

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CD-16 Zone, Fernwood Comprehensive Development District, and to rezone land known as 1109 and 1115 Johnson Street, 1100, 1102, 1108 and 1120 Yates Street and 1309 and 1315 Cook Street from the C-1 Zone, Limited Commercial District, and the R3-1 Zone, Multiple Dwelling District, to the CD-16 Zone, Fernwood Comprehensive Development 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, AMENDMENT BYLAW (NO. 1214)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 12 – Comprehensive Development Zones by adding the following words:  
  
“12.16 CD-16, Fernwood Comprehensive Development District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 12.15 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1109 Johnson Street (legally described as PID: 001-917-731, Lot 1054, Victoria City), 1115 Johnson Street (legally described as PID: 009-392-963, the Westerly 50 feet of Lot 1053, Victoria City), 1100, 1102 and 1108 Yates Street and 1309 and 1315 Cook Street (legally described as PID: 001-620-185, Lot 1, District Lots 1064 and 1065, Victoria City, Plan 28733), and 1120 Yates Street (legally described as PID: 003-531-023, Lot A, Lots 1051, 1052, 1053, 1061, 1062 and 1063, Victoria City, Plan 20267), all as shown hatched on the attached map, is removed from the C-1 Zone, Limited Commercial District and the R3-1 Zone, Multiple Dwelling District, and placed in the CD-16 Zone, Fernwood Comprehensive Development District.

READ A FIRST TIME the                      **13<sup>th</sup>**      day of                      **February**                      2020

READ A SECOND TIME the                      **13<sup>th</sup>**      day of                      **February**                      2020

Public hearing held on the                      day of                      2020

READ A THIRD TIME the                      day of                      2020

ADOPTED on the                      day of                      2020

CITY CLERK

MAYOR

**PART 12.16 – CD-16 ZONE, FERNWOOD COMPREHENSIVE DEVELOPMENT DISTRICT****12.16.1 General Regulations**

- a. This Zone is divided into Development Areas 1, 2 and 3, as shown on the map attached as Appendix 1.
- b. Within this Zone, all parcels created within a Development Area by the deposit in the Land Title Office of an air space plan will be treated as a single lot for all purposes, and the definition of lot as defined within Schedule A – Definitions, is so amended for this Zone.
- c. In Development Area 1, a non-residential use, excluding home occupation, may be located on a first or second storey.
- d. Vehicle and bicycle parking subject to the regulations in Schedule C – Off-street Parking.

**12.16.2 Community Amenity**

It is a condition of using the additional density contemplated by Part 12.16.6.b and Part 12.16.13.b that, prior to building permit issuance for any Development Area, the owner enter into an agreement with the City and BC Housing, pursuant to BC Housing's Affordable Home Ownership Program, which will ensure that dwelling units in Development Area 2 will be sold and owned pursuant to that Program, and that any resulting payments to the City contemplated by that Program and agreement will be treated as amenity contributions by the owner and will be added to the City's Affordable Housing Reserve Fund.

**12.16.3 Development Area 1 (DA-1)**

The regulations in Part 12.16.4 to 12.16.9 apply to Development Area 1 (DA-1) only.

**12.16.4 Uses**

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

- a. daycare
- b. financial service
- c. high tech
- d. home occupation, subject to the regulations in Schedule D – Home Occupation
- e. multiple dwelling
- f. office, including but not limited to professional services and medical and dental services.
- g. personal service
- h. restaurant
- i. retail.

# **PART 12.16 – CD-16 ZONE, FERNWOOD COMPREHENSIVE DEVELOPMENT DISTRICT**

## **12.16.5 Lot Area**

- |                              |                    |
|------------------------------|--------------------|
| a. <u>Lot area</u> (minimum) | 1589m <sup>2</sup> |
|------------------------------|--------------------|

## **12.16.6 Floor Space Ratio**

- |  |       |
|--|-------|
| a. <u>Floor space ratio</u> (maximum)  | 1.4:1 |
| b. <u>Floor space ratio</u> (maximum) where the community amenity has been provided pursuant to Part 12.16.2 | 5.5:1 |

## **12.16.7 Height**

- |   |     |
|---|-----|
| a. Principal <u>building height</u> (maximum) | 40m |
|---|-----|

## **12.16.8 Setbacks**

- |   |       |
|---|-------|
| a. Cook Street <u>setback</u> (minimum)   | 0.4m  |
| b. Interior <u>lot</u> line setback (east) (minimum)  | 4.65m |
| c. Yates Street <u>setback</u> on a flanking street for a <u>corner lot</u> (minimum)   | 0.65m |
| d. A portion of the principal building within 18.35m from Cook Street must have a <u>side yard setback</u> of 7.5m from the northern property line. All other portions of the principal building can have a minimum <u>side yard setback</u> of 0m from the northern property line. |       |

## **12.16.9 Site Coverage, Open Site Space**

- |                                     |     |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum)   | 77% |
| a. <u>Open site space</u> (minimum) | 25% |

## **12.16.10 Development Area 2 (DA-2)**

The regulations in Part 12.16.11 to 12.16.16 apply to Development Area 2 (DA-2) only.

## **12.16.11 Uses**

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

- |   |
|---|
| a. <u>multiple dwelling</u>   |
| b. <u>home occupation</u> , subject to the regulations set out in Schedule D – Home Occupation. |

# **PART 12.16 – CD-16 ZONE, FERNWOOD COMPREHENSIVE DEVELOPMENT DISTRICT**

## **12.16.12 Lot Area**

- |                              |                    |
|------------------------------|--------------------|
| a. <u>Lot area</u> (minimum) | 2614m <sup>2</sup> |
|------------------------------|--------------------|

## **12.16.13 Floor Space Ratio**

- |  |        |
|--|--------|
| a. <u>Floor space ratio</u> (maximum)  | 1.4:1  |
| b. <u>Floor space ratio</u> (maximum) where the community amenity has been provided pursuant to Part 12.16.2 | 2.55:1 |

## **12.16.14 Height**

- |   |     |
|---|-----|
| a. Principal <u>building height</u> (maximum) | 23m |
|---|-----|

## **12.16.15 Setbacks, Projections**

- |  |       |
|--|-------|
| a. Johnson Street <u>setback</u> (minimum)                             | 3.3m  |
| Except for the following maximum projections into the <u>setback</u> : |       |
| • balconies (maximum)  | 0.3m  |
| • parkade (maximum)  | 0.9m  |
| b. <u>Rear yard setback</u> (south) (minimum)                          | 0.15m |
| c. <u>Side yard setback</u> (east) (minimum)                           | 4.75m |
| Except for the following maximum projections into the <u>setback</u> : |       |
| • balconies (maximum)  | 0.5m  |
| • parkade (maximum)  | 4.4m  |
| d. <u>Side yard setback</u> (west) (minimum)                           | 9.55m |
| Except for the following maximum projections into the <u>setback</u> : |       |
| • Parkade (maximum)  | 0.45m |

## **12.16.16 Site Coverage, Open Site Space**

- |                                     |     |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum)   | 66% |
| b. <u>Open site space</u> (minimum) | 35% |

## **12.16.17 Development Area 3 (DA-3)**

The regulations in Part 12.16.18 to 12.16.23 apply to Development Area 3 (DA-3) only.

# **PART 12.16 – CD-16 ZONE, FERNWOOD COMPREHENSIVE DEVELOPMENT DISTRICT**

## **12.16.18 Uses**

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

- a. daycare
- b. financial service
- c. high tech
- d. office, including but not limited to professional services and medical and dental services.
- e. personal service
- f. restaurant
- g. retail.

## **12.16.19 Lot Area**

- a. Lot area (minimum) 2126m<sup>2</sup>

## **12.16.20 Floor Space Ratio**

- a. Floor space ratio (maximum) 1.73:1

## **12.16.21 Height**

- b. Principal building height (maximum) 23.5m

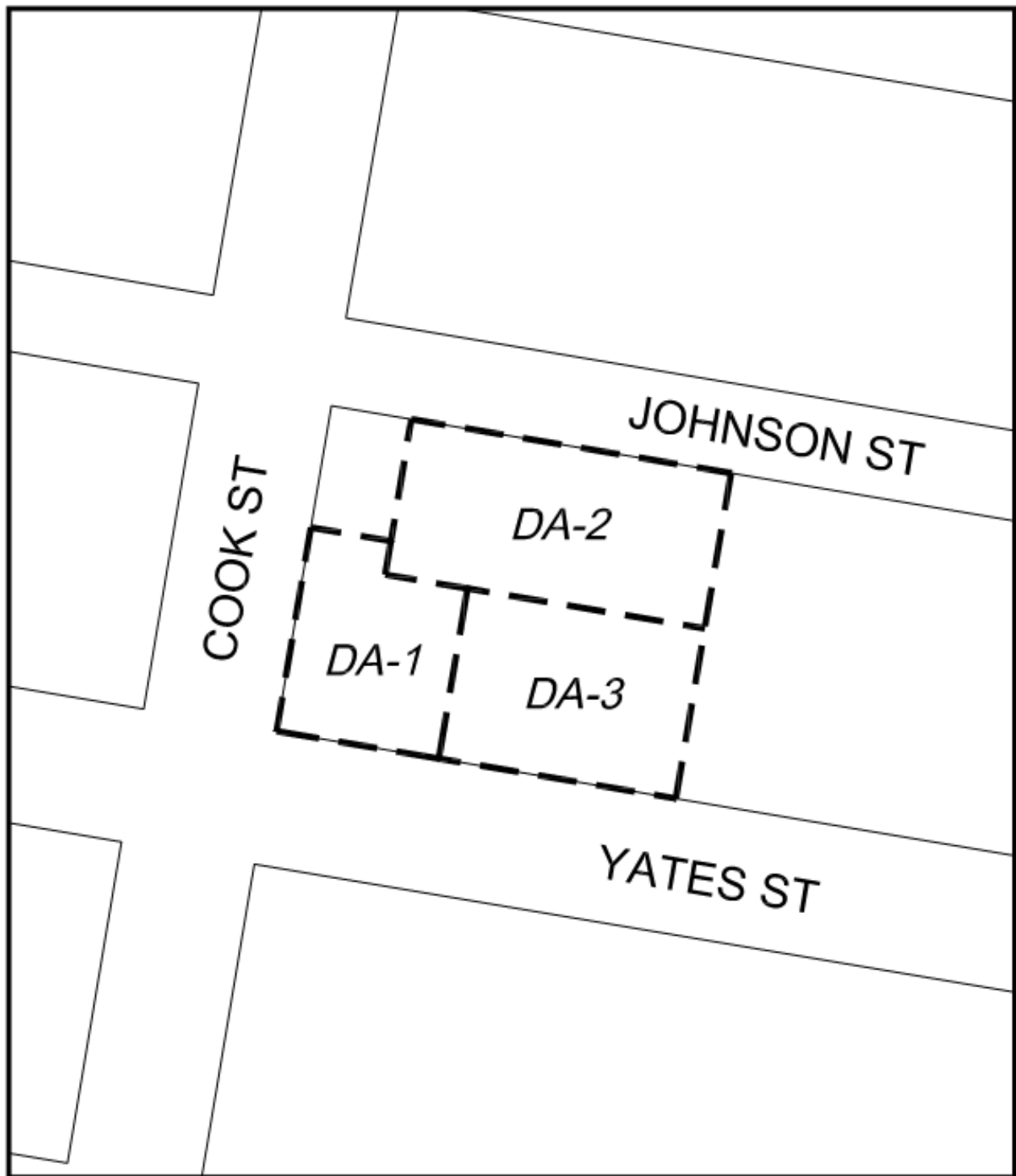
## **12.16.22 Setbacks**

- a. Yates Street setback to building (minimum) 6.25m
- b. Yates Street setback to canopy (minimum) 4.4m
- c. Rear yard setback to building (minimum) 11m
- d. Rear yard setback to canopy (minimum) 8.9m
- e. Side yard setback (east) (minimum) 8.8m
- f. Side yard setback (west) (minimum) 8.3m

## **12.16.23 Site Coverage, Open Site Space**

- a. Site Coverage (maximum) 51%
- b. Open site space (minimum) 55%

**PART 12.16 – CD-16 ZONE, FERNWOOD COMPREHENSIVE DEVELOPMENT DISTRICT**



**Appendix 1**  
Development Areas

Fernwood Comprehensive Development District



