

K. **BYLAWS**

K.3 **Bylaw for Accommodating Air Space Parcels**

Moved By Councillor Young
Seconded By Councillor Potts

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1219) No. 20-029

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Dubow, and Councillor Isitt

CARRIED (6 to 2)



Council Report

For the Meeting of February 27, 2020

To: Council **Date:** February 25, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Zoning Regulation Bylaw Amendment Bylaw (No. 20-029)

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw (No. 1219) No. 20-029

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 20-029.

The issue was considered at Committee of the Whole on February 20, 2020 where the following resolution was made:

Accommodating Air Space Parcels in the Zoning Regulation Bylaw

That Council give first and second readings to the attached Zoning Regulation Bylaw Amendment Bylaw No. 20-029, to clarify the treatment of air space parcels under zoning regulations by excluding air space parcels from the definition of Lot and to add a general regulation that deems air space parcels to form part of the Lot at ground level, and direct staff to advertise and schedule a public hearing to consider third reading and adoption of this bylaw.

Therefore, staff are advancing Zoning Regulation Bylaw No. 20-029 for Council's consideration of first and second reading, subject to Council's approval of the related motion from the February 20, 2020 Committee of the Whole meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert Batallas".

Robert Batallas,
Senior Planner
Community Planning Division

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A handwritten signature in blue ink, appearing to read "KH Hoese".

Karen Hoese,
Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Date: February 26, 2020

List of Attachments:

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1219) No. 20-029.

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1219)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Zoning Regulation Bylaw to clarify the treatment of air space parcels under zoning regulations.

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Under its statutory powers, including section 479 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1219)”.

Amendments

- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended, by adding, immediately after section 45, the following as the new section 46:
 - “46. For the purposes of this Bylaw, an air space parcel is deemed to be part of the same lot as the parcel at ground level.”
- 3 The definition of “Lot” in Schedule A of Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended by adding, immediately after the words “any other strata lot”, the words “or an air space parcel”.

Commencement

- 4 This Bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2020
READ A SECOND TIME the	day of	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