage, carport, toolshed, greenhouse, gazebo or enclosed swimming pool. (Bylaw 3864 – Aug 14/95)

"ACCESSORY DWELLING UNIT" means a self-contained Dwelling Unit within a building of secondary use which contains sleeping facilities, sanitary facilities, and cooking facilities that are for the exclusive use of the occupant(s) of the suite, and is located in a building smaller than a Principal Building located on the same lot, and may be situated above a detached garage.

"ACCESSORY OFF-STREET LOADING USE" means an accessory use providing for the loading needs generated by a permitted use on the same lot.

"ACCESSORY OFF-STREET PARKING USE" means an accessory use providing for the parking required by this Bylaw for the permitted use on the same lot; includes parking spaces and turning areas for access to such spaces and access driveways.

"ACCESSORY STRUCTURE" means a secondary structure used for an accessory use.

"ACCESSORY UNENCLOSED STORAGE USE" means an accessory use providing for the storage of goods or things utilized by the principal use on a lot when such storage is not within a building.

"ACCESSORY USE" means:

(a) a use which is ancillary to a **principal** building, or use of a principal building situated on the same lot; or

(b) a use which is ancillary to a principal use being made of the lot upon which such accessory use is located.

"AGRICULTURE" means a use of land, a building or a structure for:

(a) the care, breeding, training or raising of livestock including any farm animal and any other animal raised for meat, fur, wool, hide, feather, organ or other body part, fluid or essence production;

(b) egg production, or the raising, care or breeding of poultry, for sale or exchange for money or other valuable consideration;

(c) honey production, or the raising, care or breeding of bees, for sale or exchange for money or other valuable consideration;

(d) the raising of insects for biological pest control; and

(e) the cultivation, production or harvesting of fruit, vegetables, grains, oilseed, trees, shrubs, flowers, plants, seedlings, herbs, seeds, turf, forage or fodder, for sale or exchange for money or other valuable consideration.

(Bylaw 4132 – Nov 13/01)

"ALLOTMENT GARDENS" means land divided into garden plots allocated to individuals for the cultivation of vegetables, herbs, vine-borne fruits, or flowers. (Bylaw 4428 – Sept 29/08)

"ANTENNA" means a conductive apparatus used for sending or receiving electromagnetic waves, and includes a supporting tower. (Bylaw 4293 – Nov 14/05)

"APARTMENT USE" means a residential use where the building is divided into not less than three (3) dwelling units, each of which is occupied, or intended to be occupied, as a permanent home or residence of one (1) family as distinct from a hotel, guest house or shared accommodation.

"APPROVING OFFICER" means that person duly authorized by the Municipal Council to act as the Approving Officer pursuant to the provisions of the *Land Title* and *Local Government Acts*. (Bylaw 4112 – Feb 26/01)

"AQUATIC LAND" means foreshore and land covered by water, but excludes District Lot 251, being part of the Bed of Oak Bay, Victoria District.
(Bylaw 3782 – Dec 20/93)

"ASSEMBLY USE" means a use of land for churches, church halls, meeting and community halls, schools, education in the fine arts and the performing arts, preschools, day care centres, kindergartens and long-term care institutions.
(Bylaw 4305 – April 24/06)

"ASSISTED LIVING SERVICES" means personal care that takes place in a housing setting and includes assistance with medication, bathing, dressing, and mobility. (Bylaw 4168 – May 12/03)

"AUTOMOBILE ACCESSORY" includes any device or thing customarily attached to or carried within a motor vehicle for the purpose of improving the mechanical operation, enhancing the appearance or increasing the safety of such motor vehicle.

"AUTOMOBILE COMMERCIAL USE" means a use providing for the retail sale of automobiles, trucks, automobile parts and accessories and shall include facilities to service, wash or repair automobiles; excluding gas pumps.

"AUTOMOBILE REPAIR SHOP" means a building used or intended to be used for repairs to licensed motor vehicles, but shall not include motor vehicle manufacture or body repairs.

"BALCONY" means part of a building floor area projecting from the exterior walls of the building, but not forming part of an abutting room.

"BASEMENT" means that part of a building having its floor level below average natural grade. (Bylaw 4648 – Jun 22/15)

"BEE" means the insect Apis Mallifera. (Bylaw 4592 - Sept 30/13)

"BOARDING USE" means the sharing of the principal building, as a single dwelling unit, by the family of the owner, or lessee, with not more than two (2) other unrelated persons; but excludes transient accommodation, separate suites and independent accommodation.

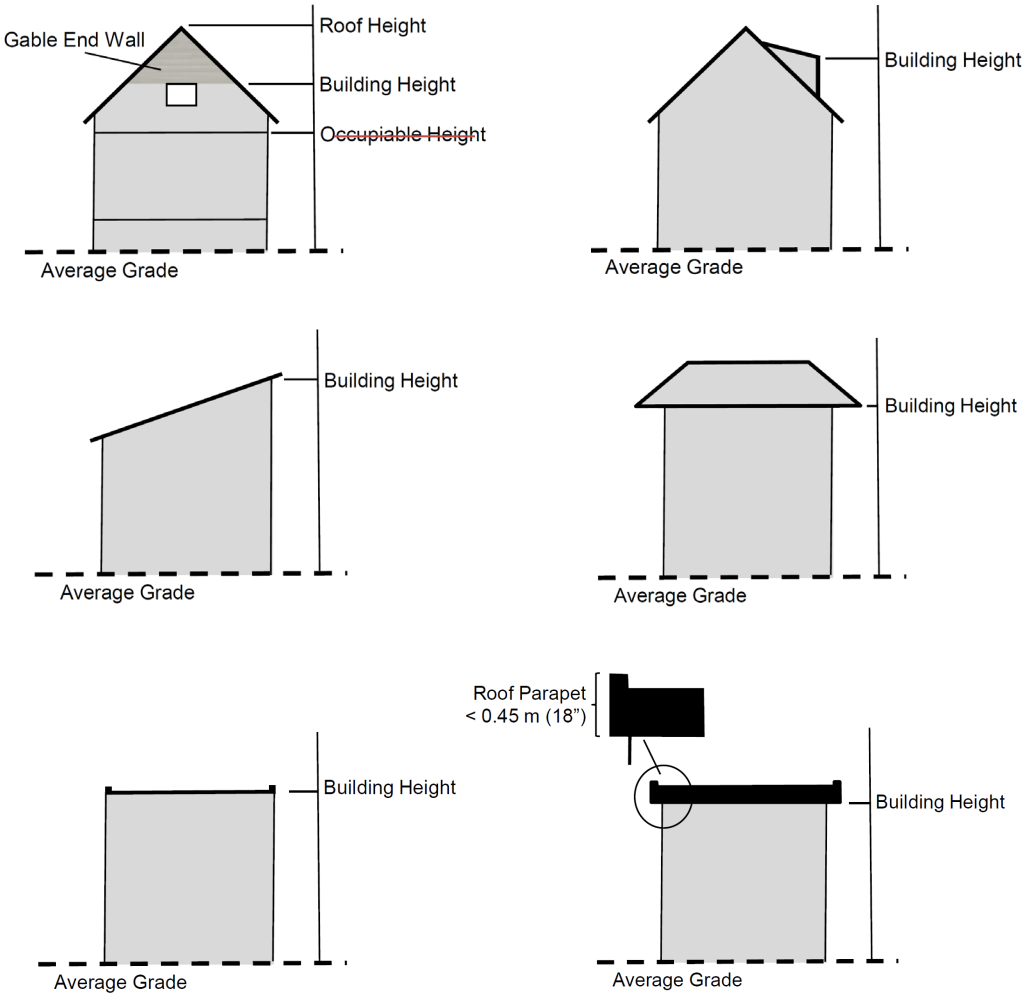
"BOATHOUSE" means a floating structure used to provide shelter for the protected moorage of marine vessels, with or without storage of associated supplies and equipment. (Bylaw 3782 – Dec 20/93) (Bylaw 4474 – Jul 20/09)

"BUILDING" means a structure wholly or partly enclosed by a roof or roofs, supported by walls, columns or posts and used for the shelter or accommodation of persons, animals or chattels and includes a portion or portions of a building and in addition includes chimneys, steeples, porches, balconies, verandas, enclosed stairs, patios with any point higher than 0.6 m above average natural grade, and attached decks.
(Bylaw 3561- June 22/87) (Bylaw 4648 – Jun 22/15)

"BUILDING AREA" means the greatest horizontal area of the building above grade. (Bylaw 3544 – Jan 12/87)

"BUILDING, FRONT LINE OF" means that side of a rectangle that encloses the building coverage that is nearest to the front lot line.

"BUILDING HEIGHT" means the vertical distance between grade and the top of the highest exterior wall of the building, including parapets, dormer walls and roofs with a slope of more than sixty degrees (60°) to the horizontal; but excluding gable end walls as shown on the included diagrams.
(Bylaw 3568 – June 22/87) (Bylaw 4648 – Jun 22/15)



"BUILDING, REAR LINE OF" means that side of a rectangle that encloses the building coverage that is nearest to the rear lot line.

"BUILDING, SIDE LINE OF" means those sides of a rectangle that enclose the building coverage that are nearest to the side lot line or exterior side lot line.

"BUILDING, TEMPORARY" means a building (except an accessory building) not having its exterior walls supported on concrete or masonry foundations or walls, and includes boat shelters, skid shacks, huts, trailers or any other similar types of portable buildings or structures, whether or not the same be placed on foundations or affixed to the land in any way, but shall not include storage buildings less than 2 m (6.5 feet) in height.

"BUS SHELTER" means a structure intended to shelter bus patrons which is situate on land which adjoins a bus stop in ordinary use by buses operated by an urban transit authority. (Bylaw 4110 - Feb 26/01) (Bylaw 4305 – April 24/06)

"CANNABIS" means cannabis as defined in the federal *Cannabis Act*.
(Bylaw 3531.103 – Nov 13/18)

"CANNABIS CONSUMPTION LOUNGE" means the use of a building or structure for the sale and service to customers of cannabis, cannabis products, and equipment and paraphernalia for the consumption and use of cannabis and cannabis products, which are primarily intended to be consumed or used on-site, and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such services. (Bylaw 3531.103 – Nov 13/18)

"CAPITAL HEALTH REGION" (Repealed: Bylaw 4305 – April 24/06)

"CELLAR" means that part of a building having its floor level more than 1.5 m (4.9 feet) below grade.

"CEMETERY USE" means a use of land as a place of interment of human remains, or to memorialize the deceased, or both. (Bylaw 3675 – April 22/04)

"CHURCH" means a building which is set apart for public religious worship.
(Bylaw 4305 – April 24/06)

"CHURCH HALL" means a building which is ancillary to a church use but which otherwise has the same meaning as "community hall." (Bylaw 4305 – April 24/06)

"CIVIC USE" (Repealed: Bylaw 4305 – April 24/06)

"CLUB" means a building or establishment used by an association or organization for fraternal, social or recreational purposes.

"COMMERCIAL VEHICLE" means a motor vehicle

(a) upon which there is displayed a valid and subsisting commercial licence plate issued pursuant to the *Commercial Transport Act*; and which either

(b)
- (i) has a net weight in excess of 2,650 kilograms;
- (ii) has a gross vehicle weight in excess of 4,400 kilograms;
- (iii) has an overall length in excess of 6.4 metres;
- (iv) has an overall height in excess of 2.4 metres; or
- (v) displays any lettering, numbering, insignia or graphics indicating a connection with a trade or business. (Bylaw 3963 – Dec 22/97)

"COMMUNITY CENTRE" means a facility which provides meeting space, instruction in arts, crafts, culture, health, life skills or other programs designed to promote individual wellness, but which does not offer amusements involving the betting of money or valuables on a game or activity that has an uncertain outcome, nor does it include an arcade featuring amusement machines operated by coin or token. (Bylaw 4305 – April 24/06)

"COMMUNITY HALL" means a building which is used for meetings, lectures, social and cultural functions and other non-commercial assembly purposes, in which there does not take place any activity involving the betting of money or valuables on a game or activity that has an uncertain outcome, nor any game requiring payment to play except on not more than four (4) days in any calendar year and where directly ancillary to a permitted assembly use other than a hall use. (Bylaw 4305 – April 24/06)

"COMMUNITY PLAN" means an expression of Council policy for any use or uses of land or the pattern of subdivision of land, and it may be expressed in maps, plans, reports or any combination thereof.

"CONGREGATE HOUSING" means

(a) the sharing of a building of residential use by three or more unrelated persons along with domestic serving support of not more than two persons; or

(b) a facility that provides temporary residential accommodation for persons who have a family relation to a person who is receiving treatment at a medical facility within the Capital Regional District and where accommodation for not more than two domestic serving support is provided.
(Bylaw 4069 – Mar 13/00) (Bylaw 4305 – April 24/06)

~~"CONTEXTUAL LOT", relative to a lot which is the subject of an application for a building permit, means a lot with a front lot line congruent with the projection on the same bearing or radius, as the case may be, of the front lot line of the subject lot, and with the shortest distance between the front lot line and the rear lot line equal to a measurement not less than 90 percent and not exceeding 110 percent of the shortest distance between the front lot line and the rear lot line of the subject lot.~~
~~(Bylaw 3643 – May 28/90)~~

"CORNER LOT" means a lot at the intersection or conjunction of two (2) or more streets or branches of a street. (Bylaw 3585 – Mar 14/88)

"CORPORATION" means The Corporation of the District of Oak Bay.

"COUNCIL" means the Municipal Council of The Corporation of the District of Oak Bay.

"COVERAGE" means the area covered by all parts of a building or structure, including balconies, bay windows and sundecks; but excluding belt courses, sills, cornices, eaves, gutters and fire escapes. (Bylaw 4335 - June 11/07)

"dB (A)" means the sound pressure level, measured in decibels, as indicated on the 'A' scale of a sound level meter conforming to ANSI S1.4-1971 - as revised.

"DENSITY" is measured by floor area ratio, unit ratio, ~~lot coverage (as it relates to buildings only)~~ and, for the purpose of Section 3.6.1, lot area, but does not include gross floor area for the purpose of applying Sections 6.4.4(6) and 6.5.4(6).
(Bylaw 3741 – Mar 22/93) (Bylaw 3864 – Aug 14/95) (Bylaw 4335 – June 11/07)

"DEVELOPER" means the subdivider, his contractor or his agent, appointed in writing.

"DIRECTOR" means the Director of Building and Planning, as designated by Council.

"DIRECTOR OF ENGINEERING" means the Director of Engineering Services, as designated by Council. (Bylaw 4305 – April 24/06)

"DOUBLE FRONTAGE LOT" means a lot which has two (2) opposite lot lines that abut streets.

~~"DWELLING, ONE-FAMILY" means a detached building used exclusively for residential purposes and consisting of one (1) dwelling unit.~~
(Removed - Bylaw 4825 - Sept 20/22)

"DWELLING, ONE-~~FAMILY~~UNIT" means ~~any detached~~ a principal building used exclusively for residential purposes and consisting of one (1) dwelling unit and~~,~~ ~~where permitted, a One-Family Dwelling~~ may include a fully enclosed Secondary Suite as an independent dwelling unit located within the principal building.
(Bylaw 4825 - Sept 20/22)

"DWELLING, TWO-~~FAMILY~~ UNIT" means a ~~detached~~ principal building used exclusively for residential purposes and consisting of two (2) primary dwelling units ~~situated side by side with no part of either dwelling unit being wholly or partially over the other and, where permitted~~, and each primary dwelling unit in a Two-~~Family~~ Unit Dwelling may include one fully enclosed Secondary Suite as an independent dwelling unit located within the principal building. (Bylaw 4853 –March 25, 2024)

~~"DWELLING, DUPLEX" means a two-family dwelling wherein the two (2) dwelling units are placed wholly or partially one above the other.~~

"DWELLING, MULTIPLE-~~FAMILY~~ UNIT" means ~~any~~ a principal building consisting of three (3) or more dwelling units.

"DWELLING UNIT" means one (1) or more habitable rooms used for ~~the~~ residential ~~accommodation of only one (1) family~~purposes ~~when~~ where such room or rooms contain or provide for the installation of only one (1) set of cooking facilities and one (1) or more sets of sanitary facilities.

"EXTERIOR LOT LINE" means a lot line that abuts a street.

"EXTERIOR SIDE YARD" means that portion of the lot extending from the front lot line to the rear lot line, between the exterior side lot line and a line or lines drawn parallel thereto; the width of such yard to be measured as the perpendicular distance between the exterior side lot line and said parallel line or lines, which shall be equal to the required exterior side lot line setback. (Bylaw 3643 – May 28/90)

"FAMILY" means either

(a) one or more individuals all related to one another by blood, marriage, legal adoption, legal guardianship or as legal foster children, or

(b) a maximum of three unrelated individuals living together as a household.

For the purposes of this definition, two people living together in a common-law relationship shall be deemed to be in a marriage relationship and each of the blood relatives of the parties to a common-law relationship shall be considered to be related to the partners and to the other blood relatives thereof. (Bylaw 4069 – Mar 13/00)

For the purposes of this definition, a family also includes one caregiver providing services to the household. (Bylaw 4825 – Sept 20/22)

"FARM ANIMAL" means a domesticated animal normally raised for food, milk or as a beast of burden and without limiting the generality of the foregoing includes cattle, horses, swine, sheep, ostriches, goats, mules, donkeys, asses and oxen.
(Bylaw 4132 – Nov 13/01)

"FINANCIAL INSTITUTION USE" means the use of a floor area, or part thereof, of a building for the purposes of banking, investing, investment counseling and similar uses, and without restricting the generality of the foregoing, includes banks, trust companies, credit unions, investment dealers, investment advisors, investment managing, financial planners, financial advisors, accountants' offices, financiers and lending offices.
(Bylaw 3607 – May 10/93)

"FLOOR AREA" means the area of all portions of a building serving an occupancy that have a clear height above the floor of more than 1.2 m (3.9 ft).
(Bylaw 3561 – June 22/87) (Bylaw 4335 – June 11/07)

"FLOOR AREA RATIO" means the figure obtained when the gross floor area of all buildings on a lot is divided by the area of the lot, except that for the purpose of applying the floor area ratio limits set out in Sections 6.1.4(4) and 6.2.4(4), it shall mean the figure obtained when the gross floor area of a particular class of building (principal or accessory) is divided by the area of the lot.
(Bylaw 3741 – Mar 22/93) (Bylaw 4335 – June 11/07)

"FRONT YARD" means that portion of the lot extending from one side lot line to the other side lot line, between the front lot line and a line or lines drawn parallel thereto; the depth of such yard to be measured as the perpendicular distance between the front lot line and said parallel line or lines, which shall be equal to the required front lot line setback. (Bylaw 3643 – May 28/90)

"FRONTAGE" means the length of that portion of the front lot line, as designated pursuant to Section 4.14, which is common to the lot and the street, save that in the case of a panhandle lot, the frontage shall mean that portion of the access strip boundary which is common to the lot and the street. (Bylaw 3597 - June 27/88)

"GARAGE" means an accessory building with more than 50% of its total perimeter enclosed by solid walls or doors, designed or used for the parking of one or more vehicles, boats or trailers; or a portion of a principal building so designed or used.
(Bylaw 4006 – Jan 11/99)

"GENERAL INSTITUTIONAL USE" means the use of land for: legislative chambers, and offices, archives and meeting rooms ancillary thereto; parks; playgrounds; playing fields, and change rooms, washrooms, meeting rooms, sports equipment storage facilities, score booths and bleachers ancillary thereto; police and fire stations; community centres; allotment gardens; schools; universities; colleges; kindergartens; pre-schools; child day care centres; recreation centres; circulating libraries; works or facilities appurtenant to community water distribution systems, community sewage collection systems and community storm water collection systems; and includes the use of land covered by water for a breakwater. (Bylaw 4305 – April 24/06) (Bylaw 4428 – Sept 29/08)

"GRADE" means the mean elevation of natural grade calculated from the four corners of the smallest rectangle that will encompass the building coverage, but excludes decks. The mean elevation of natural grade for deck height will be calculated from the four corners of the smallest rectangle that will encompass the deck only.
(Bylaw 3561 – June 22/87) (Bylaw 4648 – Jun 22/15)

"GROSS FLOOR AREA" means the total area of all floors measured to the extreme outer limits of the building, including the space occupied by interior walls and partitions, but for the RS-4 and RS-5 zones, specifically excludes decks less than or equal to 1.2 m above natural grade. (Bylaw 3741 – Mar 22/93) (Bylaw 4648 – Jun 22/15)

"GROUP HOME USE" (Repealed: Bylaw 4305 – April 24/06))

"HABITABLE ROOM" means a room used for living, sleeping, recreation, eating or food preparation and excludes bathrooms, utility rooms, workrooms, furnace rooms, storage rooms, closets, pantries, bath or toilet rooms, enclosed hallways, laundry rooms and similar spaces.

"HEIGHT" with reference to a structure other than a building or a retaining wall, means the vertical distance measured from natural grade to the top of the structure.
(Bylaw 4505 – Apr 26/10)

"HIGH WATER MARK" means the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain. (Bylaw 4281 – Jun 25/05)

"HOME-BASED CHILD CARE" means a program of supervision provided to children, licensed under the *Community Care and Assisted Living Act*, in which the licensee personally provides care, within the licensee's personal residence, to only one group of children, with the group size not exceeding 8 children including any child under 12 years of age who is a member of the group and is related by blood or marriage to the licensee.

"HOSPITAL" (Repealed: Bylaw 4305 – April 24/06)

"HOSPITAL, PRIVATE" (Repealed: Bylaw 4305 – April 24/06)

"HOTEL USE" means a use of a building (or part thereof) with common enclosed corridors and tourist unit entrances, for the temporary lodging of the general public, wherein payment for occupancy is on a daily or weekly basis, which includes an entrance lobby open to the public, an office with a guest register and an attendant on duty at all times, and housekeeping services. (Bylaw 4320 - June 11/07)

"HOTEL" (repealed by Bylaw 4320 - June 11/07)

"KINDERGARTEN" (Repealed: Bylaw 4305 – April 24/06)

"LANE" means a public thoroughfare or way which affords only secondary means of access to a lot usually at the side or rear of the lot.

"LIMITED OFFICE USE" means the use of a floor area, or part thereof, of a building for:

(a) technical, scientific, architectural, design, legal, management, communications, business, educational, cultural or general professional consulting services;

(b) physical or mental health services to persons on an out-patient basis;

(c) research and development not involving manufacturing or assembly; and

(d) management, administrative or clerical support services to off-site business or

noncommercial operations,

but which use does not include "Financial Institution Use" nor extends to the sale of products, goods, wares or merchandise on site." (Bylaw 4036 – May 25/99)

"LIMITED RECYCLING DEPOT USE" means a use of land for the receiving, sorting and transferring of recyclable plastics, recyclable electronics, or both.
(Bylaw 4366 - June 11/07)

"LIQUOR" means

(a) fermented, spirituous and malt liquors;

(b) combinations of liquors; and

(c) drinks and drinkable liquids that are intoxicating, with any drink or drinkable liquid containing more than 1% alcohol by volume being deemed to be intoxicating,

and includes beer, or a substance that, by being dissolved or diluted is capable of being made a drinkable liquid that is intoxicating and that is declared by order of the Lieutenant Governor in Council to be liquor. (Bylaw 4195 – Sept 8/03)

"LIQUOR RETAIL SALE USE" means the use of a floor area, or part thereof, of a building for the purpose of selling or offering for sale bottled or canned liquor to consumers for off-premises consumption. (Bylaw 4195 – Sept 8/03)

"LIVE LANDSCAPING COVERAGE" means an area of land covered by soft landscaping elements planted directly into the ground at grade, such as trees, shrubs, plants, ornamental plantings or lawn, that are capable of healthy growth with the purpose of masking and separating uses, and protecti~~on of~~ng the natural environment.

"LONG-TERM CARE INSTITUTION" means an institution in which the primary function is the provision of nursing services for the care in residence of persons who by reason of age, chronic illness or infirmity are unable to care for themselves, and who require the availability of such services on a twenty-four hour per day basis but who do not require the intensive or extensive care normally provided in an acute care hospital. (Bylaw 4305 – April 24/06)

"LOT" means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office.

"LOT AREA" means the total area on a horizontal plane within the lot lines of a lot.

"LOT BREADTH" means the length of a straight line

(a) drawn parallel to a straight line connecting the endpoints of the front lot line;

(b) drawn entirely within the boundaries of the lot outside of the front yard;

(c) extending from one side lot line to the other side lot line; and

(d) intersecting at no less than one point the line or lines delineating the front yard. (Bylaw 3643 – May 28/90)

"LOT COVERAGE" means the coverage expressed as a percentage of the lot area, which for the purpose of applying the lot coverage regulations set out in Parts 6 through 11 shall mean the combined coverage of all buildings within a particular class of building, the combined coverage of all buildings, the combined coverage of all structures, or the combined coverage of all buildings and structures, as the context requires.
(Bylaw 4451 - Jan 26/09) (Bylaw 4648 – Jun 22/15)

"LOT DEPTH" means the average distance between the front lot line and rear lot line of a lot. (Bylaw 4681 – Mar 13/17)

"LOT, INTERIOR" means a lot other than a corner lot.

"LOT LINE" means any line forming part of the legally defined boundary of any lot. (Bylaw 3585 – Mar 14/88)

"LOT WIDTH" means the shortest horizontal distance measured perpendicularly from any straight part of one side lot line to any part of another side lot line.
(Bylaw 3597 – June 27/88)
"LOUNGE USE" includes a Restaurant Use but may include in addition the operating of an establishment licensed pursuant to the *Liquor Control and Licensing Act* whose primary purpose is the sale and service of liquor for consumption on the premises.
(Bylaw 4195 – Sept 8/03)

"MARINA" means a facility which provides marine docks, berths, and moorings.
(Bylaw 3782 – Dec 20/93) (Bylaw 4305 – April 24/06)

"MARINA ADMINISTRATION OFFICES" means offices for the administration, accounting, sales and marketing of a marina and can include offices for the booking of off- site tourist business. (Bylaw 3782 – Dec 20/93)

"MARINE INSTRUCTION USE" means the instruction in the proper use and handling of small boats, and includes the storage of dinghies and kayaks, and structures ancillary thereto. (Bylaw 3782 – Dec 20/93) (Bylaw 4305 – April 24/06)

"MARINE-ORIENTED RECREATIONAL USE" means booking, registration, outfitting and commercial transactions associated with marine tours, diving expeditions, kayaking, sailing and other boat excursions. (Bylaw 4320 - June 11/07)

"MARINE SERVICE FACILITIES" means those facilities ancillary to the operation of a marina, including marine vessel construction and repair, boat rental and brokerage, laundry, shower and public washroom facilities, marine tackle and chandlery sales and rental, including marine hardware, clothing, footwear, safety devices, accessories, and consumable supplies related to marine use. (Bylaw 3782 – Dec 20/93)

"MARINE TOUR" means a waterborne day cruise. (Bylaw 3782 – Dec 20/93)

"MEAN," in reference to distance or elevation, shall mean the average between the referenced measurements or extremes.

"MEETING HALL" has the same meaning as "community hall."
(Bylaw 4305 – April 24/06)

"MOTOR HOME" means a motor vehicle designed or used primarily for accommodation during travel or recreation, but does not include a motor vehicle that has mounted upon it a detachable structure designed or used primarily for accommodation during travel or recreation. (Bylaw 4006 – Jan 11/99)

"MUNICIPALITY" means the area within the geographic boundaries of the District of Oak Bay.

"NATURAL BOUNDARY" means:

(a) the visible high-water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof in respect to vegetation, as well as in respect to the nature of the soil itself; or

(b) the boundary as shown on a plan registered in the Land Title Office.

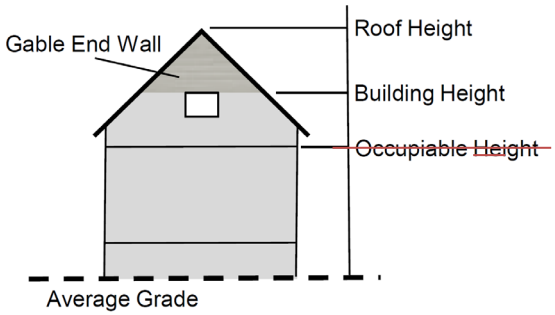
"NEIGHBOURHOOD DELI USE" means a use providing for the self-serve consumption of bakery goods, deli items or beverages which have been prepared on the premises, but does not include a Neighbourhood Public House Use or a take-away liquor service. (Bylaw 3998 – Sept 28/98) (Bylaw 4195 – Sept 8/03)

"NEIGHBOURHOOD PUBLIC HOUSE USE" means the use of premises for the operation of an establishment licensed pursuant to the *Liquor Control and Licensing Act* whose primary purpose is the sale and service of liquor for consumption on the premises, but does not include a "Liquor Primary Club" licensed establishment within the meaning of the *Liquor Control and Licensing Regulation* (B.C. Reg. No. 244/2002) under the said Act. (Bylaw 4195 – Sept 8/03)

"NON-CONFORMING" means any building, structure or use which does not conform with all the regulations of the Bylaw, or any amendment thereto, for the zoning district in which such building or use is located and which existed at the effective date of this Bylaw.

"OCCUPANCY" means the use or intended use of a parcel of land or building or a part thereof for the shelter or support of persons, animals or property.

~~"OCCUPIABLE HEIGHT" means the vertical distance measured from grade to the highest occupiable floor as shown on the included diagram.~~
~~(Bylaw 3585 – Mar 14/88) (Bylaw 4648 – Jun 22/15)~~



"OFF-STREET PARKING USE" means a use of land for the parking of vehicles at grade. (Bylaw 4305 – April 24/06)

"OPEN SPACE" means the portions of a lot which are unoccupied and unobstructed by any structure from the ground upward. (Bylaw 4627 - Nov 10/14)

"OUTDOOR PRODUCE MARKET USE" means the retail sale and display of produce, not within a building. (Bylaw 4428 – Sept 29/08)

"PANHANDLE LOT" means a lot, the building area of which is serviced, and which gains access to the street through the use of a relatively narrow strip of land which is an integral part of the lot.

"PARCEL" means a lot, block or other area in which land is held or into which land is subdivided.

"PARK" means a parcel or tract of land dedicated, reserved or held as a place for the resort of the public primarily for outdoor recreation, air and light, or for the preservation of the natural environment. (Bylaw 4305 – April 24/06)

"PARKING SPACE" means a space within a building or a parking area for the parking of one (1) vehicle; excluding driveways and ramps.

"PAVED SURFACE" means an area of land surfaced by asphalt, macadam, concrete, interlocking bricks, paving stones, gravel or other similar material.
(Bylaw 3917 – Oct 15/96)

"POULTRY" means any bird normally raised for food or egg production, but does not include bantams and without limiting the generality of the foregoing includes chickens, turkeys, geese, ducks, or artificially reared grouse, partridge, quail, pheasant, or ptarmigan. (Bylaw 4592 - Sept 30/13)

"PRINCIPAL BUILDING" means a building that contains floor space, the majority of which is used for the permitted principal use on a lot.

"PRINCIPAL USE" means the main purpose for which land, buildings or structures may be legally used.

"PRODUCE" means fruits, herbs, vegetables, grains and honey.
(Bylaw 4428 – Sept 29/08)

"PROFESSIONAL ENGINEER" means a person who is registered or duly licensed as such under the provisions of the *Engineering Profession Act*.

"PUBLIC SERVICE USE" (Repealed: Bylaw 4305 – April 24/06)

"RAVINE" means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1. (Bylaw 4281 – June 27/05)

"REAR YARD" means that portion of the lot extending from one side lot line to the other side lot line, between the rear lot line and a line or lines drawn parallel thereto; the depth of such yard to be measured as the perpendicular distance between the rear lot line and said parallel line or lines, which shall be equal to the required rear lot line setback. (Bylaw 3643 – May 28/90)

"RECREATION CENTRE" means an indoor facility which, along with any physical recreation programs which may be provided on a pre-registration basis, provides physical recreation opportunities, such as swimming, skating, strength or aerobic training and general sports activities, to the public on a drop-in basis. (Bylaw 4305 – April 24/06)

"RECYCLABLE ELECTRONICS" means televisions and computer monitors, computer keyboards, computer mice, telephones, computer printers, computer scanners, photocopiers, household audio equipment, household video equipment, computers and electric typewriters. (Bylaw 4366 - June 11/07)

"RECYCLABLE PLASTICS" means:

(a) rigid plastic containers and rigid plastic packaging consisting of and identified by the Society of Plastics, Inc., with symbols (or without symbols) 1 to 7 as follows: polyethylene terephthalate (PET) {1}; high density polyethylene (HDPE) {2}; polyvinyl chloride (PVC) {3}; low density polyethylene (LDPE) {4}; polypropylene (PP) {5}; polystyrene (PS){6}; and other {7};

(b) polyethylene terephthalate (PET) foam packaging;

(c) high density polyethylene (HDPE) products of the following types: cereal box inserts, grocery, trash and retail sales bags, buckets, crates, flower pots, bins, film and sheeting, and lumber substitutes;

(d) polyvinyl chloride (PVC) products of the following types: cassette cases, medical tubing, wire and cable insulation, pipes and fittings, window frames, carpet underlay, traffic cones, floor mats, paneling and garden hoses;

(e) low density polyethylene (LDPE) products of the following types: dry cleaning bags, bread and frozen food bags, garbage cans and lids, film and sheeting, bins and paneling;

(f) polypropylene (PP) products of the following types: brooms and rakes, ice scrapers, funnels, bins, pallets and sheeting;

(g) polystyrene (PS) products of the following types: electronic data storage media and jackets, plates, cutlery and utensils, wall switch plates, desk trays and rulers, licence plate frames, foam packing blocks and chips, foam insulation, foam egg cartons, foam meat trays and cups;

(h) polyurethane foam; and

(i) recyclable items produced principally for household use, of chemical composition or structure similar to those described in subparagraphs (a) through (h).
(Bylaw 4366 - June 11/07)

"RESIDENTIAL BUSINESS" means an occupation or profession carried on as a business, which is carried on by the resident of a dwelling unit; and such business is clearly incidental to the use of a dwelling unit for residential purposes.

"RESIDENTIAL FLOOR AREA" means the sum of the internal floor areas of all dwelling units in a building; includes areas occupied by internal walls and partitions and one-half of exterior walls; excludes balconies, common stairwells, elevator shafts, common corridors, cellars, concealed parking areas and common recreation or service facilities.

"RESIDENTIAL USE" means a use providing for the accommodation and home life of a person or persons.

"RESTAURANT" means a building or part of a building wherein food and beverages are partaken and includes coffee shops and tearooms, but does not include a Neighbourhood Public House Use or a take-away liquor service. (Bylaw 4195 – Sept 8/03)

"REST HOME" (Repealed: Bylaw 4305 – April 24/06)

"RETAIL USE" means the use of a floor area, or part thereof, of a building for the purpose of selling or offering for sale to consumers, goods, wares and merchandise but excluding automobiles, automobile parts and Liquor Retail Sale Use or any sale of liquor whatsoever. (Bylaw 3607 – May 10/93) (Bylaw 4195 – Sept 8/03)

"RETAINING WALL" means a structure with an angle between 45 degrees and 90 degrees to the horizontal, used to retain soil for the creation of artificial grade by either excavating from or adding fill to the natural grade. (Bylaw 4505 – Apr 26/10)

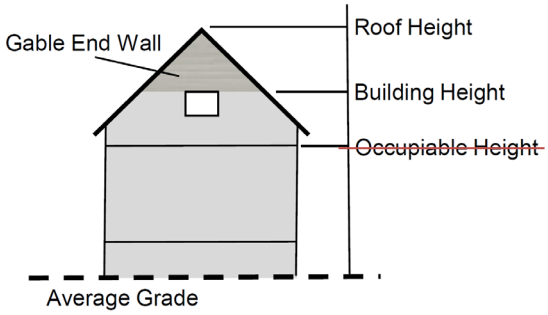
"RIPARIAN ASSESSMENT AREA" means:

(a) for a stream, the 30 m (98.4 ft) strip on both sides of the stream, measured from the high water mark;

(b) for a ravine less than 60 m (197 ft) wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 m (98.4 ft) beyond the top of the ravine bank; and

(c) for a ravine 60 m (197 ft) wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 m (32.8 ft) beyond the top of the ravine bank. (Bylaw 4281 – June 27/05)

"ROOF HEIGHT" means the vertical distance between grade and the highest part of the highest roof of a building as shown on the included diagram.
(Bylaw 3568 – June 22/87) (Bylaw 4648 – Jun 22/15)



"SCHOOL" means an institution with no residential component, providing a curriculum of academic instruction up to completion of Grade 12, and which consists of a body of students organized as a unit for educational purposes under the direction of a principal, vice-principal, headmaster or director of instruction, including the teachers and other staff members associated with the unit. (Bylaw 4305 – April 24/06)

"SCHOOL, PRIVATE" (Repealed: Bylaw 4305 – April 24/06)

"SCHOOL, PUBLIC" (Repealed: Bylaw 4305 – April 24/06)

"SEA RESCUE USE" means the storage and mooring of marine craft, with or without associated supplies and equipment, for the purpose of providing marine related rescue activities.
(Bylaw 3782 – Dec 20/93) (Bylaw 4305 – April 24/06) (Bylaw 4474 – July 20/09)

"SECONDARY SUITE" means a self contained Dwelling Unit containing sleeping facilities, sanitary facilities, and cooking facilities that are for the exclusive use of the occupant(s) of the suite and is smaller than, secondary to and connected to a primary Dwelling Unit located within a Principal Building ~~located~~ on the same lot.~~means a dwelling unit that is a Secondary Use to a One-Family Dwelling or Two-Family Dwelling for use as a separate and independent residence, with sleeping facilities, sanitary facilities, and cooking facilities that are for the exclusive use of the occupant(s) of the suite.~~
(Bylaw 4825 – Sept 20/22)
(Bylaw 4853 – March 25/24)

"SECONDARY USE" means a use that is only permitted in conjunction with the designated principal use for each zone.

"SENIOR CITIZEN DWELLING UNIT" (Repealed: Bylaw 4305 – April 24/06)

"SERVICE BUSINESS USE" means the use of a floor area, or part thereof, of a building for the purpose of providing personal services to persons or their possessions and office use other than "Financial Institution Use", but excluding veterinary clinics and offices, coin-operated laundries, coin-operated dry cleaners and the servicing of vehicles.
(Bylaw 3607 – May 10/93)

"SERVICE STATION" means any building or land used or intended to be used for the retail sale of motor fuels and lubricants that are dispensed by an attendant for the customer, and which may include the servicing and minor repairing of motor vehicles and the sale of automobile accessories.

"SETBACK" means the distance between a building or part of a building or use and each of the respective lot lines, measured parallel to each lot line or lines.

"SIDE LOT LINE" means any lot line not being a front lot line or a rear lot line.

"SIDE YARD" means that portion of the lot extending from the front lot line to the rear lot line, between the interior side lot line and a line or lines drawn parallel thereto; the width of such yard to be measured as the perpendicular distance between the interior side lot line and said parallel line or lines, which shall be equal to the required interior lot line setback. (Bylaw 3643 – May 28/90)

"SMALL-SCALE URBAN AGRICULTURE" means a subset of the general class of agriculture, carried out as a secondary use of land and consisting of the cultivation of a portion of a parcel for the production of fruits or vegetables for sale or exchange for money or other valuable consideration. (Bylaw 4381 – Dec 17/07)

"SPA USE" means a class of service business use devoted to the enhancement of personal well-being through a variety of services designed to promote renewal and revitalization, which may include a mineral bath or spring as a core element.
(Bylaw 4320 - June 11/07)

"SPECIAL NEEDS MULTIPLE RESIDENTIAL USE" means an apartment use providing supportive housing with the availability of assisted living services, for persons with age-related conditions that affect the ability to live independently.
(Bylaw 4168 – May 12/03)

"STORAGE YARD" (Repealed: Bylaw 4305 – April 24/06)

"STOREY" means that portion of a building which is situated between the top of a floor and the top of the floor next above it and if there is no floor above it, that portion between the top of such floor and the ceiling above it. ~~To determine the number of storeys in a building, any storey having its floor level less than 0.8 m (2.6 feet) below grade shall be included. (Bylaw 3643 – May 28/90)~~

"STREAM" includes any of the following that provides fish habitat:

(a) a watercourse, whether it usually contains water or not;

(b) a pond, lake, river, creek or brook; and

(c) a ditch, spring or wetland that is connected by surface flow to something referred to in (a) or (b) of this definition. (Bylaw 4281 – June 27/05)

"STREET" means a dedicated public highway other than a lane or walkway provided, however, that for the purpose of the definitions of CORNER LOT, DOUBLE FRONTAGE LOT and PANHANDLE LOT, and for the purpose of Section 4.14, STREET shall be deemed to include those portions of the common property in a bare land strata plan which are intended to provide vehicular access to the strata lots in the bare land strata plan. (Bylaw 3597 – June 27/88)

"STRUCTURE" means any construction, except a building, fixed to, supported by, or sunk into land or water, and includes but is not limited to fences, walls, and below grade stairs and patios; and excludes paved parking surfaces and on grade patios.
(Bylaw 4648 – Jun 22/15) (Bylaw 4681 – Mar 13/17)

"SUBDIVISION" means any change in the existing size, shape, number of arrangement of a lot or lots, whether by plan or metes and bounds description.

"SUPPORTIVE HOUSING" means a form of housing in private dwelling units with lockable doors, which provides to residents at least one (1) meal per day served on-site in a communal dining room, along with on-site housekeeping, laundry and social/recreational services. (Bylaw 4168 – May 12/03)

"SURVEYOR" means a land surveyor licensed and registered as a land surveyor in the Province of British Columbia.

"TEMPORARY LODGING" means transient accommodation not in excess of sixteen (16) weeks in any twelve (12) consecutive month period, not more than four (4) weeks of which may be outside of the November through March period, for any one person, family or party. (Bylaw 4320 - June 11/07)

"THEATRE USE" means a commercial use of a venue within a building, containing at the time of the performance or screening permanent or temporary seating for not less than ten (10) people, for:

(a) the performance of literary works on a stage; or

(b) the screening of films, excluding any film falling within the definition of "adult motion picture" under the *Motion Picture Act*, R.S.B.C. 1996, c. 314.
(Bylaw 4320 - June 11/07)

"TOURIST UNIT" means a lockable suite of rooms, with sanitary and sleeping facilities, available to the general public for temporary lodging as part of a hotel use.
(Bylaw 4320 - June 11/07)

"THEATRES" (repealed by Bylaw 4320, June 11/07)

~~"TWO FAMILY RESIDENTIAL USE" means a residential use where the building on a lot is used for two (2) dwelling units.~~

"UNIT RATIO" means the expressed unit area of land required for each dwelling unit.

"UPLANDS, THE" means that part of the Municipality being the area shown on Plan 1216A deposited in the Victoria Land Title Office and as defined in the *Oak Bay Special Powers Act*.

"USE" means the purpose for which any lot, parcel, tract of land, building or structure is designed, arranged or intended, or for which it is occupied or maintained.

"WATER COURSE" REPEALED (Bylaw 4281 – June 27/05)

"WORKS YARD USE" means a use of land for the storage and servicing of vehicles, equipment, machinery, materials, fixtures, fittings and supplies used in the maintenance and/or construction of roads, sidewalks, sewer systems, drainage systems, water distribution systems, parks and buildings, and in the provision of solid waste collection, recyclable material collection and compostable material collection; for the assembly and dispatch of employees and contractors employed in such maintenance, construction or service provision; for the receiving and transfer of solid waste, recyclable material and compostable material; for the retail sale of composted soil material and items ancillary to the provision of the services described herein; for the exchange of reusable items; for the fabrication of equipment ancillary to the maintenance, construction and services described herein; for the storage and dispensing of vehicle fuels; and for offices ancillary to the uses described herein. (Bylaw 4305 – April 24/06)

"YACHT CLUB" means a facility which provides moorage space for watercraft of club members. (Bylaw 4305 – April 24/06)

"ZONE" means any area or district established under this Bylaw.

2.2 ABBREVIATIONS OF WORDS AND PHRASES

2.2.1 The abbreviations of words and phrases in this Bylaw shall have the meanings assigned to them in this section:

dB (A)	decibel(s)
ft	feet
ha	hectare(s)
in	inch(es)
m	metre(s)
max	maximum
min	minimum
mm	millimetre(s)
N/A	not applicable
No.	number
N/P	not permitted
N/R	not regulated
s.f.	square feet
sq. c	square centimetre(s)
sq. in.	square inch(es)
sq. m	square metre(s)

PART 3

BASIC PROVISIONS

3.1 APPLICATION

3.1.1 The provisions of this Bylaw shall apply to the whole of the area within the boundaries of the Municipality and to the buildings and structures thereon.

3.1.2 All measurements and dimensions in this Bylaw have the meaning given to them in the Weights and Measures Act (Canada) and if not mentioned there, have the meaning ascribed to them in the International System of Units established by the General Conference of Weights and Measures. The Imperial measurements immediately following the metric terms are approximations for convenience only and do not form part of this Bylaw.

3.2 SEVERABILITY

3.2.1 If any portion of this Bylaw is for any reason found invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

3.3 ZONES

3.3.1 The whole of the area within the boundaries of the Municipality is hereby divided into zones with the following zone designations and their short form equivalents:

Short Form	Zone Designation
R~~S~~-1	~~One-family r~~Residential use
R~~S~~-2	~~One-family r~~Residential use
R~~S~~-3	~~One-family r~~Residential use
R~~S~~-4	~~One-family r~~Residential use
R~~S~~-5	~~One-family r~~Residential use
~~RS-5B~~	~~One-family residential use (Bylaw 4818 – July 18/22)~~
~~RD-1~~	~~Two-family residential use (Bylaw 4627 – Nov 10/14)~~
CD-1	Comprehensive Development Use – Waterfront Hotel Complex (Bylaw 4320 - June 11/07)
~~CD-2~~	~~Comprehensive Development Use – Yale Street Small Lot Residential (Bylaw 4668 – Sept 19/16~~
CD-3	Comprehensive Development Use – Bowker Village (Bylaw 4680 – May 8/17)
RM-1LD	Multiple dwellings use - low density
RM-1MD	Multiple dwellings use - medium density
RM-1HD	Multiple dwellings use – high density (Bylaw 4201 - 04/02/23)
RM-2	Multiple dwellings use - two storey
RM-3	Multiple dwellings use - three storey
RM-3HD	Multiple dwellings use – high density three storey (Bylaw 4606 – May 12/14)
RM-4	Multiple dwellings use - four storey
RM-8	Multiple dwellings use - eight storey
RM-MC1	Multiple Dwelling/Commercial Mixed Use (Bylaw 4022 – July 19/99)
RM-MC4	Multiple Dwelling/Commercial Mixed Use-Four Storey (Bylaw 4168 – May 12/03)
RMS-7	Multiple Dwelling Supportive Housing Use – Seven Storey (Bylaw 4256 – April 25/05)
C-1	Local commercial use
C -2	Commercial use
C-3, ST.1	Village Commercial Use - Street Level
C-3, D. 1	Village Commercial Use - Below Street Level
C-3, UP 1	Village Commercial Use - Above Street Level (Bylaw 3607 - May 10/93)
C-3, SP 1	Village Commercial Use-Mixed Use (Bylaw 4083 – Dec 11/00)
C-4	Local Commercial/Neighbourhood Deli Use (Bylaw 3998 – Sept 28/98)
C-5	Local Commercial/Neighbourhood Deli Use (Bylaw 4386 – Dec 17/07)

CS-1	Service station commercial use
CS-2	Marine commercial use
P-1	General institutional use (Bylaw 4305 – April 24/06)
P-2	Special institutional use
P-3	Commercial recreation use
P-4	Sea zone use
P-5	Cemetery use (Bylaw 3675 – April 22/91)
P-6	General Institutional/Residential use (Bylaw 3961 – Dec 22/97) (Bylaw 4305 – April 24/06)
P-7	General Institutional/Office use (Bylaw 4036 – May 25/99) (Bylaw 4305 – April 24/06)
P-8	General Institutional Use- Recreation Centre (Bylaw 4147 – Mar 25/02) (Bylaw 4305 – April 24/06)
P-9	Neighbourhood General Institutional Use (Bylaw 4235 – Sept 27/04) (Bylaw 4305 – April 24/06)

3.3.2 The area extent of the said zones is as described herein and as shown on the "Zoning Map of the Corporation of the District of Oak Bay," which ~~is an integral part~~forms part of this Bylaw as Schedule D.

3.3.3 The boundary lines of said zones shall be the centre line of the road allowances, lot lines, Municipal boundaries, natural boundaries or as otherwise shown on the "Zoning Map of the Corporation of the District of Oak Bay," which is an integral part of this Bylaw.

3.3.4 That part of the Municipality comprised of land, foreshore and land covered by water granted by Supplementary Letters Patent dated 12 March, 1981, except as specifically designated on the "Zoning Map of the Corporation of the District of Oak Bay," which is an integral part of this Bylaw, is designated as P-4 Sea Use Zone.

3.4 PERMITTED USES OF LANDS, BUILDINGS, STRUCTURES AND THE SURFACE OF THE WATER

3.4.1 The use or uses of lands, buildings, structures and the surface of the water shall be in accordance with the permitted uses specified in this Bylaw for the zone in which they are located.

3.4.2 Buildings and structures permitted by this Bylaw shall conform with the regulations for the zone in which they are located.

3.4.3 Any use or uses not specifically permitted are prohibited.

3.5 SIZE, SHAPE AND SITING OF BUILDINGS AND STRUCTURES

3.5.1 The construction, repair, reconstruction, alteration, moving or extension of a building or structure shall conform with the regulations for the siting, size and dimensions of buildings and structures specified in this Bylaw.

3.6 AREA, SHAPE AND DIMENSIONS OF LOTS

3.6.1 No subdivision shall be created in any zone so that any lot created by the subdivision has an area or dimension less than that set out for the zone in which it is located as specified in this Bylaw and according to Schedule A.

(Bylaw 3643 – May 28/90)

3.6.2 Notwithstanding subsection 3.6.1, in R~~S~~-3, R~~S~~-4 and R~~S~~-5 Zones, the minimum lot width may be reduced by not more than 20% within 7.62 m (25 feet) of the front lot line or within 7.62 m (25 feet) of the rear lot line, providing:

3.6.2.(1) the lot abuts the turn-around portion of a cul-de-sac; or

3.6.2.(2) the lot abuts the arc formed by the roadway in a street that changes direction through not less than 45 degrees.

3.6.3 The general shape of any lot to be created shall conform to the shape of the lots in the immediate area.

3.6.4 Discretionary authority with respect to minimum parcel frontage pursuant to Section 944 (1) of the *Local Government Act* is hereby delegated to the Approving Officer. (Bylaw 4112 – Feb 26/01)

3.6.5 The Approving Officer may approve an application to subdivide a lot into parcels of dimensional criteria less than that required by this Bylaw providing:

3.6.5.(1) the said parcels are concurrently consolidated with adjoining lands; and

3.6.5.(2) that any remaining part of the lot being subdivided is not less than the required dimensional criteria.

3.7 ADMINISTRATION

3.7.1 The Director is hereby appointed by Council to administer this Bylaw and is hereby authorized to enter at all reasonable times upon any property, subject to this Bylaw, to ascertain whether the regulations and provisions of this Bylaw are being or have been complied with.

VIOLATION

3.7.2 It is unlawful for any person to cause, suffer or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied or used, or any land to be occupied or used, in contravention of this Bylaw or otherwise to contravene or fail to comply with this Bylaw.

PENALTIES

3.7.3 Any persons convicted of an offence against this Bylaw shall be liable to:

3.7.3.(1) a minimum penalty of not less than one hundred dollars ($100.00); or

3.7.3.(2) a maximum penalty of not more than ten thousand dollars ($10,000.00); (Bylaw 4291 – Mar 13/06) and/or

3.7.3.(3) imprisonment for a period not exceeding sixty (60) days.

3.8 EFFECTIVE DATE

3.8.1 This Bylaw shall come into force and take effect as of the date of final adoption.

PART 4

GENERAL REGULATIONS

4.1 USES OF LAND, BUILDINGS AND STRUCTURES

NON CONFORMING USE

4.1.1 No use shall be established so as to render any existing use on the same lot non-conforming.

4.1.2 The permitted uses contained in this Bylaw are subject to compliance with the Bylaws enacted under Part 26, Division 7 of the *Local Government Act*.
(Bylaw 4112 – Feb 26/01)

4.2 PERMITTED USES OF LANDS, BUILDINGS AND STRUCTURES

4.2.1 A boarding use, where permitted:

4.2.1.(1) shall be completely enclosed within a principal building used for a residential use; and

4.2.1.(2) shall accommodate not more than two (2) persons other than the family of the owners or lessee.

4.2.1.(3) shall not result in the use of the dwelling unit by more than three (3) unrelated persons.
(Bylaw 4108 – Feb 26/01)

4.2.2 (Repealed: Bylaw 4305 – April 24/06)

4.2.3 (Repealed: Bylaw 4305 – April 24/06)

4.2.4 (Repealed: Bylaw 4305 – April 24/06)

4.2.5 (Repealed: Bylaw 4401 – March 10/08)

4.2.6.(1) (Repealed: Bylaw 4401 – March 10/08)

4.2.6.(2) (Repealed: Bylaw 4401 – March 10/08)

4.2.7 (Repealed: Bylaw 4401 – March 10/08)

4.2.7.(1) (Repealed: Bylaw 4401 – March 10/08)

4.2.7.(2) (Repealed: Bylaw 4401 – March 10/08)

4.2.8. A residential business must, where permitted, conform to the regulations of this section.

4.2.8.(1) The written consent of the property owner must be obtained before a residential business may be operated from premises zoned for residential use.

4.2.8.(2) A maximum of two (2) residential businesses may be carried on in a single dwelling unit.

4.2.8.(3) No person other than a family member occupying the dwelling unit and residing on the premises and one other non-resident employee may be employed or engaged in a residential business at the premises.

4.2.8(4) Notwithstanding paragraph 4.2.8. (3), if more than one residential business is being operated in a single dwelling unit, the number of non-resident employees on the premises at any one time shall nevertheless not be more than one (1).

4.2.8.(5) Except as provided in paragraph 4.2.8. (6), the premises of a residential business shall not be used to receive visitations from persons in relation to the business.

4.2.8.(6) The premises of a residential business may be used for supplementary school tuition, or the instruction of music, to not more than one student at a time.

4.2.8.(7) Merchandise may neither be displayed, sold or bought on the premises of a residential business.

4.2.8.(8) With the exception of mail delivery, a residential business shall not incur the delivery or shipment of merchandise, merchandise components, repair parts, or business supplies by a commercial vehicle.

4.2.8.(9) A residential business shall not create noise, vibrations, smoke, vapours, or electrical interference.

4.2.8.(10) No sign may be erected on residential premises that relate to a residential business.

4.2.8.(11) The operating of commercial workshops or manufacturing facilities in a residential business is prohibited. (Bylaw 3974 – Mar 23/98)

4.2.9 A newspaper substation may only be located in a commercial or institutional use zone, provided the substation does not require the use of a building that is not part of the principal building.

4.2.10 Canopies of rigid construction or collapsible awnings may be installed on buildings in all zones, providing such canopy or awning:

4.2.10.(1) does not protrude more than 2.5 m (8 feet) from the building face;

4.2.10.(2) provides a clear height of not less than 2.3 m (7.5 feet) above a sidewalk;

4.2.10.(3) does not portray a sign except for lettering of not more than 150 mm (6 inches) in height located on a fringe;

4.2.10.(4) does not protrude to within 1 m (3 feet) of a line extended vertically from the nearest edge of the roadway;

4.2.10.(5) is constructed as a cantilevered structure from the face of the building; and

4.2.10.(6) is not constructed over public property.

4.2.11 Garbage receptacles must be kept in a building or structure in all zones, except in Residential Use zones garbage receptacles may be kept within an enclosed structure or between a structure and the rear lot line, and must be fully screened ~~from the front lot line. Except for those zones designated for onefamily and twofamily residential use, garbage receptacles shall be kept in a building or structure.~~

4.2.12 Notwithstanding the regulations set out for ~~One-Family~~ Residential Use Zones in Part 6 hereof, an area not exceeding 5% of the maximum permitted lot coverage or 36 sq. m (400 sq. ft.) in the R-1, R-2 or R-3 zones; and 7% of the maximum permitted lot coverage ~~in the~~ or 36 sq. m (400 sq. ft.) in the R-4 or R-5 zones, whichever is less, may be used and maintained as a garage for the parking of motor vehicles, providing either:~~the maximum permitted area of lot coverage for the principal building on a parcel in such zone may be augmented by an area not exceeding the maximum permitted area of lot coverage for accessory buildings in the applicable zone, or 36 sq. m (400 sq. ft.), whichever is less, providing~~:

~~4.2.12.(1) the augmented area is used and maintained as a garage for the parking of motor vehicles;~~

~~4.2.12.(2) either~~

(a) the garage is sited so that the vertical plane of the vehicle entrance makes an angle between 85 degrees and 90 degrees, both inclusive, with a straight line connecting the endpoints of the front lot line; or

(b) the garage is sited entirely within the area of the lot bounded by the rear lot line, the side lot lines and the rear face (excluding garage portion) of the principal building projected in a straight line to both side lot lines; and

4.2.12.(3) the maximum permitted area of lot coverage for accessory buildings shall be reduced by an amount equal to the area added to the principal building pursuant to this subsection. (Bylaw 3643 – May 28/90)

(New Sections 4.2.13 to 4.2.13(7) added Bylaw 4825, Sept 20/22)

4.2.13 A Secondary Suite use, where permitted, must conform to the regulations of this section:

4.2.13.(1) Shall be wholly contained within an integral part of ~~the~~ a ~~One-Family Dwelling or Two-Family Dwelling~~Principal Building. (Bylaw 4853 – March 25/24)

4.2.13.(2) Shall not be connected to the primary dwelling unit by a breezeway or enclosed hallway.

4.2.13.(3) Shall only be permitted in an owner-occupied ~~One-Family Dwelling~~residential building. The registered owner(s) of the property shall:

(a) occupy either the primary dwelling unit or the Secondary Suite dwelling unit as their principal residence; and

(b) submit to the Municipality a completed and signed “Owner’s Declaration of Secondary Suite”.

(c) occupy either the primary dwelling unit or the Secondary Suite dwelling unit as their principal residence; and

(d) submit to the Municipality a completed and signed “Owner’s Declaration of Secondary Suite”. (Bylaw 4853 – March 25/24)

4.2.13.(4) Shall meet all BC Building Code requirements for Secondary Suites within newly constructed buildings or the alternate compliance methods for alterations to existing buildings to add a secondary suite.

4.2.13.(5) No more than one Secondary Suite is permitted per ~~One-Family Dwelling, and no more than two Secondary Suites are permitted per Two-Family Dwelling~~principal dwelling unit.
(Bylaw 4853 – March 25/24)

4.2.13.(6) Where a ~~One-Family Dwelling~~residential dwelling unit contains both a Secondary Suite, and a Boarding Use within the primary dwelling unit, the total number of unrelated individuals living in the building must not exceed six.

4.2.13.(7) A Secondary Suite shall not contain a Boarding use.

4.3 FIRE LIMITS ZONE

4.3.1 Zones RM-4 and RM-8 are hereby designated Fire Limits Area 1, in which a building of more than three (3) storeys in height shall be constructed of non-combustible construction, as defined and regulated by the British Columbia Building Code.

4.4.1 Where the location of an object or the use of a property is deemed to be an offence under this Bylaw and the object or use is:

4.4.1.(1) partly on one lot and partly on an adjacent lot; or

4.4.1.(2) partly in one specified area of a lot and partly in another the offence shall be deemed to have occurred on each lot or in each area.

4.5.1 Prior to the issuance of an Occupancy Permit relating to the construction, erection, replacement or extension of a building, the owner shall furnish proof of compliance regarding site location and building height. Proof of compliance shall be in the form of a survey certificate issued by a registered British Columbia Land Surveyor.

4.6 REGULATIONS FOR THE SIZE, SHAPE AND SITING OF BUILDINGS AND STRUCTURES

NON-CONFORMING SIZE, SHAPE OR SITING

4.6.1 No building or structure shall be constructed, re-constructed, altered, moved or extended so as to render any existing building or structure on the same lot contrary to the regulations of this Bylaw.

4.6.2 Except as otherwise permitted in this Bylaw, only one (1) building may be sited on one (1) lot. Such siting shall conform to the regulations of the zone in which it is situate.

4.6.3 ~~A part of a building that is separated from the major portion of the building by a space or non-habitable room shall be deemed to be a separate building.~~
(Removed - Bylaw 4825 – Sept 20/22)

4.6.3 A part of a building that is separated from the major portion of the building by a space or non-habitable room shall be deemed to be a separate building. This provision does not apply to a Secondary Suite that is connected to the primary dwelling unit by a bathroom, utility room, workroom, storage room, closet, pantry, bath or toilet room or laundry room and similar spaces except a breezeway or enclosed hallway.
(Bylaw 4825 – Sept 20/22)

SITING EXCEPTIONS

4.6.4 Projections from any face of a building

4.6.4.(1) in the form of belt courses, sills, cornices, leaders, gutters and pilasters may intrude into the required setbacks by not more than 450 mm (18 inches);

4.6.4.(2) in the form of chimneys may intrude into any required setback other than an interior side lot line setback by not more than 450 mm (18 inches).
(Bylaw 3643 - May 28/90)

4.6.4.(3) in the form of cladding, including insulation and brick, may intrude into the required setbacks by not more than 100 mm (4 inches). (Bylaw 4648 – Jun 22/15)

4.6.5 Projections from a face of a building in the form of unenclosed stairs and landings, canopies, sunlight control projections, eaves and open-walled porches may intrude:

4.6.5.(1) into the required front, rear or exterior side setbacks by not more than 1.2 m (3.9 ft); and (Bylaw 4335 – June 11/07)

4.6.5.(2) into the required interior side setback by not more than 450 mm (18 inches).

4.6.5.(3) into the required interior side yard setbacks for the principal building by not more than 0.76 m (2.5 ft) for eaves. (Bylaw 4648 – Jun 22/15) (Bylaw 4681 – Mar 13/17)

4.6.6 Balconies and sundecks may be enclosed providing: (Bylaw 3561 – June 22/87)

4.6.6.(1) the enclosing material, exclusive of supports, is fully transparent untinted glass;

4.6.6.(2) the balcony or sundeck does not become part of the abutting habitable space;

4.6.6.(3) the balcony or sundeck is not used as a habitable room; and

4.6.6.(4) except for ~~one family r~~Residential Use zones, the design of the enclosed balconies shall be consistent throughout the building.

4.6.7 An underground structure may be sited in any portion of a lot provided that the top surface of such structure shall at no point extend above any street abutting the site. For the purpose of this section, in-ground swimming pools shall not be considered as underground structures.

4.6.8 Freestanding lighting poles, warning devices, utility poles, wires and flagpoles, except as otherwise limited in other Bylaws, may be sited on any portion of a lot.

4.6.9 Where a common wall or party wall, shared by two (2) or more separately owned or operated dwelling units within a building for a residential use, coincides with an interior side lot line and where the land pertaining to each unit or group of units is a registered lot or where such land comprises a strata lot shown on a registered strata plan as provided for in the *Condominium Act*, then the setbacks specified in this Bylaw with respect to the side lot lines shall not apply.

4.6.10 FLOOR AREA RATIO (Bylaw 4335 - June 11/07)

4.6.10(1) With respect to a lot on which the allowable gross floor area of a building, or the total allowable gross floor area of all buildings or a particular class of buildings, as the case may be, is limited by the imposition of a maximum allowable floor area ratio, for the purpose of calculating the floor area ratio all portions of a building serving an occupancy having a clear height above the floor of more than 1.2 m (3.9 ft) shall be included in the computation of gross floor area, provided, however, that

(a) in a zone other than a ~~One Family Residential Use Zone or a Two Family~~ Residential Use Zone, the part of the floor area used and maintained for the parking of motor vehicles;

(b) in ~~One Family~~ Residential Use Zones R~~S~~-1, R~~S~~-2 and R~~S~~-3, not more than 19 sq. m (205 s.f.) of that part of the floor area of the principal building used and maintained for the parking of motor vehicles;

~~(c) in Two Family Residential Use Zone RD-1, not more than 19 sq. m (205 s.f.) per dwelling unit of that part of the floor area used and maintained for parking of motor vehicles; and~~

(d) In ~~One Family~~ Residential Use Zones R~~S~~-1, R~~S~~-2, R~~S~~-3~~, and in Two Family Residential Use Zone RD-1~~, the part of the floor area at a level lower than 1 m (3.3 feet) below grade, (Bylaw 4627 - Nov 10/14)

(a) The exemption under subsection (d) shall not exceed the lesser of the first above grade storey floor area or 25% of the total lot area.

(b) There shall be no exemption of a basement from Gross Floor Area where the first above grade storey floor height is greater than 1.00 m (3.3 ft) above Grade.

shall be excluded from the computation of gross floor area.

4.6.10(2) ~~In One Family Residential Use Zones RS-1 and RS-2, where there exists on a lot a principal building constructed not later than January 1, 1993, which includes floor area at a level lower than grade but higher than or equal to 1 m (3.3 ft) below grade, for that building the allowable gross floor area given by the maximum allowable floor area ratio set out in Sections 6.1.4(4) and 6.2.4(4), respectively, shall be augmented by an area in square metres equal to the value of~~

~~"Z" represented in the formula: Z = (X ÷ 2) x Y~~

~~where X = the area, in square metres, of the floor of such building which is at a level lower than grade but higher than or equal to 1 m (3.3 ft) below grade, and~~

~~Y = the depth, in metres, of the floor of such building which is at a level lower than grade but higher than or equal to 1 m (3.3 ft) below grade,~~

~~provided, however, that notwithstanding the calculated value of "Z", the total allowable gross floor area of the principal building shall be constrained so that the aggregate floor area ratio for all buildings on the lot does not exceed 0.5 to 1.0.~~(Removed – Bylaw 4871, 2024)

4.6.10(3) ~~In One Family Residential Use Zone RS-3, where there exists on a lot a principal building constructed not later than January 1, 1993, which includes floor area at a level lower than grade but higher than or equal to 1 m (3.3 ft) below grade, for that lot the allowable gross floor area given by the maximum allowable floor area ratio set out in Section 6.3.4(4) shall be augmented by an area in square metres equal to the value of~~

~~"Z" represented in the formula: Z = (X ÷ 2) x Y~~

~~where X = the area, in square metres, of the floor of such building which is at a level lower than grade but higher than or equal to 1 m (3.3 ft) below grade, and~~

~~Y = the depth, in metres, of the floor of such building which is at a level lower than grade but higher than or equal to 1 m (3.3 ft) below grade,~~

~~provided, however, that notwithstanding the calculated value of "Z", the total allowable gross floor area shall be constrained so that the floor area ratio for the lot does not exceed 0.5 to 1.0~~. (Removed – Bylaw 4871, 2024)

4.6.11 GROSS FLOOR AREA (Bylaw 4335 - June 11/07) (Bylaw 4648 – Jun 22/15)

4.6.11(1) In ~~One Family~~ Residential Use zones R~~S~~-4 and R~~S~~-5, not more than 22 m^2 (237 ft^2) of that part of the floor area used and maintained for the parking of motor vehicles shall be excluded from the computation of Gross Floor Area provided:

(a) the garage or carport is sited so that the vertical plane of the vehicle entrance makes an angle between 85 degrees and 90 degrees, both inclusive, with a straight line connecting the endpoints of the front lot line; or

(b) all garage and carport vehicle entrances facing a street must be in line with or set back from the front face of the principal building, or must be set back a minimum of 1.0 m (3.2 ft) from the remainder of the front face of the principal building where an occupancy certificate was issued on January 1, 1986 or later.
(Bylaw 4648 – Jun 22/15) (Bylaw 4681 – Mar 13/17)

4.6.11(2) Basement Exemption – Occupancy After 1985 (Bylaw 4648 – Jun 22/15)

~~(a)~~ In ~~One Family~~ Residential Use zones R-4 and R-5, where a principal building for which an occupancy certificate was issued on January 1, 1986 or later, all or part of the basement floor area shall be exempted from the calculation of Gross Floor Area by a percentage calculated under subsections (b) to (e).

~~(b)~~ Subject to subsection (c), 100% of the Gross Floor Area shall be exempted under (a) where the first above grade storey floor height is less than 1.22 m (4 ft) above Grade.

(c) The exemption under subsection (b) shall not exceed the lesser of the first above grade storey ~~basement~~ floor area or 25% of the total lot area.

(d) There shall be no exemption of a basement from Gross Floor Area where the first above grade storey floor height is greater than 1.52 m (5 ft) above Grade.

(e) Where the first above grade storey floor height is greater than 1.22 m (4 ft) and less than 1.52 m (5 ft) above Grade, then the amount of Gross Floor Area to be exempted shall be calculated on the basis of the following formula where "P" represents the percentage:

"P" represented in the formula $P = \frac{(1.52 - H_{actual})}{0.3} \times 100$ where

H_{actual} = height of first floor above average natural grade

4.6.11(3) Basement Exemption – Occupancy Prior to 1986 (Bylaw 4648 – Jun 22/15)

(a) In ~~One Family~~ Residential Use zones ~~RS-4 and RS-5~~, where a principal building for which an occupancy certificate was issued prior to January 1, 1986, all or part of the basement floor area shall be exempted from the calculation of Gross Floor Area by a percentage calculated under subsections (b) to (e).

(b) Subject to subsection (c), 100% of the Gross Floor Area shall be exempted under (a) where the first above grade storey floor height is less than 1.22 m (4 ft) above Grade.

(c) The exemption under subsection (b) shall not exceed the lesser of the first above grade storey ~~basement~~ floor area or 25% of the total lot area.

(d) There shall be no exemption of a basement from Gross Floor Area where the first above grade storey floor height is greater than 2.22 m (7 ft) above Grade.

(e) Where the first above grade storey floor height is greater than 1.22 m (4 ft) and less than 2.22 m (7 ft) above Grade, then the amount of Gross Floor Area to be exempted shall be calculated on the basis of the following formula where "P" represents the percentage:

"P" represented in the formula $P = (2.22 - H_{actual}) \times 100$ where

H_{actual} = height of first floor above average natural grade

4.6.11(4) In ~~One Family~~ Residential Use zones R~~S~~-4 and R~~S~~-5, a maximum of three (3) covered door landings are exempt from Gross Floor Area calculations to a maximum of 1.86 m^2 (20 ft^2) per landing. (Bylaw 4648 – Jun 22/15)

4.6.11(5) In ~~One Family~~ Residential Use zones R~~S~~-4 and R~~S~~-5, verandas, contiguous or separated, are exempt from Gross Floor Area calculations for up to 2.5% of the lot area, to a maximum of 15 m^2 (161 ft^2) where: (Bylaw 4648 – Jun 22/15)

(a) The veranda abuts the primary building;
(b) The veranda floor is level with the first storey;
(c) The veranda faces a street;
(d) The veranda is open to a street excluding the railing or guard;
(e) The veranda railing is not more than 1.06 m (3.4 ft) in height;
(f) The veranda is covered by a roof;
(g) The veranda ceiling is less than 3.2 m (10.5 ft) above the veranda floor; and
(h) No habitable living space is sited above the veranda.

4.6.11(6) Gross Floor Area for an atrium will be calculated as the following: (Bylaw 4648 – Jun 22/15)

Height of Atrium	*Gross Floor Area Value to be Included*
Atrium Less Than 4.3 m (14 ft) Height	Gross Floor Area of Atrium x 1
Atrium Greater Than or Equal to 4.3 m (14 ft) Height	Gross Floor Area of Atrium x 2

4.6.11(7) In ~~One Family~~ Residential Use zones, a maximum of one (1) pedestrian elevator with a floor area of 2.0 m^2 (22 ft^2) located within a principal building is exempt from Gross Floor Area calculations. (Bylaw 4681 – Mar 13/17)

4.7 HEIGHT, EXCEPTIONS

4.7.1 The maximum permitted height for a building or structure set out in the regulations for each zone within this Bylaw may be exceeded for a church spire, church belfry or church dome, an elevator shaft, a stair tower; a roof-mounted vent, roof-mounted chimney or roof-mounted smoke stack; a flag pole, a lightning rod; and a crane erected for a period not exceeding the duration of the construction for which the crane is required. (Bylaw 4293 – Nov 14/05)

4.8 TEMPORARY BUILDINGS

4.8.1 A temporary building or structure may be erected to facilitate construction purposes for a period not to exceed the duration of such construction on a lot being developed. In all other cases, temporary buildings or structures shall be subject to the following requirements:

4.8.1.(1) An application shall be made in writing to the Director for a permit to erect a temporary building or structure;

4.8.1.(2) If the proposed temporary building or structure would not constitute or cause a public hazard or public nuisance, nor obstruct unnecessarily any public right-of-way, the Director shall grant a permit for a period of not more than six (6) months; provided, however, that such permit may be renewed, upon written application, for one (1) further period not to exceed six (6) months; and

4.8.1.(3) At the expiration of a permit, such temporary building or structure shall be removed and the site thereof restored as nearly as possible to its pre-permit condition.

4.9 BUILDINGS FOR ACCESSORY USE

4.9.1 A building for a permitted accessory use may only be erected after a building for the principal use is built on a lot.

4.9.2 The use of an accessory building or any part thereof as a dwelling unit or as a habitable space is prohibited.

4.10 MISCELLANEOUS STRUCTURES

4.10.1 This section applies to stationary fuel containers, structures that emit sound or vibrations, and, subject to Section 4.10.7, to all structures, such as communications antennae, that emit or receive electromagnetic waves.

4.10.2 With respect to height and siting, a structure described by Section 4.10.1 shall be subject to the more restrictive of the regulations set out in this section and the regulations set out in this Bylaw for the zone in which it is located.

4.10.3 A structure which emits sound, whether continuously or intermittently, shall be sited, shielded or otherwise installed so that the maximum measurable sound level at any boundary of the parcel on which it is located, and at any point directly above that boundary, does not exceed 40 dB(A).

4.10.4 No structure described by Section 4.10.1 shall be sited within 3 m (9.8 ft) from any lot line.

4.10.5 No structure described by Section 4.10.1 shall be sited in a front yard or a side yard.

4.10.6 Except for a building roof-mounted whip antenna not exceeding a diameter of 5 centimeters at any point higher than the maximum permitted roof height for the building in the zone in which it is located, and subject to Section 4.10.7, no structure described by Section 4.10.1 shall exceed a height of 3 m (9.8 ft).

4.10.7 Provided that any local consultation protocol mandated by the Government of Canada for antenna installation or modification has been complied with, the regulations set out in this Bylaw that would otherwise be applicable to an existing or proposed antenna shall have force and effect only to the extent that they do not frustrate, unduly restrict or interfere with the exercise of the legislative, regulatory or licensing authority of the Government of Canada in the field of radio-communications.
(Bylaw 4293 – Nov 14/05)

4.11 OFF-STREET PARKING USE OR ACCESSORY OFF-STREET PARKING USE

REQUIRED OFF-STREET PARKING SPACES

4.11.1 A building conforming as to use, but non-conforming as to required off-street parking spaces, may be occupied, except that:

4.11.1.(1) Off-street parking spaces shall be provided and maintained in accordance with the Parking Facilities Bylaw for any addition to such existing building or structure, or any change or addition to such existing use; and

4.11.1.(2) Where a building is used for more than one (1) permitted use, the required number of off-street parking spaces shall be the sum of the requirements for the uses, calculated separately.

4.11.2 The off-street parking spaces required by the Parking Facilities Bylaw are required for the unrestrained use of the users of the building or the lot for which they are provided.

4.11.3. The use of parking spaces required by this Bylaw, other than that expressed, is prohibited.

4.11.4 The use of parking spaces for wrecked vehicles or unlicensed vehicles is prohibited.

4.12 LOCATION AND SITING OF PARKING FACILITIES

4.12.1 LOCATION

4.12.1.(1) Residential Uses: All required off-street parking spaces for residential uses shall be provided on the same lot as the residential building for which they are required.

4.12.2 Other Uses: All required off-street parking spaces for other than residential uses shall be located on the lot being served unless otherwise specified. If the parking spaces are located on a separate lot from the lot of the building being served, the developer shall enter into an agreement with the Corporation under Section 219 of the *Land Title Act* restricting use of the parking site to parking to serve the lot requiring the parking. (Bylaw 4112 – Feb 26/01)

4.12.3 The surface of the land, in Zones RM-2, RM-3, RM-4 and RM-8 shall not be used for parking spaces.

4.12.4 That part of the building containing the required parking spaces in Zones RM-2, RM-3, RM-4 and RM-8 shall be constructed below the elevation of the abutting roadway.

4.13 SITING

4.13.1 The following regulations shall apply to all Residential Use Zones:

4.13.2 For a lot on which there exists a principal building, and subject to Section 4.13.6, the keeping or parking of any of the objects described in Section 4.13.4 and not located within a garage is prohibited on that part of the lot:

4.13.2(1) between the front lot line and the exterior walls of the principal building that face the street abutting that lot line, including the lines projected from the two endpoints of the said exterior walls so as to intersect the closest points on the respective side lot lines;

4.13.2(2) between the exterior side lot line and the exterior walls of the principal building that face the street abutting that lot line, including the lines projected from the two endpoints of the said exterior walls so as to intersect the closest points on the front lot line and the rear lot line, respectively;

4.13.2(3) within 1.52 m (5 feet) from an interior side lot line at any point greater than 7.62 m (25 feet) from the rear lot line;

4.13.2(4) within 0.61 m (2 feet) from an interior side lot line at any point within 7.62 m (25 feet) from the rear lot line;

4.13.2(5) within 0.61 m (2 feet) from a rear lot line except for a rear lot line which abuts a lane or a street; and

4.13.2(6) within 7.62 m (25 feet) from a rear lot line which abuts a street.

4.13.3 For the purpose of Sections 4.13.2(1) and 4.13.2(2), an exterior wall shall be deemed to face a street if a line projected perpendicular to any portion of the wall intersects the lot line abutting the street; provided, however, that where the application of this criterion does not result in the designation of at least one (1) exterior wall which is deemed to face each street or branch thereof abutting the lot, then the restricted area shall be defined as all that part of the lot lying between the lot line abutting the street and a line intersecting the point on the principal building which is closest to the said lot line and drawn parallel thereto.

4.13.4 The following are restricted objects for the purpose of this Section:

4.13.4(1) a motor vehicle which is not licensed for the current year;

4.13.4(2) a boat, whether or not mounted on a trailer;

4.13.4(3) a trailer;

4.13.4(4) a camper body, whether or not mounted on a vehicle;

4.13.4(5) a motor home of height greater than 2.2 m (7.2 feet).

4.13.5 Subject to compliance with the *Rubbish and Weed Control Bylaw, 1997*, as amended, for a lot on which there exists a principal building, not more than two (2) objects described in Section 4.13.4 may be parked or kept on a part of the lot not prohibited under Section 4.13.2. (Bylaw 4451 - Jan 26/09)

4.13.6 Subject to compliance with the *Rubbish and Weed Control Bylaw, 1997*, as amended, for a lot on which there exists a principal building, and provided that not more than one (1) object described in Section 4.13.4 is parked or kept elsewhere on the lot, not more than one (1) such object having a height not exceeding 2.6 m (8.5 feet) and a length not exceeding 5.6 m (18.4 feet) may be parked or kept in a location described in Section 4.13.2(3), 4.13.2(4) or 4.13.2(5), subject always to the prohibitions for the locations described in Sections 4.13.2(1), 4.13.2(2) and 4.13.2(6), which shall prevail in the event of conflict. (Bylaw 4451 - Jan 26/09)

4.13.7 For the purposes of Sections 4.13.5, 4.13.6 and 4.13.9, a boat mounted on a trailer, and a camper body mounted on a vehicle, shall each be deemed to be one (1) object provided, however, that in the measurement of a boat and trailer combination for the purpose of Section 4.13.6, the height shall be measured inclusive of the trailer, but the measurement of length shall be limited to the boat and attachments thereto.

4.13.8 For a lot on which there exists no principal building, the keeping or parking of any object described in Section 4.13.4 and not located within a garage is prohibited on that part of the lot:

4.13.8(1) within 7.62 m (25 feet) from any lot line abutting a street; and

4.13.8(2) within 1.52 m (5 feet) from any lot line not abutting a street.

4.13.9 Subject to compliance with the *Rubbish and Weed Control Bylaw, 1997*, as amended, for a lot on which there exists no principal building, not more than two (2) objects described in Section 4.13.4 may be parked or kept on a part of the lot not prohibited under Section 4.13.8. (Bylaw 4451 - Jan 26/09)

4.13.10 On any lot, the keeping or parking of a commercial vehicle is prohibited except:

4.13.10(1) where such vehicle is kept or parked in a garage; or

4.13.10(2) during such time as the driver of such vehicle is actually engaged in the delivery of a commercial service on the lot to and for the benefit of the owners or occupants thereof.

4.13.11 The prohibition contained in Section 4.13.10 extends to an unlicensed vehicle that would be classified as a commercial vehicle under this Bylaw if it were licensed for the current year.

4.13.12 Residential Uses: All off-street parking spaces in Multiple Dwellings Use Zones shall be sited so as to be a minimum of 1.5 m (4.9 feet) from any side or rear lot line and a minimum of 3 m (10 feet) from any exterior side lot line.

4.13.13 All off-street parking spaces for Commercial and Institutional Use Zones shall be sited with a minimum distance of 1.5 m (4.9 feet) from any side and rear lot line and a minimum of 1.5 m (4.9 feet) from any exterior lot line. No off-street parking spaces shall be permitted in the front yard of a lot zoned for Commercial Use or an Institutional Use. (Bylaw 4006 – Jan 11/99)

4.14 SITING OF BUILDINGS AND STRUCTURES (Bylaw 3585 – Mar 14/88)

4.14.1 For the purpose of applying the regulations of this Bylaw regarding the siting of buildings, structures and objects, every lot shall be deemed to have four sides, to be designated as follows: (Bylaw 3597 – June 27/88)

4.14.1.(1) A front lot line, which shall be

(a) in the case of a lot which is neither a corner lot nor a double frontage lot, the lot line or lines that abut or partially abut a street;

(b) in the case of a corner lot which is not a double frontage lot, the shortest lot line or group of lot lines that abut, or partially abut, one of the streets or branches of a street, provided that where the exterior corner of the lot is defined by a curve rather than a point of intersection, the measurements for the purpose of determining the relative lengths of the said lines or groups of lines shall be taken to the midpoint of the curve in each case;

(c) in the case of a double frontage lot, each of the opposite lot lines that abut, or partially abut, a street, except where the front lot line or an adjacent lot has already been established, the front lot line shall be the line or lines contiguous to the front lot line of such adjacent lot;

(d) in the case of a panhandle lot, and notwithstanding subparagraph (a), the lot line or lines contiguous to the access strip and approximately parallel to the street from which vehicular access to the lot is gained;

(e) in the case of a lot which does not abut a street, the lot line or lines abutting, or partially abutting, the land over which vehicular access to the lot is gained.

4.14.1.(2) A rear lot line, which shall be the lot line or lines opposite to and most distant from any part of the front lot line, save and except a lot line which adjoins the front lot line; or, in the case of a lot in respect of which the application of the foregoing produces no designated rear lot line, an imaginary line 3 m (10 feet) in length drawn entirely within the lot, parallel to and at the greatest possible distance from the front lot line.

4.14.1.(3) Two side lot lines, each of which shall be any line or group of contiguous lines not being a front lot line or a rear lot line.

4.14.2 "OPPOSITE," for the purpose of paragraph (2), means

4.14.2.(1) in the case of a straight portion of the front lot line, any line intersected by an imaginary line drawn perpendicular to that portion of the front lot line; and

4.14.2.(2) in the case of a curvilinear portion of the front lot line, any line intersected by an imaginary line drawn perpendicular to the tangent at any point on that portion of the front lot line.

4.14.3 A side lot line abutting a street shall be designated as an exterior side lot line. Any side lot line other than an exterior side lot line shall be designated as an interior side lot line. (Bylaw 3585 – Feb 22/88)

4.15 SITING OF PAVED SURFACES

4.15.1(1) In ~~all RS zones~~Zones R-1, R-2 and R-3 ~~Zones~~, the use of more than 25% of the front yard and 25% of the rear yard as a paved surface is prohibited.

4.15.1 (2) In Zone R-4, the use of more than 30% of the front yard and 25% of the rear yard as a paved surface is prohibited.

4.15.1.(3) In Zone R-5, the use of more than 40% of the front yard and 25% of the rear yard as a paved surface is prohibited.
(Bylaw 3917 – Oct 15/96) (Bylaw 4320 - June 11/07)

4.16 RIPARIAN AREA PROTECTION

4.16.1 Subject to Sections 4.16.2 and 4.16.3, no building or structure shall be constructed or erected wholly or partly within a riparian assessment area, nor shall any ancillary activities within the meaning of the *Riparian Areas Regulation* (B.C. Reg. 376/2004) under the *Fish Protection Act* be undertaken within such an area unless the development proceeds in accordance with the assessment and notification process set out in Section 4 of the said *Regulation*, and in any event no such development or part thereof shall be located at a distance less than 7.62 m (25.0 ft) from the high water mark of a stream or the top of a ravine bank as the case may be.

4.16.2 Despite Section 4.16.1 but subject to compliance with all other applicable enactments including this Bylaw, a building or structure may be constructed or erected, and ancillary activities within the meaning of the *Riparian Areas Regulation* may be undertaken, at a distance from either side of the high water mark of a portion of a stream flowing through a man-made channel upstream from a culverted portion exceeding 250 m (820 ft) in continuous length, which shall not be less than 7.62 m (25.0 ft) unless varied pursuant to the applicable provisions of the *Local Government Act* after completion of the assessment and notification process substantially as set out in Section 4 of the said *Regulation*.

4.16.3 The requirements of Section 4.16.1 with respect to the assessment and notification process shall not apply to a proposal to construct or erect:

4.16.3(1) a building or structure which would be separated from the stream or ravine by an existing principal building, or by an existing accessory building on a foundation or slab covering more than 27.9 sq. m (300 s.f.) of land, lying directly between the location of the proposed building or structure and the stream or ravine; or

4.16.3(2) an accessory building on a foundation or slab covering not more than 9.29 sq. m (100 s.f.) of land, or a fence, at a distance greater than 10.0 m (32.8 ft) from the high water mark of the stream or the top of the ravine bank as the case may be.
(Bylaw 4281 – June 27/05)

4.17 RETAINING WALLS

4.17.1 No retaining wall shall have an exposed face with a vertical distance from bottom to top exceeding 1.2 m (3.9 ft).

4.17.2 No combination of retaining walls shall have a combined exposed face with a vertical distance from bottom to top exceeding 1.2 m (3.9 ft).

4.17.3 For the purpose of Section 4.17.2, two or more retaining walls constitute a combination of retaining walls if the horizontal separation between them is 1.8 m (5.9 ft) or less for each step.

4.17.4 Neither a retaining wall nor a fence is an accessory structure within the meaning of this Bylaw. (Bylaw 4505 – Apr 26/10)

4.18 KEEPING OF POULTRY/BEES

4.18.1 The use of land, or any building or structure, for the keeping of poultry or bees is prohibited except in accordance with the following regulations.

4.18.2 No poultry may be kept other than on land in the following zones:

(a) R~~S~~-1 ~~One-Family~~ Residential Use;

(b) R~~S~~-2 ~~One-Family~~ Residential Use

(c) R~~S~~-3 ~~One-Family~~ Residential Use

(d) R~~S~~-4 ~~One-Family~~ Residential Use

(e) R~~S~~-5 ~~One-Family~~ Residential Use

4.18.3 Despite section 4.18.2, no poultry may be kept on any land that is within The Uplands.

4.18.4 No more than five (5) poultry may be kept on any parcel having an area less than or equal to one thousand one hundred fourteen (1,114) square metres.

4.18.5 No more than ten (10) poultry may be kept on any parcel having an area greater than one thousand one hundred fourteen (1,114) square metres.

4.18.6 Poultry must not be kept other than in a building or structure that:

(a) except as permitted under subsection (b), is located at least 4.6 metres from the rear lot line and side lot lines of the parcel;

(b) where the rear lot line of the parcel adjoins a public lane, is located at least two (2) metres from the rear lot line;

(c) is located within the portion of the parcel bounded by the rear lot line, the side lot lines and the projection of the wall of the principal building facing the rear lot line to the closest points on the respective side lot lines;

(d) is no more than two (2) metres in height.

4.18.7 Bees may not be kept other than on land zoned for ~~one family~~ residential use under Part 6 of this Bylaw, on land zoned commercial under Part 9 of this bylaw or on land zoned for institutional use under Part 11 of this Bylaw. (Bylaw 4839 – July 10/23)

4.18.8 The number of beehives erected, placed or constructed on a parcel must not exceed:

(a) two (2) on a parcel having an area less than or equal to 930 square metres;

(b) four (4) on a parcel having an area greater than 930 square metres.

4.18.9 A beehive must not be located closer than 1.5 metres to any boundary of a parcel.

4.18.10 A beehive ~~on~~ in ~~one family~~ residential use Zones under Part 6 of this Bylaw must be located in the Rear Yard. (Bylaw 4839 – July 10/23)

PART 5

5.1 PROHIBITED USES OF LANDS, BUILDINGS AND STRUCTURES

5.1.1 Despite any other provisions of this Bylaw, unless otherwise stated in this Part or as permitted by the regulations for the zone in which a parcel of land is located, the following uses are prohibited in all zones:
(Bylaw 4132 – Nov 13/01) (Bylaw 4367 - June 11/07)

5.1.1(1) A use located in part or in total in a tent, recreational vehicles, camper vehicle or trailer;

5.1.1(2) Agriculture, other than small-scale urban agriculture where expressly permitted; (Bylaw 4132 – Nov 13/01) (Bylaw 4381 – Dec 17/07)

5.1.1(3) The use of the land for the keeping of a wrecked vehicle, other than in a garage or on any lands in a Service Station Commercial Use Zone. A wrecked vehicle means a motor vehicle, as defined in the *Motor Vehicle Act*, that is either not capable of being moved by its own motive power, or is reduced to parts, frames, or bodies, and
(Bylaw 4132 – Nov 13/01)

5.1.1(4) Factories;

5.1.1(5) Commercial yards for the storing of lumber, fuel, junk or contractors' materials;

5.1.1(6) Facilities for the unloading or trans-shipment of fish for commercial purposes;

5.1.1(7) Warehouses, funeral parlours, laundries, veterinary hospitals and crematoria;
(Bylaw 3675 – April 22/91)

5.1.1(8) Rooming houses;

5.1.1(9) The use of a dwelling unit by more than three (3) unrelated persons;

5.1.1(10) Occupancy of land, foreshore, the Sea Zone, the surface of the sea or any lot for recreational vehicles, automobiles, auto-trailers, houseboats, boats, rafts, scows, mobile dwelling units or any movable structure when such objects are used for sleeping or dwelling purposes;

5.1.1(11) Use of a lot or a portion of a lot by buses or parts of buses;

5.1.1(12) Use of a lot wherein food or drink is served or partaken within an automobile;

5.1.1(13) The keeping of animals, fowl or rodents except as permitted by the *"Animal Control Bylaw."* (Bylaw 4112 - 2001/02/26)

5.1.1(14) With the exception of commercial advertising which may be displayed on bus shelters under the authority of the Corporation, the use of a park, street, lane, public sidewalk or beach for commercial purposes.
(Bylaw 4110 – Feb 26/01) (Bylaw 4295 – Nov 14/05) (Bylaw 4367 - Jun 11/07)

5.1.1(15) The use of a beach by:

(a) any form of motor vehicle, except by employees, agents, licensees or contractors of the Corporation, the Capital Regional District, the Crown Provincial or the Crown Federal acting in the course of their duties and lawful authority; (Bylaw 4367 - June 11/07)

(b) aircraft; and

(c) ultra-light aircraft.

5.1.1(16) The use of a park, beach, street, lane, public sidewalk or other public place for the carrying on of a business. (Bylaw 4295 – Nov 14/05)

5.1.1(17) Notwithstanding Paragraphs 5.1.1(14), 5.1.1(15)(a) and 5.1.1(16), the use of a park, street, lane, beach or public sidewalk may be used for commercial filming subject to approval by the Director of Parks, Recreation & Culture or his or her designate. (Bylaw 4681 – Mar 13/17)

5.1.1(18) Aquaculture. (Bylaw 4132 – Nov 13/01)

5.1.1(19) Any of the following: (Bylaw 3531.103 – Nov 13/18)

(a) the use of land or a building or structure for the retail sale of cannabis;

(b) commercial growing or production of cannabis or cannabis products; and

(c) cannabis consumption lounge.

5.1.1(20) Use of a private residential dwelling unit (or part of a dwelling unit) for short term accommodations that are rented to a person or persons on a temporary basis for a period of less than 30 consecutive days. (Bylaw 4825 – Sept 20/22)

5.1.2 Notwithstanding Sections 5.1.1(14) and 5.1.1(16), a portion of a street, lane or public sidewalk abutting land zoned for a category of commercial use may be used for the display and sale of goods, refreshments, or both, in connection with a community street event.

5.1.3 For the purpose of Section 5.1.2, "community street event" means an event for which a licence has been approved under Section 37.1(1) of the *Streets and Traffic Bylaw, 2000*, or is an event referred to in Section 37.1(2) of the said Bylaw.

5.1.4 Notwithstanding Sections 5.1.1(14) and 5.1.1(16) (but subject always to a trust condition or a covenant registered against the title to the land), land comprising a municipal park may be used for the display and sale of goods or refreshments, or for paid amusements, or any combination thereof, where either:
(Bylaw 4305 – April 24/06)

5.1.4(1)(a) Council has approved a licence of occupation of such land to a person for a defined period for a not-for-profit community event which Council has determined to be for the benefit of the Municipality at large, and which does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, in respect of which such use is ancillary; and

5.1.4(1)(b) the person to whom the licence is granted has executed an agreement indemnifying the Corporation from and against claims arising out of the event, releasing the Corporation from claims of its own arising out of the event, providing evidence of public liability insurance in an amount not less than Three Million Dollars ($3,000,000) inclusive per occurrence for bodily injury, death, and damage to property with the Corporation named as an additional insured, agreeing to pay all costs incurred by the Corporation in connection with the occupancy, and agreeing to abide by any other conditions of occupancy which may reasonably be required by the Corporation in light of the nature of the property and the scale and nature of the event; (Bylaw 4320 - June 11/07)

or

5.1.4(2) such use is ancillary to a not-for profit community event under the auspices and control of the Corporation, which Council has determined to be for the benefit of the Municipality at large, and which does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment. (Bylaw 4295 – Nov 14/05)

5.1.5 In application to a municipal park, "commercial purposes" within the meaning of Section 5.1.1(14) does not include the sale of refreshments where such sale: (Bylaw 4367 - June 11/07)

5.1.5(1) occurs within a building;

5.1.5(2) is ancillary to a recreational use or other use of a park allowed by this Bylaw and approved by:

5.1.5(2)(a) permit issued pursuant to the *Parks and Beaches Bylaw;* or

5.1.5(2)(b) licence of occupation issued by or under the authority of Council for a purpose other than a specific event; and

5.1.5(3) is supervised and carried out by the permit-holder or licence-holder and is consistent with the terms of the permit or licence. (Bylaw 4367 - June 11/07)

5.1.6 Notwithstanding Section 5.1.1(14), the Corporation may charge fees for access to recreation services provided by it within a municipal park, and may on such land (subject to a trust condition or a covenant registered against the title to the land) offer for sale within a building refreshments or items ancillary to a permitted use of the land. (Bylaw 4367 - June 11/07)

PART 6

6.1 This Zone shall be known as

R~~S~~-1 - ~~ONE-FAMILY~~ RESIDENTIAL USE

6.1.1 Principal Uses Permitted

6.1.1.(1) ~~Onefamily residential use, providing:~~
(a) One-unit residential dwelling
(b) Two-unit residential dwelling
(c) Multi-unit residential dwelling

~~(a) the lot area is not less than 4047 sq. m (43,560 s.f.); or~~

~~(b) the lot was existing at the effective date of this Bylaw.~~

6.1.2 Secondary Uses Permitted

6.1.~~2~~4.(1) (a)* A Boarding use conforming to 4.2.1.
(b)* Secondary Suite use conforming to 4.2.13 (Bylaw 4825-Sept 20/22)
* numbered for convenience only
(c) Accessory dwelling unit

6.1.~~2~~4.(2) Without limiting the application or derogating from the requirements of the *Rubbish and Weed Control Bylaw*, small-scale urban agriculture, provided,

(a) the total area of land within the parcel which is under cultivation for the production of fruits and vegetables for sale or exchange does not exceed 95 sq. m (1,023 s.f.), with two contiguous parcels straddled by a single principal building to be treated as one for the purpose of applying this subparagraph;

(b) fruits or vegetables produced for sale or exchange are not grown or cultivated within a greenhouse or other building;

(c) no artificial lighting is used in connection with the small-scale urban agriculture use;

(d) no sign is erected, placed or maintained on the parcel identifying or in any way connected with the small-scale urban agriculture use; and

(e) fruits or vegetables produced for sale or exchange are not available for purchase by the general public on the parcel. (Bylaw 4381 – Dec 17/07)

6.1.~~2~~4.(3) Home-based child care. (Bylaw 4401 – March 10/08)

6.1.~~2~~4.(4) Residential business use conforming to 4.2.8. (Bylaw 3974 – Mar 23/98)

6.1.~~3~~5 Accessory Uses Permitted and Required

6.1.~~3~~5.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

6.1.~~3~~5.(2) Accessory buildings.

6.1.~~3~~5.(3) Accessory structures. (Bylaw 4505 – Apr 26/10)

6.1.~~4~~6 Regulations for Buildings and Structures

		Principal Building	Accessory Buildings and Accessory Dwelling Units	Accessory Structures
6.1.~~4~~6.(1)	Number Permitted	~~one~~two	two	two
6.1.6~~4~~.(2)	Setbacks- Minimum			
	(a) Front lot line (subject to paragraph (10))	10.~~66~~7 m (~~35.~~34.8~~00~~')	10.~~66~~7 m (~~35.00'~~34.8’)	10.~~66~~7m (~~35.00'~~34.8’)
	(b) Rear lot line	7.6~~2~~ m (~~25.00'~~24.9’)	~~1.52~~ ~~1~~.5 m (4.9~~5.00~~')	1.5~~2~~ m (~~5.00'~~4.9’)
	(c) Interior side lot line (except in The Uplands- For The Uplands, see Schedule "C")	3.0~~0~~ m (~~10.00'~~9.8’)	1.5~~2~~ m (5.0~~0~~')	1.5~~2~~ m (~~5.00'~~4.9’)
	(d) Exterior side lot line	7.6~~2~~ m (~~25.0~~24.9~~0~~')	7.6~~2~~ m (~~25.00'~~24.9) except it is 3.7 (12.1’) for an Accessory Dwelling Unit	7.6~~2~~ m (~~25.~~24.9~~00~~')
	(e) Total of ~~-~~side lot lines (applicable only in The Uplands)	To be determined as a function of lot breadth in accordance with Schedule "C"	N/A	N/A
6.1~~6~~.~~4~~.(3)	Maximum Height and Storeys			
	(a) Building Height	See NOTE below	3.0~~0~~ m (~~10.00'~~9.8’) except it is 4.4 m (14.4’) for an Accessory Dwelling Unit	4.6~~0~~ m (15.1~~00~~’)
	~~(b) Occupiable Height~~	~~See NOTE below~~	~~0.25 m (10.00”)~~	~~N/A~~
	~~(c)~~(b) Roof Height	See NOTE below	4.6~~0~~ m (15.~~0~~1~~0~~’) except it is 6.0 m (19.7’) for an Accessory Dwelling Unit ~~that abuts a~~	N/A

	~~lane~~			
	N O T E: To be determined as a function of lot breadth in accordance with Schedule B (Bylaw 3643 – May 28/90)			
	(c) a Principal Building may not exceed three (3) storeys including basements. (d) An Accessory Dwelling Unit may not exceed 2 storeys including basements.			
6.1.~~4~~6 .(4)	Density Density shall not exceed four (4) dwelling units, except: Where lots have heritage protection enacted under S. 611 of the Local Government Act prior to November 30, 2023, density shall not exceed two (2) dwelling units.			-
	Floor Area Ratio Maximum for a maximum of two (2) dwelling units (Bylaw 3643 – May 28/90) (Bylaw 3864 – Aug 14/95)	0.~~4~~ 2 ~~to 1~~	~~0.05 to 1~~	
	Floor Area Ratio for up to four (4) dwelling units but no fewer than three (3) dwelling units	0.25		
6.1.6~~4.~~(5)	Lot Coverage Maximum for a one-unit residential dwelling (Bylaw 3864 – Aug 14/95)	25~~.00~~%	5~~.00~~%	5~~.00~~%
	Lot Coverage Maximum for any combination of two or more dwelling units on a lot	30% inclusive of accessory buildings and accessory dwelling units		5%
6.1.6.(6)~~6.1.4.(6)~~	Live Landscaping Coverage minimum is 50% ~~Minimum Floor Area~~	~~150 sq. m (1614 s.f.)~~	~~N/R~~	~~N/R~~
6.1.6~~4.~~(7)	A clear space of 3 m (10 feet) shall be provided between buildings and between buildings and structures.			
6.1.6~~4.~~(8)	An accessory building constructed between the front lot line and the principal building shall conform to the same setback requirements for the principal building for the side lot lines.			

6.1.~~4~~6 ~~.~~(9) A principal use and a secondary use, except for small-scale urban agriculture and accessory dwelling unit, are only permitted within a principal building. (Bylaw 4627 - Nov 10/14)

~~6.1.4.(10) Subparagraph (2)(a) notwithstanding, the required front lot line setback for the principal building shall be a distance not less than 1.5 m (4.9 feet) shorter than and not more than 1.5 m (4.9 feet) longer than the quotient~~

$$\frac{F_1 + F_2 + 2(10.66)\ \text{metres}}{4}$$

~~where F_1 and F_2 are the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(a) each of the two contextual lots adjoining and on either side of the subject lot,~~

~~except that where there do not exist two contextual lots sited as described in (a), then F_1 and F_2 shall be the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(b) a contextual lot adjoining the subject lot, and the next adjoining contextual lot,~~

~~provided, however, that in no case shall the front lot line setback be less than 10.66 m (35 feet).~~

~~Where there do not exist two contextual lots sited as described in (a) or (b), then the front setback of the principal building shall be not less than 10.66 m (35 feet). (Bylaw 3643 May 28/90)~~

~~6.1.4.(11) Paragraph (10) does not apply to lots within The Uplands. (Bylaw 4390 Dec 17/07)~~

6.2 This Zone shall be known as

R~~S~~-2 - ~~ONE-FAMILY~~ RESIDENTIAL USE

6.2.1 Principal Uses Permitted~~:~~

(a) One-unit residential dwelling
(b) Two-unit residential dwelling
(c) Multi-unit residential dwelling

~~6.2.1.(1) One-family residential use, providing:~~

~~(a) the lot area is not less than 2226 sq. m (23,958 s.f.); or~~

~~(b) the lot was existing at the effective date of this Bylaw.~~

6.2.~~2~~4 Secondary Uses Permitted:

6.2.~~2~~4.(1) (a)* A Boarding use conforming to 4.2.1.
(b)* Secondary Suite use conforming to 4.2.13 (Bylaw 4825-Sept 20/22)
* numbered for convenience only
(c) Accessory dwelling unit

6.2.~~2~~4.(2) Without limiting the application or derogating from the requirements of the *Rubbish and Weed Control Bylaw*, small-scale urban agriculture, provided,

(a) the total area of land within the parcel which is under cultivation for the production of fruits and vegetables for sale or exchange does not exceed 95 sq. m (1,023 s.f.), with two contiguous parcels straddled by a single principal building to be treated as one for the purpose of applying this subparagraph;

(b) fruits or vegetables produced for sale or exchange are not grown or cultivated within a greenhouse or other building;

(c) no artificial lighting is used in connection with the small-scale urban agriculture use;

(d) no sign is erected, placed or maintained on the parcel identifying or in any way connected with the small-scale urban agriculture use; and

(e) fruits or vegetables produced for sale or exchange are not available for purchase by the general public on the parcel. (Bylaw 4381 – Dec 17/07)

6.2.~~2~~4.(3) Home-based child care. (Bylaw 4401 – March 10/08)

6.2.~~2~~4.(4) Residential business use conforming to 4.2.8. (Bylaw 3974 – Mar 23/98)

6.2.~~3~~5 Accessory Uses Permitted and Required:

6.2.~~3~~5.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

6.2.~~3~~5.(2) Accessory buildings.

6.2.~~3~~5.(3) Accessory structures. (Bylaw 4505 – Apr 26/10)

6.26.4 Regulations for Buildings and Structures

		Principal Building	Accessory Buildings and Accessory Dwelling Units	Accessory Structures
6.2.6.4.(1)	Number Permitted	~~one~~two	two	two
6.2.64.(2)	Setbacks- Minimum			
	(a) Front lot line (subject to paragraph (10))	10.~~66~~ 7 m (~~35.00'~~34.8')	10.~~66~~ 7 m (34.8'~~35.00'~~)	10.~~66~~ 7 m (34.8'~~35.00'~~)
	(b) Rear lot line	7.6~~2~~ m (~~25.00'~~24.9')	1.5~~2~~ m (5.00')	1.5~~2~~ m (5.00')
	(c) Interior side lot line (except in The Uplands- For The Uplands, see Schedule "C")	3.0~~0~~ m (~~10.00'~~9.8')	1.5~~2~~ m (5.00')	1.5~~2~~ m (5.00')
	(d) Exterior side lot line	7.6~~2~~ m (~~25.00'~~24.9')	7.6~~2~~ m (~~25.00'~~24.9') except it is 3.7 (12.1') for an Accessory Dwelling Unit	7.6~~2~~ m (~~25.00'~~24.9')
	(e) Total of ~~-~~side lot lines (applicable only in The Uplands)	To be determined as a function of lot breadth in accordance with Schedule "C"	N/A	N/A
6.2.64.(3)	Maximum Height and Storeys			
	(a) Building Height	See NOTE below	3.0~~0~~ m (~~10.00'~~9.8') except it is 4.5 m (14.8') for an Accessory Dwelling Unit	4.6~~0~~ m (15.~~00'~~10')
	~~(b) Occupiable Height~~	~~See NOTE below~~	~~0.25 m (10.00")~~	~~N/A~~
	~~(c)~~(b) Roof Height	See NOTE below	4.6~~0~~ m (15.~~00'~~1') except it is 6.0 m (14.4') for an Accessory Dwelling Unit	N/A

N O T E: To be determined as a function of lot breadth in accordance with Schedule B

(Bylaw 3643 – May 28/90)

(c) a Principal Building may not exceed three (3) storeys including basements.

(d) An Accessory Dwelling Unit may not exceed 2 storeys including basements.

6.2.64.(4)	Density Density shall not exceed four (4) dwelling units, except: Where lots have heritage protection enacted under S. 611 of the Local Government Act prior to November 30, 2023, density shall not exceed two (2) dwelling units.			-
	Floor Area Ratio ~~Maximum~~for a maximum of two (2) dwelling units (Bylaw 3643 – May 28/90) (Bylaw 3864 – Aug 14/95)	~~0.4 to~~0.3 ~~1~~	~~0.05 to 1~~	
	Floor Area Ratio for up to four (4) dwelling units but no fewer than three (3) dwelling units	0.4		
6.2.64.(5)	Lot Coverage Maximum for a one-unit residential dwelling (Bylaw 3864 – Aug 14/95)	25~~.00~~%	5~~.00~~%	5~~.00~~%
	Lot Coverage Maximum for any combination of two or more dwelling units on a lot	30% inclusive of accessory buildings and accessory dwelling units		5%
6.2.6.(6)~~6.2.4.(6)~~	Live Landscaping Coverage minimum is 40% ~~Minimum Floor Area~~	~~150 sq. m (1614 s.f.)~~	~~N/R~~	~~N/R~~

6.2.64.(7) A clear space of 3 m (10 feet) shall be provided between buildings and between buildings and structures.

6.2.64.(8) An accessory building constructed between the front lot line and the principal building shall conform to the same setback requirements for the principal building for the side lot lines.

6.2.64.(9) A principal use and a secondary use, except for small-scale urban agriculture and accessory dwelling unit, are only permitted within a principal building. (Bylaw 4627 - Nov 10/14)

~~6.2.4.(10) Subparagraph (2)(a) notwithstanding, the required front lot line setback for the principal building shall be a distance not less than 1.5 m (4.9 feet) shorter than and not more than 1.5 m (4.9 feet) longer than the quotient~~

$$\frac{F_1 + F_2 + 2(10.66)\ \text{metres}}{4}$$

~~where F_1 and F_2 are the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(a) each of the two contextual lots adjoining and on either side of the subject lot,~~

~~except that where there do not exist two contextual lots sited as described in (a), then F_1 and F_2 shall be the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(b) a contextual lot adjoining the subject lot, and the next adjoining contextual lot,~~

~~provided, however, that in no case shall the front lot line setback be less than 10.66 m (35 feet).~~

~~Where there do not exist two contextual lots sited as described in (a) or (b), then the front setback of the principal building shall be not less than 10.66 m (35 feet). (Bylaw 3643 May 28/90)~~

~~6.2.4.(11) Paragraph (10) does not apply to lots within The Uplands. (Bylaw 4390 Dec 17/07)~~

6.3 This Zone shall be known as

R~~S~~-3 - ~~ONE-FAMILY~~ RESIDENTIAL USE

6.3.1 Principal Uses Permitted~~:~~

(a) One-unit residential dwelling
(b) Two-unit residential dwelling
(c) Multi-unit residential dwelling

~~6.3.1.(1) One-family residential use, providing:~~

~~(a) the lot area is not less than 1115 sq. m (12,002 s.f.); or~~

~~(b) the lot was existing at the effective date of this Bylaw.~~

6.3.~~2~~4 Secondary Uses Permitted:

6.3.~~2~~4.(1) (a)* A Boarding use conforming to 4.2.1.
(b)* Secondary Suite use conforming to 4.2.13 (Bylaw 4825-Sept 20/22)
* numbered for convenience only
(c) Accessory dwelling unit

6.3.~~2~~4.(2) Without limiting the application or derogating from the requirements of the *Rubbish and Weed Control Bylaw*, small-scale urban agriculture, provided,

(a) the total area of land within the parcel which is under cultivation for the production of fruits and vegetables for sale or exchange does not exceed 95 sq. m (1,023 s.f.), with two contiguous parcels straddled by a single principal building to be treated as one for the purpose of applying this subparagraph;

(b) fruits or vegetables produced for sale or exchange are not grown or cultivated within a greenhouse or other building;

(c) no artificial lighting is used in connection with the small-scale urban agriculture use;

(d) no sign is erected, placed or maintained on the parcel identifying or in any way connected with the small-scale urban agriculture use; and

(e) fruits or vegetables produced for sale or exchange are not available for purchase by the general public on the parcel. (Bylaw 4381 – Dec 17/07)

6.3.~~2~~4.(3) Home-based child care. (Bylaw 4401 – March 10/08)

6.3.~~2~~4.(4) Residential business use conforming to 4.2.8. (Bylaw 3974 - Mar 23/98)

6.3.~~3~~4 Accessory Uses Permitted and Required:

6.3.~~3~~4.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

6.3.~~3~~4.(2) Accessory buildings.

6.3.~~3~~4.(3) Accessory structures. (Bylaw 4505 – Apr 26/10)

6.3.45	Regulations for Buildings and Structures			
		Principal Building	Accessory Buildings and Accessory Dwelling Units	Accessory Structures
6.3.45.(1)	Number Permitted	~~one~~two	two	two
6.3.54.(2)	Setbacks- Minimum			
	(a) Front lot line (subject to paragraph (10)) (Bylaw 3643 – May 28/90)	7.6~~2~~ m (~~25.00~~'24.9')	7.6~~2~~ m (~~25.00~~'24.9')	7.6~~2~~ m (~~25.00~~'24.9')
	(b) Rear lot line	7.6~~2~~ m (~~25.00~~'24.9')	0.6~~1~~ m (2.0~~0~~') except it is 1.5 m (4.9') for an Accessory Dwelling Unit	1.5~~2~~ m (~~5.00~~'4.9)
	(c) Interior side lot line (subject to paragraph (11)) (Bylaw 3643 – May 28/90)	1.5~~2~~ m (~~5.00~~'4.9')	0.6~~61~~ m (2.0~~0~~') except it is 1.5 m (4.9') for an Accessory Dwelling Unit	1.5~~2~~ m (4.9~~5.00~~')
	(d) Exterior side lot line	3.~~65~~ 7 m (12.~~00~~'1')	3.~~65~~ 7 m (12.~~00~~'1')	3.~~65~~ 7 m (12.~~00~~'1')
	(e) Total of- side lot lines	4.~~57~~ 6 m (15.0~~0~~')	N/A	N/A
6.3.45.(3)	Maximum Height and Storeys			
	(a) Building Height	See NOTE below	3.0~~0~~ m (~~10.00~~9.8') 10.0') except it is 4.4 m (14.4') for an Accessory Dwelling Unit	4.6~~0~~ m (15.0~~0~~')
	~~(b) Occupiable Height~~	~~See NOTE below~~	~~0.25 m (10.00")~~	~~N/A~~
	~~(c)~~(b) Roof Height	See NOTE below	4.6~~0~~ m (15.1~~00~~') 10.0') except it is 6.0 m (19.7) for an Accessory Dwelling Unit	N/A

	N O T E: To be determined as a function of lot breadth in accordance with Schedule B (Bylaw 3643 – May 28/90)			
	(c) a Principal Building may not exceed three (3) storeys including basements.			
	(d) An Accessory Dwelling Unit may not exceed 2 storeys including basements.			
6.3.45.(4)	Density Density shall not exceed four (4) dwelling units, except: Where lots have heritage protection enacted under S. 611 of the Local Government Act prior to November 30, 2023, density shall not exceed two (2) dwelling units.	-		-
	Floor Area Ratio Maximum for a maximum of two (2) dwelling units	0.4 for a total of all buildings~~to 1~~		
	(Bylaw 3643 – May 28/90) (Bylaw 3864 – Aug 14/95)			
	~~N O T E: Floor Area Ratio, total of all buildings, may not exceed 0.4 to 1 (Bylaw 3864 – Aug 14/95)~~ Floor Area Ratio for up to four (4) dwelling units but no fewer than three (3) dwelling units	0.55 for a total of all buildings		
6.3.45.(5)	Lot Coverage Maximum for a one-unit residential dwelling (Bylaw 3864 – Aug 14/95)	25.00%	5.00%	5.00%
	Lot Coverage Maximum for any combination of two or more dwelling units on a lot	30%		5%
6.3.5.(6)	Minimum Live Landscaping Coverage is 40%			
~~6.3.4.(6)~~	~~Minimum Floor Area~~	~~110 sq. m (1184 s.f.)~~	~~N/R~~	~~N/R~~
6.3.45.(7)	A clear space of 3 m (10 feet) shall be provided between buildings and between buildings and structures.			

6.3.45.(8) An accessory building constructed in the area between the front lot line and a line 25 m (82 feet) distant from and parallel to the front lot line shall conform to the same setback requirements for the principal building for the side lot lines.

6.3.45.(9) A principal use and a secondary use, except for small-scale urban agriculture and accessory dwelling unit, are only permitted within a principal building. (Bylaw 4627 - Nov 10/14)

~~6.3.4.(10) Subparagraph (2)(a) notwithstanding, the required front lot line setback for the principal building shall be a distance not less than 1.5 m (4.9 feet) shorter than and not more than 1.5 m (4.9 feet) longer than the quotient~~

$$\frac{F_1 + F_2 + 2(7.62)\text{ metres}}{4}$$

~~where F_1 and F_2 are the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(a) each of the two contextual lots adjoining and on either side of the subject lot,~~

~~except that where there do not exist two contextual lots sited as described in (a), then F_1 and F_2 shall be the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(b) a contextual lot adjoining the subject lot, and the next adjoining contextual lot,~~

~~provided, however, that in no case shall the front lot line setback be less than 7.62 m (25 feet).~~

~~Where there do not exist two contextual lots sited as described in (a) or (b), then the front setback of the principal building shall be not less than 7.62 m (25 feet).~~

6.3.45.(11) Subparagraph (2)(c) notwithstanding, in respect of a principal building containing more than one storey, the interior side lot line setback of the second storey and all portions of the building above the second storey shall be a distance not less than 3.0 m (9.8 feet). (Bylaw 3643 – May 28/90)

6.4 This Zone shall be known as

RS-4 - ~~ONE-FAMILY~~ RESIDENTIAL USE~~.~~

6.4.1 Principal Uses Permitted:

~~6.4.1.(1)~~ (a) One-unit residential dwelling
(b) Two-unit residential dwelling
(c) Multi-unit residential dwelling
~~One-family residential use, providing:~~

~~(a) the lot area is not less than 948 sq. m (10,204 s.f.); or~~

~~(b) the lot was existing at the effective date of this Bylaw.~~

6.4.~~2~~4 Secondary Uses Permitted:

6.4.~~2~~4.(1) (a)* A Boarding use conforming to 4.2.1.
(b)* Secondary Suite use conforming to 4.2.13 (Bylaw 4825-Sept 20/22)
* numbered for convenience only
(c) Accessory Dwelling Unit

6.4.~~2~~4.(2) Without limiting the application or derogating from the requirements of the *Rubbish and Weed Control Bylaw*, small-scale urban agriculture, provided,

(a) the total area of land within the parcel which is under cultivation for the production of fruits and vegetables for sale or exchange does not exceed 95 sq. m (1,023 s.f.), with two contiguous parcels straddled by a single principal building to be treated as one for the purpose of applying this subparagraph;

(b) fruits or vegetables produced for sale or exchange are not grown or cultivated within a greenhouse or other building;

(c) no artificial lighting is used in connection with the small-scale urban agriculture use;

(d) no sign is erected, placed or maintained on the parcel identifying or in any way connected with the small-scale urban agriculture use; and

(e) fruits or vegetables produced for sale or exchange are not available for purchase by the general public on the parcel. (Bylaw 4381 – Dec 17/07)

6.4.~~2~~4.(3) Home-based child care. (Bylaw 4401 – March 10/08)

6.4.~~2~~4.(4) Repealed (Bylaw 3974 – Mar 23/98)

6.4.~~2~~4.(5) A Residential business use conforming to 4.2.8.

6.4.~~3~~5 Accessory Uses Permitted and Required:

6.4.~~3~~5.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

6.4.~~3~~5.(2) Accessory buildings.

6.4.~~3~~5.(3) Accessory structures. (Bylaw 4505 – Apr 26/10)

6.4.46 Regulations for Buildings and Structures

		Principal Building	Accessory Buildings and Accessory Dwelling Units	Accessory Structures
6.4.46.(1)	Number Permitted	~~one~~two	two	two
6.4.46.(2)	Setbacks- Minimum			
	(a) Front lot line (subject to paragraph (10)) (Bylaw 3643 – May 28/90)	~~7.62~~6.0 m (~~25.00'~~19.7')	~~7.6~~6.0~~2~~ m (19.7'~~25.00'~~)	7.6~~2~~ m (23.6'~~25.00'~~)
	(b) Rear lot line (Bylaw 4648 – Jun 22/15)	~~The greater of~~ 7.6~~2~~ m ~~(a) (25.00' 23.6'); and (b) 25% of lot depth~~	0.6~~1~~ m (2.00') except it is 1.5 m (4.9') for an Accessory Dwelling Unit	1.5~~2~~ m (~~5.00'~~4.9)
	(c) Interior side lot line (subject to paragraph (11)) (Bylaw 3643 – May 28/90)	1.5~~2~~ m (~~5.00'~~4.9')	0.6~~1~~ m (2.00') except it is 1.5 m (4.9') for an Accessory Dwelling Unit	1.5~~2~~ m (~~5.00'~~4.9')
	(d) Exterior side lot line	3.~~65~~ 7 m (12.~~00'~~1')	3.~~65~~ 7 m (12.~~00'~~1')	3.~~65~~ 7 m (12.~~00'~~1')
	(e) Total of ~~-~~side lot lines	4.~~57~~ 6 m (15.~~00'~~1')	N/A	N/A
6.4.46.(3)	Maximum Height and Storeys			
	(a) Building Height where no more than two (2) dwelling units are situated on a lot	See NOTE below	3.0~~0~~ m (~~10.00~~9.8') except it is 4.4 m (14.4') for an Accessory Dwelling Unit	4.6~~0~~ m (15.~~00'~~1')
	~~(a)~~ (b) Building Height where no more than four (4) and no fewer than three (3) dwelling units are situated on a lot~~Building Height~~	8.5 m (27.9')		

~~(b) Occupiable Height~~	~~See NOTE below~~	~~0.25 m (10.00")~~	~~N/A~~
(a) Roof Height where no more than two (2) dwelling units are situated on a lot	See NOTE below	4.6~~0~~ m (15.~~00~~'1') except it is 6.0 m (19.7) for an Accessory Dwelling Unit	N/A
(b) Roof Height where no more than four (4) and no fewer than three (3) dwelling units are situated on a lot	10.0 m(32.8')		
~~(c) Roof Height~~			

N O T E: To be determined as a function of lot breadth in accordance with Schedule B (Bylaw 3643 – May 28/90)

(c) a Principal Building may not exceed three (3) storeys including basements.

(d) An Accessory Dwelling Unit may not exceed 2 storeys including basements.

6.4.~~4~~6.(4) Maximum Lot Coverage for a one-unit residential dwelling use

(a) 30.00% for all buildings and structures, of which a maximum 7.00% may be for all accessory buildings

(b) 35.00% for all buildings and structures in a single storey designation as set out in Schedule B, of which a maximum 7.00% may be for all accessory buildings.

(Bylaw 3864 – Aug 14/95) (Bylaw 4451 – Jan 26/09) (Bylaw 4648 – Jun 22/15)

6.4.6.(5) (a) Lot Coverage Maximum for any combination of two or more dwelling units on a lot is 30% for all buildings and structures

(b) Except where a Principal Building was granted Occupancy Permit prior to November 30, 2023, an additional 7% Lot Coverage is permitted provided the additional Lot Coverage is exclusively used for an Accessory Dwelling Unit

6.4.6.(6) Live Landscaping Coverage minimum is 30%

6.4.~~4~~6.(~~5~~7)	Density Density shall not exceed four (4) dwelling units, except: where lots have heritage protection enacted under S. 611 of the Local Government Act prior to November 30, 2023, density shall not exceed two (2) dwelling units. The maximum Floor Area Ratio for a maximum of two (2) dwelling units in a principal building shall not exceed 0.4. The maximum Floor Area Ratio for a maximum of two (2) dwelling units of which one (1) unit is an Accessory Dwelling Unit, shall not exceed 0.5. The maximum Floor Area Ratio for a maximum of three (3) or four (4) dwelling units on the lot shall not exceed 0.6. ~~(Bylaw 4648 – Jun 22/15)~~			
~~6.4.4.(6)~~	~~Minimum Floor Area~~ ~~(Bylaw 4648 – Jun 22/15)~~	~~110 sq. m~~ ~~(1184 s.f.)~~	~~N/R~~	~~N/R~~

6.4.46(68)(a) (Repealed by Bylaw 4648 – Jun 22/15)

6.4.46(86)(b) (Repealed by Bylaw 4648 – Jun 22/15)

6.4.46.(79) A clear space of 3 m (10 feet) shall be provided between buildings and between buildings and structures.

6.4.46.(89) An accessory building constructed in the area between the front lot line and a line 25 m (82 feet) distant from and parallel to the front lot line shall conform to the same setback requirements for the principal building for the side lot lines.

6.4.46.(910) A principal use and a secondary use, except for small-scale urban agriculture and accessory dwelling unit, are only permitted within a principal building. (Bylaw 4627 - Nov 14/14)

~~6.4.4.(10) Subparagraph (2)(a) notwithstanding, the required front lot line setback for the principal building shall be a distance not less than 1.5 m (4.9 feet) shorter than and not more than 1.5 m (4.9 feet) longer than the quotient~~

$$\frac{F_1 + F_2 + 2(7.62)\text{ metres}}{4}$$

~~where F_1 and F_2 are the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(a) each of the two contextual lots adjoining and on either side of the subject lot,~~

~~except that where there do not exist two contextual lots sited as described in (a), then F_1 and F_2 shall be the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(b) a contextual lot adjoining the subject lot, and the next adjoining contextual lot,~~

~~provided, however, that in no case shall the front lot line setback be less than 7.62 m (25 feet).~~

~~Where there do not exist two contextual lots sited as described in (a) or (b), then the front setback of the principal building shall be not less than 7.62 m (25 feet).~~

6.4.46.(11) Subparagraph (2)(c) notwithstanding, in respect of a principal building containing more than one storey, the interior side lot line setback of the second storey and all portions of the building above the second storey shall be a distance not less than 3.0 m (9.8 feet). (Bylaw 3643 – May 28/90) For the purposes of this section the first storey is the lowest storey having its floor level less than 0.8 m (2.6 feet) below grade.

6.5 This Zone shall be known as

R~~S~~-5 - ~~ONE-FAMILY~~ RESIDENTIAL USE

6.5.1 Principal Uses Permitted:

~~6.5.1.(1) One-family residential use, providing:~~

~~(a) the lot area is not less than 558 sq. m (6,006 s.f.); or~~

~~(b) the lot was existing at the effective date of this Bylaw.~~

(a) One-unit residential dwelling

(b) Two-unit residential dwelling

(c) Multi-unit residential dwelling

6.5.~~1~~3.(2) Congregate housing use to a maximum of eight (8) persons and two (2) domestic support staff, but only on those parcels of land described as

Lot 7, Block 1, Section 69, Victoria District, Plan 919 *and* Lot 8, Block 1, Section 69, Victoria District, Plan 919
(Bylaw 3531.105 – Jan 25/21)

6.5.~~2~~4 Secondary Uses Permitted:

6.5.~~2~~4.(1) (a)* A Boarding use conforming to 4.2.1.
(b)* Secondary Suite use conforming to 4.2.13 (Bylaw 4825-Sept 20/22)
* numbered for convenience only
(c) Accessory Dwelling Unit

6.5.~~2~~4.(2) Without limiting the application or derogating from the requirements of the *Rubbish and Weed Control Bylaw*, small-scale urban agriculture, provided,

(a) the total area of land within the parcel which is under cultivation for the production of fruits and vegetables for sale or exchange does not exceed 95 sq. m (1,023 s.f.), with two contiguous parcels straddled by a single principal building to be treated as one for the purpose of applying this subparagraph;

(b) fruits or vegetables produced for sale or exchange are not grown or cultivated within a greenhouse or other building;

(c) no artificial lighting is used in connection with the small-scale urban agriculture use;

(d) no sign is erected, placed or maintained on the parcel identifying or in any way connected with the small-scale urban agriculture use; and

(e) fruits or vegetables produced for sale or exchange are not available for purchase by the general public on the parcel. (Bylaw 4381 – Dec 17/07)

6.5.~~2~~4.(3) Home-based child care. (Bylaw 4401 – March 10/08)

6.5.~~2~~4.(4) Repealed (Bylaw 3974 – Mar 23/98)

6.5.~~2~~4.(5) A Residential business use conforming to 4.2.8.

6.5.~~3~~5 Accessory Uses Permitted and Required:

6.5.~~3~~5.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

6.5.~~3~~5.(2) Accessory buildings.

6.5.~~3~~5.(3) Accessory structures. (Bylaw 4505 – Apr 26/10)

6.5.46	Regulations for Buildings and Structures			
		Principal Building	Accessory Buildings and Accessory Dwelling Units	Accessory Structures
6.5.46.(1)	Number Permitted	one	two	two
6.5.46.(2)	Setbacks- Minimum			
	(a) Front lot line (subject to paragraph (10)) (Bylaw 3643 – May 28/90)	7.626.0 m (25.00'19.7')	7.66.02 m (25.00'19.7')	7.62 m (25.00'24.9')
	(b) Rear lot line (Bylaw 4648 – Jun 22/15)	The greater of (a) 7.62 m (25.00'24.9'); and (b) 25% of lot depth	0.61 m (2.00') except it is 1.5 m (5.0') for an Accessory Dwelling Unit	1.52 m (5.00'4.9')
	(c) Interior side lot line (subject to paragraph (11)) (Bylaw 3643 – May 28/90)	1.52 m (5.00'4.9')	0.61 m (2.00') except it is 1.5 m (4.9') for an Accessory Dwelling Unit	1.52 m (5.00'4.9')
	(d) Exterior side lot line	3.65 7 m (12.00'1')	3.65 7 m (12.00'1')	3.65 7 m (12.00'1')
	(e) Total of side lot lines	4.57 6 m (15.00')	N/A	N/A
6.5.46.(3)	Maximum Height and Storeys			
	(a) Building Height where no more than two (2) dwelling units are situated on a lot	See NOTE below	3.00 m (10.00'9.8') except it is 4.4 m (14.4') for an Accessory Dwelling Unit	4.60 m (15.00'1')
	(a)(b) Building Height where no more than four (4) and no fewer than three (3) dwelling units are situated on a lot	8.5 m (27.9')		

~~(b) Height~~	~~Occupiable~~	~~See NOTE below~~	~~0.25 m (10.00")~~	~~N/A~~
(c)	Roof Height where no more than two (2) dwelling units are situated on a lot	See NOTE below	4.6~~0~~ m (15.1~~00~~') except it is 6.0 m (19.7') for an Accessory Dwelling Unit	N/A
(d)	Roof Height where no more than four (4) and no fewer than three (3) dwelling units are situated on a lot ~~(c)~~	10.0 m (32.8')		

N O T E: To be determined as a function of lot breadth in accordance with Schedule B (Bylaw 3643 – May 28/90)

(e) A Principal Building may not exceed three (3) storeys including basements.

(f) An Accessory Dwelling Unit may not exceed 2 storeys including basements.

6.5.~~4~~6.(4) Maximum Lot Coverage for a one-unit residential dwelling use

(a) 30.00% for all buildings and structures, of which a maximum 7.00% may be for all accessory buildings
(b) 35.00% for all buildings and structures in a single storey designation as set out in Schedule B, of which a maximum 7.00% may be for all accessory buildings.

(Bylaw 3864 – Aug 14/95) (Bylaw 4451 – Jan 26/09) (Bylaw 4648 – Jun 22/15)

(c) Lot Coverage Maximum for any combination of two or more dwelling units on a lot is 30% for all buildings and structures

(d) Except where a Principal Building was granted Occupancy Permit prior to November 30, 2023, an additional 10% Lot Coverage is permitted provided the additional Lot Coverage is used for exclusively for an Accessory Dwelling Unit

Live Landscaping Coverage

6.5.6.(5)	minimum is 20%			
6.5.~~4~~6.(~~5~~6)	Density For any parcels greater than 280 sq. m (2,988 sq. ft.) density shall not exceed four (4) dwelling units. For any parcels equal to or smaller than 280 sq. m (2,988 sq. ft.), density shall not exceed three (3) dwelling units. Density shall not exceed four (4) dwelling units, except: Notwithstanding parcel size based density provisions, for lots that have heritage protection enacted under S. 611 of the Local Government Act prior to November 30, 2023, density shall not exceed two (2) dwelling units. The maximum Floor Area Ratio for a maximum of two (2) dwelling units in a principal building shall not exceed 0.4. The maximum Floor Area Ratio for a maximum of two (2) dwelling units of which one (1) unit is an Accessory Dwelling Unit, shall not exceed 0.6. The maximum Floor Area Ratio for a maximum of three (3) or four (4) dwelling units on the lot shall not exceed 0.8. ~~The maximum Floor Area Ratio shall not exceed 0.4.for a maximum of two dwelling units, including a one-unit residential use with a secondary suite, shall not exceed 0.4. (Bylaw 4648 – Jun 22/15)~~			
6.5.6 (7)	Notwithstanding 6.4.6.(6): the maximum Floor Area Ratio for a maximum of two dwelling units, including a one-unit residential unit and an accessory dwelling unit, is 0.6. Notwithstanding 6.4.6.(6) and (7): the maximum Floor Area Ratio for a maximum of four dwelling units, but no fewer than three dwelling units, is 0.8.			
~~6.5.4.(6)~~	~~Minimum Floor Area (Bylaw 4648 – Jun 22/15)~~	~~110 sq. m (1184 s.f.)~~	~~N/R~~	~~N/R~~
6.5.~~4~~6(~~6~~7)(a)	(Repealed by Bylaw 4848 – Jun 22/15)			
6.5.~~4~~6(~~6~~7)(b)	(Repealed by Bylaw 4848 – Jun 22/15)			

6.5.46.(78) A clear space of 3 m (10 feet) shall be provided between buildings and between buildings and structures.

6.5.46.(89) An accessory building constructed in the area between the front lot line and a line 25 m (82 feet) distant from and parallel to the front lot line shall conform to the same setback requirements for the principal building for the side lot lines.

6.5.46.(109) A principal use and a secondary use, except for small-scale urban agriculture and accessory dwelling unit, are only permitted within a principal building. (Bylaw 4627 - Nov 10/14)

~~6.5.4.(10) Subparagraph (2)(a) notwithstanding, the required front lot line setback for the principal building shall be a distance not less than 1.5 m (4.9 feet) shorter than and not more than 1.5 m (4.9 feet) longer than the quotient~~

$$\frac{F_1 + F_2 + 2(7.62)\ \text{metres}}{4}$$

~~where F_1 and F_2 are the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(a) each of the two contextual lots adjoining and on either side of the subject lot,~~

~~except that where there do not exist two contextual lots sited as described in (a), then F_1 and F_2 shall be the front lot line setbacks, at the time of application, of the principal buildings on~~

~~(b) a contextual lot adjoining the subject lot, and the next adjoining contextual lot,~~

~~provided, however, that in no case shall the front lot line setback be less than 7.62 m (25 feet).~~

~~Where there do not exist two contextual lots sited as described in (a) or (b), then the front setback of the principal building shall be not less than 7.62 m (25 feet).~~

6.5.46.(11) Subparagraph (2)(c) notwithstanding, in respect of a principal building containing more than one storey, the interior side lot line setback of the second storey and all portions of the building above the second storey shall be a distance not less than 3.0 m (9.8 feet). (Bylaw 3643 – May 28/90) For the purposes of this section the first storey is the lowest storey having its floor level less than 0.8 m (2.6 feet) below grade.

6.5.46.(12) Despite the regulation under 6.5.4.(5) the following regulations apply to 2465 Florence St (PID: 000-591-505)

a) Maximum Floor Area Ratio shall not exceed 0.58."

6.5.6 (12) On the parcel of land described as: Lot 41, Plan VIP5858, Section 61, Victoria Land District, PID: 005-980-585:
(a) Notwithstanding 6.5.6.(4), site coverage may not exceed 37% inclusive of any Principal Buildings, Accessory Buildings and Accessory Dwelling Units.

6.5.6.(13) On the parcel of land described as: Lot 2, Plan 24794, Section 23, Victoria Land District, PID: 002-826-127:
(a) Notwithstanding 6.5.6.(2), the minimum interior side lot line setback is 0.7 m (south).
b) Notwithstanding 6.5.6.(3), roof height may not exceed 10.1 m.
(c) Notwithstanding 6.5.6.(4), lot coverage may not exceed 43% inclusive of any Principal Buildings, Accessory Buildings and Accessory Dwelling Units and 7% for accessory structures.
(d) Notwithstanding 6.5.6.(5) and (6), maximum Floor Area Ratio for a single detached dwelling is 0.75.

6.5.6.(14) On the parcel of land described as Lot 1, Plan EPP70235, Section 69, Victoria Land District, PID: 030111951:
(a) Notwithstanding 6.5.6 (2) the minimum front lot line setback is 5.6 m.
(b) Notwithstanding 6.5.6.(4), lot coverage may not exceed 32.1% inclusive of any Principal Buildings, Accessory Buildings and Accessory Dwelling Units.
(c) Notwithstanding 6.5.6.(5), maximum Floor Area Ratio for a single detached dwelling is 0.597.

6.5.6.(15) On the parcel of land described as Lot 2, Plan EPP70235, Section 69, Victoria Land District, PID: 030111951:
(a) Notwithstanding 6.5.6.(3) Roof Height may not exceed 9.7 m for a one-unit residential dwelling.
(b) Notwithstanding 6.5.4.(4) and (5), lot coverage may not exceed 34.5% inclusive of any Principal Buildings, Accessory Buildings and Accessory Dwelling Units.
(c) Notwithstanding 6.5.6.(5), maximum Floor Area Ratio for a single detached dwelling is 0.551.

6.5.6.(15) On the parcel of land described as Lot 3, Plan EPP70235, Section 69, Victoria Land District, PID: 030111951:
(a) Notwithstanding 6.5.6 (2) the minimum front lot line setback is 5.5 m.
(b) Notwithstanding 6.5.6.(5), maximum Floor Area Ratio for a one-unit residential use is 0.482.

6.6 This zone shall be known as:

RS-5B – ONE-FAMILY RESIDENTIAL USE (1391 Oliver Street)
(Bylaw 4818 July 18/22)

6.6.1 Principal Uses Permitted

6.6.1(1) One-family residential use providing the lot area is not less than 557m^2

6.6.2 Secondary Uses Permitted

6.6.2(1) A Boarding use conforming to 4.2.1.

6.6.2(2) Without limiting the application or derogating from the requirements of the Rubbish and Weed Control Bylaw, small-scale urban agriculture, provided,

(a) the total area of land within the parcel which is under cultivation for the production of fruits and vegetables for sale or exchange does not exceed 95 sq. m (1,023 s.f.), with two contiguous parcels straddled by a single principal building to be treated as one for the purpose of applying this subparagraph;

(b) fruits or vegetables produced for sale or exchange are not grown or cultivated within a greenhouse or other building;

(c) no artificial lighting is used in connection with the small-scale urban agriculture use;

(d) no sign is erected, placed or maintained on the parcel identifying or in any way connected with the small-scale urban agriculture use; and

(e) fruits or vegetables produced for sale or exchange are not available for purchase by the general public on the parcel.

6.6.2(3) Home-based child care.

6.6.2(4) A residential business use conforming to Section 4.2.8

6.6.3 Accessory Uses Permitted and Required

6.6.3(1) One accessory off-street parking stall. In the event of a conflict between this Bylaw and the *Parking Facilities Bylaw No. 3540*, 1986, regarding the minimum number of parking stalls required or dimensional criteria, the provisions of this Bylaw prevail.

6.6.3(2) Accessory buildings.

6.6.3(3) Accessory structures.

6.6.4 Regulations for Buildings and Structures

			Principal Building	Accessory Building(s)	Accessory Structure(s)
6.6.4(1)	Number Permitted		One	Two	Two
6.6.4(2)	Setbacks - Minimum				
	(a)	Front yard	6.00 m	7.62 m	7.62 m

	(b) (c) (d)	Interior Side yard (North) Interior Side yard (South) Rear yard	1.8 m 0.7 m 9.15 m	0.61 m 0.61 m 0.61 m	1.52 m 1.52 m 1.52 m
6.6.4(3)	Maximum Height				
	(a) (b) (c)	Maximum Building Height Maximum Occupiable Height Maximum Roof Height	6.9 m 5.2 m 10.1 m	3.0 m 0.25 m 4.6 m	4.6 m n/a n/a
6.6.4(4)	Maximum Lot Coverage		36%	7%	7%

6.6.4(6) Maximum Floor Area Ratio shall not exceed 0.75.

6.6.4(7) A clear space of 3 m (10 feet) shall be provided between buildings and between buildings and structures.

6.7 This Zone shall be known as

RD-1 TWO-FAMILY RESIDENTIAL USE
(Bylaw 4627 Nov 10/14)
*(Section re-numbered from 6.6B to 6.7 established in Bylaw 4853 March 25/24)

6.7.1 Principal Uses Permitted:

6.7.1(1) One-family residential use,

6.7.1(2) Two-family residential use, providing:

(a) the lot area is not less than 663 sq. m (7,137 s.f.); and

(b) on every lot there shall be open space of not less than 170 sq. m (1,830 s.f.) per dwelling unit thereon. (Bylaw 4853 March 25/24)

6.7.2 Secondary Uses Permitted:

6.7.2(1) Without limiting the application or derogating from the requirements of the *Rubbish and Weed Control Bylaw*, small-scale urban agriculture, provided,

(a) the total area of land within the parcel which is under cultivation for the production of fruits and vegetables for sale or exchange does not exceed 95 sq. m (1,023 s.f.), with two contiguous parcels straddled by a single principal building to be treated as one for the purpose of applying this subparagraph;

(b) fruits or vegetables produced for sale or exchange are not grown or cultivated within a greenhouse or other building;

(c) no artificial lighting is used in connection with the small-scale urban agriculture use;

~~(d) no sign is erected, placed or maintained on the parcel identifying or in any way connected with the small-scale urban agriculture use; and~~

~~(e) fruits or vegetables produced for sale or exchange are not available for purchase by the general public on the parcel.~~

~~6.7.2(2) Home-based child care.~~

~~6.7.2(3) A residential business use conforming to 4.2.8.~~

~~6.7.2(4) Secondary Suite use conforming to 4.2.13 (Bylaw 4853 – March 25/24)~~

~~6.7.3 Accessory Uses Permitted and Required:~~

~~6.7.3(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.~~

~~6.7.3(2) Accessory buildings.~~

~~6.7.3(3) Accessory structures.~~

6.6B.4 Regulations for Buildings and Structures

		Principal Building	Accessory Buildings	Accessory Structures
6.7.4.(1)	Number Permitted	one	two	two
6.7.4.(2)	Setbacks- Minimum			
	(a) Front lot line (subject to paragraph (10))	7.62 m (25.00')	7.62 m (25.00')	7.62 m (25.00')
	(b) Rear lot line	7.62 m (25.00')	0.61 m (2.00')	1.52 m (5.00')
	(c) Interior side lot line (subject to paragraph (11))	1.52 m (5.00')	0.61 m (2.00')	1.52 m (5.00')
	(d) Exterior side lot line	3.65 m (12.00')	3.65 m (12.00')	3.65 m (12.00')
	(e) Total of side lot lines	4.57 m (15.00')	N/A	N/A
6.7.4.(3)	Maximum			
	(a) Building Height	See NOTE below	3.00 m (10.00')	4.60 m (15.00')
	(b) Occupiable Height	See NOTE below	0.25 m (10.00")	N/A
	(c) Roof Height	See NOTE below	4.60 m (15.00')	N/A
	N O T E: To be determined as a function of lot breadth in accordance with Schedule B			
6.7.4.(4)	Floor Area Ratio	0.4 to 1		
	N O T E: Floor Area Ratio, total of all buildings, may not exceed 0.4 to 1.			
6.7.4.(5)	Lot Coverage Maximum	25.00%	The greater of: (a) 44 sq. m or 7% of lot area, whichever is less; and (b) 5% of lot area	5.00%
6.7.4.(6)	Minimum Floor Area	110 sq. m (1184 s.f.) per dwelling unit	N/R	N/R

6.7.4(7) A clear space of 3 m (10 feet) shall be provided between buildings and between buildings and structures.

6.7.4(8) An accessory building constructed in the area between the front lot line and a line 25 m (82 feet) distant from and parallel to the front lot line shall conform to the same setback requirements for the principal building for the side lot lines.

6.7.4(9) A principal use and a secondary use, except for small-scale urban agriculture, are only permitted within a principal building.

6.7.4(10) Subparagraph (2)(a) notwithstanding, the required front lot line setback for the principal building shall be a distance not less than 1.5 m (4.9 feet) shorter than and not more than 1.5 m (4.9 feet) longer than the quotient

$$\frac{F_1 + F_2 + 2(7.62)\text{ metres}}{4}$$

where F_1 and F_2 are the front lot line setbacks, at the time of application, of the principal buildings on

(a) each of the two contextual lots adjoining and on either side of the subject lot,

except that where there do not exist two contextual lots sited as described in (a), then F_1 and F_2 shall be the front lot line setbacks, at the time of application, of the principal buildings on

(b) a contextual lot adjoining the subject lot, and the next adjoining contextual lot,

provided, however, that in no case shall the front lot line setback be less than 7.62 m (25 feet).

Where there do not exist two contextual lots sited as described in (a) or (b), then the front setback of the principal building shall be not less than 7.62 m (25 feet).

6.7.4(11) Sub-paragraph (2)(c) notwithstanding, in respect of a principal building containing more than one storey, the interior side lot line setback of the second storey and all portions of the building above the second storey shall be a distance not less than 3.0 m (9.8 feet). (Bylaw 4627-Nov 10/14)

PART 7

Comprehensive Development Use (Bylaw 4320 - June 11/07)

7.1 This zone shall be known as

CD-1 - COMPREHENSIVE DEVELOPMENT USE – WATERFRONT HOTEL COMPLEX

7.1.1 Principal Uses Permitted:

7.1.1(1) Hotel use.

7.1.2 Secondary Uses Permitted:

7.1.2(1) Apartment use.

7.1.2(2) Restaurant use.

7.1.2(3) Retail use.

7.1.2(4) Liquor retail sale use.

7.1.2(5) Service business use.

7.1.2(6) Marine-oriented recreational use.

7.1.2(7) Marina use.

7.1.2(8) Neighbourhood public house use.

7.1.2(9) Conference hosting use.

7.1.2(10) Theatre use.

7.1.3 Accessory Uses Permitted and Required:

7.1.3(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

7.1.3(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

7.1.4 Regulations Respecting Use:

7.1.4(1) The number of dwelling units devoted to apartment use on a parcel shall not exceed:

(a) twenty (20); or
(b) twenty-one percent (21%) of the number of tourist units on the parcel (with a calculation yielding a fraction of a unit to be rounded down),

whichever is less,

nor shall the amount of floor area at any time devoted to apartment use on a parcel exceed 2,700 sq. m (29,063 s.f.).

7.1.4(2) The amount of indoor floor area at any time devoted to neighbourhood public house use on a parcel shall not exceed 200 sq. m (2,153 s.f.).

7.1.4(3) The amount of floor area at any time devoted to retail use and liquor retail sale use on a parcel shall not exceed a total of 140 sq. m (1,507 s.f.), of which not more than 45 sq. m (484 s.f.) shall be devoted to liquor retail sale use.

7.1.4(4) The amount of floor area at any time devoted to service business use on a parcel shall not exceed 500 sq. m (5,382 s.f.), of which not more than 210 sq. m. (2,260 s.f.) shall be devoted to a service business use other than a spa use.

7.1.4(5) The amount of floor area at any time devoted to theatre use on a parcel shall not exceed 281 sq. m (3,025 s.f.).

7.1.4(6) On the floor of the principal building which is at a level closest to the elevation of the portion of Beach Drive adjacent to the parcel, no apartment use is permitted, nor shall the area devoted to tourist units and their associated access corridors exceed 23% of the total area of that floor.

7.1.4(7) Sections 7.1.1 and 7.1.2 notwithstanding, and without restricting a use of navigable water which is outside the regulatory jurisdiction of local government, the use of the portion of foreshore or land covered by water described in Section 7.1.5(3) shall be limited to marina use and marine-oriented recreational use.

7.1.4(8) A marine-oriented recreational use shall not include booking, registration, outfitting and commercial transactions associated with the use of water jet-propelled personal watercraft.

7.1.4(9) Lodging by any person, family or party in excess of the limits as to cumulative length of stay for the applicable period set out in the definition of "Temporary Lodging" shall be deemed to fall outside the definition of "Hotel Use" and, subject to Section 7.1.4(10), shall constitute a prohibited use of tourist units within the CD-1 Zone.

7.1.4(10) Section 7.1.4(9) and the definition of "Temporary Lodging" notwithstanding, transient accommodation in excess of four (4) weeks outside the November through March period (but not in excess of sixteen (16) weeks in any twelve (12) consecutive month period) is permitted for the purpose of accommodating a person or family temporarily displaced from their permanent residence in the Capital Regional District due to fire, earthquake, landslip, flooding or other disaster that renders such residence uninhabitable.

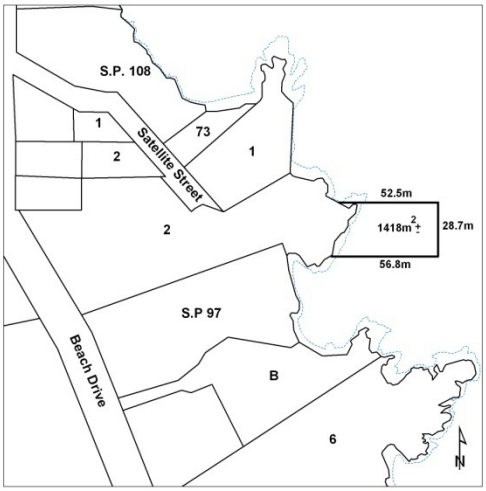
7.1.5 Regulations for Buildings and Structures:

7.1.5(1) The following regulations shall apply to buildings and structures:

			Principal Buildings	Accessory Buildings	Accessory Structures
(a)		Number Permitted	1	N/R	N/R
(b)		Setbacks– Minimum			
	(i)	From lot boundary abutting Beach Drive	9.0 m (29.5')	100 m (328.1')	5.0 m (16.4')
	(ii)	From south lot boundary lying between Beach Drive and natural boundary at foreshore	6.0 m (19.7')	5.0 m (16.4')	5.0 m (16.4')
	(iii)	From natural boundary at foreshore	25.0 m (82.0')	15.0 m (49.2')	15.0 m (49.2')
	(iv)	From north lot boundary lying between Beach Drive and natural boundary at foreshore, excluding portion abutting Satellite Street	6.0 m (19.7')	5.0 m (16.4')	5.0 m (16.4')
	(v)	From lot boundary abutting Satellite Street	9.0 m (29.5')	5.0 m (16.4')	5.0 m (16.4')
(c)		Roof Height Maximum	25.0 m (82.0')	5.2 m (17.1')	N/A
~~(d)~~		~~Occupiable Height Maximum~~	~~20.0 m (65.6')~~	~~0.5 m (1.6')~~	~~N/A~~
(e)		Height Maximum	N/A	N/A	2.0 m (6.6')
(f)		Lot Coverage Maximum	Total all Buildings: 42.0%		
(g)		Floor Area Ratio Maximum	Total all Buildings: 1.715 to 1.0 (Bylaw 4530 - Apr 18/11)		

7.1.5(2) Section 7.1.5(1) does not apply to the portion of foreshore or land covered by water described in Section 7.1.5(3).

7.1.5(3) Notwithstanding anything else contained in this Section, the portion of foreshore or land covered by water, being part of the bed of Oak Bay, Victoria District, as more



particularly shown in bold outline on the sketch reproduced below:
included within CD-1 (Comprehensive Development Use – Waterfront Hotel Complex) zone, shall contain no buildings or structures other than one or more unenclosed docks or wharves and associated fittings such as pedestrian access ramps, railings, pilings, floats, lighting and plumbing.

7.1.6 Interpretation:

7.1.6(1) In this Section, notwithstanding Section 2.1, "parcel" means the whole of the land, lying upland from the natural boundary, zoned CD-1 – Comprehensive Development Use – Waterfront Hotel Complex, and for greater certainty does not mean an individual air space parcel or other volumetric parcel, an individual strata lot created by the deposit of a strata plan in relation to such land, or part of such land or part of a building thereon shown as common property on a strata plan.

7.2 This zone shall be known as (Bylaw 4668 – Sept 19/16)

CD-2 – COMPREHENSIVE DEVELOPMENT USE – YALE STREET SMALL LOT RESIDENTIAL

7.2.1 Principal Uses Permitted

7.2.1(1) One-family residential use

7.2.2 Secondary Uses Permitted

7.2.2(1) A residential business use conforming to 4.2.8.

7.2.3 Accessory Uses Permitted and Required

7.2.3(1) An accessory off-street parking use as required by the *Parking Facilities Bylaw*.

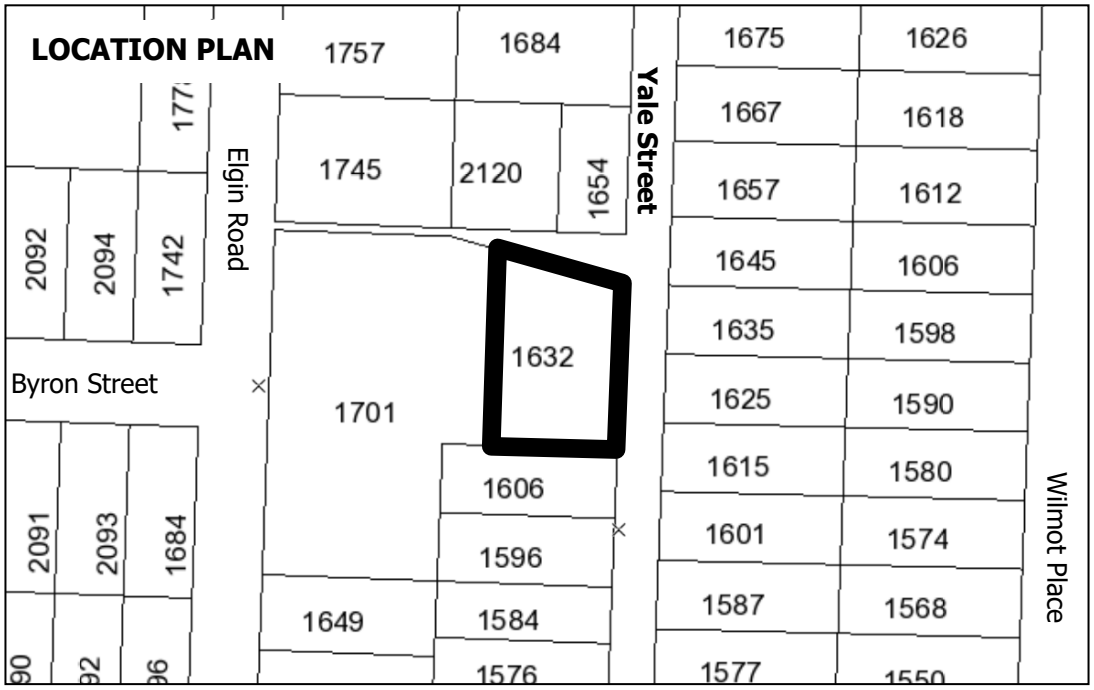
7.2.3(2) Accessory buildings

7.2.4 Regulations for Buildings and Structures

		Lot 1	Lot 2	Lot 3
7.2.4(1)	Minimum Lot Area	361 m^2	356 m^2	394 m^2
7.2.4(2)	Minimum Lot Frontage and Lot Width	12.9 m	12.8 m	10.8 m
7.2.4(3)	Number of Buildings Permitted			
	(a) Principal Building	1	1	1
	(b) Accessory Buildings	N/P	N/P	1
	(c) Accessory Structures	N/P	N/P	N/P
7.2.4(4)	Setbacks - Minimum			
	(a) Front lot line	5.6 m	6.4 m	5.5 m
	(b) Rear lot line			
	(i) Principal Building	7.9 m	7.3 m	11.2 m
	(ii) Accessory Building	N/A	N/A	0.6 m
	(c) Interior side lot line - north	2.0 m	1.7 m	N/A
	(d) Interior side lot line - south			
	(i) Principal Building	1.8 m	1.7 m	1.5 m
	(ii) Accessory Building	N/A	N/A	3.5 m
	(e) Exterior side lot line			
	(i) Principal Building	N/A	N/A	1.5 m
	(ii) Accessory Building	N/A	N/A	5.6 m
7.2.4(5)	Maximum Building Height			
	(a) Principal Building	7.9 m	6.4 m	5.9 m
	(b) Accessory Building	N/A	N/A	3.0 m
7.2.4(6)	Maximum Occupiable Height			
	(a) Principal Building	3.9 m	4.0 m	3.4 m
	(b) Accessory Building	N/A	N/A	0.3 m
7.2.4(7)	Maximum Roof Height			
	(a) Principal Building	8.2 m	9.7 m	7.8 m
	(b) Accessory Building	N/A	N/A	4.3 m
7.2.4(8)	Maximum Lot Coverage			
	(a) Principal Building	32.1%	34.5%	24.2%
	(b) Accessory Building	N/A	N/A	7.1%
7.2.4(9)	Maximum Floor Area Ratio	0.597	0.551	0.482
7.2.4(10)	Maximum Paved Surface			
	(a) Front Yard	25%	25%	25%
	(b) Rear Yard	20%	20%	25%

~~7.2.5 Development Plans~~

~~7.2.5(1) The use of land within the CD-2 zone is restricted to those lands identified on the Location Plan.~~



7.2 This zone shall be known as (Bylaw 4680 – May 8/17)

CD-3 - COMPREHENSIVE DEVELOPMENT USE – BOWKER VILLAGE

7.3.1 Principal Uses Permitted

7.3.1(1) Apartment Use

7.3.1(2) Retail Use

7.3.1(3) Service Business Use

7.3.1(4) Restaurant Use

7.3.1(5) Notwithstanding the principal uses permitted, as set out in subsections 7.3.1(1) to 7.3.1(4), permitted uses shall be as set out in the development plans included in subsection 7.3.4 of the CD-3 zone.

7.3.2 Accessory Uses Permitted and Required

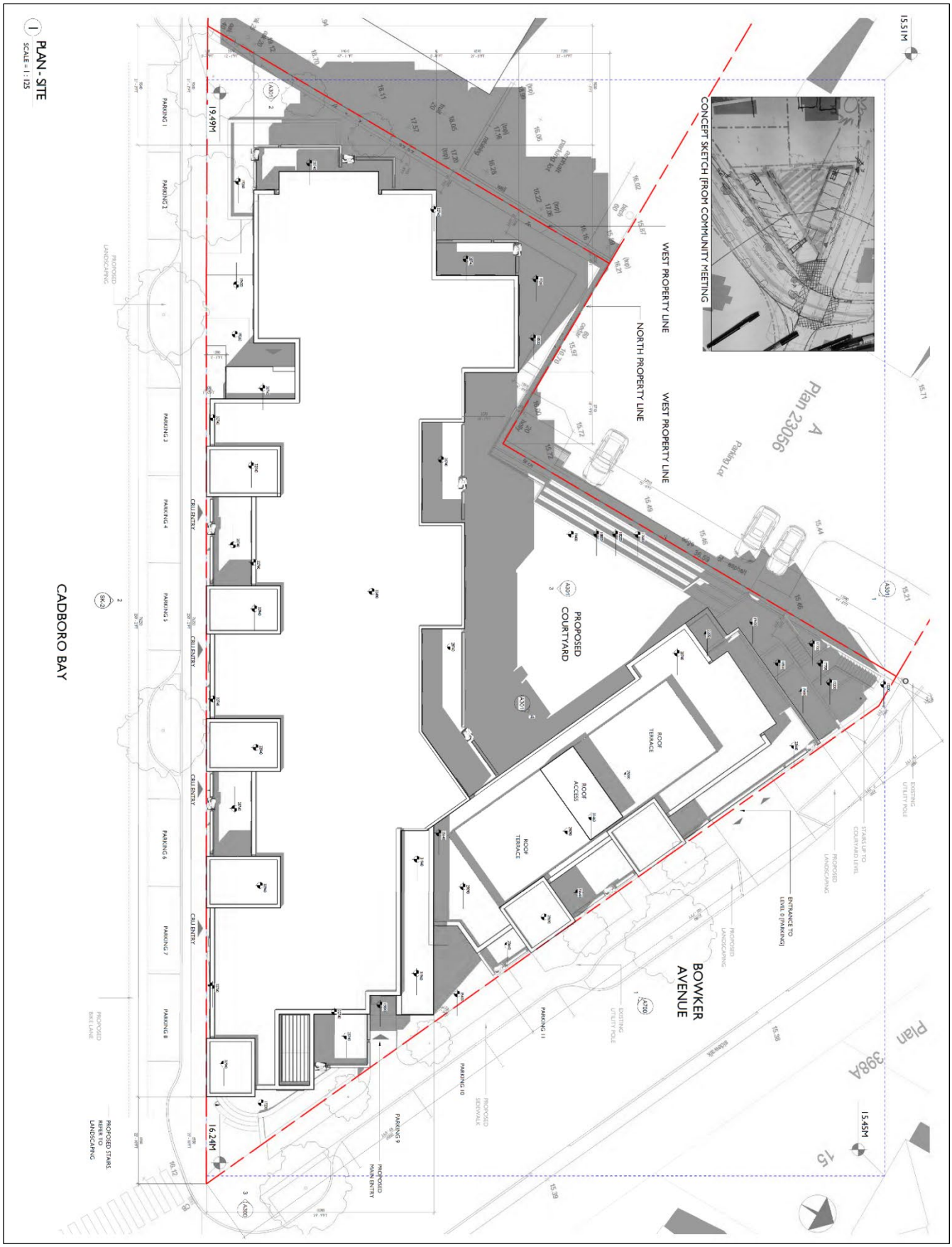
7.3.2(1) An accessory off-street parking use as required by the *Parking Facilities Bylaw*.

7.3.3 Regulations for Buildings and Structures

7.3.3(1)	Minimum Lot Area	2604 m^2
7.3.3(2)	Setbacks – Minimum	
	(a) Setback requirements are as set out in the development plans included in subsection 7.3.4 of the CD-3 zone.	
7.3.3(3)	Maximum Height	
	(a) Height requirements are as set out in the development plans included in subsection 7.3.4 of the CD-3 zone.	
7.3.3(4)	Maximum Lot Coverage	
	(a) Principal Building	88.7%
7.3.3(5)	Maximum Floor Area Ratio	2.80
7.3.3(6)	Landscaping and Screening	
	(a) All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.	
	(b) Landscaping shall be as generally set out in the development plans included in subsection 7.3.4 of the CD-3 zone.	

7.3.4 Development Plans

7.3.4(1) The use of land within the CD-3 zone shall be developed in general accordance with the plans as shown as follows:



HEIGHTS

Average Grade	16.68 m
Roof Height	33.14 m Geo (16460 m)
Building Height	33.14 m Geo (16460 m)
Occupiable Height	28.74 m Geo (12060 m)

ZONING ANALYSIS

SITE AREA
2604 M2

LOT COVERAGE
1781 M2 88.7%

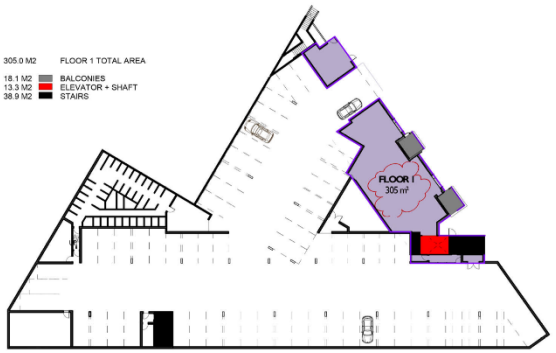
AVERAGE NATURAL GRADE
[15.51M + 15.45M + 16.24M + 19.49M] / 4 = 16.68M

FLOOR AREAS

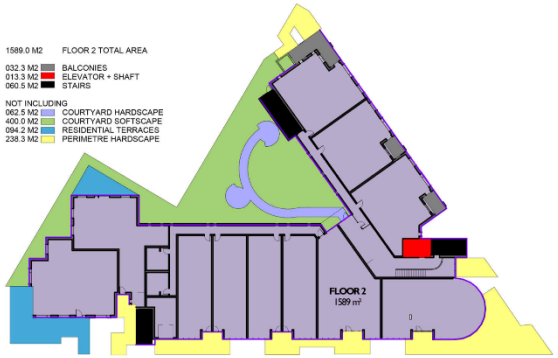
FLOOR 1	0305 M2
FLOOR 2	1589 M2 + 238.3 M2
FLOOR 3	1800 M2
FLOOR 4	1805 M2
FLOOR 5	1554 M2
TOTAL	**7292 M2**

FLOOR AREA RATIO [F.A.R.]

LOT AREA	2604 M2
GROSS FLOOR AREA	**7292 M2**
FLOOR AREA RATIO	**2.80**



1 AREAS - FLOOR 1
SCALE = 1 : 350



2 AREAS - FLOOR 2
SCALE = 1 : 350



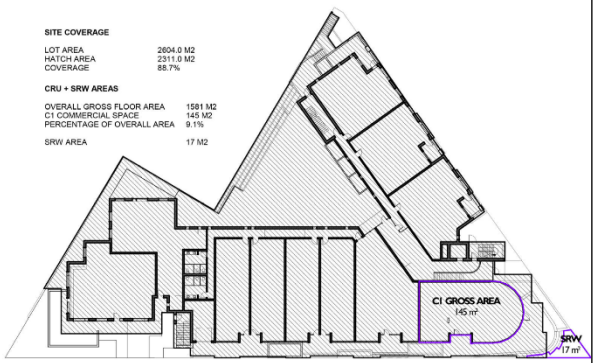
3 AREAS - FLOOR 3
SCALE = 1 : 350



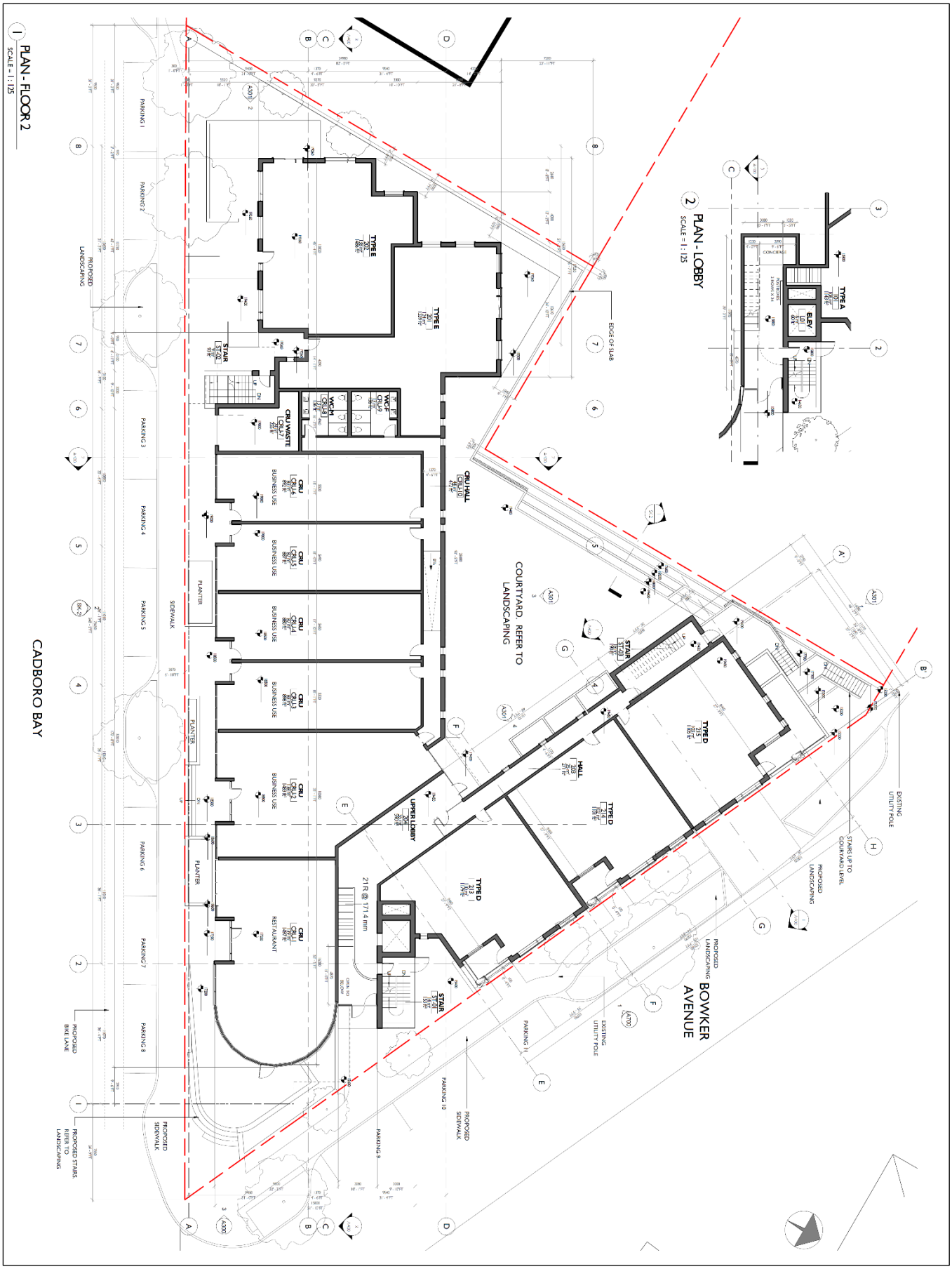
4 AREAS - FLOOR 4
SCALE = 1 : 350

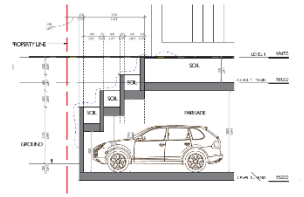


5 AREAS - FLOOR 5
SCALE = 1 : 350



6 FLOOR 2
SCALE = 1 : 350


1 PLAN - FLOOR 2
SCALE = 1 : 125
2 PLAN - LOBBY
SCALE = 1 : 125
CADBORO BAY
BOWKER AVENUE
COURTYARD. REFER TO LANDSCAPING
PROPOSED LANDSCAPING
EXISTING UTILITY POLE
PROPOSED SIDEWALK
PROPOSED BIKE LANE
PROPOSED STAIRS. REFER TO LANDSCAPING
STAIRS UP TO COURTYARD LEVEL
EDGE OF SLAB
PARKING 1
PARKING 2
PARKING 3
PARKING 4
PARKING 5
PARKING 6
PARKING 7
PARKING 8
PARKING 9
PARKING 10
SIDEWALK
PLANTER
CONCIERGE
RESTAURANT
BUSINESS USE
21 R @ 171.4 mm



1 SK.2 - PARKADE EDGE SECTION
SCALE = 1:50

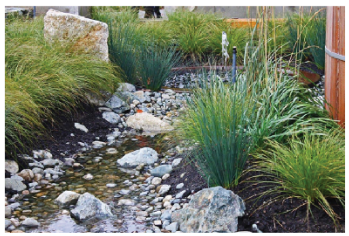

Image: Rain Garden Planting


Image: Seating Steps


Image: Raised Planter Reliable Controls


Image: Courtyard Reliable Controls

DRAWING NOTES

1. DO NOT SCALE DRAWING: Verify all property lines and existing structures/vegetation to remain, prior to commencing work.
2. All plan dimensions in metres and all detail dimensions in millimetres.
3. Plant quantities on Plans shall take precedence over plant list quantities.
4. Contractor to confirm location and elevation of all existing services and utilities prior to start of construction.
5. Provide layout of all work for approval by Landscape Architect prior to proceeding with work.
6. Contractor to provide irrigation system for all planters to current IABC Standards and Contract Specifications.
7. Landscape installation to carry a 1 year warranty from date of acceptance.
8. Plant material, installation and maintenance to conform to the current edition of the BCSLA/BCLNA Landscape Standards.
9. General Contractor and/or sub-contractors are responsible for all costs related to production and submission to consultant of all landscape as-built information including irrigation.
10. Tree protection fencing, for existing trees, to be installed prior to commencement of all site work
11. Off site tree species to be confirmed with Oak Bay parks department prior to B.P. submission.

CD
[94]
Oak Bay Zoning Bylaw
Office Consolidated to May 8, 2017
Page 152 of 249

7.4 This zone shall be known as:

CD-4 - COMPREHENSIVE DEVELOPMENT ZONE – 2326 OAK BAY AVENUE

7.4.1 Principal Uses Permitted

7.4.1 (1) Apartment Use

7.4.2 Secondary Uses Permitted

7.4.2 (1) Residential business use conforming to 4.2.8.

7.4.3 Accessory Uses Permitted and Required

7.4.3(1) An accessory off-street parking use. Off-street parking facilities are to be provided with the number of stalls and dimensional criteria shown as per the development plans in section 7.4.4. In the event of a conflict between this Bylaw and the *Parking Facilities Bylaw No. 3540*, 1986, regarding the minimum number of parking stalls required or dimensional criteria, the provisions of this Bylaw prevail.

7.4.4 Regulations for Buildings and Structures

7.4.4(1)	Minimum Lot Area		959.5 m^2
7.4.4(2)	Minimum Lot Frontage		26.7 m
7.4.4(3)	Setbacks - Minimum		
	(a)	Front yard	4.97 m
	(b)	Interior Side yard Rear yard	3.07 m
	(c)		4.32 m
7.4.4(4)	Maximum Height		
	(a)	Maximum Building Height Maximum	13.2 m
	~~(b)~~	~~Occupiable Height~~	~~9.57 m~~
	(c)	Maximum Roof Height	14.32 m
7.4.4(5)	Number of Storeys Maximum		4
7.4.4(6)	Maximum Lot Coverage		
	(a)	Principal Building	61%
7.4.4(7)	Maximum Floor Area Ratio		2.74:1
7.4.4(8)	Landscaping and Screening		

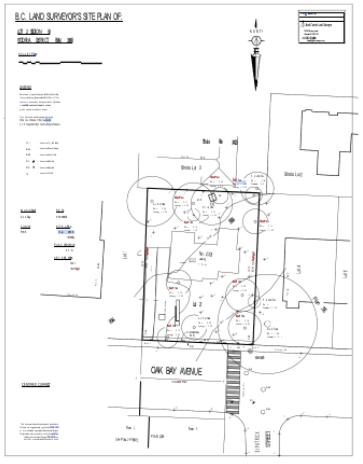
(a) All mechanical, electrical, or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.

(b) Landscaping shall be as generally set out inthe development plans included in subsection 7.4.5 of the CD-4 zone.

7.4.5 Development Plans

7.4.5(1) The use of land within the CD-4 zone shall be developed in general accordance with the plans as shown as follows:





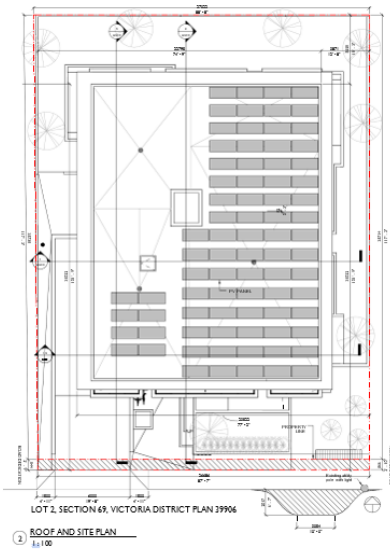
1 EXISTING SITE SURVEY 1:300



3 CONTEXT PLAN 1:750

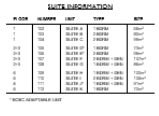


4 ZONING CONTEXT PLAN 1:30



2 ROOF AND SITE PLAN 1:100











SOUTHWEST CORNER (DAY)

CONTEXT VIEWS



ADJACENT WEST PROPERTY FROM OAK BAY AVENUE



EXISTING PROPERTY FROM OAK BAY AVENUE



SITE + ADJACENT EAST PROPERTY FROM OAK BAY AVENUE



ADJACENT EAST PROPERTY FROM OAK BAY AVENUE

CASCADIA ARCHITECTS INC

2326 Oak Bay Ave.

2326 OAK BAY AVENUE

OAK BAY, BC

3D VIEWS AND CONTEXT

NTS

A002



1. VERTICAL WOOD PATTERNED CLADDING

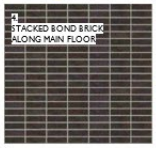


2. SOFT WHITE COLOURED STUCCO



3. VERTICAL METAL PANELS 2M HIGH





4. STACKED BOND BRICK ALONG MAIN FLOOR



5. ARCHITECTURAL CONCRETE



VIEW ALONG OAK BAY AVENUE - FROM SOUTHWEST CORNER

CASCADIA ARCHITECTS INC

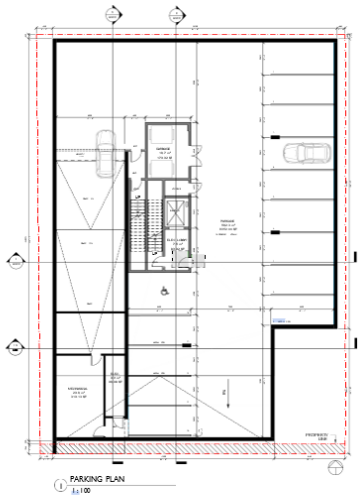
2326 Oak Bay Ave.

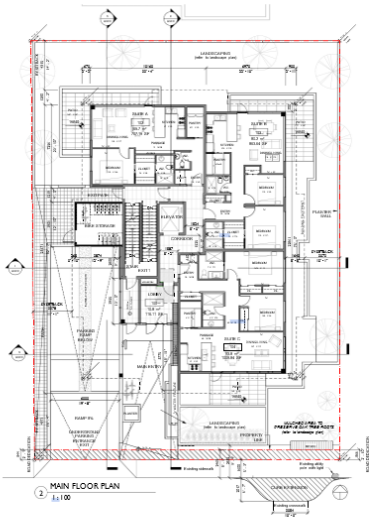
2326 OAK BAY AVENUE

OAK BAY, BC

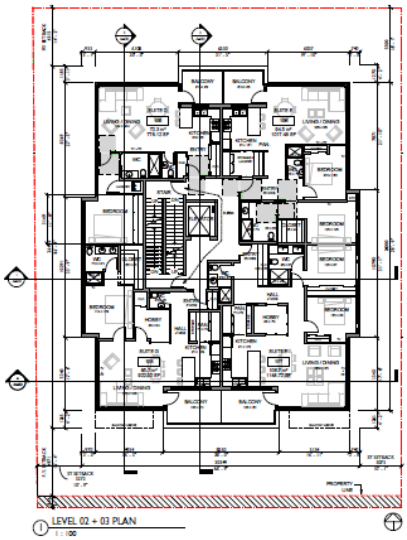
MATERIALS

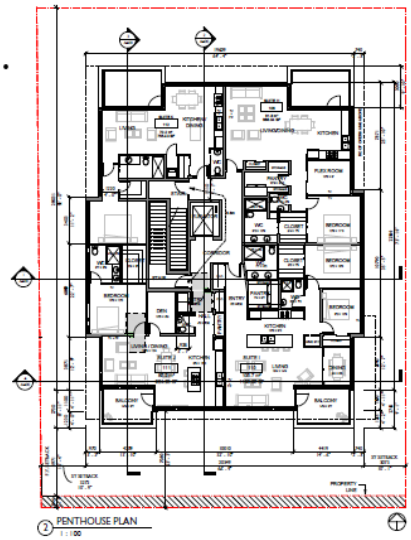
A003


1 PARKING PLAN
1 : 100


2 MAIN FLOOR PLAN
1 : 100


CASCADIA ARCHITECTS INC.
2326 Oak Bay Ave.
2326 OAK BAY AVENUE
OAK BAY, BC
FLOOR PLANS
Aug 21, 2023
1 : 100
1309
3
A200


1 LEVEL 02 + 03 PLAN
1 : 100


2 PENTHOUSE PLAN
1 : 100


CASCADIA ARCHITECTS INC.
2326 Oak Bay Ave.
2326 OAK BAY AVENUE
OAK BAY, BC
FLOOR PLANS
June 29, 2023
1 : 100
1309
1
A201



1 EAST ELEVATION
1 : 100





2 WEST ELEVATION
1 : 100

CASCADIA ARCHITECTS INC

2326 Oak Bay Ave.
2326 OAK BAY AVENUE
OAK BAY, BC

ELEVATIONS

June 29, 2023

1 : 100

1309

A300



1 NORTH ELEVATION
1 : 100





2 SOUTH ELEVATION
1 : 100

CASCADIA ARCHITECTS INC

2326 Oak Bay Ave.
2326 OAK BAY AVENUE
OAK BAY, BC

ELEVATIONS

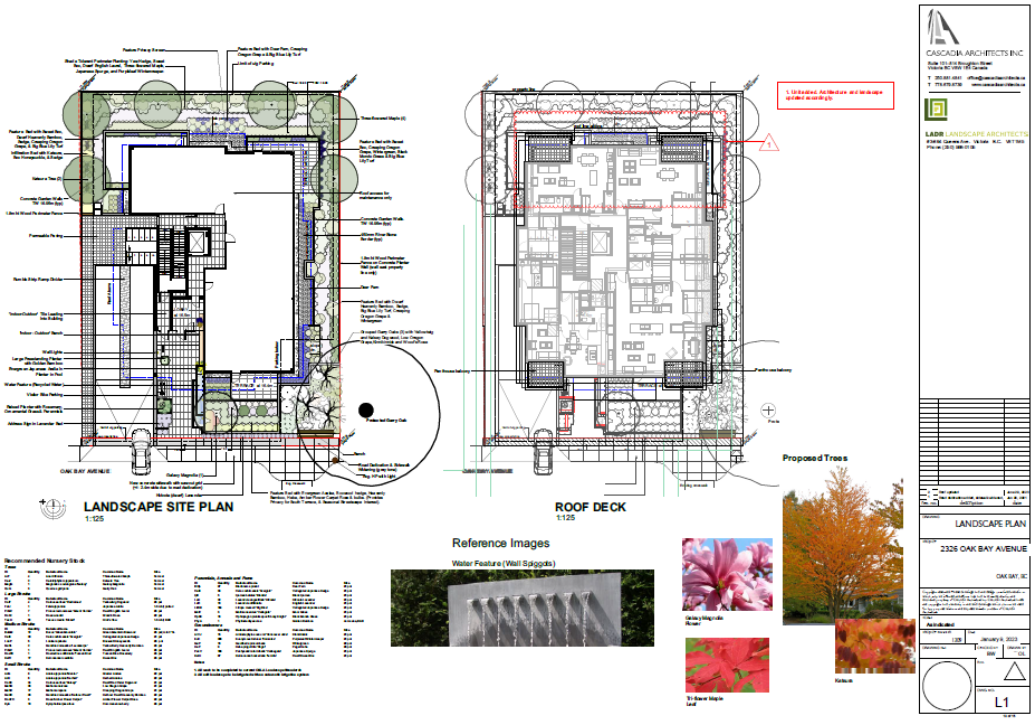
June 29, 2023

1 : 100

1309

A301


BUILDING SECTION 1
1 : 100
BUILDING SECTION 2
1 : 100
BUILDING SECTION 4
1 : 100
BUILDING SECTION 3
1 : 100
CASCADIA ARCHITECTS INC.
2326 Oak Bay Ave.
2326 OAK BAY AVENUE
OAK BAY, BC
BUILDING + SITE SECTIONS
June 29, 2023
1 : 100
1309
A400


LANDSCAPE SITE PLAN
1:125
ROOF DECK
1:125
1. Unbuilded Architecture and landscape updated accordingly
Proposed Trees
Reference Images
Water Feature (Wall Spigots)
CASCADIA ARCHITECTS INC.
LADR LANDSCAPE ARCHITECTS
LANDSCAPE PLAN
2326 OAK BAY AVENUE
OAK BAY, BC
Architectural
January 9, 2023
L1

PART 8

8.1 This Zone shall be known as

RM-1LD - LOW DENSITY MULTIPLE DWELLINGS USE

8.1.1 Principal Uses Permitted:

8.1.1.(1) ~~One family residential use.~~Residential uses in accordance with the regulations for Zone R-5.

8.1.1.(2) Apartment use, providing:

(a) the lot area is not less than 1950 sq. m (20,990 s.f.).

8.1.2 Secondary Uses Permitted:

8.1.2.(1) Repealed (Bylaw 3974 – Mar 23/98)

8.1.2.(2) Residential business use conforming to 4.2.8.

8.1.3 Accessory Uses Permitted and Required:

8.1.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

8.1.4 Regulations for Buildings and Structures:

~~8.1.4.(1) For onefamily residential use, the regulations of Zone RS5 shall apply.~~

8.1.4.(2) For apartment use, the following shall apply:

		Principal Building
(a)	Number Permitted	one
(b)	Setbacks - Minimum	
	(i) Front lot line	9.14 m (30')
	(ii) Rear lot line	7.62 m (25')
	(iii) Interior side lot line	3.65 m (12')
	(iv) Exterior side lot line	3.65 m (12')
	(v) Exterior lot line	4.60 m (15')
(c)	Building Height Maximum	7.32 m (24')
~~(d)~~	~~Occupiable Height Maximum~~	~~4.60 m (15')~~
(e)	Storeys	N/R
(f)	Lot Coverage Maximum (Bylaw 3864 – Aug 14/95)	40.00%
(g)	Floor Area Ratio Maximum (Bylaw 3864 – Aug 14/95)	0.72

(h)	Unit Ratio	289.00 sq. m (3,110 s.f.)

8.2 This Zone shall be known as

RM-1MD - MEDIUM DENSITY MULTIPLE DWELLINGS

8.2.1 Principal Uses Permitted:

8.2.1.(1) Residential uses in accordance with the regulations for Zone R-5. ~~One-family residential use~~.

8.2.1.(2) Apartment use, providing:

(a) the lot area is not less than 1950 sq. m (20,990 s.f.).

8.2.2 Secondary Uses Permitted:

8.2.2.(1) Repealed (Bylaw 3974 – Mar 23/98)

8.2.2.(2) Residential business use conforming to 4.2.8.

8.2.3 Accessory Uses Permitted and Required:

8.2.3.(1) An accessory off-street parking use conforming to the Parking Facilities Bylaw.

8.2.4 Regulations for Buildings and Structures:

~~8.2.4.(1) For one-family residential use, the regulations of Zone RS-5 shall apply.~~

8.2.4.(2) For apartment use, the following shall apply:

		Principal Building
(a)	Number Permitted	one
(b)	Setbacks - Minimum	
	(i) Front lot line	7.62 m (25')
	(ii) Rear lot line	7.62 m (25')
	(iii) Interior side lot line	3.00 m (10')
	(iv) Exterior side lot line	3.70 m (12')
	(v) Exterior lot line	4.60 m (15')
(c)	Building Height Maximum	7.32 m (24')
~~(d)~~	~~Occupiable Height Maximum~~	~~4.60 m (15')~~
(e)	Storeys	N/R
(f)	Lot Coverage Maximum (Bylaw 3864 – Aug 14/95)	40.00%
(g)	Floor Area Ratio Maximum (Bylaw 3864 – Aug 14/95)	0.72
(h)	Unit Ratio	202 sq. m (2174 s.f.)

8.2A This Zone shall be known as

RM-1HD - HIGH DENSITY MULTIPLE DWELLINGS
(Bylaw 4201 – Feb 23/04)

8.2A.1 Principal Uses Permitted:

8.2A.1(1) Residential uses in accordance with the regulations for Zone R-5.
~~One family residential use.~~

8.2A.1(2) Apartment use, providing:

(a) the lot area is not less than 1,390 sq. m (14,962 s.f.).

8.2A.2 Secondary Uses Permitted:

8.2A.2(1) Residential business use conforming to 4.2.8.

8.2A.3 Accessory Uses Permitted and Required:

8.2A.3(1) An accessory off-street parking use conforming to the Parking Facilities Bylaw.

8.2A.4 Regulations for Buildings and Structures:

~~8.2A.4(1) For one-family residential use, the regulations of Zone RS-4 shall apply.~~

8.2A.4(2) For apartment use, the following shall apply:

		Principal Building
(a)	Number Permitted	one
(b)	Setbacks - Minimum	
(i)	Front lot line	7.62 m (25')
(ii)	Rear lot line	7.62 m (25')
(iii)	Interior side lot line	3.00 m (10')
(iv)	Exterior side lot line	3.70 m (12')
(v)	Exterior lot line	4.60 m (15')
(c)	Building Height Maximum	7.32 m (24')
~~(d)~~	~~Occupiable Height Maximum~~	~~4.60 m (15')~~
(e)	Storeys	N/R
(f)	Lot Coverage Maximum	70.0%
(g)	Floor Area Ratio Maximum	1.00
(h)	Unit Ratio Minimum	155 sq. m (1668 s.f.)

8.3 This Zone shall be known as

RM-2 - TWO STOREY MULTIPLE DWELLINGS USE

8.3.1 Principal Uses Permitted:

8.3.1.(1) Residential uses in accordance with the regulations for Zone R-5.
~~One-family residential use.~~

8.3.1.(2) Apartment use, providing:

(a) the lot area is not less than 1600 sq. m (17,223 s.f.).

8.3.2 Secondary Uses Permitted:

8.3.2.(1) A Residential Business Use conforming to 4.2.8. (Bylaw 4109 – Feb 26/01)

8.3.3 Accessory Uses Permitted and Required:

8.3.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

8.3.4 Regulations for Buildings and Structures:

~~8.3.4.(1) For one-family residential use, the regulations of Zone RS-5 shall apply.~~

8.3.4.(2) For apartment use, the following shall apply:

		Principal Building
(a)	Number Permitted	not limited
(b)	Setbacks - Minimum	
(i)	Front lot line	7.62 m (25')
(ii)	Rear lot line	7.62 m (25')
(iii)	Interior side lot line	6.00 m (20')
(iv)	Exterior side lot line	7.62 m (25')
(c)	Building Height Maximum	7.32 m (24')
(d)	Occupiable Height Maximum	4.60 m (15')
(e)	Number of Storeys Maximum (Bylaw 3864 – Aug 14/95)	2
(f)	Lot Coverage Maximum (Bylaw 3864 – Aug 14/95)	35.00%
(g)	Floor Area Ratio Maximum (Bylaw 3864 – Aug 14/95)	0.75
(h)	Unit Ratio	224 sq. m (2411 s.f.)

8.3.5.(1) The minimum permitted residential floor area required for each kind of dwelling unit is as follows:

(a)	One-bedroom unit	56 sq. m (603 s.f.)
(b)	Two-bedroom unit	70 sq. m (754 s.f.)

(c)	Three-bedroom unit	84 sq. m (904 s.f.)

8.4 This Zone shall be known as

RM-3 - THREE STOREY MULTIPLE DWELLINGS USE

8.4.1 Principal Uses Permitted:

8.4.1.(1) Residential uses in accordance with the regulations for Zone R-5.
~~One-family residential use.~~

8.4.1.(2) Apartment use, providing:

(a) the lot area is not less than 2000 sq. m (21,528 s.f.).

8.4.2 Secondary Uses Permitted:

8.4.2.(1) A Residential Business Use conforming to 4.2.8. (Bylaw 4109 – Feb 26/01)

8.4.3. Accessory Uses Permitted and Required:

8.4.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

8.4.4 Regulations for Buildings and Structures:

~~8.4.4.(1) For one-family residential use, the regulations of Zone RS-5 shall apply.~~

8.4.4.(2) For apartment use, the following shall apply:

		Principal Building
(a)	Number Permitted	not limited
(b)	Setbacks - Minimum	
(i)	Front lot line	9.14 m (30')
(ii)	Rear lot line	9.14 m (30')
(iii)	Interior side lot line	6.00 m (20')
(iv)	Exterior side lot line	9.14 m (30')
(c)	Building Height Maximum	10.70 m (35')
~~(d)~~	~~Occupiable Height Maximum~~	~~8.00 m (26')~~
(e)	Number of Storeys Maximum (Bylaw 3864 – Aug 14/95)	3
(f)	Lot Coverage Maximum (Bylaw 3864 – Aug 14/95)	35.00%
(g)	Floor Area Ratio Maximum (Bylaw 3864 – Aug 14/95)	1.00

8.4.5.(1) The minimum permitted residential floor area required for each kind of dwelling unit is as follows:

(a) One-bedroom unit 56 sq. m (603 s.f.)

(b)	Two-bedroom unit	70 sq. m (754 s.f.)
(c)	Three-bedroom unit	84 sq. m (904 s.f.)

8.4A This Zone shall be known as

RM-3HD- HIGH DENSITY THREE STOREY MULTIPLE DWELLINGS
(Bylaw 4606 – May 12/14)

8.4A.1 Principal Uses Permitted:

8.4A.1(1) Residential uses in accordance with the regulations for Zone R-5.
~~One-Family residential use.~~

8.4A.1(2) Apartment use, providing:

(a) the lot area is not less than 1,116 sq. m (12,012 s.f.)

8.4A.2 Secondary Uses Permitted:

8.4A.2.(1) A Residential business use conforming to 4.2.8.

8.4A.3 Accessory Uses Permitted and Required:

8.4A.3.(1) An accessory off-street parking use conforming to the "Parking Facilities Bylaw, 1986".

8.4A.4 Regulations for Buildings and Structures:

~~8.4A.4(1)~~ ~~For one-family residential use, the regulations of Zone RS-5 shall apply.~~

8.4A.4.(2) For apartment use, the following shall apply:

		Principal Building
(a)	Number Permitted	one
(b)	Setbacks-Minimum	
(i)	Front lot line	9.14 m (30')
(ii)	Rear lot line	9.14 m (30')
(iii)	Interior side lot line	6.00 m (20')
(iv)	Exterior side lot line	9.14 m (30')
(c)	Building Height Maximum	10.70 m (35')
~~(d)~~	~~Occupiable Height Maximum~~	~~8.00 m (26')~~
(d)		
(e)	Number of Storeys Maximum	3
(f)	Lot Coverage Maximum	55.00%
(g)	Floor Area Ratio Maximum	1.44
(h)	Unit Ratio Minimum	65 m^2 (700 s.f.)

8.4A.5.(1) The minimum permitted residential floor area required for each kind of dwelling unit is as follows:

(a) One-bedroom unit 56 sq. m (603 s.f.)

(b)	Two-bedroom unit	70 sq. m (754 s.f.)
(c)	Three-bedroom unit	84 sq. m (904 s.f.)

8.5 This Zone shall be known as

RM-4 - FOUR STOREY MULTIPLE DWELLINGS USE

8.5.1 Principal Uses Permitted:

8.5.1.(1) Residential uses in accordance with the regulations for Zone R-5.
~~One-family residential use.~~

8.5.1.(2) Apartment use, providing:

(a) the lot area is not less than 3000 sq. m (32,293 s.f.)

8.5.2 Secondary Uses Permitted:

8.5.2.(1) A Residential Business Use conforming to 4.2.8. (Bylaw 4109 – Feb 26/01)

8.5.3 Accessory Uses Permitted and Required:

8.5.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

8.5.4 Regulations for Buildings and Structures:

~~8.5.4.(1) For one-family residential use, the regulations of Zone RS-5 shall apply.~~

8.5.4.(2) For apartment use, the following shall apply:

		Principal Building
(a)	Number Permitted	not limited
(b)	Setbacks - Minimum	
(i)	Front lot line	10.70 m (35')
(ii)	Rear lot line	10.70 m (35')
(iii)	Interior side lot line	6.00 m (20')
(iv)	Exterior side lot line	10.70 m (35')
(c)	Building Height Maximum	13.70 m (45')
~~(d)~~	~~Occupiable Height Maximum~~	~~11.00 m (36')~~
(e)	Number of Storeys Maximum (Bylaw 3864 – Aug 14/95)	4
(f)	Lot Coverage Maximum (Bylaw 3864 – Aug 14/95)	30.00%
(g)	Floor Area Ratio Maximum (Bylaw 3864 – Aug 14/95)	1.00

8.5.5.(1) The minimum permitted residential floor area required for each kind of dwelling unit is as follows:

(a)	One-bedroom unit	56 sq. m (603 s.f.)
(b)	Two-bedroom unit	70 sq. m (754 s.f.)

(c)	Three-bedroom unit	84 sq. m (904 s.f.)

8.6 This Zone shall be known as

RM-8 - EIGHT STOREY MULTIPLE DWELLINGS USE

8.6.1 Principal Uses Permitted:

8.6.1.(1) Residential uses in accordance with the regulations for Zone R-5.
~~One-family residential use.~~

8.6.1.(2) Apartment use, providing:

(a) the lot area is not less than 12000 sq. m (129,171 s.f.).

8.6.2 Secondary Uses Permitted:

8.6.2.(1) A Residential Business Use conforming to 4.2.8. (Bylaw 4109 – Feb 26/01)

8.6.3 Accessory Uses Permitted and Required:

8.6.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

8.6.4 Regulations for Buildings and Structures:

~~8.6.4.(1) For one-family residential use, the regulations of Zone RS-5 shall apply.~~

8.6.4.(2) For apartment use, the following shall apply:

		Principal Building
(a)	Number Permitted	not limited
(b)	Setbacks - Minimum	
(i)	Front lot line	10.70 m (35')
(ii)	Rear lot line	10.70 m (35')
(iii)	Interior side lot line	10.70 m (35')
(iv)	Exterior side lot line	10.70 m (35')
(c)	Building Height Maximum	25.60 m (85')
~~(d)~~	~~Occupiable Height Maximum~~	~~23.00 m (75')~~
(e)	Number of Storeys Maximum (Bylaw 3864 – Aug 14/95)	8
(f)	Lot Coverage Maximum (Bylaw 3864 – Aug 14/95)	30.00%
(g)	Floor Area Ratio Maximum (Bylaw 3864 – Aug 14/95)	1.50

8.6.5.(1) The minimum permitted residential floor area required for each kind of dwelling unit is as follows:

(a)	One-bedroom unit	56 sq. m (603 s.f.)
(b)	Two-bedroom unit	70 sq. m (754 s.f.)

(c)	Three-bedroom unit	84 sq. m (904 s.f.)

8.7 This Zone shall be known as

RM-MC1 - MULTIPLE DWELLING /COMMERCIAL MIXED USE
(Bylaw 4022 – Jul 19/99)

8.7.1 Principal Uses Permitted:

8.7.1 (1) Residential uses in accordance with the regulations for Zone R-5.
~~One-family residential use.~~

8.7.1 (2) Apartment use, providing:

(a) the lot area is not less than 1116 sq. m (12,013 s.f.), and

(b) the lot area is not greater than 1599 sq.m (17,212 s.f.)

8.7.2 Secondary Uses Permitted:

8.7.2 (1) A Service business use, subject to the limitations contained in Section 8.7.3

8.7.2 (2) A Residential business use conforming to 4.2.8

8.7.3 Regulations for Permitted Uses

8.7.3 (1) A Service business use, in this zone, must conform to the regulations of this Section.

8.7.3 (2) A Service business use shall only be permitted:

(a) where the principal use is an Apartment use;

(b) in that portion of an apartment dwelling unit abutting and with its business entrance facing an Arterial Road as designated in the Official Community Plan;

(c) on the storey closest to street level; and

(d) to a maximum of 20% of floor space of an apartment unit, and in any event not more than 16.5 sq. m of floor space within such dwelling unit.

8.7.3 (3) The floor space available for a Service business use in a building in this zone for all apartment dwelling units may not be combined to create a single Service business use whose floor space will exceed 20% of the floor area of an individual apartment dwelling unit within that building.

8.7.3 (4) A Service business use shall not be carried on in conjunction with a Residential business use within an individual apartment unit.

8.7.3 (5) No person other than a family member occupying the dwelling unit and one other non-resident employee may be employed or engaged in a Service business at the premises at any given time.

8.7.3 (6) A Service business in this zone shall not create noise, vibrations, smoke, vapours, or electrical interference.

8.7.3 (7) The operating of commercial workshops or manufacturing facilities in this zone is prohibited

8.7.4 Accessory Uses Permitted and Required

8.7.4 (1) An accessory off-street parking use as required by the Parking Facilities Bylaw

8.7.5 Regulations for Buildings and Structures

~~8.7.5 (1) For one-family residential use, the regulations of Zone RS-5 shall apply.~~

8.7.5 (2) For apartment use, the following shall apply:

		Principal Building
(a)	Number Permitted	not limited
(b)	Setbacks - Minimum	
(i)	Front lot line	3.0 m (9.84')
(ii)	Rear lot line	3.0 m (9.84')
(iii)	Interior side lot line	3.0 m (9.84')
(iv)	Exterior side lot line	3.0 m (9.84')
(c)	Roof Height Maximum	9.14 m (30')
~~(d)~~	~~Occupiable Height Maximum~~	~~4.60 m (15')~~
(e)	Number of Storeys Maximum	2
(f)	Lot Coverage Maximum	51%
(g)	Floor Area Ratio Maximum	1.1 to 1
(h)	Unit Ratio	156.00 sq.m (1681 s.f.)

8.7.6 (1) The minimum permitted floor area required for each kind of dwelling unit is as follows:

(a)	One-bedroom unit	56 sq.m (603 s.f.)
(b)	Two-bedroom unit	70 sq.m (754 s.f.)
(c)	Three-bedroom unit	84 sq.m (904 s.f.)

8.8 This Zone shall be known as

RM-MC4 - MULTIPLE DWELLINGS / COMMERCIAL MIXED USE-FOUR STOREY
(Bylaw 4168 – May 12/03)

8.8.1 Principal Uses Permitted:

8.8.1(1) Residential uses in accordance with the regulations for Zone R-5.
~~One-family residential use.~~

8.8.1(2) Special needs multiple residential ~~-~~use, provided:

(a) the lot area is not less than 3902 sq. m (42,000 s.f.);

(b) assisted living services are available on-site through the facility operator; and

(c) there is provided and actively maintained and operated within the principal building:

(i) in addition to the facilities provided within each dwelling unit, communal kitchen and dining facilities of a combined area not less than 2.4 sq. m (25.9 s.f.) multiplied by the number of dwelling units in the building, for the preparation and serving of meals to residents; and

(ii) a common lounge area of not less than .44 sq. m (4.7 s.f.) multiplied by the number of dwelling units in the building.

8.8.2 Secondary Uses Permitted:

8.8.2(1) Service Business Use, provided that the principal use is a special needs multiple residential use.

8.8.2(2) Restaurant use, provided that the principal use is a special needs multiple residential use.

8.8.3 Regulations for Permitted Uses

8.8.3(1) A service business or restaurant use in this Zone must conform to the regulations of this Section.

8.8.3(2) A service business or restaurant use shall only be permitted:

(a) in that portion of a building abutting and with its business entrance facing a street other than one designated as a "Local" road in Schedule "A" to Bylaw 3943, *"Oak Bay Official Community Plan Bylaw, 1997"*, or its successors; and

(b) on the storey of a building whose grade is closest to street level.

8.8.3(3) A service business or restaurant use in this zone shall not create noise, vibrations, smoke, vapours, or electrical interference.

8.8.4 Accessory Uses Permitted and Required:

8.8.4(1) An accessory off-street parking use as required by the *Parking Facilities Bylaw*.

8.8.5 Regulations for Buildings and Structures:

~~8.8.5(1) For one-family residential use, the regulations of Zone RS-5 shall apply.~~

8.8.5(2) For special needs multiple residential use and service business use, the following shall apply:

		Principal Building
(a)	Number Permitted	not limited
(b)	Setbacks - Minimum	
(i)	Front lot line	3.00 m (9.84')
(ii)	Rear lot line	10.70 m (35')
(iii)	Interior side lot line	6.00 m (20')
(iv)	Exterior side lot line	10.70 m (35'')
(c)	Building Height Maximum	13.70 m (45')
~~(d)~~	~~Occupiable Height Maximum~~	~~11.00 m (36')~~
(e)	Number of Storeys Maximum	4
(f)	Lot Coverage Maximum	55.00%
(g)	Floor Area Ratio Maximum	1.90

8.8.6(1) The minimum permitted residential floor area required for each kind of dwelling unit is as follows:

(a)	Bachelor units	37.5 sq.m (404 s.f.)
(b)	One-bedroom unit	45.0 sq. m (484 s.f.)
(c)	Two-bedroom unit	63.0 sq. m (678 s.f.)
(d)	Three-bedroom unit	70.0 sq. m (753 s.f.)

8.9 This Zone shall be known as

RMS-7 – MULTIPLE DWELLING SUPPORTIVE HOUSING USE – SEVEN STOREY
(Bylaw 4256 – April 25/05)

8.9.1 Principal Uses Permitted:

8.9.1(1) Special needs multiple residential use, provided:

(a) the lot area is not less than 7,000 sq. m (75,348 s.f.);

(b) assisted living services are available on-site through the facility operator; and

(c) there are provided and actively maintained and operated within one or more principal buildings:

(i) in addition to the facilities provided within each dwelling unit, communal kitchen facilities of total area not less than 0.6 sq. m (6.5 s.f.) multiplied by the total number of dwelling units on the lot, for the preparation of meals for residents; and

(ii) communal dining and lounge facilities of total area not less than 2.5 sq. m (26.9 s.f.) multiplied by the total number of dwelling units on the lot, for socialization and the serving of meals to residents.

8.9.2 Secondary Uses Permitted:

8.9.2(1) No secondary uses are permitted.

8.9.3 Regulations for Permitted Uses:

8.9.3(1) Notwithstanding the definition of "supportive housing" set out in Section 2.1, in respect of all residential buildings on the parcel of land described as Lot A, Section 69, Victoria District, Plan 30047 Except Parcel A (DD F70170), other than a four (4) storey building situate thereon fronting onto Goldsmith Street for which this exception shall not apply, the "communal dining" criterion within the supportive housing component of special needs multiple residential use shall be deemed to be satisfied if, for every dwelling unit, the provision of at least one (1) meal per day in a communal dining room on site is a service available for purchase at the option of the occupant.

8.9.4 Accessory Uses Permitted and Required:

8.9.4(1) An accessory off-street parking use conforming to the *Parking Facilities Bylaw*.

8.9.5 Regulations for Buildings and Structures:

8.9.5(1) The following regulations shall apply to buildings and structures:

		Principal Buildings	Accessory Structures
(a)	Number Permitted	N/R	N/R
(b)	Setbacks - Minimum		
(i)	Abutting Arterial Road or Commercial or Institutional Zone		
(A)	Front lot line	6.1 m (20')	3.0 m (9.8')
(B)	Rear lot line	6.1 m (20')	3.0 m (9.8')
(C)	Interior side lot line	6.1 m (20')	3.0 m (9.8')
(D)	Exterior side lot line	6.1 m (20')	3.0 m (9.8')
(ii)	Other than as Described in (i)		
(A)	Front lot line	10.7 m (35.1')	3.0 m (9.8')
(B)	Rear lot line	10.7 m (35.1')	3.0 m (9.8')
(C)	Interior side lot line	10.7 m (35.1')	3.0 m (9.8')
(D)	Exterior side lot line	10.7 m (35.1')	3.0 m (9.8')
(c)	Building Height Maximum	22 m (72.2')	N/A
~~(d)~~	~~Occupiable Height Maximum~~	~~17 m (55.8')~~	~~N/A~~
(e)	Height	N/A	3.0 m (9.8')
(f)	Number of Storeys Maximum	7	N/A
(g)	Lot Coverage Maximum (Bylaw 4365 - June 11/07)	45%	1%
(h)	Floor Area Ratio Maximum (Bylaw 4365 - June 11/07)	1.95:1	N/A
(i)	Unit Ratio Minimum	40.0 sq. m (431 s.f.)	N/A

8.9.6(1) The minimum permitted residential floor area for each kind of dwelling unit is as follows:

(a)	Bachelor unit	37.5 sq. m (404 s.f.)
(b)	One-bedroom unit	45.0 sq. m (484 s.f.)
(c)	Two-bedroom unit	63.0 sq. m (678 s.f.)

8.9.7(1) A clear space of not less than 7.4 m (24.3') shall be provided between buildings.

PART 9

9.1 This Zone shall be known as

C-1 - LOCAL COMMERCIAL USE

9.1.1 Principal Uses Permitted:

~~9.1.1.(1) One-family residential use.~~

9.1.1.(~~2~~1) Retail sale and storage of groceries, meat, fish, bakery goods and sundry household and garden items. (Bylaw 3987 – May 11/98)

9.1.1.(~~3~~2) Barbers, hairdressers and beauty shops.

9.1.1.(4~~3~~) Service business use

9.1.2 Secondary Uses Permitted:

9.1.2.(1) In conjunction with the uses permitted by 9.1.1.(2) or 9.1.1.(3), ~~one-family residential~~a maximum of four (4) apartment dwellings ~~-units~~~~use~~.

9.1.3 Accessory Uses Permitted and Required:

9.1.3.(1) An accessory off street parking use as required by the Parking Facilities Bylaw.

9.1.3.(2) Accessory buildings.

9.1.3.(3) Accessory structures.

9.1.4 Regulations for Permitted Uses:

9.1.4.(1) The maximum permitted gross floor area used for the permitted uses of 9.1.1.(2) and 9.1.1.(3) shall not exceed 62 sq. m (667 s.f.).

9.1.4.(2) A principal use and a secondary use is only permitted within a principal building.

9.1.4.(3) The minimum lot area shall be not less than 558 sq. m (6,006 s.f.).

9.1.4.(4) The storey having its floor level closest to grade shall serve a principal use only.

9.1.4.(5) The retail sale and storage of garden items in this zone shall not include the display of motorized gardening equipment on the outside of a building.
(Bylaw 3987 - May 11/98)

9.1.4.(6) The retail sale uses permitted under 9.1.1.(2) shall not include a Liquor Retail Sale Use or any sale of liquor whatsoever.

9.1.5 Regulations for Buildings and Structures:

~~9.1.5.(1)For onefamily residential use, the regulations of Zone RS5 shall apply.~~

9.1.5.(~~2~~1) For commercial use, the following shall apply:

	Principal Building	Accessory Buildings	Accessory Structure
Number Permitted	one	one	one
Setbacks - Minimum			
(a) Front lot line	7.6~~2~~ m (~~25.00'~~24.9')	7.6~~2~~ m (25.00')	7.6~~2~~ m (25.00')
(b) Rear lot line	7.62 m (~~25.00'~~24.9')	1.5~~2~~ m (5.00')	1.52 m (5.00')
(c) Interior side lot line	1.5~~2~~ m (~~5.00'~~4.9)	1.5~~2~~ m (~~5.00'~~4.9 m)	1.5~~2~~ m (~~5.00'~~4.9 m)
(d) Exterior side lot line	3.~~65~~ 7 m (12.~~00'~~1')	3.~~65~~ 7 m (12.~~00'~~1')	3.~~65~~ 7 m (12.~~00'~~1')
(e) Total of side lot lines	4.6~~0~~ m (15.~~00'~~1')	N/A	N/A
Maximum			
(a) Building Height for buildings with up to two dwelling units	7.3~~2~~ m (24.0~~0~~')	3.0~~0~~ m (~~10.00'~~9.8')	4.6~~0~~ m (15.~~00'~~1')
~~(a)~~(b) Building Height where three or four ~~apartment~~ dwelling units are located within a Principal Building	8.5 m (27.9')		
~~(b) Occupiable Height~~	~~4.60 m (15.00')~~	~~0.25 m (10.00')~~	~~N/A~~
Number of Storeys Maximum where up to two (2) dwelling units are located within a Principal Building (Bylaw 3864 – Aug 14/95)	two	one	N/A
Number of Storeys Maximum where three or four apartment dwelling units are located within a Principal Building	three	one	N/A
Lot Coverage Maximum (Bylaw 3864 – Aug 14/95)	25.~~00~~%	5.~~00~~%	5.~~00~~%
Floor Area Ratio Maximum (Bylaw 3864 – Aug 14/95)	0.5~~0 to 1~~	N/A	N/A

NOTE: Floor Area Ratio, total of all buildings may not exceed 0.5 ~~to 1~~ (Bylaw 3864 – Aug 14/95)

9.1.5.(3) The interior side lot line setback is not required when the side lot line abuts a parcel zoned for commercial use.

9.1.5.(4) A clear space of 3 m (10 feet) shall be provided between buildings and structures.

9.2 This Zone shall be known as

C-2 - COMMERCIAL USE

9.2.1 Principal Uses Permitted:

9.2.1.(1) Retail use (Bylaw 3607 – May 10/93)

9.2.1.(2) Service business use

9.2.1.(3) Restaurant use

9.2.1.(4) Financial institution use

9.2.1.(5) Liquor retail sale use, but only on that parcel of land described as Lot 3, Block 1, Section 61, Victoria District, Plan 379. (Bylaw 4374 – Sept 10/07)

9.2.2 Secondary Uses Permitted:

9.2.2.(1) Apartment use

9.2.2.(2) ~~Onefamily~~ one-unit dwelling ~~residential~~ use

9.2.3 Accessory Uses Permitted and Required:

9.2.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

9.2.3.(2) An accessory off-street loading space as required by the Parking Facilities Bylaw.

9.2.4 Regulations for Permitted Uses:

9.2.4.(1) A residential use shall only be permitted above a principal use.

9.2.4.(2) Only a residential use shall be permitted over a residential use.

9.2.4.(3) The maximum area for restaurant use shall not exceed 200 sq. m (2,153 s.f.).

9.2.4.(4) The sale and service of liquor for consumption on premises within the zone may only take place in the context of a Restaurant Use, with such an establishment being open for the service of a varied selection of food items, including both appetizers and main courses (or their equivalent), during all hours of its operation, and with minors being allowed in the establishment during all such hours. (Bylaw 4195 – Sept 8/03)

9.2.4.(5) The maximum floor area devoted to liquor retail sale use on the parcel described in Section 9.2.1(5) shall not exceed 105 sq. m (1,130 s.f.), of which not more than 93 sq. m (1,001 s.f.) may be used as a sales and display area.
(Bylaw 4374 – Sept 10/07)

9.2.4.(6) The minimum lot area shall be not less than 558 sq. m (6,006 s.f.).

9.2.4.(7) The storey having its floor closest to grade shall serve a principal use only.

9.2.4.(8) Despite the definition of "retail use," the retail sale of produce is permitted outside of a building provided that:

(a) no furniture, shelving, stand, crate, bin, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored is:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an RS or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel does not exceed 15 sq. m (161 s.f.); and

(c) the retail sale of produce outside of a building is limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours. (Bylaw 4428 – Sept 29/08)

9.2.5 Regulations for Buildings and Structures:

9.2.5.(1) Accessory buildings and structures are not permitted.

9.2.5.(2) Buildings shall comply with the following regulations:

(a) Setbacks - Minimum

(i)	Front lot line	2.00 m (6.5')
(ii)	Rear lot line	0.00 m
(iii)	Interior lot line	0.00 m
(iv)	Exterior lot line	2.00 m (6.5')

(b) Maximum

(i)	Building Height	7.32 m (24')
	~~Occupiable Height~~ ~~(ii)~~	~~4.60 m (15')~~

(c) Number of Storeys Maximum (Bylaw 3864 – Aug 14/95) 2

9.2.6.(1) Notwithstanding the regulations of 9.2.5.(2)(a), the minimum setbacks for:

(a) an interior side lot line abutting an RS or RM Zone shall be not less than 2 m (6 feet); and

(b) a rear lot line adjacent to an RS or RM Zone shall be not less than 7.62 m (25 feet).

9.2.6.(2) The minimum permitted dwelling unit area for apartment use is as follows:

(a)	One-bedroom unit	56 sq. m (603 s.f.)
(b)	Two-bedroom unit	70 sq. m (754 s.f.)
(c)	Three-bedroom unit	84 sq. m (904 s.f.)

9.2.8 General Regulations:

9.2.8.(1) The required off-street parking spaces shall be provided on the same lot for which they are required.

9.3 This Zone shall be known as

C-3, ST. 1 - VILLAGE COMMERCIAL USE - STREET LEVEL
(Bylaw 3607 – May 10/93)

9.3.1 This Zone shall comprise the area designated and shown as C-3, ST. 1 on the "Zoning Map of The Corporation of the District of Oak Bay," but only to that floor area the elevation of which is closest to the elevation of Oak Bay Avenue abutting the individual parcels of land.

9.3.2 Principal Uses Permitted:

9.3.2.(1) Retail use

9.3.2.(2) Service business use

9.3.2.(3) Restaurant use

9.3.2(4) Liquor retail sale use, but only on that parcel of land described as Lot A, Sections 23 and 69, Victoria District, Plan 42273. (Bylaw 4486 – Oct 13/09)

9.3.3 Accessory Uses Permitted and Required:

9.3.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

9.3.3.(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

9.3.4 Regulations for Permitted Uses:

9.3.4.(1) A principal use shall not utilize a frontage abutting Oak Bay Avenue exceeding 15 m (50 feet).

9.3.4.(2) The maximum area for restaurant use shall not exceed 200 sq. m (2,153 s.f.).

9.3.4.(3) The sale and service of liquor for consumption on premises within the zone may only take place in the context of a Restaurant Use, with such an establishment being open for the service of a varied selection of food items, including both appetizers and main courses (or their equivalent), during all hours of its operation, and with minors being allowed in the establishment during all such hours. (Bylaw 4195 – Sept 8/03)

9.3.4.(4) The minimum lot area shall be not less than 558 sq. m (6,006 s.f.).

9.3.4(5) Despite the definition of "retail use," the retail sale of produce is permitted outside of a building provided that:

(a) no furniture, shelving, stand, crate, bin, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored is:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an RS or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel does not exceed 15 sq. m (161 s.f.); and

(c) the retail sale of produce outside of a building is limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours. (Bylaw 4428 – Sept 29/08)

9.3.4(6) The maximum floor area devoted to liquor retail sale use on the parcel described in Section 9.3.2(4) shall not exceed 215 sq. m (2,314 s.f.), of which not more than 150 sq. m (1,615 s.f.) may be used as a sales and display area.
(Bylaw 4486 – Oct 13/09)

9.3.5 Regulations for Buildings and Structures:

The regulations contained in this subsection regulate those portions of the buildings which contain the permitted uses:

		Principal Building	Accessory Buildings	Accessory Structures
9.3.5.(1)	Number Permitted	one	N/P	N/P
9.3.5.(2)	Setbacks - Minimum			
	(a) Front lot line	2.00 m (6.00')	N/A	N/A
	(b) Rear lot line	0.00 m	N/A	N/A
	(c) Interior side lot line	0.00 m	N/A	N/A
	(d) Exterior side lot line	2.00 m (6.00')	N/A	N/A
9.3.5.(3)	Maximum			
	(a) Building Height	4.00 m (13.00')	N/A	N/A
	~~(b) Occupiable Height~~	~~0.50 m (1.60')~~	~~N/A~~	~~N/A~~
	~~(c)~~(b) Lot coverage	50.0%	N/A	N/A

9.3.6 Notwithstanding the regulations of 9.3.5.(2), the minimum setback for:

(a) all lot lines abutting a street shall be 2 m (6 feet);

(b) an interior side lot line abutting an R~~S~~ or an RM Zone shall be not less than 2 m (6 feet); and

(c) a rear lot line abutting an RS or RM Zone shall be not less than 7.62 m (25 feet).

9.3.7 General Regulations

9.3.7.(1) The required off-street parking spaces shall be provided on the same lot for which they are required, except as permitted by a Development Permit.

9.4 This Zone shall be known as

C-3, D. 1 - VILLAGE COMMERCIAL USE - BELOW STREET LEVEL
(Bylaw 3607 – May 10/93)

9.4.1 This Zone shall comprise the area designated and shown as C-3, D. 1 on the "Zoning Map of The Corporation of the District of Oak Bay," but only to those floor areas below Zone C-3, ST. 1.

9.4.2 Principal Uses Permitted:

9.4.2.(1) Retail use

9.4.2.(2) Service business use

9.4.2.(3) Parking use

9.4.2.(4) Restaurant use

9.4.2.(5) Financial institution use

9.4.3 Accessory Uses Permitted and Required:

9.4.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

9.4.3.(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

9.4.4 Regulations for Permitted Uses:

9.4.4.(1) The maximum area for restaurant use shall not exceed 200 sq. m (2,153 s.f.).

9.4.4.(2) The sale and service of liquor for consumption on premises within the zone may only take place in the context of a Restaurant Use, with such an establishment being open for the service of a varied selection of food items, including both appetizers and main courses (or their equivalent), during all hours of its operation, and with minors being allowed in the establishment during all such hours. (Bylaw 4195 – Sept 8/93)

9.4.4.(3) The minimum lot area shall be not less than 558 sq. m (6,006 s.f.).

9.4.4(4) Despite the definition of "retail use," the retail sale of produce is permitted outside of a building provided that:

(a) no furniture, shelving, stand, crate, bin, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored is:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an RS or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel does not exceed 15 sq. m (161 s.f.); and

(c) the retail sale of produce outside of a building is limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours. (Bylaw 4428 – Sept 29/08)

9.4.5 Regulations for Buildings and Structures:

The regulations contained in this subsection regulate those portions of the buildings which contain the permitted uses:

		Principal Building	Accessory Buildings	Accessory Structure
9.4.5.(1)	Number Permitted	one	N/P	N/P
9.4.5.(2)	Setbacks - Minimum			
	(a) Front lot line	2.00 m (6.00')	N/A	N/A
	(b) Rear lot line	0.00 m	N/A	N/A
	(c) Interior side lot line	0.00 m	N/A	N/A
	(d) Exterior side lot line	2.00 m (6.00')	N/A	N/A

9.4.6 The minimum setback for:

(a) all lot lines abutting a street shall be 2 m (6 feet);

(b) an interior side lot line abutting an RS or an RM Zone shall be not less than 2 m (6 feet); and

(c) a rear lot line abutting an RS or RM Zone shall be not less than 7.62 m (25 feet).

9.4.7 General Regulations

9.4.7.(1) The required off-street parking spaces shall be provided on the same lot for which they are required, except as permitted by a Development Permit.

9.5 This Zone shall be known as

C-3, UP 1 - VILLAGE COMMERCIAL USE - ABOVE STREET LEVEL
(Bylaw 3607 – May 10/93)

9.5.1 This Zone shall comprise the area designated and shown as C-3, UP 1 on the "Zoning Map of The Corporation of the District of Oak Bay," but only to those floor areas above Zone C-3, ST. 1.

9.5.2 Principal Uses Permitted:

9.5.2.(1) Retail use

9.5.2.(2) Service business use

9.5.2.(3) Restaurant use

9.5.2.(4) Financial institution use

9.5.2.(5) Apartment use

9.5.2.(6) Residential use

9.5.3 Accessory Uses Permitted and Required:

9.5.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

9.5.3.(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

9.5.4 Regulations for Permitted Uses:

9.5.4.(1) A use other than a residential use shall not be permitted above a residential use within this Zone.

9.5.4.(2) The sale and service of liquor for consumption on premises within the zone may only take place in the context of a Restaurant Use, with such an establishment being open for the service of a varied selection of food items, including both appetizers and main courses (or their equivalent), during all hours of its operation, and with minors being allowed in the establishment during all such hours. (Bylaw 4195 – Sept 8/03)

9.5.4.(3) The minimum lot area shall be not less than 558 sq. m (6,006 s.f.).

9.5.5 Regulations for Buildings and Structures:

The regulations contained in this subsection regulate those portions of the buildings which contain the permitted uses:

		Principal Building	Accessory Buildings	Accessory Structure
9.5.5.(1)	Number Permitted	one	N/P	N/P
9.5.5.(2)	Setbacks - Minimum			
	(a) Front lot line	2.00 m (6.00')	N/A	N/A
	(b) Rear lot line	0.00 m	N/A	N/A
	(c) Interior side lot line	0.00 m	N/A	N/A
	(d) Exterior side lot line	2.00 m (6.00')	N/A	N/A
9.5.5.(3)	Maximum			
	(a) Building Height	7.32 m (24.00')	N/A	N/A
	~~(b) Occupiable Height~~	~~7.00 m (23.00')~~	~~N/A~~	~~N/A~~
	~~(c)~~(b) Lot coverage	50.0%	N/A	N/A

9.5.6 Notwithstanding the regulations of 9.5.5.(2), the minimum setback for:

(a) all lot lines abutting a street shall be 2 m (6 feet);

(b) an interior side lot line abutting an R~~S~~ or an RM Zone shall be not less than 2 m (6 feet); and

(c) a rear lot line abutting an R~~S~~ or RM Zone shall be not less than 7.62 m (25 feet).

9.5.7.(1) The building height regulated by paragraph 9.5.5.(3)(a), may only be exceeded by a roof having a slope of not more than sixty (60) degrees to the horizontal.

9.5.7.(2) Notwithstanding paragraph 9.5.5.(3)(a), dormer type windows may be constructed into each roof face, providing:

(a) no dormer is more than 2 m (6 feet) wide; and

(b) the cumulative width of all the dormers does not exceed 30% of the roof face in which they are installed.

9.5.8.(1) The minimum permitted dwelling unit areas for apartment use are as follows:

(a)	One-bedroom units	56 sq. m (603 s.f.)
(b)	Two-bedroom units	70 sq. m (754 s.f.)
(c)	Three-bedroom units	84 sq. m (904 s.f.)

9.5.9 General Regulations

9.5.9.(1) The required off-street parking spaces shall be provided on the same lot for which they are required, except as permitted by a Development Permit.

9.6 This Zone shall be known as

C3, SP1 - VILLAGE COMMERCIAL USE-MIXED USE
(Bylaw 4083 – Dec 11/00)

9.6.1 Principal Uses Permitted:

(1) Retail Use
(2) Service Business Use
(3) Restaurant Use
(4) Neighbourhood Public House Use
(5) Residential Use
(6) Apartment Use
(7) Financial Institution Use
(8) Liquor Retail Sale Use (Bylaw 4195 – Sept 8/03)

9.6.2 Regulations for Permitted Uses

(1) A use other than a residential use or an apartment use shall not be permitted above a residential or apartment use within this Zone.

(2) A residential use or apartment use shall not be permitted at or below street level.

(3) A principal use shall not utilize a frontage abutting Oak Bay Avenue exceeding 15 m (50 feet).

(4) The maximum area for restaurant use shall not exceed 200 sq. m (2153 s.f.).

(4.1) The maximum area devoted to Liquor Retail Sale Use on any parcel of land shall not exceed 140 sq. m (1507 s.f.), of which not more than 93 sq. m (1001 s.f.) may be used as a sales and display area. (Bylaw 4195 – Sept 8/03)

(5) The maximum area for Neighbourhood Public House Use shall not exceed 525 sq. m. (5651 s.f.) of which not more than 270 sq. m. (2906 s.f.) may be used as an indoor licensed public space, not more than 41 sq. m. (441 s.f.) as an outdoor licensed public space, and not more than 28 sq. m. (301 s.f.) as a dedicated full-time games area. (Bylaw 4254 – Mar 15/05)

(6) The sale and service of liquor for consumption on premises within the zone may only take place in the context of either a Restaurant Use, with such an establishment being open for the service of a varied selection of food items, including both appetizers and main courses (or their equivalent), during all hours of its operation, and with minors being allowed in the establishment during all such hours, or in the context of a Neighbourhood Public House Use. (Bylaw 4195 – Sept 8/03) (Bylaw 4201 – Feb 23/04)

(7) The operation of a Neighbourhood Public House shall be subject to the following regulations:

(a) Maximum indoor seating capacity of one hundred fifteen (115) patrons; (Bylaw 4254 - Mar 14/05)

(b) Maximum outdoor seating capacity of thirty (30) patrons; (Bylaw 4254 – Mar 14/05)

(c) Sale of liquor for off-premises consumption is prohibited. (Bylaw 4195 – Sept 8/03)

(8) A financial institution use shall not be permitted at street level.

(9) The minimum lot area shall be not less than 558 sq. m. (6,006 s.f.)

(10) Despite the definition of "retail use", the retail sale of produce is permitted outside of a building provided that:

(a) no furniture, shelving, stand, crate, bin, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored is:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an RS or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel does not exceed 15 sq. m (161 s.f.); and

(c) the retail sale of produce outside of a building is limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours. (Bylaw 4428 – Sept 29/08)

9.6.3 Accessory Uses Permitted and Required

9.6.3(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

9.6.3(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

9.6.4 Regulations for Buildings and Structures

9.6.4(1) Accessory buildings are prohibited.

9.6.4(2) The regulations contained in this subsection regulate those portions of the buildings which contain the permitted uses:

		Principal Building
(a)	Number Permitted	One
(b)	Setbacks - Minimum	
	(i) Front lot line	2.00 m (6')
	(ii) Rear lot line	0.00 m
	(iii) Interior side lot line	0.00 m
	(iv) Exterior side lot line	2.00 m (6')
(c)	Building Height Maximum	7.32 m (24')
	~~Occupiable Height Maximum~~	~~7.00 m (23')~~
	~~(d)~~	
~~(c)~~(d)	Lot Coverage Maximum	61%

9.6.4(3) Notwithstanding the regulations of 9.6.4 (2), the minimum setback for

(a) All lot lines abutting a street shall be 2 m (6 feet);

(b) An interior side lot line abutting an RS or an RM Zone shall be not less than 2.00 m (6 feet); and

(c) A rear lot line abutting an RS or RM Zone shall be not less than 7.62 m (25 feet).

9.6.4(4) The building height regulated by paragraph 9.6.4.(2)(c), may only be exceeded by a roof having a slope of not more than sixty (60) degrees to the horizontal.

9.6.4(5) Notwithstanding paragraph 9.6.4.(2)(c), dormer type windows may be constructed into each roof face, provided

(a) No dormer is more than 2 m (6 feet) wide; and

(b) The cumulative width of all the dormers does not exceed 30% of the roof face in which they are installed.

9.6.5(1) The minimum permitted dwelling unit areas for residential use or apartment use are as follows:

(a)	One-bedroom units	56 sq.m (603 s.f.)
(b)	Two-bedroom units	70 sq.m (754 s.f.)
(c)	Three-bedroom unit	84 sq.m (904 s.f.)

9.7 This Zone shall be known as

C-4 - LOCAL COMMERCIAL/ NEIGHBOURHOOD DELI USE
(Sections re-numbered- Bylaw 4083 – Dec 11/00)

9.7.1 Principal Uses Permitted:

~~9.7.1.(1)~~ ~~One family residential use.~~

9.7.1.(~~2~~1) Retail sale and storage of groceries, meat, fish, bakery goods and sundry household and garden items.

9.7.1.(3) Barbers, hairdressers and beauty shops.

9.7.1 (4) Neighbourhood Deli use.

9.7.2 Secondary Uses Permitted:

9.7.2.(1) In conjunction with the uses permitted by 9.7.1.(2), 9.7.1.(3), or 9.7.1.(4), ~~one family~~up to four (4) apartment ~~-~~residential ~~use~~dwelling units.

9.7.3 Accessory Uses Permitted and Required:

9.7.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

9.7.3.(2) Accessory buildings.

9.7.3.(3) Accessory structures.

9.7.4 Regulations for Permitted Uses:

9.7.4.(1) The maximum permitted gross floor area used for the permitted uses of 9.7.1.(2), 9.7.1.(3), and 9.7.1.(4) shall not exceed 92 sq. m (990 s.f.).

9.7.4.(2) A principal use and a secondary use are only permitted within a principal building.

9.7.4.(3) The minimum lot area shall be not less than 558 sq. m (6,006 s.f.).

9.7.4.(4) The storey having its floor level closest to grade shall serve a principal use only.

9.7.4.(5) The retail sale and storage of garden items in this zone shall not include the display of motorized gardening equipment on the outside of a building

9.7.4.(6) For a Neighbourhood Deli Use, seating for the consumption of any food or beverages on the premises by customers shall be limited to a maximum of 10 seats, of which not more than 4 may be located in the interior of the building.

9.7.4.(7) The retail sale uses permitted under 9.7.1.(2) shall not include a Liquor Retail Sale Use or any sale of liquor whatsoever. (Bylaw 4195 – Sept 8/03)

9.7.4.(8) The Neighbourhood Deli Use permitted under 9.7.1.(4) shall not include a Liquor Retail Sale Use or any sale of liquor for off-premises consumption whatsoever. (Bylaw 4195 – Sept 8/03)

9.7.5 Regulations for Buildings and Structures:

~~9.7.5.(1) For one-family residential use, the regulations of Zone RS-5 shall apply.~~

9.7.5.(2) For commercial use, the following shall apply:

	Principal Building	Accessory Buildings	Accessory Structure
Number Permitted	one	one	one
Setbacks - Minimum			
(a) Front lot line	7.6~~2~~ m (~~25.00'~~24.9')	7.6~~2~~ m (24.9'~~25.00'~~)	7.6~~2~~ m (24.9'~~25.00'~~)
(b) Rear lot line	7.6~~2~~ m (24.9'~~25.00'~~)	1.5~~2~~ m (~~5.00'~~4.9')	1.5~~2~~ m (~~5.00'~~4.9')
(c) Interior side lot line	1.5~~2~~ m (~~5.00'~~4.9')	1.5~~2~~ m (~~5.00'~~4.9')	1.5~~2~~ m (~~5.00'~~4.9')
(d) Exterior side lot line	3.~~65~~ 7 m (12.~~0~~1~~0~~')	3.~~65~~ 7 m (12.~~0~~1~~0~~')	3.~~65~~ 7 m (12.~~0~~1~~0~~')
(e) Total of side lot lines	4.6~~0~~ m (15.~~00~~')	N/A	N/A
Maximum			
(a) Building Height	7.3~~2~~ m (24.00')	3.0~~0~~ m (~~10.00'~~9.8')	4.6~~0~~ m (15.~~00~~1')
(b) Building Height where four (4) apartment dwelling units are located within a Principal Building	8.5 m (27.9')		
~~(f)~~ ~~(g) Occupiable Height~~	~~4.60 m (15.00')~~	~~0.25 m (10.00')~~	~~N/A~~
Number of Storeys Maximum where up to two (2) dwelling units are located within a Principal Building	two	one	N/A
Number of Storeys Maximum where four (4) apartment dwelling units are located within a Principal Building	three		
Lot Coverage Maximum	35.~~00~~%	5.~~00~~%	5.~~00~~%

	Floor Area Ratio Maximum	0.50 ~~to 1~~	N/A	N/A
	NOTE: Floor Area Ratio, total of all buildings may not exceed 0.5 ~~to 1~~			

9.7.5.(3) The interior side lot line setback is not required when the side lot line abuts a parcel zoned for Commercial Use.

9.7.5.(4) A clear space of 3 m (10 feet) shall be provided between buildings and structures.

9.8 This Zone shall be known as

C-5 – LOCAL COMMERCIAL/ NEIGHBOURHOOD DELI USE
(Bylaw 4386 – Dec 17/07)

9.8.1 Principal Uses Permitted:

~~9.8.1(1) One family residential use.~~

9.8.1(2) Retail sale and storage of groceries, meat, fish, delicatessen, bakery goods and sundry household and garden items.

9.8.1(3) Barbers, hairdressers and beauty shops.

9.8.1(4) Neighbourhood deli use.

9.8.2 Accessory Uses Permitted and Required:

9.8.2(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

9.8.2(2) Accessory buildings.

9.8.2(3) Accessory structures.

9.8.2(4) Up to four (4) apartment residential dwelling units

9.8.3 Regulations for Permitted Uses:

9.8.3(1) The total amount of floor area at any time devoted to the uses described in Paragraphs 9.8.1(2), (3) and (4) on a parcel shall not exceed 92 sq. m (990 s.f.).

9.8.3(2) With the exception of:

(a) outdoor seating appurtenant to a neighbourhood deli use, with siting complying with all of the following restrictions:

(i) not less than 3.65 m (12.0 ft) from the front lot line;

(ii) not less than 3.0 m (9.8 ft) from an interior side lot line; and

(iii) not between the rear lot line and the projection of the wall of the principal building facing the front lot line to the closest points on the respective side lot lines;

(b) the outdoor display of fruits, vegetables, plants and non-motorized gardening equipment in connection with a retail sale use at a distance of not more than 1.5 m (4.9 ft) measured perpendicularly from a principal building wall facing the front lot line,

a principal use shall be confined to a -building.

9.8.3(3) No accessory building shall be used for a principal use, nor for any purpose ancillary to the uses described in Paragraphs 9.8.1(2), (3) and (4).

9.8.3(4) For neighbourhood deli use, the number of seating spaces for the consumption of food or beverages on the parcel shall not exceed 15.

9.8.3(5) The retail sale uses permitted under Section 9.8.1(2) shall not include a liquor retail sale use or any sale of liquor whatsoever.

9.8.3(6) The neighbourhood deli use permitted under Section 9.8.1(4) shall not include a

liquor retail sale use or any sale of liquor for off-premises consumption whatsoever.

9.8.4 Regulations for Buildings and Structures:

~~9.8.4(1)~~ ~~Where one family residential use is the only principal use of a parcel, the regulations of Zone RS-5 shall apply.~~

9.8.4(2) For commercial use, or a combination of commercial and residential use, the following shall apply:

		Principal Building	Accessory Building	Accessory Structure
(a)	Number Permitted	1	1	1
(b)	Setbacks - Minimum			
	(i) Front lot line	7.6~~2~~ m (~~25.00'~~24.9 m)	7.6~~2~~ m (~~25.00'~~24.9 m)	7.6~~2~~ m (~~25.00'~~24.9 m)
	(ii) Rear lot line	7.6~~2~~ m (~~25.00'~~24.9)	1.5~~2~~ m (~~5.00'~~4.9')	1.52 m (~~5.00'~~4.9')
	(iii) Interior side lot line	1.5~~2~~ m (~~5.00'~~4.9')	1.5~~2~~ m (~~5.00'~~4.9')	1.5~~2~~ m (~~5.00'~~4.9')
	(iv) Total of side lot lines	4.6~~0~~ m (15.~~00'~~1')	N/A	N/A
(c)	Building Height Maximum	7.3~~2~~ m (24.00')	3.0~~0~~ m (9.8')	N/A
~~(d)~~	~~Occupiable Height Maximum~~	~~4.60 m (15.10')~~	~~0.25 m (0.8')~~	~~N/A~~
~~(e)~~(d)	Height Maximum	N/A	N/A	4.6 m (15.1 ft)
(e)	# of Storeys Maximum where up to two (2) dwelling units are located within a Principal Building	2 3	1	N/A
(f)	# of Storeys where four (4) apartment dwelling units are located within a Principal Building			
(g)	Lot Coverage Maximum	35%	5%	5%
(h)	Floor Area Ratio Maximum	Total all buildings: 0.5 ~~to~~ ~~1~~		N/A

9.8.4(3) Despite Section 9.8.4(2)(b)(iii), the minimum interior side lot line setback requirement does not apply relative to the portion of a side lot line shared with an adjacent parcel zoned for commercial use.

9.8.4(4) A clear space of not less than 3 m (9.8 ft) shall be provided between buildings, and between buildings and structures.

PART 10

10.1 This Zone shall be known as

CS-1 - SERVICE STATION COMMERCIAL USE

10.1.1 Principal Use Permitted:

10.1.1.(1) Service station use

10.1.2 Accessory Use Permitted and Required:

10.1.2.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

10.1.3 Regulations for Permitted Uses:

10.1.3.(1) A service station use shall:

(a) not be permitted on a lot with an area of less than 1115 sq. m (12,000 s.f.); and

(b) be located on a corner lot at the intersection of one or more arterial roads, as recognized in the Official Community Plan.

10.1.4 Regulations for Buildings and Structures:

		Principal Building	Accessory Buildings	Accessory Structure
10.1.4.(1)	Number Permitted	one	N/P	N/P
10.1.4.(2)	Setbacks - Minimum			
	(a) Front lot line	6.00 m (20.00')	N/P	N/P
	(b) Rear lot line	7.62 m (25.00')	N/P	N/P
	(c) Exterior side lot line	6.00 m (20.00')	N/P	N/P
10.1.4.(3)	Building Height Maximum	4.60 m (15.00')	N/P	N/P

10.1.4.(4) Notwithstanding 10.1.4.(2), gasoline pumps and other service equipment may not be closer than 4.6 m (15 feet) from any street.

10.1.4.(5) Notwithstanding 10.1.4.(1), not more than two (2) roofed structures may be constructed to provide weather protection for the gasoline pumps.

10.2 This Zone shall be known as

CS-2 - MARINE COMMERCIAL USE

10.2.1 Principal Uses Permitted:

10.2.1.(1) A Marina use

10.2.2. Secondary Uses Permitted:

10.2.2.(1) Marine Fuel Sales
10.2.2.(2) Marine Service Facilities
10.2.2.(3) Restaurant
10.2.2.(4) Marine Tours
10.2.2.(5) Marina Administration Offices
10.2.2.(6) Sea Rescue Use
10.2.2.(7) Marine Instruction Use
10.2.2.(8) Bicycle Rentals
10.2.2.(9) Bicycle Tours

(Bylaw 3782 – Dec 20/93; Bylaw 4686 – May 8/17)

10.2.3 Accessory Uses Permitted and Required:

10.2.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

10.2.3.(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

10.2.4 Regulations for Permitted Uses:

10.2.4.(1) A marina use shall not include that of being a terminal of a commercial transportation services provided by sea-going vessels, hovercraft or aeroplanes.

10.2.4.(2) A marina use shall not include that of residential use, either in a building or in a watercraft.

10.2.4.(3) Repealed (Bylaw 3782 – Dec 20/93; Bylaw 4689 – May 8/17)

10.2.4.(4) A Marine Service Facilities use shall not include the dry land storage of marine vessels over 15.24 metres (50 feet) in length, even for the purpose of construction or repair. (Bylaw 3782 – Dec 20/93)

10.2.5 Regulations for Buildings and Structures:

10.2.5(1) No building or structure (excluding a sign, fence or screen otherwise permitted by bylaw) shall be sited at a distance less than 45.0 metres (147.6 feet) from any lot line abutting a street. (Bylaw 3782 – Dec 20/93)

10.2.5(2) No building or structure (excluding a fence or screen otherwise permitted by bylaw) shall be sited at a distance less than 10.66 metres (35.0 feet) from any lot line abutting a parcel zoned for Residential Use or Multiple Dwellings Use. (Bylaw 3782 – Dec 20/93)

10.2.5(3) Buildings and structures shall not exceed a lot coverage, or, for contiguous parcels (excluding aquatic land) included within the same marina operation, a combined lot coverage, of 45%. (Bylaw 3782 – Dec 20/93)

10.2.5(4) Subject to Section 10.2.5(5), no building or structure shall exceed a roof height or total height, respectively, of 9.75 metres (32.0 feet). (Bylaw 3782 – Dec 20/93)

10.2.5(5) With the exception of

(a) one (1) boathouse for Sea Rescue Use;

(b) one (1) floating building for yacht brokerage use;

(c) one (1) floating or dock-mounted building for marine fuel sales use;

(d) one (1) main service panel for the supply of electrical power to docks;

(e) two (2) marine ways for boat haul-out and repair;

(f) storage lockers, small boat racks and standard recreational marina dock utilities and appurtenances;

(g) lighting fixture supports and dock anchoring piles; and

(h) walkways, decks, railings and gangways appurtenant to upland property or buildings thereon, (Bylaw 4305 – April 24/06)

for any marina, no building, and no structure with a height exceeding 1.2 metres (3.9 feet) above sea level, shall be erected, placed or moored on or over aquatic land. (Bylaw 3782 – Dec 20/93)

10.2.5(6) A boathouse moored for Sea Rescue Use shall not exceed a roof height of 5.5 metres (18.0 feet) above sea level, nor a width of 6.1 metres (20.0 feet), nor a length of 14.4 metres (47.2 feet).
(Bylaw 3782 – Dec 20/93) (Bylaw 4474 – July 20/09)

10.2.5(7) A floating building moored for yacht brokerage use shall not exceed a roof height of 3.5 metres (11.5 feet) above sea level, nor a width of 3.2 metres (10.5 feet), nor a length of 7.6 metres (24.9 feet). (Bylaw 3782 – Dec 20/93)

10.2.5(8) A building placed or erected on a dock, or moored, for the purpose of marine fuel sales shall not exceed a roof height of 4.0 metres (13.1 feet) above sea level, nor a width of 5.5 metres (18.0 feet), nor a length of 11.0 metres (36.1 feet).
(Bylaw 3782 – Dec 20/93)

10.2.5(9) A marine way for boat haul-out and repair, and any structure appurtenant thereto, shall not exceed a height of 3.7 metres (12.1 feet) above sea level.
(Bylaw 3782 – Dec 20/93)

10.2.5(10) A storage locker, small boat rack or standard recreational marina dock utility or appurtenance shall not exceed a height of 2.13 metres (7.0 feet) above sea level. (Bylaw 3782 – Dec 20/93)

10.2.5(11) The portion of foreshore or land covered by water adjoining the north west boundary of Block C of District Lot 114, shown in hatching on the sketch attached as Schedule "D" to this Bylaw, shall not be used for commercial purposes. (Bylaw 4474 – July 20/09)

10.2.5(12) Despite the definition of "Secondary Use," the portion of foreshore or land covered by water adjoining the north west boundary of Block C of District Lot 114, shown in hatching on the sketch attached as Schedule "D" to this Bylaw, may be used for Sea Rescue Use notwithstanding that such use is not carried out in conjunction with a Marina Use in that area.
(Bylaw 4474 – July 20/09)

PART 11

11.1 This Zone shall be known as

P-1 - GENERAL INSTITUTIONAL USE
(Bylaw 4366 - June 11/07)

11.1.1 Principal Uses Permitted:

11.1.1(1) General institutional use.

11.1.1(2) Off-street parking use, but only on those parcels of land described as follows:

Rem. Lot 5 and Lot 6, Sections 28 and 69, Victoria District, Plan 2376;

Lot B, Section 23, Victoria District, Plan 42273;

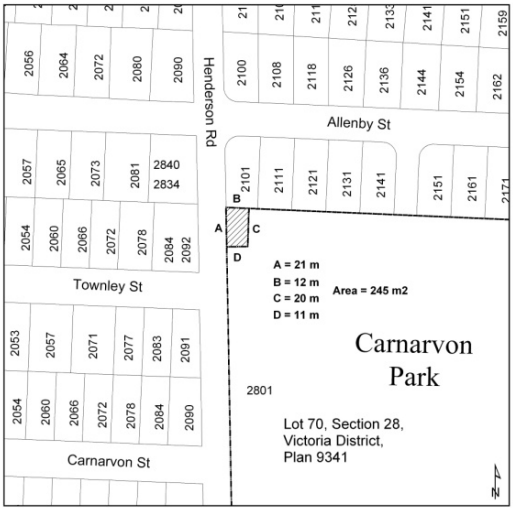
Lot 19, Block AA, Section 23, Plan 368B;

District Lot 252, Victoria District, as shown on plan of survey prepared by Ian T. Hughes, B.C.L.S, dated March 20, 1993. (Bylaw 4305 – April 24/06)

11.1.1(3) Works yard use, but only on that parcel of land described as Lot 2, Section 69, Victoria District, Plan 12892. (Bylaw 4305 – April 24/06)

11.1.2 Secondary Uses Permitted (notwithstanding Sections 5.1.1(14) and 5.1.1(16), but in respect of land comprising a municipal park, subject always to a trust condition or a covenant registered against the title to the land):
(Bylaw 4428 – Sept 29/08)

11.1.2(1) Limited recycling depot use, but only on that area of land shown in hatching on the plan reproduced below, being a portion of Lot 70, Section 28, Victoria District, Plan 9341:



(Bylaw 4366 - June 11/07) (Bylaw 4428 – Sept 29/08)

11.1.2(2) Outdoor produce market use. (Bylaw 4428 – Sept 29/08)

11.1.3 Accessory Uses Permitted and Required:

11.1.3(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

11.1.3(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

11.1.4 Regulations Respecting Use:

11.1.4(1) On land where a limited recycling depot use is permitted pursuant to Section 11.1.2(1), recyclable plastics and recyclable electronics may not be received, sorted or transferred except on a maximum of 1 day in any calendar month, nor may any such receiving, sorting or transferring activity take place outside the 9:00 a.m. to 12:30 p.m. period on that day.

11.1.4(2) Outside the 9:00 a.m. to 12:30 p.m. period on the day when recyclable plastics and recyclable electronics may be received, sorted or transferred pursuant to Section 11.1.4(1), such recyclable plastics and recyclable electronics may not be deposited or stored on land where a limited recycling depot use is permitted pursuant to Section 11.1.2(1).

11.1.4(3) On land where a limited recycling depot use is permitted pursuant to Section 11.1.2(1) the fee of which is in the Corporation, and for a limited recycling depot use not carried out by the Corporation, the person carrying out such use must have been granted by Council a licence of occupation of the land for a defined period, wherein the person to whom the licence is granted has executed an agreement indemnifying the Corporation from and against claims arising out of the limited recycling depot use and occupation, releasing the Corporation from claims of that person arising out of such use and occupation, providing evidence of public liability insurance in an amount not less than Three Million Dollars ($3,000,000) inclusive per occurrence for bodily injury, death, and damage to property with the Corporation named as an additional insured, agreeing to pay all costs incurred by the Corporation in connection with such use and occupancy, and agreeing to abide by any other conditions of occupancy which may be required by the Corporation as owner of the land.

11.1.4(4) In respect of an outdoor produce market use:

(a) no furniture, shelving, stand, crate, bin, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored may be:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an RS or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel may not exceed 15 sq. m (161 s.f.); and

(c) the outdoor produce market use shall be limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours.

11.1.4(5) Section 11.1.4(3) applies, with the necessary changes, in respect of an outdoor produce market use on land the fee of which is in the Corporation.
(Bylaw 4428 – Sept 29/08)

11.1.5 Regulations for Buildings and Structures:

11.1.5(1) On any parcel, the combined lot coverage of all buildings and structures shall not exceed 30%.

11.1.5(2) Every building and structure shall be set back not less than 7.62 m (25 ft) from every lot line.

11.1.5(3) The combined floor area ratio of all buildings and structures shall not exceed 1.00.

11.1.5(4) No structure shall have a height in excess of 14 m (45.9 ft).

11.1.5(5) No building shall have a roof height in excess of 14 m (45.9 ft).

11.1.6 Oak Bay High School Lands

11.1.6(1) In this section, "Oak Bay High School Lands" means the lots having the following legal descriptions:

(a) Amended Lot 1 (DD155452I), Block 2, Section 28, Victoria District, Plan 1755;

(b) Lot 1, Section 28, Victoria District, Plan 8380;

(c) Lot 2, Section 28, Victoria District, Plan 2376 except part in Plan 8380;

(d) Lot 3, Section 28, Victoria District, Plan 2376 except part in Plan 8380;

(e) Lot 1, Sections 28 and 29, Victoria District, Plan 12892;

(f) Lot 4, Section 28, Victoria District, Plan 2376;

(g) Lot 2, Section 28, Victoria District, Plan 8380;

(h) Lot 5, Sections 28 and 69, Victoria District, Plan 2376;

(i) Lot 6, Sections 28 and 69, Victoria District, Plan 2376.

11.1.6(2) In the case of the Oak Bay High School Lands:

(a) for certainty, in addition to any use permitted under this Part, the Oak Bay High School Lands may be used as a community theatre and arts facility and neighbourhood learning centre;

(b) despite subsection 11.1.5(2), the setbacks for buildings and structures on the Oak Bay High School Lands shall be determined as if the Oak Bay High School Lands formed a single lot;

(c) despite subsection 11.1.5(4) and (5) of this Bylaw the maximum height of a building located within that part of the Oak Bay High School Lands shown shaded on the Rezoning Plan attached as Schedule B to this Bylaw shall not exceed 17.4 m;

(d) despite section 4.12.2 of this Bylaw and for the purposes of section 5.2 of the Parking Facilities Bylaw, 1986, off street parking spaces required under the Parking Facilities Bylaw, 1986: may be provided within any lot or combination of lots forming part of the Oak Bay High School Lands as if the Oak Bay High School Lands formed a single lot; and

(e) off street parking spaces referred to in paragraph (d) must be situated in accordance with the Parking Plan attached hereto as Schedule C.
(Bylaw 4572 – Nov 13/2012)

11.2 This Zone shall be known as

P-2 - SPECIAL INSTITUTIONAL USE
(Bylaw 3877 - 96/09/09)

11.2.1 Principal Uses Permitted:

11.2.1.(1) An assembly use, provided that a long-term care institution shall be permitted only on that parcel of land described as Lot 1, Sections 28 and 61, Victoria District, Plan 23992. (Bylaw 4305 – April 24/06)

11.2.2 Secondary Uses Permitted:

11.2.2.(1) Residential uses in accordance with the regulations for Zone R-5.
~~One-family residential use~~

11.2.2.(2) Congregate housing, provided that the principal use on a single lot is a church, and subject to the availability of excess land.

11.2.2.(3) Multiple family dwelling use, provided that the principal use on a single lot is a church.

11.2.2.(4) Outdoor produce market use. (Bylaw 4428 – Sept 29/08)

11.2.3 Accessory Uses Permitted and Required:

11.2.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

11.2.3.(2) Accessory buildings.

11.2.4 Regulations for Permitted Uses:

11.2.4.(1) An assembly use shall not be permitted on a lot with an area of less than 2000 sq. m (21,528 s.f.).

11.2.4.(2) A multiple family dwelling use shall not be permitted on a lot with an area of less than 4000 sq. m (43,057 s.f.).

11.2.4.(3) For the purposes of this Section,

'EXCESS LAND' means the area of land 'EL', in square metres, represented in the formula

$$EL = LA - [(2.75 \times C) + V]$$

where LA = the area, in square metres, of the single lot, and where

(a) C = the sum of the coverage, in square metres, and

(b) V = the area of land, in square metres, required for vehicle ingress, egress and parking pursuant to the Parking Facilities Bylaw except as varied by Development Variance Permit,

for all buildings and structures, both existing and as contemplated in any application for a permit that would increase the area covered by buildings and structures;

and excess land shall be deemed to be available when the calculated value 'EL' is greater than zero.

11.2.4(4) In respect of an outdoor produce market use:

(a) no furniture, shelving, stand, crate, bin, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored may be:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an RS or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel may not exceed 15 sq. m (161 s.f.); and

(c) the outdoor produce market use shall be limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours. (Bylaw 4428 – Sept 29/08)

Regulations for Buildings and Structures:

	Principal Building	Accessory Buildings	Congregate Housing	Multiple Dwelling	Accessory Structure
11.2.5.(1) Setback - Minimum					
(a) Front lot line	7.62 m (25.00'24.9')	7.62 m (25.00'24.9)	7.62 m (25.00'24.9')	9.14 m (30.00')	N/A
(b) Rear lot line	7.62 m (25.00'24.9')	2.00 m (7.00')	7.62 m (25.00')	9.14 m (30.00')	N/A
(c) Interior side lot line	7.62 m (25.00'24.9')	2.00 m (7.00'6.6')	3.00 m (10.00'9.8')	6.00 m (20.00'19.7')	N/A
(d) Exterior side lot line	7.62 m (25.00'24.9')	7.62 m (25.00'24.9')	7.62 m (25.00'24.9')	9.14 m (30.00')	N/A
(e) Total of side lot lines	40% of lot width	N/A	N/A	N/A	N/A
11.2.5.(2) Building Height Maximum	10.70 m (35.00'10')	3.00 m (10.00'9.8)	7.32 m (24.00')	10.70 m (35.00'10')	N/A
~~11.2.5.(3) Occupiable Height Maximum~~	~~4.60 m (15.00')~~	~~0.25 m (10.00")~~	~~4.57 m (15.00')~~	~~8.00 m (26.00')~~	~~N/A~~
11.2.5.(4) Roof Height Maximum	N/A	4.57 6 m (15.00'10')	9.14 m (30.00')	N/A	N/A
11.2.5.(5) Lot Coverage Maximum	30.00%	5.00%	See Note 1	See Note 2	N/A
11.2.5.(6) Number of Storeys	N/A	N/A	N/A	3	N/A
11.2.5.(7) Number Permitted	N/A	N/A	N/A	1	N/A
11.2.5.(8) Floor Area Ratio Maximum	N/A	N/A	N/A	See Note 3	N/A

NOTE 1 The maximum lot coverage for a building serving a congregate housing use shall not exceed 300 square metres (3,229 square feet).

NOTE 2 The maximum lot coverage for a building serving a multiple dwelling use shall not exceed 90% of the combined lot coverage of all buildings serving a principal use.

NOTE 3 The maximum Floor Area Ratio for a building serving a multiple dwelling use shall not exceed the combined Floor Area Ratio of all buildings serving a principal use.

11.2.5.(9) A clear space of 3 m (10 feet) shall be provided between buildings and between buildings and structures.

11.2.5.(10) Notwithstanding 11.2.5.(5), but subject to paragraph (11), the maximum total lot coverage for all buildings serving a principal use, a congregate housing use, and a multiple family dwelling use shall not exceed 30%.

11.2.5.(11) Where a congregate housing use exists, no building serving any other use shall be erected, and no existing building shall be expanded, if the result would be to reduce the excess land to a value less than or equal to zero.

11.2.6 The minimum permitted residential floor area required for each dwelling unit in a multiple family dwelling use is as follows:

(a)	One-bedroom unit	56 sq.m (603 s.f.)
(b)	Two bedroom unit	71 sq.m (754 s.f.)
(c)	Three bedroom unit	84 sq.m (904 s.f.)

11.2.7 Notwithstanding any other regulation of this Bylaw, the following site-specific regulations shall apply to the property legally described as “Lot 1, Section 23, Victoria Plan VIP58102 Lease/Permit/License # EP26479, As Shown On PL VIP60616” (2095 Granite Street).

11.2.7(1) The minimum lot size for subdivision of lots in existence prior to May 13th, 2024, shall be 1040 m2.

11.2.7(2) Principal Uses Permitted:

(a) Congregate housing

11.2.7(3) Regulations for Buildings and Structures:

(a) The minimum required interior side lot line setback shall be 2.5 m.

(b) Regulations contained elsewhere in this bylaw with respect to floor area ratio, lot coverage, building height, or any other measure of density shall not apply to a building containing a Congregate Housing use constructed prior to May 13th, 2024.

11.3 This Zone shall be known as

P-3 - COMMERCIAL RECREATION USE

11.3.1 Principal Uses Permitted:

11.3.1.(1) Golf course use

11.3.1.(2) Yacht club use

11.3.1.(3) Tennis club use

11.3.2 Secondary Uses Permitted:

11.3.2.(1) Club houses and sanitary facilities

11.3.3 Accessory Uses Permitted and Required:

11.3.3.(1) Maintenance buildings

11.3.3.(2) Marine ways

11.3.3.(3) An accessory off-street parking use as required by the Parking Facilities Bylaw.

11.3.4 Regulations for Permitted Uses:

11.3.4.(1) A Golf Course use shall not be permitted on a lot with an area of less than 29 ha (71.65 acres).

11.3.4.(2) A Yacht Club use is restricted to the:

(a) providing of moorage space for watercraft by and for club members;

(b) use of one (1) building for club recreation use;

(c) providing of servicing facilities for club members' watercraft; and

(d) lot area being not less than 10800 sq. m (116,250 s.f.).

11.3.4.(3) A Tennis Club use is restricted to the:

(a) providing of not more than four (4) tennis courts and one (1) building for the club members' use;

(b) use of the land for tennis is not permitted between sunset and 8:30 a.m.; except tennis shall not be played before 9:00 a.m. on a Sunday or a holiday; and

(c) lot area being not less than 2785 sq. m (30,000 s.f.).

11.3.5 Regulations for Buildings and Structures:

11.3.5.(1) The construction of buildings on Lots 13, 53 and 54, Plan 874 shall conform to the regulations of RS-5 Zone.

11.3.5.(2) The construction of buildings on Lot 2, Plan 1216A and Lot 1, Plan 12060 shall conform to the regulations of RS-1 Zone.

11.3.5.(3) The following shall apply to land used as a golf course:

11.3.5(3)(a) The combined lot coverage of all buildings and structures shall not exceed 5%.

11.3.5(3)(b) No building shall have a roof height in excess of 9.14 m (30.0 ft).

11.3.5(3)(c) No building shall be erected, constructed or placed within 10.7 m (35.1 ft) from any lot line.

11.3.5(3)(d) Except for:

(i) a fence or utility pole;

(ii) a structure with a height not exceeding 0.75 m (2.5 ft);

(iii) a ball washing device, hole identification sign, yardage sign or like appurtenance peculiar to the game of golf, with a height not exceeding 1.5 m (4.9 ft);

(iv) one sign per parcel, identifying the golf course, with a height not exceeding 1.5 m (4.9 ft),

no structure shall be erected, constructed or placed within 7.62 m (25.0 ft) from any lot line.

11.3.5(3)(e) No structure described in Section 11.3.5(3)(d)(ii) or (iii) shall be erected, constructed or placed within 3.0 m (9.8 ft) from the portion of any lot line which abuts land located in a ~~One Family~~ Residential Use (R~~S~~) Zone or a Multiple Dwellings Use (RM) Zone, nor within 1.0 m (3.3 ft) from any other point on a lot line.

11.3.5(3)(f) No structure described in Section 11.3.5(3)(d)(iv) shall be erected, constructed or placed within 7.62 m (25.0 ft) from the portion of any lot line which abuts land located in a ~~One Family~~ Residential Use (R~~S~~) Zone or a Multiple Dwellings Use (RM) Zone, nor within 1.0 m (3.3 ft) from any other point on a lot line.

11.3.5(3)(g) Without relieving from the requirement to comply with every other regulation, whether set out in this Bylaw or in another bylaw of the Corporation, restricting the height of a particular type of structure, no structure shall have a height in excess of 4.6 m (15.1 ft).

11.3.5(3)(h) No tee box on land which has been raised to a level higher than 0.75 m (2.5 ft) above natural grade shall be laid out so that any portion of the land comprising the tee box, as demarcated by one or more objects placed on or set into the ground, or in any other way, lies within 4.0 m (13.1 ft) from the portion of any lot line which abuts land located in a ~~One Family~~ Residential Use (R~~S~~) Zone or a Multiple Dwellings Use (RM) Zone.

11.3.5(3)(i) With respect to a tee box laid out on a raised area of land as described in Section 11.3.5(3)(h) prior to the adoption of Bylaw No. 4516, the location of which does not comply with Section 11.3.5(3)(h), the tee box may

(i) continue to be used, but if its use as a tee box is discontinued for a period of 6 continuous months, any subsequent use of such raised area as a tee box becomes subject to Section 11.3.5(3)(h); and

(ii) be repaired or altered provided that such repair or alteration involves no further contravention of Section 11.3.5(3)(h) than that existing at the time the repair or alteration was commenced.

11.3.5(3)(j) For the purpose of Section 11.3.5(3)(d)(ii), the definition of "height" set out in Section 2.1 shall apply to a retaining wall as if retaining walls had not been excluded from the types of structures to which that definition applies. (Bylaw 4516 - Nov 22/10)

11.4 This Zone shall be known as

P-4 - SEA ZONE USE

11.4.1 Sea Zone shall consist of all the sea, foreshore and land covered by water within the boundaries of Oak Bay.

11.4.2 Prohibitions:

11.4.2.(1) Subject to the authority of the Federal and Provincial Government legislation, and without limiting the generality of the wording, the following uses of the lands and sea are prohibited:

(a) the embarking or disembarking of passengers and the loading or unloading of goods by aeroplane for commercial purposes;

(b) the construction and maintenance of wharfage, boathouses, boatsheds and buildings and structures;

(c) the construction of breakwaters by piling or dumping;

(d) commercial enterprises of any kind, except for the mooring of booms in the area allotted by the Department of Transport immediately adjacent to the northeast boundary of Water Lot 110;

(e) the launching of a boat or ship except at the launching ramps provided for such purposes; and

(f) the use of houseboats, rafts, scows, boats or other floating structures when such structures are used for sleeping or dwelling purposes.

11.4.3 Permitted Uses:

11.4.3.(1) Subject to the authority of the Federal and Provincial Government legislation:

(a) public recreational use

(b) (Repealed: Bylaw 4305 – April 24/06)

11.4.4 Exceptions:

11.4.4.(1) The regulations of this section apply to the Water Lots leased from the Provincial and Federal Governments, except where such regulations are contrary to the terms of the lease.

11.5 This Zone shall be known as

P-5 - CEMETERY USE
(Bylaw 3675 – April 22/91)

11.5.1 Principal Uses Permitted

11.5.1(1) Cemetery use

11.5.2 Secondary Uses Permitted

11.5.2(1) Storage of tools and equipment used in maintaining the cemetery.

11.5.3 Regulations for Permitted Uses

11.5.3(1) A cemetery use shall not be permitted on a lot with an area less than 16,000 sq. m (172,160 s.f.).

11.5.3(2) The lot shall not be paved or otherwise hard surfaced except to the extent necessary to erect or place memorials or to provide a foundation for a building serving the allowable secondary use.

11.5.4 Regulations for Buildings and Structures

11.5.4(1) No principal building is permitted.

11.5.4(2) One (1) building serving the allowable secondary use shall be permitted subject to the following regulations:

(a)	Minimum setback:	7.62 m (25 ft.) from all lot lines
~~(b)~~	~~Maximum occupiable height:~~	~~0.25 m (10 in.)~~
(c)	Maximum building height:	2.44 m (8 ft.)
(d)	Maximum roof height:	3.66 m (12 ft.)
(e)	Maximum gross floor area:	18.60 sq. m (200 s.f.).

11.5.4(3) Except for a fence, no structure or portion thereof shall be erected or maintained within 7.62 m (25 ft.) of any lot line.

11.5.4(4) Notwithstanding Section 4.7.1, monuments, tombstones, headstones and other memorials shall not exceed a height of 1.8 m (6 ft.) measured from grade to the highest part of the structure.

11.5.4(5) No structures other than a fence, monuments, tombstones, headstones and other memorials are permitted.

11.6 This Zone shall be known as

P-6 - GENERAL INSTITUTIONAL/RESIDENTIAL USE
(Bylaw 3961 – Dec 22/97) (Bylaw 4305 – April 24/06)

11.6.1 **Principal Uses Permitted**:

11.6.1.(1) A general institutional use (Bylaw 4305 – April 24/06)

11.6.1.(2) (Repealed: Bylaw 4305 – April 24/06)

11.6.2 **Secondary Uses Permitted**:

11.6.2.(1) Apartment use (Bylaw 4305 – April 24/06)

11.6.2.(2) Outdoor produce market use, notwithstanding Section 5.1.1(16)
(Bylaw 4428 – Sept 29/08)

11.6.3 **Accessory Uses Permitted and Required**:

11.6.3.(1) An accessory off-street parking use as required by the *Parking Facilities Bylaw*

11.6.3.(2) An accessory off-street loading use as required by the *Parking Facilities Bylaw*

11.6.4 **Regulations Respecting Use:** (Bylaw 4428 – Sept 29/08)

11.6.4(1) In respect of an outdoor produce market use:

(a) no furniture, shelving, stand, crate, bin, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored may be:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an R~~RS~~ or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel may not exceed 15 sq. m (161 s.f.); and

(c) the outdoor produce market use shall be limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours.

11.6.4(2) Section 11.1.4(3) applies, with the necessary changes, in respect of an outdoor produce market use on land the fee of which is in the Corporation.

11.6.5 **Regulations for Buildings and Structures**:

11.6.5.(1) Buildings and structures shall not exceed a combined lot coverage of more than 40%

11.6.5.(2) Buildings and structures shall be set back not less than 7.6 m (25 feet) from every lot line

11.6.5.(3) Buildings and structures shall not exceed a combined floor area ratio of 1.0

11.6.5.(4) Buildings and structures shall not exceed a height of 14 m (46 feet).
(Bylaw 4428 – Sept 29/08)

11.7 This Zone shall be known as

P-7 - GENERAL INSTITUTIONAL/OFFICE USE
(Bylaw 4036 – May 25/99) (Bylaw 4305 – April 24/06)

11.7.1 Principal Uses Permitted

11.7.1(1) A general institutional use (Bylaw 4305 – April 24/06)

11.7.1(2) (Repealed: Bylaw 4428 – Sept 29/08)

11.7.1(3) (Repealed: Bylaw 4305 – April 24/06)

11.7.2 Secondary Uses Permitted (notwithstanding Section 5.1.1(16)):

11.7.2(1) Limited office use.

11.7.2(2) Outdoor produce market use. (Bylaw 4428 – Sept 29/08)

11.7.3 Accessory Uses Permitted and Required

11.7.3(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

11.7.3(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

11.7.4 Regulations Respecting Use:

11.7.4(1) In respect of an outdoor produce market use:

11.7.4(1)(a) no furniture, shelving, stand, crate, bin, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored may be:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an R~~S~~ or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

11.7.4(1)(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel may not exceed 15 sq. m (161 s.f.); and

11.7.4(1)(c) the outdoor produce market use shall be limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours.

11.7.4(2) Section 11.1.4(3) applies, with the necessary changes, in respect of an outdoor produce market use on land the fee of which is in the Corporation. (Bylaw 4428 – Sept 29/08)

11.7.5 Regulations for Buildings and Structures

11.7.5(1) Buildings and structures shall not exceed a combined lot coverage of more than thirty percent (30%).

11.7.5(2) Buildings and structures shall be set back not less than 7.62 m (25 feet) from every lot line.

11.7.5(3) Buildings and structures shall not exceed a combined floor area of 1.0 to 1.

11.7.5(4) Buildings and structures shall not exceed a height of 14 m (46 feet)

11.8 This Zone shall be known as

P-8 - GENERAL INSTITUTIONAL USE-RECREATION CENTRE
(Bylaw 4147 – Mar 25/02) (Bylaw 4305 – April 24/06)

11.8.1 Principal Uses Permitted:

11.8.1.(1) A general institutional use (Bylaw 4305 – April 24/06)

11.8.1.(2) (Repealed: Bylaw 4305 – April 24/06)

11.8.2 Secondary Uses Permitted (notwithstanding Section 5.1.1(16)):

11.8.2.(1) Service business use

11.8.2.(2) Restaurant Use

11.8.2.(3) Retail use

11.8.2.(4) Lounge Use (Bylaw 4195 – Sept 8/03)

11.8.3 Accessory Uses Permitted and Required:

11.8.3.(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

11.8.3.(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

11.8.4 Regulations Respecting Use:

11.8.4(1) Despite the definition of "retail use," the retail sale of produce is permitted outside of a building provided that:

(a) no furniture, shelving, stand, crate, bin, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored is:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an ~~RS~~ or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel does not exceed 15 sq. m (161 s.f.); and

(c) the retail sale of produce outside of a building is limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours.

11.8.4(2) Section 11.1.4(3) applies, with the necessary changes, in respect of an outdoor produce market use on land the fee of which is in the Corporation. (Bylaw 4428 – Sept 29/08)

11.8.5 Regulations for Buildings and Structures:

11.8.5.(1) Buildings and structures shall not exceed a combined lot coverage of more than fifty percent (50%).

11.8.5.(2) Buildings and structures shall be set back not less than 4.57 m (15 feet) from every lot line.

11.8.5.(3) Buildings and structures shall not exceed a combined floor area ratio of 1.0.

11.8.5.(4) Buildings and structures shall not exceed a height of 14 m (46 feet).

11.9 This Zone shall be known as

P-9 – NEIGHBOURHOOD GENERAL INSTITUTIONAL USE
(Bylaw 4235 – Sept 27/04) (Bylaw 4305 – April 24/06)

11.9.1 Principal Uses Permitted:

11.9.1(1) General institutional use. (Bylaw 4305 – April 24/06)

11.9.1(2) (Repealed: Bylaw 4305 – April 24/06)

11.9.2 Secondary Uses Permitted:

11.9.2(1) Outdoor produce market use, notwithstanding Section 5.1.1(16).
(Bylaw 4428 – Sept 29/08)

11.9.3 Accessory Uses Permitted and Required:

11.9.3(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

11.9.3(2) An accessory off-street loading use as required by the Parking Facilities Bylaw.

11.9.4 Regulations Respecting Use:

11.9.4(1) In respect of a college or university use, all uses other than the instruction of students in a classroom or laboratory environment shall be deemed secondary uses and are not permitted except in conjunction with that principal use, provided however that no form of housing or residential use of any kind whether permanent or transient is permitted either in isolation or in conjunction with a principal permitted use.

11.9.4(2) Any area of land developed, marked out or used for surface parking shall be set back not less than 2.0 m (6.6 feet) from any lot line except for a lot line or portion thereof abutting a street or lane, in which case the minimum parking area setback shall be not less than 3.0 m (9.8 feet).

11.9.4(3) Not more than 7.5% of the area of any parcel may be surfaced with asphalt, concrete, brick, gravel or other hard material.

11.9.4(4) Any area of land developed, marked out or used as an internal roadway shall be set back not less than 7.62 m (25 feet) from any lot line except for a lot line or portion thereof abutting a street or lane.

11.9.4(5) In respect of an outdoor produce market use:

(a) no furniture, shelving, stand, crate, container, barrow, cart or vehicle in, on or from which produce is sold, displayed, kept or stored may be:

(i) located closer than 7.62 m (25 ft) to a lot line abutting a parcel of land in an R~~S~~ or RM zone; or

(ii) kept or stored outside of a building except during the period of the actual outdoor retail sale of produce extended by 1 hour of set-up and take-down time on each side of that period;

(b) the total area of table-tops, counter-tops and all other surfaces devoted to the display of produce, including without limitation the horizontal area of bins, crates, barrels and other containers, outside of a building on a parcel may not exceed 15 sq. m (161 s.f.); and

(c) the outdoor produce market use shall be limited to a maximum of 1 day in any week, the duration of which on that day may not exceed 5 hours.

11.9.4(6) Section 11.1.4(3) applies, with the necessary changes, in respect of an outdoor produce market use on land the fee of which is in the Corporation. (Bylaw 4428 – Sept 29/08)

11.9.5 Regulations for Building and Structures:

11.9.5(1) On any parcel, the combined lot coverage of all buildings and structures shall not exceed 10%.

~~11.9.5(2) No building shall have an occupiable height in excess of 4.5 m (14.8 feet).~~

11.9.5(3) No building shall have a building height in excess of 7.6 m (24.9 feet).

11.9.5(4) No structure other than a chain-link backstop or vertical goal posts ancillary to a playing field use, or a utility pole, shall have a height in excess of 3 m (9.8 feet).

11.9.5(5) Except for a fence, utility pole or regulatory sign, no structure shall be erected, constructed or placed within 7.62 m (25 feet) from any lot line.

11.9.5(6) No building or part thereof shall be erected, constructed or placed within 15 m (49.2 feet) from any lot line, save that in respect of a parcel for which the application of this minimum building setback requirement leaves no building envelope, and provided that the building height does not exceed 4.25 metres (13.9 feet), the following minimum allowable setbacks shall apply:

11.9.5(6)(a)	Front lot line:	7.62 m (25 feet)
11.9.5(6)(b)	Rear lot line:	7.62 m (25 feet)
11.9.5(6)(c)	Interior side lot line:	6.0 m (19.7 feet)
11.9.5(6)(d)	Exterior side lot line:	6.0 m (19.7 feet)

11.9.5(7) A clear space of not less than 4.5 m (14.8 feet) shall be provided between buildings.

READ a first time by the Municipal Council on July 14, 1986

READ a second time by the Municipal Council on July 14, 1986

READ a third time by the Municipal Council on September 8, 1986

PUBLIC HEARING held on September 8, 1986

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council on September 22, 1986

Mayor

Municipal Clerk

Sealed with the Seal of
The Corporation of the
District of Oak Bay

SCHEDULE A
MINIMUM LOT AREAS, LOT FRONTAGES AND WIDTHS

Zone		Minimum Lot Area	Minimum Lot Frontage and Lot Width
~~One Family~~ Residential	(R~~S~~-1)	4047.00 sq. m (43,562.97 s.f.)	30.50 m (100 feet)
~~One Family~~ Residential	(R~~S~~-2)	2226.00 sq. m (23,958.00 s.f.)	30.50 m (100 feet)
~~One Family~~ Residential	(R~~S~~-3)	1115.00 sq. m (12,002.15 s.f.)	21.34 m (70 feet)
~~One Family~~ Residential	(R~~S~~-4)	948.00 sq. m (10,204.52 s.f.)	21.34 m (70 feet)
~~One Family~~ Residential	(R~~S~~-5)	558.00 sq. m (6,006.45 s.f.)	15.25 m (50 feet)
~~One Family Residential Use (1391 Oliver Street) (Bylaw 4818 – July 18/22)~~	~~(RS-5B)~~	557.00 sq. m (5,996.00 s.f.)	15.00 m (49.2 feet)
~~Two Family Residential (Bylaw 4627 – Nov 10/14)~~	~~(RD-1)~~	663.00 sq. m (7,137 s.f.)	15.25 m (50 feet)
Comprehensive Development Use – Waterfront Hotel Complex (Bylaw 4320 - June 11/07)	(CD-1)	N/A	N/A
~~Comprehensive Development Use – Yale Street Small Lot Residential (Bylaw 4668 – Sept 19/16~~)	~~(CD-2)~~	See 7.2.4(1)	See 7.2.4(2)
Comprehensive Development Use – Bowker Village (Bylaw 4680 – May 8/17)	(CD-3)	See 7.3.4(1)	See 7.3.4(1)
Comprehensive Development Use	(CD-4)	See 7.4.4(2) 2326 Oak Bay Avenue	See 7.4.4(2)
Low Density Multiple Dwellings	(RM-1LD)	1950.00 sq. m (20,990.00 s.f.)	21.34 m (70 feet)
Medium Density Multiple Dwellings	(RM-1MD)	1950.00 sq. m (20,990.00 s.f.)	21.34 m (70 feet)
High Density Multiple Dwellings (Bylaw 4201- Feb 23/04)	(RM-1HD)	1390.00 sq. m (14,962.00 s.f.)	21.34 m (70 feet)
Two-Storey Multiple Dwellings	(RM-2)	1600.00 sq. m (17,223.00 s.f.)	21.34 m (70 feet)
Three-Storey Multiple Dwellings	(RM-3)	2000.00 sq. m (21,528.00 s.f.)	21.34 m (70 feet)
High Density Three-Storey Multiple Dwellings (Bylaw 4606 – May 12/14)	(RM-3HD)	1116.00 sq. m (12,012 s.f.)	21.34 m (70 feet)
Four-Storey Multiple Dwellings	(RM-4)	3000.00 sq. m (32,293.00 s.f.)	21.34 m (70 feet)
Eight-Storey Multiple Dwellings	(RM-8)	12000.00 sq. m (129,171.00 s.f.)	21.34 m (70 feet)
Multiple Dwelling/Commercial Mixed Use	(RM-MC1)	1116.00 sq.m (12,013 s.f.)	21.34 m (70 feet)
Multiple Dwelling/Commercial Mixed Use-Four Storey	(RM-MC4)	3902.00 sq.m (42,000 s.f.)	30.48 m (100 feet)
Multiple Dwelling Supportive Housing Use – Seven Storey (Bylaw 4256 – April 25/05)	(RMS-7)	7000.00 sq. m (75,348 s.f.)	30.48 m (100 feet)
Local Commercial	(C-1)	558.00 sq. m (6,006.45 s.f.)	15.25 m (50 feet)
Commercial	(C-2)	558.00 sq. m (6,006.45 s.f.)	N/A
Village Commercial	(C-3)	558.00 sq. m (6,006.45 s.f.)	N/A
Local Commercial/Neighbourhood Deli	(C-4)	558.00 sq. m (6,006.45 s.f.)	15.25 m (50 feet)
Local Commercial/Neighbourhood Deli (Bylaw 4386 – Dec 17/07)	(C-5)	558.00 sq. m (6,006.45 s.f.)	15.25 m (50 feet)
Service Station Commercial	(CS-1)	1115.00 sq. m (12,002.15 s.f.)	21.34 m (70 feet)
Marine Commercial	(CS-2)	N/A	N/A
General Institutional	(P -1)	N/A	N/A
Special Institutional	(P -2)	2000.00 sq. m (21,528.00 s.f.)	21.34 m (70 feet)
Commercial Recreation	(P -3)	SEE SECTION 11.3	21.34 m (70 feet)
Sea Zone	(P -4)	N/A	N/A
Cemetery Use Zone (Bylaw 3675 - April 22/91)	(P -5)	16000.00 sq. m(172,160.00 s.f.)	N/A
General Institutional/Residential	(P-6)	N/A	N/A
General Institutional/Office (Bylaw 4036 – May 25/99)	(P-7)	N/A	N/A

General Institutional-Recreation Centre (Bylaw 4147 – Mar 25/02)	(P-8)	N/A	N/A
Neighbourhood General Institutional (Bylaw 4235 Sept 27/04)	(P-9)	N/A	N/A

SCHEDULE B

(Bylaw 3643 – May 28/90) (Bylaw 4648 – Jun 22/15)

HEIGHT REGULATIONS FOR ALL RS ZONES (PRINCIPAL BUILDING)

LOT BREADTH

Greater than or Equal to	*Less Than*	*Maximum Roof Height*	*Maximum Building Height*	~~*Maximum Occupiable Height*~~
21.34 m (70.00')	-	9.14 m (30.00')	7.32 m (24.00')	~~4.57 m (15.00')~~
18.29 m (60.00')	21.34 m (70.00')	8.84 m (29.00')	7.07 m (23.20')	~~4.42 m (14.50')~~
15.24 m (50.00')	18.29 m (60.00')	8.53 m (28.00')	6.83 m (22.40')	~~4.27 m (14.00')~~
9.14 m (30.00')	15.24 m (50.00')	56% of Lot Breadth	44.8% of Lot Breadth	~~28% of Lot Breadth~~
-	9.14 m (30.00')	5.12 m (16.80')	4.10 m (13.44')	~~2.56 m (8.40')~~

HEIGHT REGULATIlivONS FOR RS-4 AND RS-5 ZONES
SINGLE STOREY ONLY (PRINCIPAL BUILDING)

LOT BREADTH

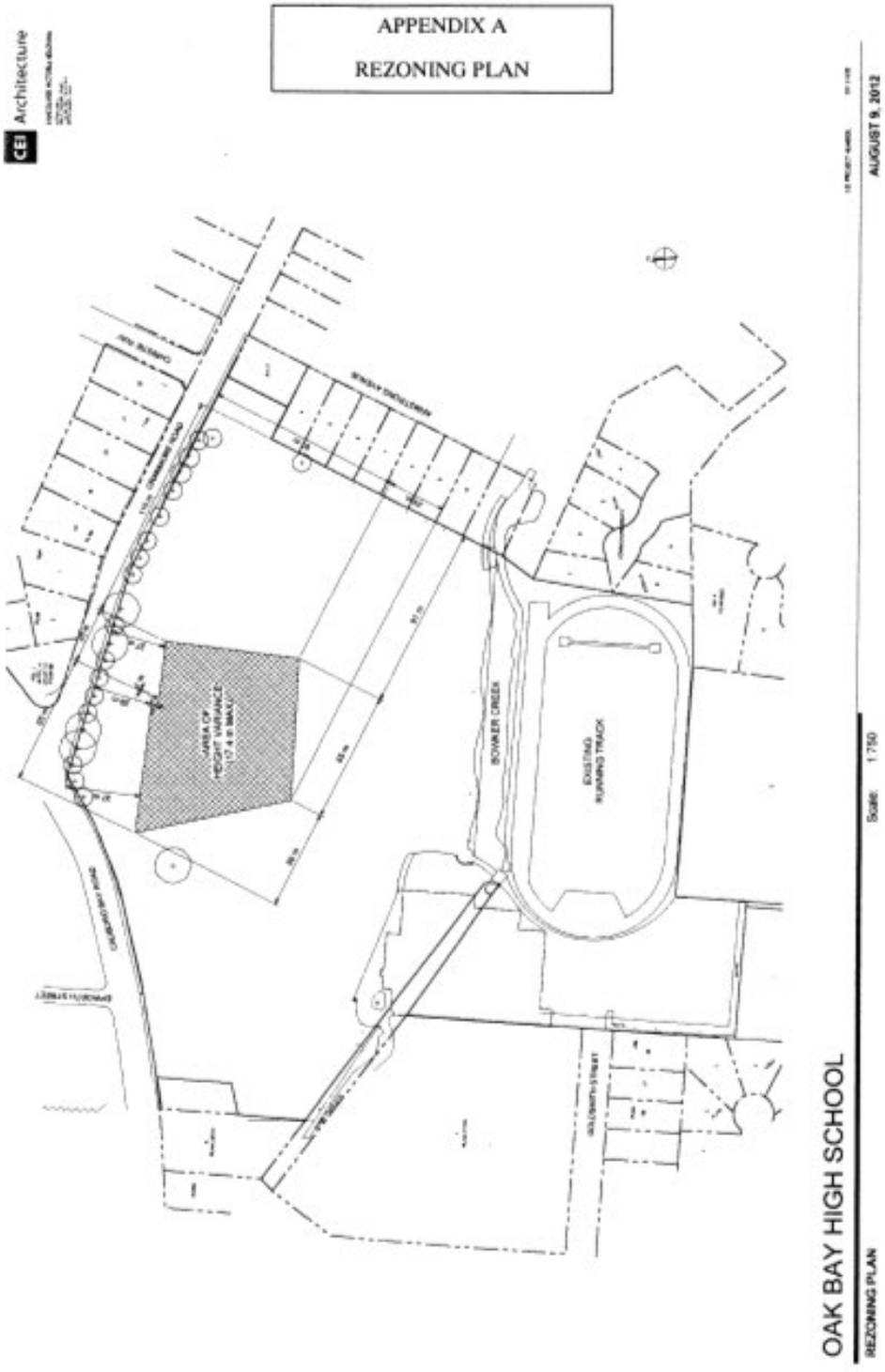
Greater than or Equal to	*Less Than*	*Maximum Roof Height*	*Maximum Building Height*	~~*Maximum Occupiable Height*~~
21.34 m (70.00')	-	6.10 m (20.00')	4.27 m (14.00')	~~0.90 m (3.00')~~
18.29 m (60.00')	21.34 m (70.00')	5.94 m (19.50')	4.12 m (13.50')	~~0.76 m (2.50')~~
15.24 m (50.00')	18.29 m (60.00')	5.79 m (19.00')	3.96 m (13.00')	~~0.61 m (2.00')~~
9.14 m (30.00')	15.24 m (50.00')	5.64 m (18.50')	3.81 m (12.50')	~~0.61 m (2.00')~~
-	9.14 m (30.00')	5.49 m (18.00')	3.66 m (12.00')	~~0.61 m (2.00')~~

~~Notwithstanding the height regulations for single storey only principal buildings in the RS-4 and RS-5 zones noted in the above table, the principal building on the parcel of land described as Lot 9, Section 61, Victoria District, Plan 379 is permitted to have a maximum occupiable height of 0.99 m (3.26') while remaining in the single storey designation. (Bylaw 4717 – July 18/20)~~

SCHEDULE B (Bylaw 4572-Nov 13, 2012)

APPENDIX A

REZONING PLAN



SCHEDULE B

SCHEDULE C

(Bylaw 4068 – March 13/00)

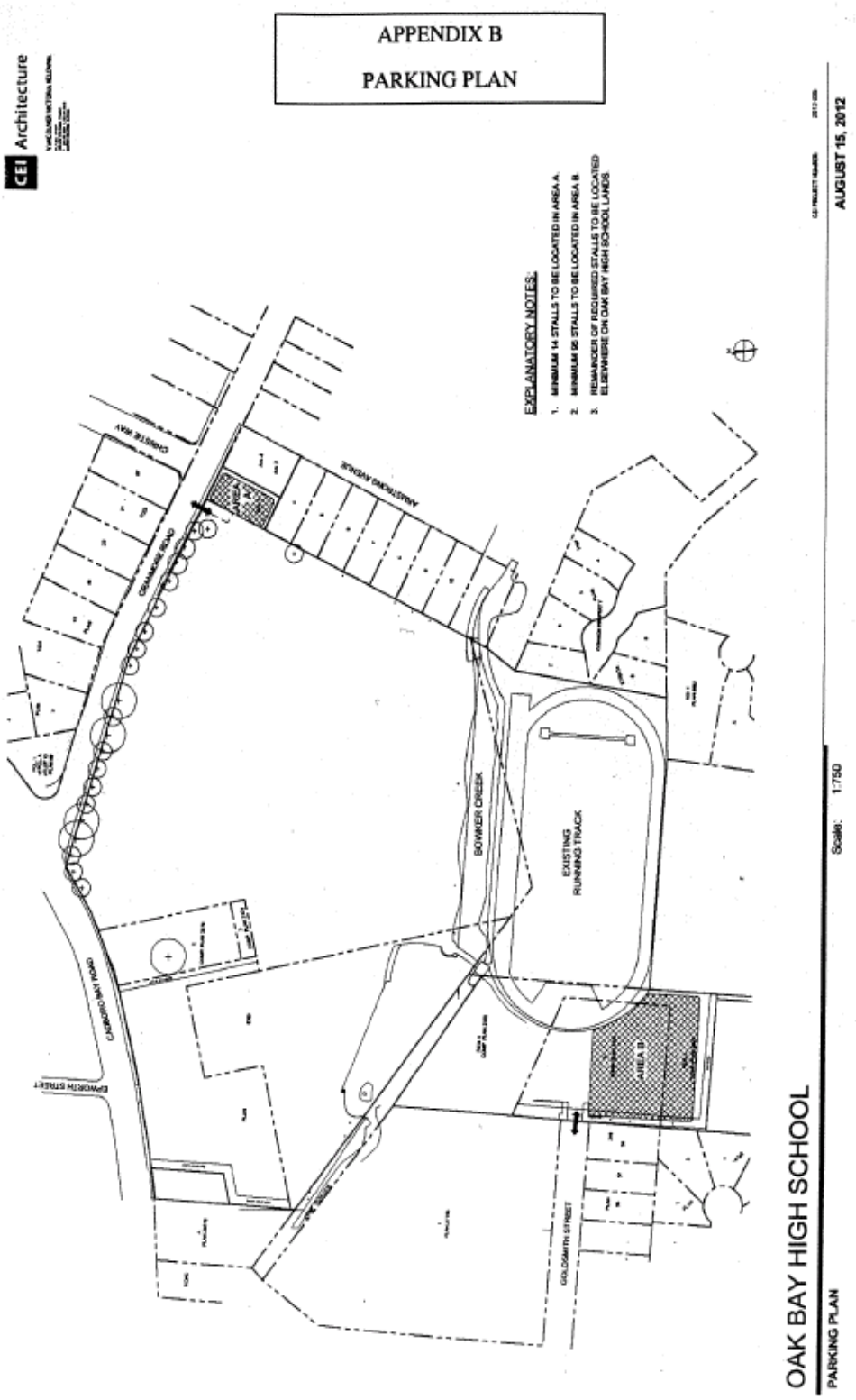
THE UPLANDS INTERIOR SIDE LOT LINE SETBACKS AND TOTAL OF SIDE LOT LINE SETBACKS

LOT BREADTH			
Greater than	Less than or Equal to	Minimum interior side lot line setbacks	Minimum Total of side lot line setbacks
33.50 m (110.00')	------	4.57 m (15.00')	12.19 m (40.00')
30.50 m (100.00')	33.50 m (110.00')	4.27 m (14.00')	10.97 m (36.00')
27.40 m (90.00')	30.50 m (100.00')	3.96 m (13.00')	9.75 m (32.00')
24.40 m (80.00')	27.40 m (90.00')	3.66 m (12.00')	8.53 m (28.00')
-------	24.40 m (80.00')	3.00 m (10.00')	6.00 m (20.00')

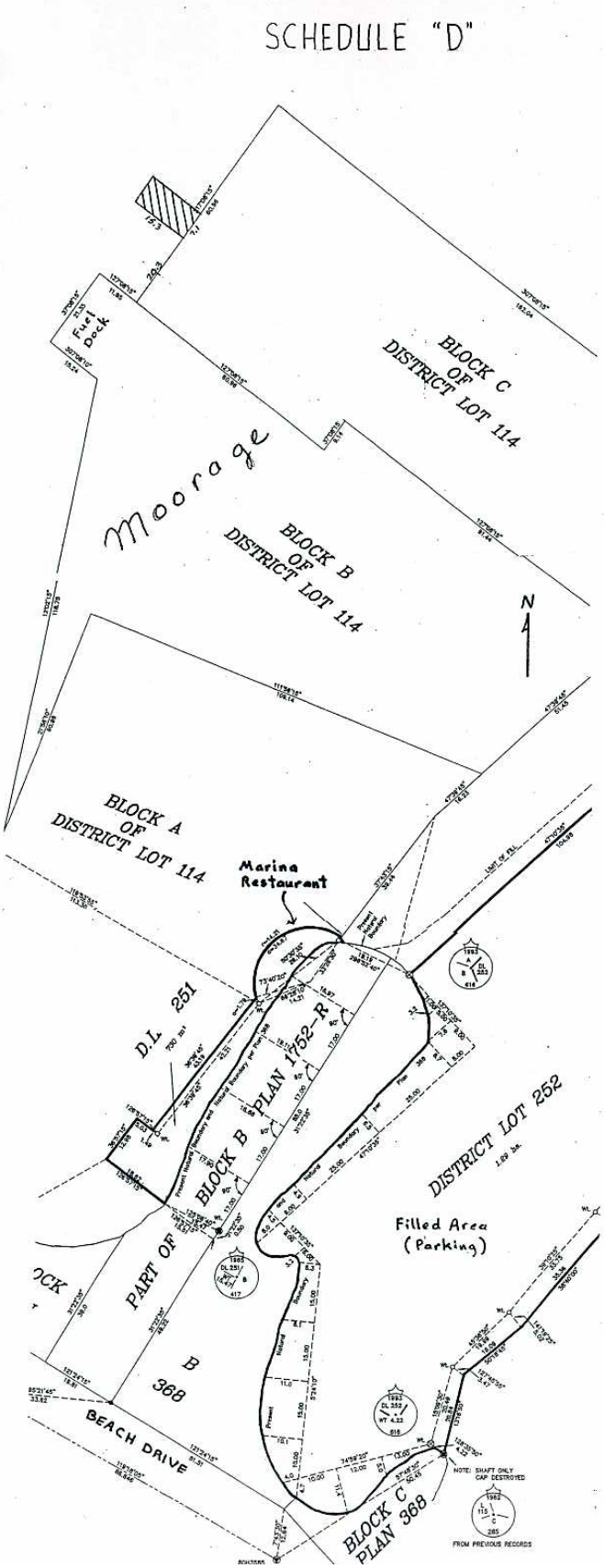
SCHEDULE C (Bylaw 4572 - Nov 13, 2012)

APPENDIX B

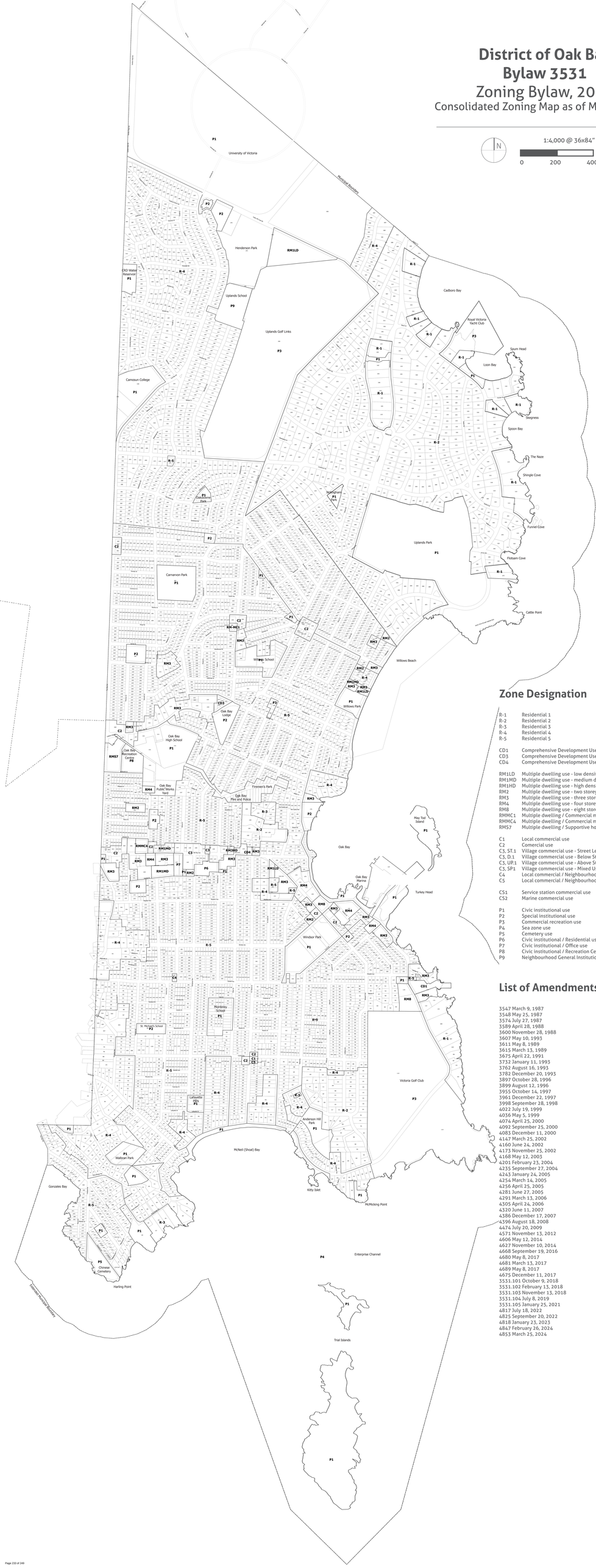
PARKING PLAN



SCHEDULE "D"


Moorage
Fuel Dock
BLOCK C OF DISTRICT LOT 114
BLOCK B OF DISTRICT LOT 114
BLOCK A OF DISTRICT LOT 114
N
Marina Restaurant
D.L. 251
PLAN 1752-R
BLOCK B
PART OF
B
368
DISTRICT LOT 252
Filled Area (Parking)
BEACH DRIVE
BLOCK C PLAN 368
NOTE: SHAFT ONLY CAP DESTROYED
FROM PREVIOUS RECORDS

District of Oak Bay
Bylaw 3531
Zoning Bylaw, 2024
Consolidated Zoning Map as of May 27, 2024



Zone Designation

R-1	Residential 1
R-2	Residential 2
R-3	Residential 3
R-4	Residential 4
R-5	Residential 5
CD1	Comprehensive Development Use - Waterfront Hotel Complex
CD3	Comprehensive Development Use - Bowker Village
CD4	Comprehensive Development Use - 2326 Oak Bay Avenue
RM1LD	Multiple dwelling use - low density
RM1MD	Multiple dwelling use - medium density
RM1HD	Multiple dwelling use - high density
RM2	Multiple dwelling use - two storey
RM3	Multiple dwelling use - three storey
RM4	Multiple dwelling use - four storey
RM8	Multiple dwelling use - eight storey
RMMC1	Multiple dwelling / Commercial mixed use
RMMC4	Multiple dwelling / Commercial mixed use - Four storey
RMS7	Multiple dwelling / Supportive housing use - Seven story
C1	Local commercial use
C2	Comercial use
C3, ST.1	Village commercial use - Street Level
C3, D.1	Village commercial use - Below Street Level
C3, UP.1	Village commercial use - Above Street Level
C3, SP.1	Village commercial use - Mixed Use
C4	Local commercial / Neighbourhood deli use
C5	Local commercial / Neighbourhood deli use
CS1	Service station commercial use
CS2	Marine commercial use
P1	Civic institutional use
P2	Special institutional use
P3	Commercial recreation use
P4	Sea zone use
P5	Cemetery use
P6	Civic institutional / Residential use
P7	Civic institutional / Office use
P8	Civic institutional / Recreation Centre use
P9	Neighbourhood General Institutional use

List of Amendments

3547 March 9, 1987
3548 May 25, 1987
3574 July 27, 1987
3589 April 28, 1988
3600 November 28, 1988
3607 May 10, 1993
3611 May 8, 1989
3615 March 13, 1989
3675 April 22, 1991
3732 January 11, 1993
3762 August 16, 1993
3782 December 20, 1993
3897 October 28, 1996
3899 August 12, 1996
3955 October 14, 1997
3961 December 22, 1997
3998 September 28, 1998
4022 July 19, 1999
4036 May 5, 1999
4074 April 25, 2000
4092 September 25, 2000
4083 December 11, 2000
4147 March 25, 2002
4160 June 24, 2002
4173 November 25, 2002
4168 May 12, 2003
4201 February 23, 2004
4235 September 27, 2004
4243 January 24, 2005
4254 March 14, 2005
4256 April 25, 2005
4281 June 27, 2005
4291 March 13, 2006
4305 April 24, 2006
4320 June 11, 2007
4386 December 17, 2007
4396 August 18, 2008
4474 July 20, 2009
4571 November 13, 2012
4606 May 12, 2014
4627 November 10, 2014
4668 September 19, 2016
4680 May 8, 2017
4681 March 13, 2017
4689 May 8, 2017
4675 December 11, 2017
3531.101 October 9, 2018
3531.102 February 13, 2018
3531.103 November 13, 2018
3531.104 July 8, 2019
3531.105 January 25, 2021
4817 July 18, 2022
4825 September 20, 2022
4818 January 23, 2023
4847 February 26, 2024
4853 March 25, 2024

Attachment 7: Parking Facilities Amendment Bylaw No. 4873, 2024

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4873

A Bylaw to amend Parking Facilities Bylaw No. 3540, 1986

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts that Parking Facilities Bylaw No. 3540, 1986, as amended, is further amended for Infill Housing and Small Scale Multi Unit Housing (SSMUH) as follows:

1. TEXT AMENDMENTS

1. In general terms, the following changes are being made to the bylaw:
    a. In Section 3, Definitions, the Dwelling Unit definition is updated;
    b. In Section 4, Requirements, changes are made to requirements for one-unit and two-unit residential buildings
    c. In Sections 5, Location and Siting; 6, Construction; 8, Ingress and Egress; 10, Screening, language referring to one-unit and two-unit residential dwellings and zones is updated;
    d. In Schedule A of the bylaw parking requirements are changed for all Residential zones, several mixed-use Commercial zones and for P-2.

2. The specific amendments to the bylaw are identified by the tracked changes outlined in Schedule A of this amendment bylaw.

2. CITATION

This Bylaw may be known and cited for all purposes as “Parking Facilities Amendment Bylaw No. 4873, 2024”.

READ A FIRST TIME the	day of	, 2024
READ A SECOND TIME the	day of	, 2024
READ A THIRD TIME the	day of	, 2024
ADOPTED the	day of	, 2024

_____
MAYOR

_____
CORPORATE OFFICER

SCHEDULE A

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3540

(**amended by Bylaws No. 3759, 3763, 3790, 3868, 3878, 3887, 3962, 3999, 4023, 4037, 4084, 4133, 4148, 4169, 4202, 4236, 4257, 4306, 4321, 4387, 4413, 4416, 4573, 4608, 4628 and 4823)

A Bylaw to require and regulate parking facilities

The Municipal Council, in open meeting assembled, enacts the following:

1.1 Whenever the singular and masculine are used in this Bylaw, they shall be construed to mean the plural and feminine and body corporate where the context or circumstances so require.

Scope

2.1 This Bylaw applies to the provision, design, construction and maintenance of off-street parking and loading spaces.

DEFINITIONS

3. For the purposes of this Bylaw, the following definitions shall apply:

"BOARDING USE" means the sharing of the principal building as a single dwelling unit by the family of the owner, or lessee, with not more than two (2) other unrelated persons; but excludes transient accommodation, separate suites and independent accommodation.

"BUILDING" means a structure wholly or partly enclosed by a roof or roofs, supported by walls, columns or posts and used for the shelter or accommodation of persons, animals or chattels and includes a portion or portions of a building as well as chimneys, steeples, attached decks, enclosed stairs, porches and balconies.

"BUILDING AREA" means the gross floor area of

(a) the interior of the building or structure; or

(b) the area used in the business; excluding stairwells, elevator shafts, building maintenance and equipment rooms, washrooms and parking areas.

"CHURCH" means a building set apart for public religious worship.

*(**Bylaw 4306, adopted Apr. 24/06)*

"CORPORATION" means The Corporation of the District of Oak Bay.

"DWELLING UNIT" has the same meaning as defined in the Zoning Bylaw. ~~means one or more habitable rooms used for the residential accommodation of only one family when such room or rooms contain or provide for the installation of only one set of cooking facilities and one or more sets of sanitary facilities.~~

"EXTERIOR LOT LINE" means a lot line that abuts a street.

"INTERIOR LOT LINE" means a lot line, not being a rear lot line, common to more than one lot or to the lot and a lane.

"LOADING SPACE" means an area of land or floor space set aside for the purpose of loading or unloading a motor vehicle.

"LOT" means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Titles Office.

"MUNICIPALITY" means the area within the geographic boundaries of the District of Oak Bay.

"OFF-STREET PARKING FACILITY" means a parcel of land developed and maintained for the parking of motor vehicles by the general public. *(**Bylaw 3868, adopted Nov. 14/95)*

"ONE-UNIT RESIDENTIAL" has the same meaning as defined in the Zoning Bylaw.
~~*(**Bylaw 3868, adopted Nov. 14/95)*~~

"PARKING AREA" means an area, other than a street, used for the parking of vehicles of clients, visitors, customers, employees, members, residents or tenants.

"PARKING SPACE" means an area of land or floor space set aside for the purpose of parking a motor vehicle.

"RESIDENTIAL USE ZONES" are those zones included in Part 6 of the Zoning Bylaw.

"SECONDARY STUDENTS" means school students in Grade 11 or Grade 12.
*(**Bylaw 4306, adopted Apr. 24/06)*

"SECONDARY SUITE" has the same meaning as defined in the Zoning Bylaw.
*(**Bylaw 4823, adopted Sep. 26/22)*

"STREET" means a public roadway of greater than 12.2 m (40 feet) in width, intended to give primary access to parcels of land, or to provide a traffic way.

"STRUCTURE" means any construction, except a building, fixed to, supported by, or sunk into land or water; includes fences and walls and excludes paved parking surfaces and on-grade patios.

'TANDEM PARKING ARRANGEMENT" means the placement of one parking space behind another parking space, such that only one parking space has unobstructed access to a driveway/road.
*(**Bylaw 4823, adopted Sep. 26/22)*

"USE" means the purpose for which any lot, parcel, tract of land, building or structure is designed, arranged or intended, or for which it is occupied or maintained.

"WRECKED VEHICLE" means a motor vehicle, as defined in the Motor Vehicle Act, that is either not capable of being moved by its own motive power, or is reduced to parts, frames, or bodies."
*(**Bylaw 4133, adopted Nov. 13/01)*

"ZONE" means any area or district established under this Bylaw. "ZONING BYLAW"

means the Zoning Bylaw, 1986, of The Corporation of the District of Oak Bay, as amended from time to time.

Requirements

4.1 Owners or occupiers of any building or structure within the Municipality shall provide and maintain off-street motor vehicle parking spaces and loading spaces for such buildings or structures in conformity with the standards prescribed herein and in the Schedules forming part of this Bylaw.

4.2 The parking spaces and loading spaces shall be provided prior to the issuance of an occupancy permit.

4.3.1 The total number of parking spaces and loading spaces required shall be the sum of the requirements for all proposed uses designated in Schedule "A".

4.3.2 If a proposed parking use is not listed in Schedule "A", the number of parking spaces shall be determined from a parking use similar to the proposed use.

4.3.3 Parking spaces for one use shall not be counted as parking spaces for another parking use.

4.4 The calculation of parking spaces and loading spaces shall be rounded up to the next whole number when partial spaces are assessed.

4.5 Loading spaces shall not be counted as parking spaces and parking spaces shall not be counted as loading spaces.

4.6 Except for previously permitted dwelling units in ~~OneFamily~~ Residential Use ~~and TwoFamily Residential Use~~Zones that are retained~~,~~ any building or structure which does not conform to the parking requirements of this Bylaw shall not be reconstructed, moved or extended until the parking spaces required by this Bylaw are provided.

4.7 ~~Onehalf (½) of the parking spaces required for each dwelling unit in OneFamily Residential and TwoFamily Residential Use Zones one-unit residential dwelling shall be within a building.~~

4.8 Off-street parking spaces shall be provided, located and maintained in accordance with the Zoning Bylaw, in addition to this Bylaw.

4.9.1 The required parking spaces are for the unreserved use of the users of the buildings and structures on the lot for which they are provided.

4.9.2 Parking spaces that limit an unreserved use shall not be considered as part of the number of parking spaces required.

Location and Siting

5.1 Each parking space shall be directly accessible from an access route, except that for a ~~One-Family Residential Use~~one-unit residential dwelling the required parking spaces can be provided in the form of a tandem parking arrangement.

*(**Bylaw 4823, adopted Sep. 26/22)*

5.2 All required off-street parking spaces and loading spaces shall be located on the lot on which

the use, building or structure is situate subject to the pertinent siting regulations of the Zoning Bylaw.

Construction

6.1.1 All parking spaces and loading spaces, manoeuvring aisles and ingress and egress lanes shall have a permanent surface of asphalt, concrete or similar pavement that is durable and dust free.

*(** Bylaw No. 4416, adopted June 9, 2008)*

6.1.2 Despite Section 6.1.1, a driveway or outdoor parking area on land zoned for ~~One Family~~ Residential Use under the Zoning Bylaw may, except for any portion within 1.0 m from a public sidewalk, be surfaced with gravel, crushed rock screenings or other clean, inorganic aggregate material excluding sand.

*(** Bylaw No. 4416, adopted June 9, 2008)*

6.2 The parking area shall have a maximum gradient or cross slope of 8%.

6.3 Exterior parking areas shall be graded to prevent surface drainage being directed to adjacent lands.

6.4 Parking areas shall be drained to a storm drainage system.

6.5.1 Except for ~~OneFamily Residential Use and TwoFamily~~ Residential Use zones, lighting shall be provided to illuminate any parking space or loading space to be used at night.

6.5.2 The lighting shall be arranged, installed and maintained to deflect, shade and focus lights away from adjacent lots.

6.6 Except for ~~One Family~~ Residential Use zones ~~, Two Family Residential Use,~~ and underground parking areas, parking spaces that abut fences and landscaped areas shall have vehicle wheel stops within each parking space to prevent the vehicle entering the space from going beyond the parking space limitation.

6.7 Except for ~~One Family Residential Use and Two Family~~ Residential Use zones, parking spaces, access lanes and aisles shall be delineated by painted lines at least 75 mm wide, or by curbs.

Dimensional Criteria

7.1 A parking space or loading space abutting a wall or column or other structure that would impede entry into a vehicle shall be:

(a) increased in width by 0.25 m (10 inches) where a structure is on one side; and

(b) increased in width by 0.55 m (22 inches) where structures are on both sides.

7.2 The dimensions of off-street loading spaces shall not be less than 3.2 m (10.5 feet) in width and 7.5 m (24.6 feet) in length with a clear height above of 4.26 m (14 feet).

7.3 The dimensional criteria required for parking spaces and access lanes shall be determined from Schedule "B".

7.4.1 A maximum of 25% of the:

(a) required number of parking spaces;

(b) number of parking spaces actually provided on-site following "in lieu" payment pursuant to Section 9.1; or

(c) number of parking spaces actually provided on-site following the granting of a variance of the required number of parking spaces by way of development permit, development variance permit or heritage revitalization agreement,

whichever is applicable, may be dimensioned for small car use.

*(**Bylaw 4413, adopted May 12/08)*

7.4.2 Except for within Residential Use Zones, e~~E~~ach parking space dimensioned for small car use shall be clearly marked as such.

*(**Bylaw 4413, adopted May 12/08)*

Ingress and Egress

8.1 Except for ~~One Family Residential Use and Two Family~~ Residential Use zones, the access lanes to or from a public roadway to all off-street parking areas shall be not less than:

(a) 3.2 m (10.5 feet) for one way traffic; and

(b) 5.5 m (18.0 feet) for two way traffic.

8.2 Any ramp serving a parking area shall not exceed a gradient of 15%.

8.3 The dimensional criteria for aisles that directly serve the parking spaces shall be determined from Schedule "B".

Payment in Lieu of Parking

9.1 In Zones C-3, ST1, C-3, D1, C-3, UP1 and C-3, SP1 as designated in the Zoning Bylaw, the owner or occupier of the land, building or structure may, for non-residential uses only, in lieu of providing the total number of parking and loading spaces on that land as required by Section 4.3.1 and Schedule 'A', pay to the Corporation the amount of $14,500 multiplied by the difference between the total number of loading spaces required for those uses and the number of loading spaces actually provided on the land, plus the amount of $9,700 multiplied by the difference between the total number of parking spaces required for those uses and the number of parking spaces actually provided on the land, PROVIDED, however, that this option shall be exercisable by such owner or occupier only if the Corporation owns and operates an off-street parking facility within 250 metres of the land, building or structure for which the parking or loading spaces are required.

*(**Bylaw 3868, adopted Nov. 14/95)*
*(**Bylaw 4084, adopted Dec. 11/00)*

Screening

10.1 Screening, as defined in the Screens and Fences Bylaw, shall be provided and maintained between the parking areas of Multiple Dwelling Use Zones, Commercial Use Zones and

~~One Family Residential and Two Family~~ Residential Use Zones.

10.2 Screening, as defined in the Screens and Fences Bylaw, shall be provided and maintained between the parking areas of Commercial Use Zones and all abutting Residential Use Zones and Multiple Dwelling Use Zones.

Signs

11.1 Parking direction and regulation signs shall be provided to direct the users.

Prohibitions

12.1 No land, water, building or structure shall be used or occupied for any use unless the off-street parking spaces and off-street loading spaces requirement have been provided in accordance with this Bylaw.

12.2 The use of required parking spaces and loading spaces for other than parking or loading is respectively prohibited.

12.3 The use of any required parking space for an unlicenced vehicle or wrecked vehicle is prohibited.

13.1 This Bylaw may be cited as the ***"PARKING FACILITIES BYLAW, 1986"***.

READ a first time by the Municipal Council on October 14, 1986

READ a second time by the Municipal Council on October 14, 1986

READ a third time by the Municipal Council on October 14, 1986

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on October 27, 1986

_____ _____

Mayor Municipal Clerk

Sealed with the Seal of The Corporation of the District of Oak Bay.

SCHEDULE "A"

MINIMUM NUMBER OF PARKING SPACES REQUIRED

The Zones referred to herein are those zones designated in the Zoning Bylaw.

A.1 ZONES ~~RS-1, RS-2, RS-3, RS-4, RS-5, RD-1~~R-1, R-2 and R-3 ~~AND C-1~~

*(**Bylaw 4628, adopted November 10, 2014)*

(a) Two (2) parking spaces per one-unit residential dwelling unit, ~~one of which shall be within a building.~~

(b) Where a dwelling unit contains more than four (4) rooms used for sleeping, an additional parking space shall be required for each, or part of each, unit of two (2) such rooms.

(c) An additional parking space shall be required for each dwelling unit serving a boarding use.

(d) Notwithstanding Section A.1 (a) ~~no parking spaces are required for a secondary suite.~~one parking space is required per dwelling unit where two or more dwelling units are located on a lot.

(e) Where ~~a building contains a secondary suite~~two or more dwelling units are on a lot, ~~it must provide~~ an outdoor, labelled energized outlet capable of providing at least Level 1 (110 v) charging for an electric vehicle, scooter or bike must be provided for each dwelling unit.

*(**Bylaw 4823, adopted Sep. 26/22)*

A.1.1 ZONES R-4 and R-5

(a) Two (2) parking spaces per one-unit residential dwelling unit~~, one of which shall be in a building.~~

(b) Where a dwelling unit contains more than four (4) rooms used for sleeping, an additional parking space shall be required for each, or for part of each of two (2) such rooms.

(c) An additional parking space shall be required for each dwelling unit serving a boarding use.

(d) Notwithstanding Section A.1 (a) 0.5 parking spaces per dwelling unit are required where two or more dwelling units are located on a lot.

(e) Where two or more dwelling units are located on a lot, an outdoor, labelled energized outlet capable of providing at least Level 1 (110 v) charging for an electric vehicle, scooter or bike must be provided for each dwelling unit.

*(**Bylaw 4823, adopted Sep. 26/22)*

A.1.2 ZONES C-1, C-4 AND C-5

*(**Bylaw 4387, adopted December 17, 2007)*

Specific Uses	Number of Parking Spaces
Residential Use	~~Two (2)~~0.5 parking spaces per dwelling unit except where a dwelling unit contains more than four (4) rooms for sleeping, in which case an additional parking space shall be required for each, or for part of each of two such rooms; An additional parking space shall be required for each dwelling unit serving a boarding use.
Business Use	One (1) parking space for every 46 m^2 (500 sq. ft) or portion thereof of occupied building area.

*(**Bylaw 3999, adopted Sep. 28/98)*

A.2 Zones RM-1LD, RM-1MD, RM-1HD, RM-2, RM-3, RM-3HD, RM-4, RM-8, and RM-MC1

*(**Bylaw 3868, adopted Nov. 14/95)*
*(**Bylaw 4023, adopted Jul. 19/99)*
*(**Bylaw 4202, adopted Feb. 23/04)*
*(**Bylaw 4608, adopted May 12/14)*

~~(a) Two (2) parking spaces per dwelling unit, plus additional guest parking spaces of one (1) space per four (4) dwelling units or part thereof.~~
~~*(**Bylaw 3868, adopted Nov. 14/95)*~~

Specific Uses	Number of Parking Spaces
(a) Apartment use	Two (2) parking spaces per dwelling unit, plus additional guest parking spaces of one (1) space per four (4) dwelling units or part thereof. *(** Bylaw 3868, adopted Nov. 14/95)*
(b) One Unit Residential Use	Two (2) parking spaces per dwelling unit. ~~, one of which shall be within a building.~~

~~Notwithstanding~~Despite (a) and (b), where at least two (2) and no more than (4) dwelling units are located on a lot, including one unit residential, two unit residential, multiple-unit residential, secondary suite or accessory dwelling units, a minimum of 0.5 parking spaces per dwelling unit shall be required.

A.2.1 ZONES RM-MC4 AND RMS-7

*(**Bylaw 4257, adopted Apr. 25/05)*

Specific Uses	Number of Parking Spaces
~~One Family~~(a) One-Unit Residential Use	Two (2) parking spaces per dwelling unit. ~~, one of which shall be within a building.~~
(b) Special Needs Multiple Residential Use	One (1) parking space per 2 beds.
(c) Business Use	One (1) parking space per 46 m^2 (500 square feet) or portion thereof of occupied building area."

*(**Bylaw 4169, adopted May 12/03)*

~~Nothwithstanding~~Despite~~Notwithstanding~~ (a), (b) and (c), where at least two (2) and no more than (4) dwelling units are located on a lot, including one unit residential, two unit residential, multiple-unit residential, secondary suite or accessory dwelling units, a minimum of 0.5 parking spaces per dwelling unit shall be required.

A.3 ZONES C-2, C-3, ST1, C-3, D1, C-3, UP1 AND C-3, SP1

*(**Bylaw 3868, adopted Nov. 14/95)*
*(**Bylaw 4084, adopted Dec. 11/00)*

General Uses

Except for the uses specifically set out hereunder, one (1) parking space for every 19 m² (204 sq ft) of occupied building area, minus a percentage equal to the number of spaces to be calculated, or 25%, whichever is less.

Specific Uses	**Number of Parking Spaces**
Restaurants, Neighbour-hood Public Houses, Financial Institutions, Medical and Dental Offices	1 space per 14 m² (150 sq ft) of building area
Residential Use	2 spaces per dwelling unit, plus additional guest parking spaces of 1 space per 4 dwelling units or part thereof

*(**Bylaw 3887, adopted Feb. 26/96)*
*(**Bylaw 4084, adopted Dec. 11/00)*

A.3.1 ZONE CD-1

Specific Uses	**Number of Parking Spaces**
Hotel Use	(a) One (1) parking space for each transient lodging unit. (b) Two (2) commercial truck loading bays for the parcel of land in hotel use.
Apartment Use	As set out in Section A.2.
Commercial Use other than Hotel or Marina	As set out in Section A.3.
Marina Use	As set out in Section A.5

Surface Parking:

Of the total number of parking spaces provided on the land for the various uses, not less than 10 and not more than 15 spaces shall be unreserved surface outdoor parking, with the balance to be within a building and below the level of

the portion of Beach Drive adjacent to the land.

*(**Bylaw 4321, adopted Jun. 11/07)*

A.4 ZONE CS-1

Specific Uses	**Number of Parking Spaces**
Service Station	3 spaces per service bay (6 spaces minimum)

A.5 ZONE CS-2

Specific Uses	**Number of Parking Spaces**
Marina	1 space per 4 boat berths
Marine Services	2 spaces *(**Bylaw 3790, adopted Dec .20/93)*

A.6 ZONES P-1, P-6, P-7 and P-9

Specific Uses	**Number of Parking Spaces**
Works Yards	1 per 2 employees *(**Bylaw 4306, adopted Apr. 24/06)*
Schools	1 per classroom + 1 per 10 secondary students *(**Bylaw 4236, adopted Sep. 27/04)* *(**Bylaw 4306, adopted Apr. 24/06)*
Colleges and Universities	1 per 2 students *(**Bylaw 4306, adopted Apr. 24/06)*
Recreation Centres and Community Centres	2 per 10 m² (108 sq ft) of Facilities gross floor area used by the public *(**Bylaw 4306, adopted Apr. 24/06)*
Kindergartens, Pre-Schools and Child Day Care Centres	1 per 5 enrolled children at peak operating capacity *(**Bylaw 4306, adopted Apr. 24/06)*
Libraries	2 per 10 m² (108 sq. ft.) of gross floor area used by the public *(**Bylaw 4306, adopted Apr. 24/06)*
Police Stations	As required for Zone C-2 under "General Uses"
Fire Stations	1 per 3 employees
Apartment Use	Two (2) parking spaces per dwelling unit, plus additional guest parking spaces of one (1) space per four (4) dwelling units or part thereof

*(**Bylaw 3962, adopted Dec. 22/97)*

`Office Use	As required for Zone C-2

*(**Bylaw 4037, adopted May 25/99)*

A.7 ZONE P-2

Specific Uses	**Number of Parking Spaces**
Churches	1 per 10 m² (108 square feet) of building area
Church Meeting and Community Halls	1 per 10 m² (108 square feet) of building area

*(**Bylaw 4306, adopted Apr. 24/06)*

Congregate Housing	3 per building
Schools	As required for Zones P-1, P-6, P-7 and P-9

*(**Bylaw 4306, adopted Apr. 24/06)*

Arts Education Institutions	1 per 3 students at peak enrollment

*(**Bylaw 4306, adopted Apr. 24/06)*

Kindergartens, Pre-Schools and Child Day Care Centres	1 per 5 enrolled children at peak operating capacity

*(**Bylaw 4306, adopted Apr. 24/06)*

Long-Term care Institutions	1 per bed

*(**Bylaw 4306, adopted Apr. 24/06)*

Multiple Family Dwelling where a minimum of five (5) dwelling units are located on a lot	Two (2) parking spaces per dwelling unit, plus additional guest parking spaces of one (1) space per four (4) dwelling units or part thereof

*(**Bylaw 3878, adopted Sep. 9\96)*

~~One Family Residential Use~~Where no more than four (4) dwelling units are located on a lot	As required for Zone~~s RS-1, RS-2, RS-3, RS-4, RS-5~~R-5~~ and C-1~~.

*(**Bylaw 4306, adopted Apr. 24/06)*

A.8 ZONE P-3

Specific Uses	**Number of Parking Spaces**
Golf Course Use	8 per golf fairway

Yacht Club Use	1 per 2 boat berths
Tennis Club Use	6 per tennis court

A.9 ZONE P-8

Specific Uses	**Number of Parking Spaces**
Recreation Centre Use, Service Business Use, Restaurant Use, Retail Use and Lounge Use	1 per 68 m^2 (732 square feet) of building area
Uses other than Recreation Centre Use, Service Business Use, Restaurant Use, Retail Use and Lounge Use	As required for Zones P-1, P-6, P-7 and P-9.

*(**Bylaw 4306, adopted Apr. 24/06)*

A.10 Despite section A.6 of this Schedule, the total parking space requirements for a school, public community theatre and arts facility and neighbourhood learning centre on the Oak Bay High School Lands, as defined in the Zoning Bylaw, is 195 parking spaces.

*(**Bylaw 4573, adopted Nov. 13/12)*

SCHEDULE "B"

B.1 Minimum Stall Angle

(a) Except for a parallel parking stall, no parking stall shall be laid out at an angle (measured as shown on Figure 1) less than 30°.

B.2 Maximum Stall Angle

(a) Except for a right angle parking stall laid out at an angle (measured as shown on Figure 1) of 90°, no parking stall shall be laid out at an angle greater than 70°.

B.3 Minimum Stall Width

(a) The width of a parking stall (Reference "A" on Figure 1) other than a parallel parking stall shall not be less than 2.6 m for a standard stall and 2.4 m for a small car stall.

(b) The width (Reference "A" on Figure 1) of a parallel parking stall shall not be less than 2.5 m.

B.4 Minimum Stall Length

(a) The length (Reference "B" on Figure 1) of a parking stall other than a parallel parking stall shall not be less than 5.5 m for a standard stall and 4.7 m for a small car stall.

(b) The length (Reference "B" on Figure 1) of a parallel parking stall shall not be less than 7.0 m for a standard stall and 5.9 m for a small car stall.

B.5 Minimum Stall Depth

(a) The depth (Reference "C" on Figure 1) of a parking stall laid out at an angle (measured as shown on Figure 1) greater than or equal to 30° but less than 45° shall not be less than 5.7 m for a standard stall and 5.0 m for a small car stall.

(b) The depth (Reference "C" on Figure 1) of a parking stall laid out at an angle (measured as shown on Figure 1) greater than or equal to 45° but less than 53°, shall not be less than 5.9 m for a standard stall and 5.2 m for a small car stall.

(c) The depth (Reference "C" on Figure 1) of a parking stall laid out at an angle (measured as shown on Figure 1) greater than or equal to 53° but less than 70°, shall not be less than 6.0 m for a standard stall and 5.3 m for a small car stall.

(d) The depth (Reference "C" on Figure 1) of a parking stall laid out at an angle (measured as shown on Figure 1) of 90°, shall not be less than 5.5 m for a standard stall and 4.7 m for a small car stall.

B.6 Minimum Aisle Width

(a) For parking stalls laid out at an angle (measured as shown on Figure 1) greater than or equal to 30° but less than 45°, one way traffic only is permitted, with the aisle width (Reference "D" on Figure 1) not to be less than 4.0 m.

(b) For parking stalls laid out at an angle (measured as shown on Figure 1) greater than or equal to 45° but less than 53°, one way traffic only is permitted, with the aisle width (Reference "D" on Figure 1) not to be less than 4.6 m.

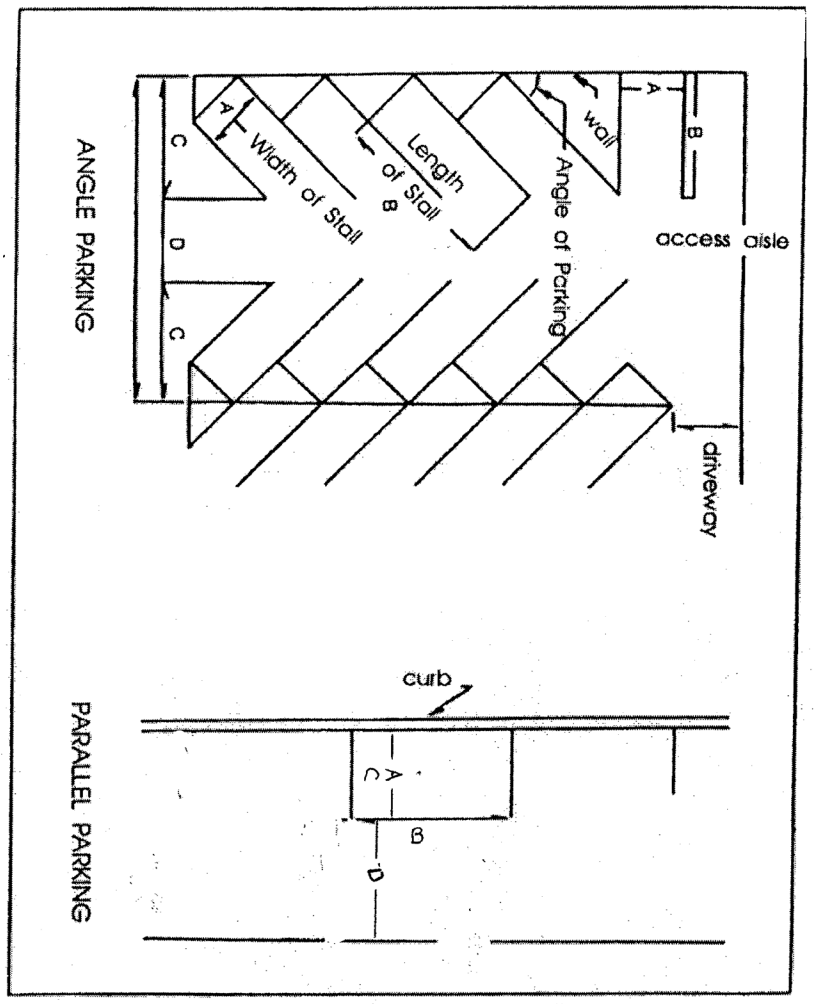
(c) For parking stalls laid out at an angle (measured as shown on Figure 1) greater than or equal to 53° but less than 60°, one way traffic only is permitted, with the aisle width (Reference "D" on Figure 1) not to be less than 5.2 m.

(d) For parking stalls laid out at an angle (measured as shown on Figure 1) greater than or equal to 60° but less than or equal to 70°, the aisle width (Reference "D" on Figure 1) shall not be less than 5.5 m for one way traffic and 7.0 m for two way traffic.

(e) For an aisle accessing parking stalls laid out at an angle (measured as shown on Figure 1) of 90°, the aisle width (Reference "D" on Figure 1) shall not be less than 7.6 m for both one way traffic and two way traffic.

(f) For an aisle accessing parallel parking stalls, the aisle width (Reference "D" on Figure 1) shall not be less than 3.7 m for one way traffic and 6.4 m for two way traffic.

Figure 1 (Schedule "B")



*(**Bylaw 4413, adopted May 12/08)*