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# Proposed Amendment to the Zoning Regulation Bylaw:

## Setback Regulation for Retaining Walls and Other Structures on Waterfront Properties

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Council Motion, September 5, 2019:

- *That Council direct staff to amend the Zoning Regulation Bylaw to apply building setback regulations to retaining walls and other structures on all waterfront properties with residential development.*
- *That Council direct staff to report back with implications of setback regulations for other structures on all waterfront properties.*

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# PROPOSED ZONING REGULATION BYLAW AMENDMENT

## New General Regulation:

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

## New Definition:

*“Waterfront Lot” means a lot that abuts a tidal water body along any portion of the lot’s boundary.*

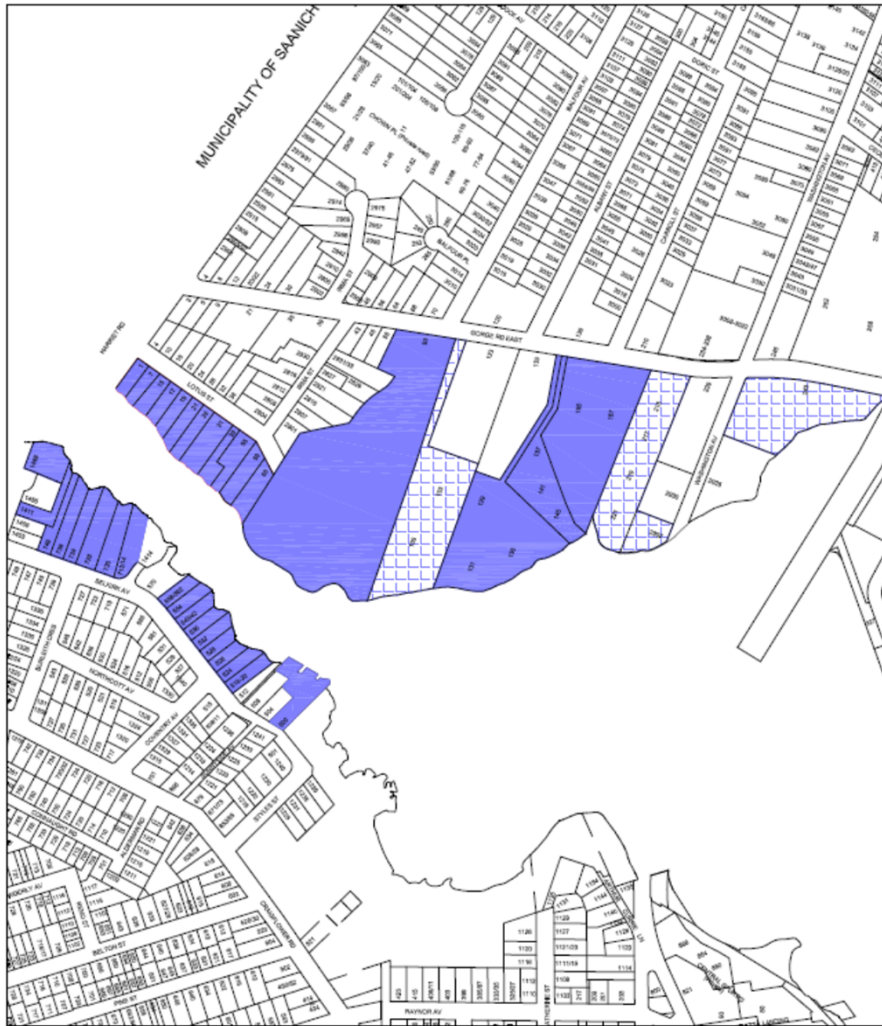
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# Implications

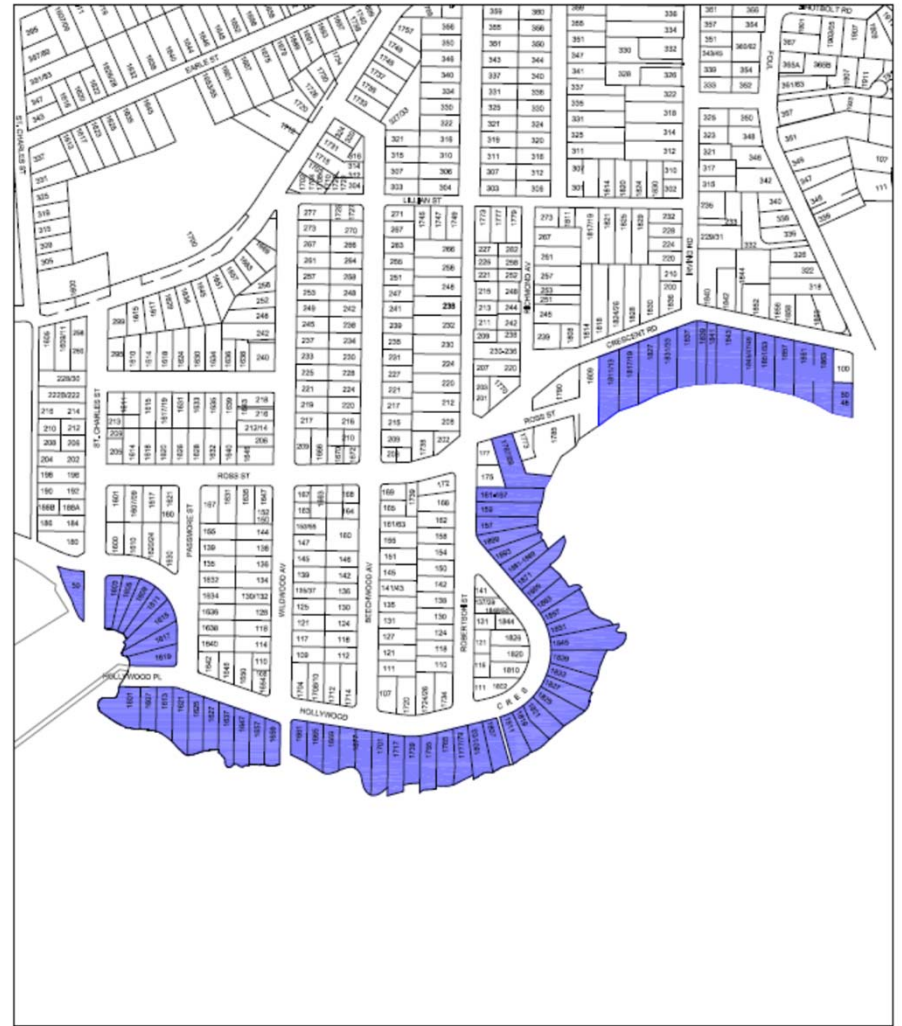
The new regulation would apply to:

- retaining walls
- garden suites
- accessory buildings; and
- outdoor features (includes swimming pools, patios, decks and stairs).

} “Other Structures”



Victoria Arm / Gorge Waterway



Gonzales Waterfront

# Properties Subject to New Regulation





## Properties Subject to New Regulation

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## Implications cont.

The new regulation would not apply to:

- land subject to Zoning Bylaw 2018 (i.e. parts of Old Town and the Central Business District)
- properties that don't have a shared boundary with the waterfront
- properties governed by Land Use Contracts
- fences
- soil and grade manipulation.

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## Implications cont.

- property owners would need to seek a variance to construct retaining walls and other structures in the prescribed setback (resulting in cost and time implications)
- a property owner may be entitled to apply for a relaxation to the Board of Variance
- the proposed regulation would come into force upon adoption (unless Council direct staff to include Transition Provisions).

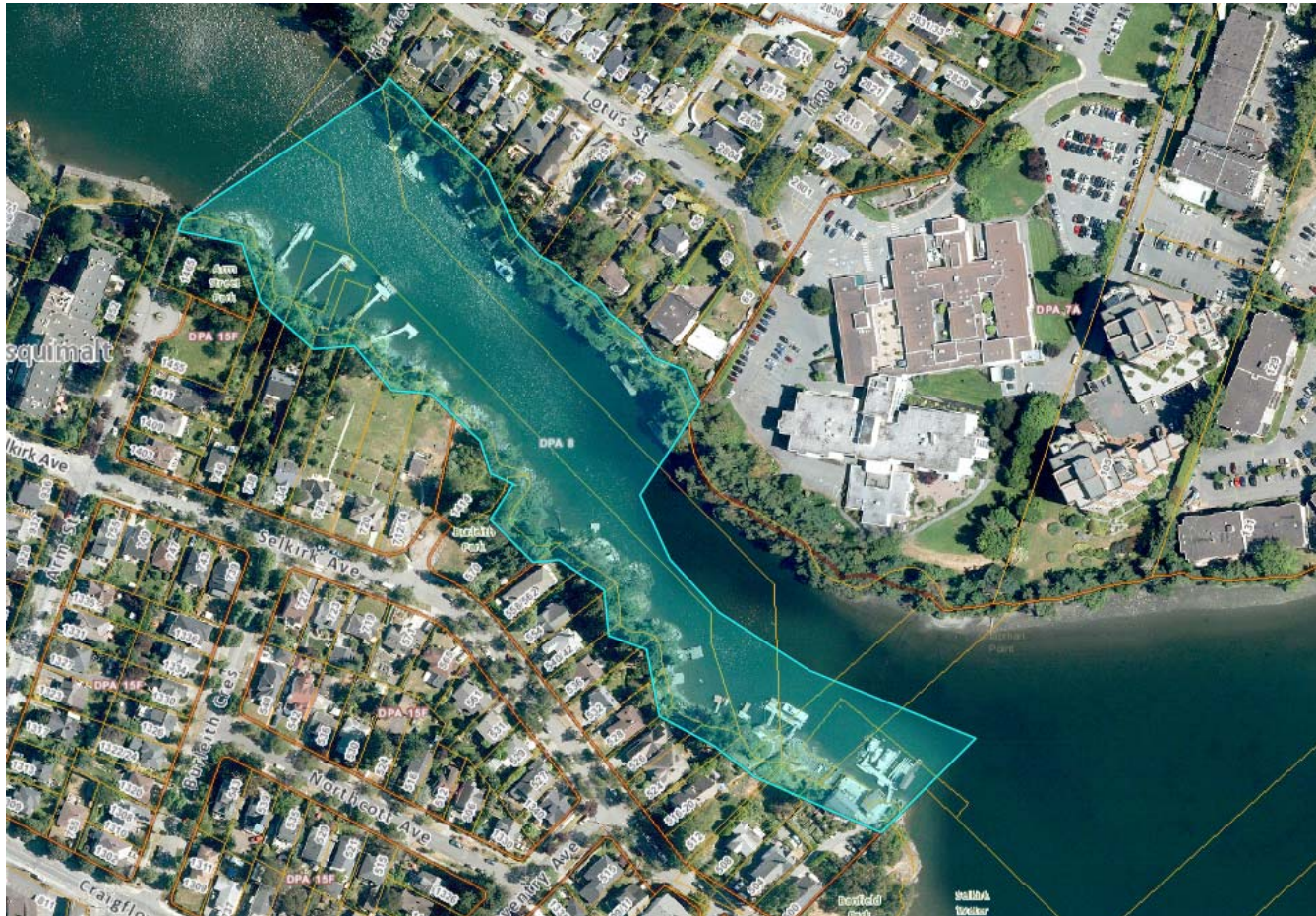


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# Consultation

- the proposed Zoning Regulation Bylaw amendment requires a Public Hearing
- notice of the Public Hearing would be advertised on the City website and in a local newspaper
- information would be posted and made available in the Development Centre
- on-site sign posting is not required nor recommended
- mailing letters to affected properties not required nor proposed.

# Development Permit Area 8 – Victoria Arm – Gorge Waterway



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## Strategic Plan:

*Increase protection for shoreline areas and Garry Oak ecosystem including the shoreline between Gonzales Bay and Ross Bay and the shoreline along Gorge Waterway*

## Climate Leadership Plan:

*Explore the creation of Environmental Development Permit Areas or other mechanisms to protect and enhance shoreline and marine habitats.*

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## Recommended Phase 2 (subject to Budget):

- create additional Development Permit Areas and carry out necessary consultation
- consistent with direction outlined in the Strategic plan and Climate Leadership Plan
- consider delegation of DP Applications and Variances to staff
- refine and incorporate certain elements of the Fence Bylaw into the Zoning Regulation Bylaw

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# Questions