

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw 80-159 by creating the CA-90 Zone, Mid Cook District, and to rezone land known as 1025-1031 Johnson Street and 1050 Yates Street from the R-48 Zone, Harris Green District, and the S-1 Zone, Limited Service District to the CA-90 Zone, Mid Cook District.

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

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW 80-159, AMENDMENT BYLAW (NO. 1184)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 6 – CENTRAL AREA ZONES by adding the following words:

“6.99 CA-90 Zone, Mid Cook District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 6.99 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1025-1031 Johnson Street and 1050 Yates Street, legally described as:

PID: 005-201-306, Lot 969, Victoria City, Except that Part in Plan 18802;
PID: 003-190-099, Lot 961, Victoria City, Except the Westerly (40') Thereof;
PID: 003-786-561, Lot A (DD B68208) of Lots 956, 957, 966, 967, 968 and 969, Victoria City, Plan 18802;
PID: 003-190-030, The Westerly (19'3") Of Lot 960, Victoria City;
PID: 005-201-250, Lot 959, Victoria City;
PID: 003-189-881, The Easterly 40 Feet 9 Inches of Lot 960, Victoria City;
PID: 009-387-684, Lot 958, Victoria City;
PID: 003-190-145, The Westerly (40') of Lot 961, Victoria City;
PID: 005-201-276, The East 1/2 of Lot 970, Victoria City.

and shown hatched on the attached map, is removed from the R-48 Zone, Harris Green District, and the S-1 Zone, Limited Service District, and placed in the CA-90 Zone, Mid Cook District.

READ A FIRST TIME the **10th** day of **October** 2019

READ A SECOND TIME the **10th** day of **October** 2019

Public hearing held on the day of 2019

READ A THIRD TIME the day of 2019

ADOPTED on the day of 2019

CITY CLERK

MAYOR

PART 6.99 – CA-90 ZONE, MID COOK DISTRICT**6.99.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- | | |
|--|---|
| a. Assembly | k. Personal Service |
| b. Assisted Living Facility | l. Residential |
| c. Care Facility | m. Residential Lock-off Unit |
| d. <u>Civic Facility</u> | n. Retail Trade |
| e. Financial Service | o. Small-scale commercial Urban Agriculture |
| f. Food and Beverage Service | p. Studio |
| g. <u>Home occupation</u> subject to the regulations in Schedule "D" | q. Utility |
| h. Office | r. Personal Service |
| i. Hotel | s. Cinema |
| j. Recreation Facility | t. Gallery |
| | u. Retail Liquor Sale |

6.99.2 Definitions

Air Space Parcel	means a volumetric parcel, whether or not occupied in whole or in part by a <u>building</u> or other structure, shown as such in an air space plan deposited in the land title office under Part 9 of the <i>Land Title Act</i> .
Assembly	means facilities used for a place of worship, convention facilities, cinemas, commercial recreation facilities and education and training facilities and does not include commercial casinos.
Assisted Living Facility	means premises in which housing, meal services, housekeeping services, laundry services, social and recreational opportunities, a 24 hour emergency response system, and one or two prescribed services defined in the Community Care and assisted Living Act are provided by or through the operator to 3 or more adults who are not related by blood or marriage to the operator of the premises.
Care Facility	means a day care facility or residential care facility, in each case licensed under the Community Care and Assisted Living Act.
Civic Facility	means premises in which government services are provided to the public and only includes a legislature, offices, municipal hall, law court, hospital, fire hall, library, ambulance or police station.
Development Area	means each part of the Lands in this zone divided into areas DA-1, DA-2, DA-3 and DA-4 respectively, approximately as shown on the map in Appendix A.
Financial Service	means facilities providing financial services including but not limited to chartered banks, credit unions, trust companies, insurance brokers or mortgage brokers.
Food and Beverage Service	includes the operation of catering establishments, portable food vendors, cafes and restaurants.

PART 6.99 – CA-90 ZONE, MID COOK DISTRICT

Front Lot Line Setback Average	means 51% of the <u>street frontage</u> length of a development area or areas.
Height	Excludes roof top structures.
Home Occupation	means the use of a <u>residential dwelling unit</u> for the practice of a profession, trade, art or craft, by one or more residents of the premises.
Hotel	means facilities offering transient lodging accommodation to the general public and may provide accessory uses such as restaurant, meeting rooms and recreational facilities, and includes motels and hostels.
Lands	means all lands shown on the map attached as Appendix A.
Office	means facilities used for the provision of administrative, clerical, management, professional or technical services.
Personal Service	means services provided to a person including but not limited to barbering, hairstyling, optometry, spa, medical and dental care, and services provided to the apparel of a customer including laundry and dry cleaning services, tailoring, and shoe, jewellery and watch repair.
Residential	means a self-contained <u>dwelling unit</u> of any type, including <u>assisted living</u> , <u>residential</u> care facilities, studio uses containing dwelling uses and a <u>dwelling unit</u> associated with an artist's or artisan's <u>studio</u> .
Residential Lock-off Unit	means a self-contained <u>dwelling unit</u> within a multi-residential building with a lesser <u>floor area</u> than that of the principal <u>dwelling unit</u> from which it may be locked off, which must have both independent external access and shared internal access.
Retail Trade	means the retail sale, repair, servicing, or refurbishment of consumer goods other than automobiles or automotive fuels, but does not include <u>Retail Liquor Sale</u> or <u>Storefront Cannabis Retailer</u> .
Retail Liquor Sale	means facilities used for the retail sale of packaged liquor.
Rooftop Structure	includes antennas, elevator penthouses, parapets, elevator landings, stair access and landings, mechanical equipment, chimneys, ventilation systems, solar heating panels, green roof system and similar structures that project above a roof, are non-habitable and which may be enclosed or unenclosed.
Small-scale Commercial Urban Agriculture	means; (a) cultivating and harvesting plants or fungi; (b) beekeeping and harvesting honey; (c) keeping poultry to collect eggs; or (d) sorting cleaning, packaging, selling or storing for retail purposes the items listed in (a) through (c) above that had been harvested on the premises.
Studio	means a purpose-designed work space for an artist or artisan engaged in an art or craft that is compatible with <u>residential</u> uses, which may include an associated <u>dwelling unit</u> and in which works produced in the <u>studio</u> may be sold.
Utility	means infrastructure that is used to provide water, sewer, drainage, district heat, gas, electrical, or telecommunications service whether located on, above or below ground and includes pump stations and service vaults and kiosks but does not include sewage treatment plants.

PART 6.99 – CA-90 ZONE, MID COOK DISTRICT**6.99.3 Density**

- | | |
|---|--------|
| a. Maximum floor <u>area</u> (m ²) (all development areas combined) | 48,960 |
| b. Minimum <u>development area</u> (m ²) | 1,000 |

6.99.4 Development Area 1

- | | |
|---|----------------------|
| <u>Height of building</u> (maximum) | 45m |
| Minimum floor <u>area</u> (all uses combined) | 14,000m ² |

Residential Uses

- | | |
|---|------|
| a. <u>Side yard setback</u> (minimum) (west) | 4.5m |
| b. Building separation (minimum) (east) 0-20m above <u>grade</u> | 0m |
| c. Building separation (minimum) (south) 0-20m above <u>grade</u> | 12m |

Residential building separation distances apply only to residential dwelling units that are contained in a mixed-use building.

Non-residential Uses

- | | |
|--|------|
| d. <u>Side yard setback</u> (minimum) (west) 0-20m above <u>grade</u> | 0m |
| e. Building separation (minimum) (east and south) 0-20m above <u>grade</u> | 0m |
| f. <u>Side yard setback</u> (minimum) (west) above 20m above <u>grade</u> (commercial) | 4.5m |

6.99.5 Development Area 2

- | | |
|--|-----|
| <u>Height of building</u> (maximum) | 45m |
| a. Building separation (minimum) (south and west) 0-20m above <u>grade</u> | 0m |
| b. Building separation (minimum) (south and west) above 20m above <u>grade</u> | 12m |

6.99.6 Development Area 3

- | | |
|--|-----|
| <u>Height of building</u> (maximum) | 45m |
| a. Building separation (minimum) (north and west) 0-20m above <u>grade</u> | 0m |
| b. Building separation (minimum) (north and west) above 20m above <u>grade</u> | 12m |

PART 6.99 – CA-90 ZONE, MID COOK DISTRICT**6.99.7 Development Area 4**

Height of building (maximum) 50m

Side yard setback (minimum) (west) above 20m above grade 6m

Residential Uses

- a. Side yard setback (minimum) (west) 0-20m above grade 3m
- b. Building separation (minimum) (north) 0-20m above grade 6m
- c. Building separation (minimum) (east) 0-20m above grade 0m

Residential building separation distances apply only to residential dwelling units that are contained in a mixed-use building.

Non-residential Uses

- d. Side yard setback (minimum) (west) 0-20m above grade (commercial) 0m
- e. Building separation (minimum) (east and north) 0-20m above grade (commercial) 0m

6.99.8 Setbacks and Building Separation

- a. Front lot line setback average for the first storey 2.5m
- b. Building separation (minimum) all portions of a building above 20m (between Development Areas only in this zone) 12.0m
- c. Street wall setback (minimum) any portion of a building that faces Cook Street, above 20m above grade 4.5m
- d. Shortest horizontal distance from any property line shared with Yates Street and Cook Street to the face of the nearest wall of a building for that portion of building above 20m in height **1cm** for each **5cm** in height
- e. Shortest horizontal distance from any property line shared with Johnson Street to the face of the nearest wall of a building for that portion of building above 15m in height **1cm** for each **5cm** in height
- f. Projections into setbacks and building separations (maximum)
 - i. Balconies, cornices, guardrails, fin walls, slab edges, eaves, window overhangs and sunscreens 0.6m
 - ii. Exterior wall treatments, insulation and rainscreen systems 0.17m

PART 6.99 – CA-90 ZONE, MID COOK DISTRICT**6.99.9 Vehicle and Bicycle Parking**

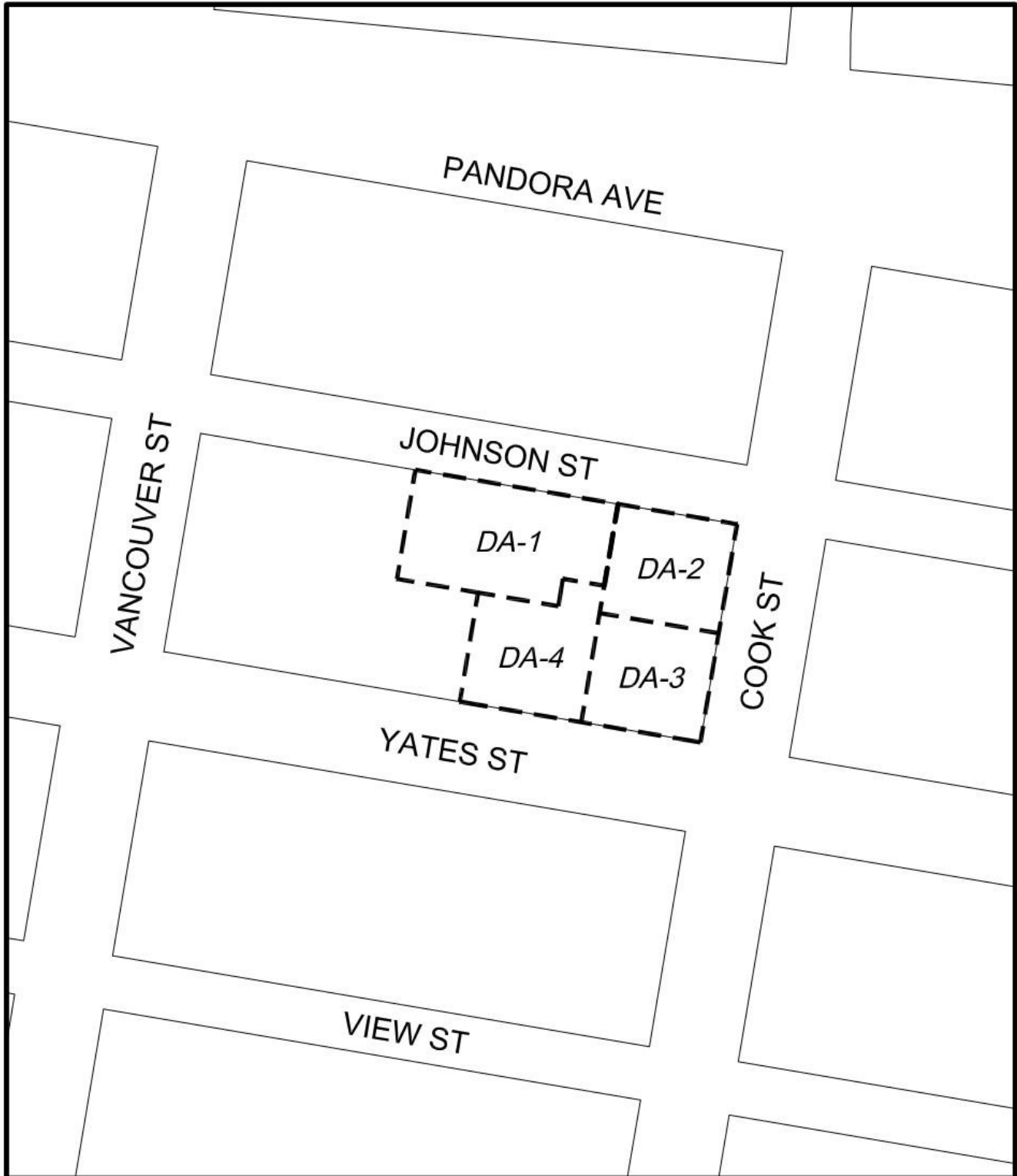
- | | |
|---------------------------------------|--|
| a. <u>Vehicle parking</u> (minimum) | Subject to the regulations in Schedule "C" except as otherwise specified by the regulations in this Part |
| b. <u>Fire Hall Parking</u> (minimum) | 1 space per 140m ² |
| c. Bicycle parking (minimum) | Subject to the regulations in Schedule "C" |

6.99.10 Exemptions

For the purposes of this CA-90 Zone:

- a. the following regulations and definitions of the Zoning Regulation Bylaw do not apply:
 - (i) General Regulations – section 19 [*buildings on a lot*]
 - (ii) General Regulations - section 27 [*irregular lots*]
 - (iii) Schedule "A" Building Line
 - (iv) Schedule "A" Panhandle Lot
- b. Notwithstanding Sections 2.2.1 and 2.2.2 of Schedule "C" of the Zoning Regulation Bylaw, The parking spaces required pursuant to the regulations in Schedule "C" may be provided on a different lot from the lot on which the use is to which they appertain and may straddle a lot, provided that the parking is located within the same building but on a separate lot created through an air space subdivision; and
 55% of the required Fire Hall Parking Spaces may be provided on a different lot from the lot on which the building or use is to which they appertain, provided that the lot on which the parking spaces are is not more than 600m from the building or use to which they appertain.
- c. Notwithstanding Section 3.1.1 of Schedule "C" of the Zoning Regulation Bylaw, where Bicycle Parking is located within a single building but on a separate parcel created through deposit of an air space plan, the Bicycle Parking spaces required per Schedule C may be provided on a different parcel from the air space parcel to which they appertain and may straddle an air parcel, provided they are located within the same building.
- d. An air space parcel or parcels created by deposit of an air space plan in the land title office, together with the remainder parcel resulting from the creation of such air space parcel or parcels, are deemed to be part of the same lot and the definition of lot as defined within Schedule A – Definitions, is so amended for this Zone.

PART 6.99 – CA-90 ZONE, MID COOK DISTRICT



Appendix A
Development Areas
CA-90 Zone, Mid Cook District



