

**G.4 Bylaw for Amendments to CBD-1 and CBD-2 Setback Regulations -
Downtown Core Area Plan**

Moved By Councillor Alto

Seconded By Councillor Potts

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

1. Zoning Bylaw 2018, Amendment Bylaw (No. 13) No. 22-048

CARRIED UNANIMOUSLY



Council Report

For the Meeting of May 12, 2022

To: Council **Date:** April 28, 2022

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

Subject: **Zoning Bylaw 2018 – Amendments to CBD-1 and CBD-2 Setback Regulations (Bylaw No. 22-048)**

RECOMMENDATION

That Council give introductory readings to Bylaw No. 22-048 (Amendments to Zoning Bylaw 2018).

BACKGROUND

On March 3, 2022, Council passed the following motion:

"That Council:

- 1. Approve the Downtown Core Area Plan (2022).*
- 2. Receive for information feedback received as part of the consultation process on the proposed Official Community Plan amendments.*
- 3. Give first and second readings of Official Community Bylaw, 2012, Amendment Bylaw No. 41 (No.22-008) prior to consideration at a public hearing.*
- 4. Direct staff to prepare amendments to Zoning Bylaw 2018 to align building setback regulations with the updated Downtown Core Area Plan (2022) and bring forward for first and second readings prior to consideration at a public hearing."*

Staff have prepared the necessary Bylaw amendments for introductory readings as outlined in section 4 of the motion above and have provided additional information below.

Alignment with Downtown Core Area Plan (2022)

The proposed amending bylaw includes updated (increased) side lot line and rear lot line regulations and removal of the front setback plane regulations for the Central Business District-1 Zone (CBD-1) and Central District-2 Zone (CBD-2) to ensure alignment with the recently approved Downtown Core Area Plan (2022) design guidelines. In addition to the proposed zoning regulation updates, the Downtown Core Area Plan design guidelines provide further direction for the design, orientation, and location of buildings.

Approval and Implementation of Amendments to Zoning Bylaw 2018

On March 24, 2022 Council approved an Official Community Plan (OCP) amendment bylaw (No. 22-008) that includes a caveat stating that the new Downtown Core Area Plan (DCAP) design guidelines will come into force three months after their approval. This means the new DCAP design guidelines will take effect on June 24, 2022. Section 478 of the *Local Government Act* prohibits a local government from adopting a zoning bylaw that is inconsistent with the OCP. Therefore, should Council provide first and second readings of the proposed bylaw (No. 22-048), and after the public hearing provide third reading and adopt the proposed bylaw, the bylaw will come into force after June 24, 2022. This ensures that the proposed bylaw is consistent with the new DCAP design guidelines described in the OCP.

Respectfully submitted,

Robert Batallas
Senior Planner
Community Planning Division

Karen Hoesle, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Bylaw No. 22-048 - Amendments to CBD-1 and CBD-2 Zones (Zoning Bylaw 2018)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend Zoning Bylaw 2018 by deleting the Administrative Definition of 'Front Setback Plane' as well as the related reference within the Administration regulations. The CBD-1 and CBD-2 zones are also amended with updated Setback regulations.

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The Council of The Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as "ZONING BYLAW 2018, AMENDMENT BYLAW (NO. 13)".

Amendments

- 2 Bylaw No. 18-072, Zoning Bylaw 2018, is amended as follows:
 - a. In Part 1.1 – **Interpretation**:
 - (i) By deleting section 21. in its entirety and renumbering the remaining sections accordingly.
 - (ii) By replacing section 22. with the following:
 - 22. The figure indicated in a column of section 4, Part 4 of this bylaw adjacent to the headings "**Side Lot Line Setbacks** – Minimum" or "**Rear Lot Line Setbacks** – Minimum" is the minimum horizontal distance between any portion of a **Building** and the **Side Lot Lines** or the **Rear Lot Lines** of the **Lot** on which the **Building** is located, provided that **Building** features indicated in the relevant table with the heading "Projections into **Setbacks** - Maximum" in section 4, Part 4 may project into the minimum **Setback** to the extent indicated in the table.
 - b. In Part 2.1 – **Administrative Definitions**:
 - (i) By deleting the definition of "**Front Setback Plane**" and related illustration immediately before the definition of "**Front Yard**".

c. in Part 4.1 – **Central Business District-1 Zone (CBD-1)**:

(i) by replacing section 4 – **Setbacks and Projections** in its entirety with the following section 4:

4. Setbacks and Projections		
a. Side Lot Line Setbacks - Minimum		
i. Buildings up to 23.0m in Height :		0.0m
ii. Buildings greater than 23.0m in Height - for any portion of a Building supporting or sheltering a Residential use with an exterior wall greater than 18.0m in Height :		10.0m
iii. Buildings greater than 23.0m in Height - for any portion of a Building supporting or sheltering a non- Residential use with an exterior wall greater than 23.0m in Height :		6.0m
b. Rear Lot Line Setbacks – Minimum		
i. Buildings up to 23.0m in Height - for any portion of a Building supporting or sheltering a Residential use with an exterior wall greater than 5.0m in Height :		8.0m
ii. Buildings greater than 23.0m in Height - for any portion of a Building supporting or sheltering a Residential use with an exterior wall greater than 5.0m and up to 18.0m in Height :		8.0m
iii. Buildings greater than 23.0m in Height - for any portion of a Building supporting or sheltering a Residential use with an exterior wall greater than 18.0m in Height :		10.0m
iv. Any portion of a Building supporting or sheltering a non- Residential use with an exterior wall greater than 5.0m in Height :		6.0m
v. Any portion of a Building supporting or sheltering a non- Residential use with an exterior wall up to 5.0m in Height :		0.0m
c. Projections into Setbacks – Maximum		
i. Balconies , cornices, guardrails, fin walls, slab edges, eaves, window overhangs and sunscreens:		2.0m

- | | | |
|-----|--|-------|
| ii. | Exterior wall treatments, insulation and rainscreen systems: | 0.13m |
|-----|--|-------|

d. in Part 4.2 – **Central Business District-2 Zone (CBD-2):**

- (i) by replacing section 4 – **Setbacks and Projections** in its entirety with the following section 4:

4. Setbacks and Projections

a. Side Lot Line Setbacks - Minimum

- | | | |
|------|--|-------|
| i. | Buildings up to 23.0m in Height : | 0.0m |
| ii. | Buildings greater than 23.0m in Height - for any portion of a Building supporting or sheltering a Residential use with an exterior wall greater than 18.0m in Height : | 10.0m |
| iii. | Buildings greater than 23.0m in Height - for any portion of a Building supporting or sheltering a non- Residential use with an exterior wall greater than 23.0m in Height : | 6.0m |

b. Rear Lot Line Setbacks – Minimum

- | | | |
|------|--|-------|
| i. | Buildings up to 23.0m in Height - for any portion of a Building supporting or sheltering a Residential use with an exterior wall greater than 5.0m in Height : | 8.0m |
| ii. | Buildings greater than 23.0m in Height - for any portion of a Building supporting or sheltering a Residential use with an exterior wall greater than 5.0m and up to 18.0m in Height : | 8.0m |
| iii. | Buildings greater than 23.0m in Height - for any portion of a Building supporting or sheltering a Residential use with an exterior wall greater than 18.0m in Height : | 10.0m |
| iv. | Any portion of a Building supporting or sheltering a non- Residential use with an exterior wall greater than 5.0m in Height : | 6.0m |
| v. | Any portion of a Building supporting or sheltering a non- Residential use with an exterior wall up to 5.0m in Height : | 0.0m |

c. Projections into **Setbacks** – Maximum

- | | | |
|----|---|------|
| i. | Balconies , cornices, guardrails, fin walls, slab edges, eaves, window overhangs and sunscreens: | 2.0m |
|----|---|------|

