

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CR-3M-2 Zone, Commercial Residential Apartment (Sutlej) District, and to rezone land known as 304 Cook Street from the CR-3M Zone, Commercial Residential Apartment Modified District to the CR-3M-2 Zone, Commercial Residential Apartment (Sutlej) 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. 1120)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 4 - GENERAL COMMERCIAL ZONES by adding the following words:

“4.86 CR-3M-2, Commercial Residential Apartment (Sutlej) District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 4.85 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 304 Cook Street, legally described as Lot 51, Fairfield Farm Estate, Victoria City, Plan 28 and shown hatched on the attached map, is removed from the Cr-3M Zone, Commercial Residential Apartment Modified District, and placed in the CR-3M-2 Zone, Commercial Residential Apartment (Sutlej) District.

READ A FIRST TIME the **12th** day of **October** 2017.

READ A SECOND TIME the **12th** day of **October** 2017.

Public hearing held on the day of 2017.

READ A THIRD TIME the day of 2017.

ADOPTED on the day of 2017.

CITY CLERK

MAYOR

PART 4.86 – CR-3M-2 ZONE, COMMERCIAL RESIDENTIAL APARTMENT (SUTLEJ) DISTRICT**4.86.1 Permitted Uses in this Zone**

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

- a. the uses permitted in the R-2 Zone, Two Family Dwelling District, subject to and in accordance with the regulations contained in that zone or incorporated into it by reference from the R1-B Zone, Single Family Dwelling District:
- b. multiple dwellings and multiple dwelling accessory uses;
- c. commercial-residential buildings, as defined in section 4.86.2;
- d. provided they are located in a one-storey building or the ground floor of a commercial-residential building:
 - a. business offices;
 - b. professional businesses;
 - c. retail;
 - d. restaurants;
 - e. clubs for social or recreational purposes;
 - f. bakeries, if all of the products baked or prepared are sold or intended to be sold by retail from the premises;
 - g. laundrettes, provided they are used or intended for use solely by the public for the purpose of laundering clothes or other fabrics upon payment of a fee or other charge;
 - h. attended coin-operated drycleaning plants where;
 - i. facilities for the drycleaning of clothes and other fabrics are provided;
 - ii. the facilities consist entirely of coin-operated machines;
 - iii. members of the public are invited or admitted for the purpose of using the facilities;
 - iv. at least one person having charge of the management or control of the facilities is in attendance at all times when the facilities are open to the public;
 - i. drycleaning or clothes pressing establishments, or both which;
 - i. do not occupy in excess of 278m² of floor space, and
 - ii. are used or intended to be used for the purpose of dealing directly with the members of the public served thereby.
 - j. high tech;
 - k. call centre;
 - l. liquor retail store.

PART 4.86 – CR-3M-2 ZONE, COMMERCIAL RESIDENTIAL APARTMENT (SUTLEJ) DISTRICT

4.86.2 Commercial-Residential Building

in this Part, “commercial-residential” building means a building, the ground floor of which is used solely for one or more of the uses set out in section 4.86.1.d, and the floors above the ground floor are used solely for residential purposes.

4.86.3 Floor Space Ratio and Floor Area

- a. the maximum floor space ratio for each lot shall be 1.0:1, provided that in calculating the floor space ratio, the total floor area shall include the areas of all floors, the ceiling above which is above grade, but shall not include floors used for off-street parking where that parking is required by this bylaw.
- b. total floor area for a liquor retail store (maximum) 138m²
- c. total floor area for storage related to liquor retail store (maximum) 127m²

4.86.4 Right of way, minimum unit size

- a. no “commercial-residential” or commercial building shall be erected or used unless the street rights-of-way adjoining the lot are at least 15m wide.
- b. each dwelling unit shall have a floor area of at least 33m² measured from the interior wall surfaces, excluding balconies.

4.86.5 Height and storeys

- a. the height of a building shall not exceed 10.7m or 3 storeys.

4.86.6 Setbacks for Building With Non-Residential Uses

- a. no part of any building containing non-residential uses that is not located wholly below the finished ground level (except roof projections, upper floor bay windows, entrance canopies, steps, balconies and lawful signs) shall be nearer to any street than a horizontal distance of:
 - a. 3m for a street front for the first storey and 6m for upper storeys; or
 - b. 2.4m for other streets.
- b. no part of any building containing non-residential uses that is not located wholly below the finished ground level shall be nearer to any side boundary with another lot than the horizontal distance outlined below:
 - a. if the adjacent lot is used or intended for solely residential uses, the distance shall be one-quarter of the building height or 2.5m whichever is greater; or
 - b. for other lots the distance shall be 2.4m or greater or nil.

PART 4.86 – CR-3M-2 ZONE, COMMERCIAL RESIDENTIAL APARTMENT (SUTLEJ) DISTRICT

- c. no part of any building containing non-residential uses that is not located wholly below the finished ground level (except roof projections, entrance canopies or steps) shall be nearer to any rear boundary than a horizontal distance of 6m.

4.86.7 Setbacks for Multiple Dwelling

- d. no part of a multiple dwelling that is not located wholly below the finished ground level (except roof projections, bay windows, entrance canopies, steps, balconies and lawful signs) shall be nearer to any street than a horizontal distance of:
 - a. 6m for a street frontage;
 - b. one-half the building height or 2.4m whichever is greater, for other streets.
- e. no part of any multiple dwelling that is not located wholly below the finished ground level (except roof projections, entrance canopies or steps) shall be nearer to any boundary with another lot than a horizontal distance of one-half the building height or 3m, whichever is greater.

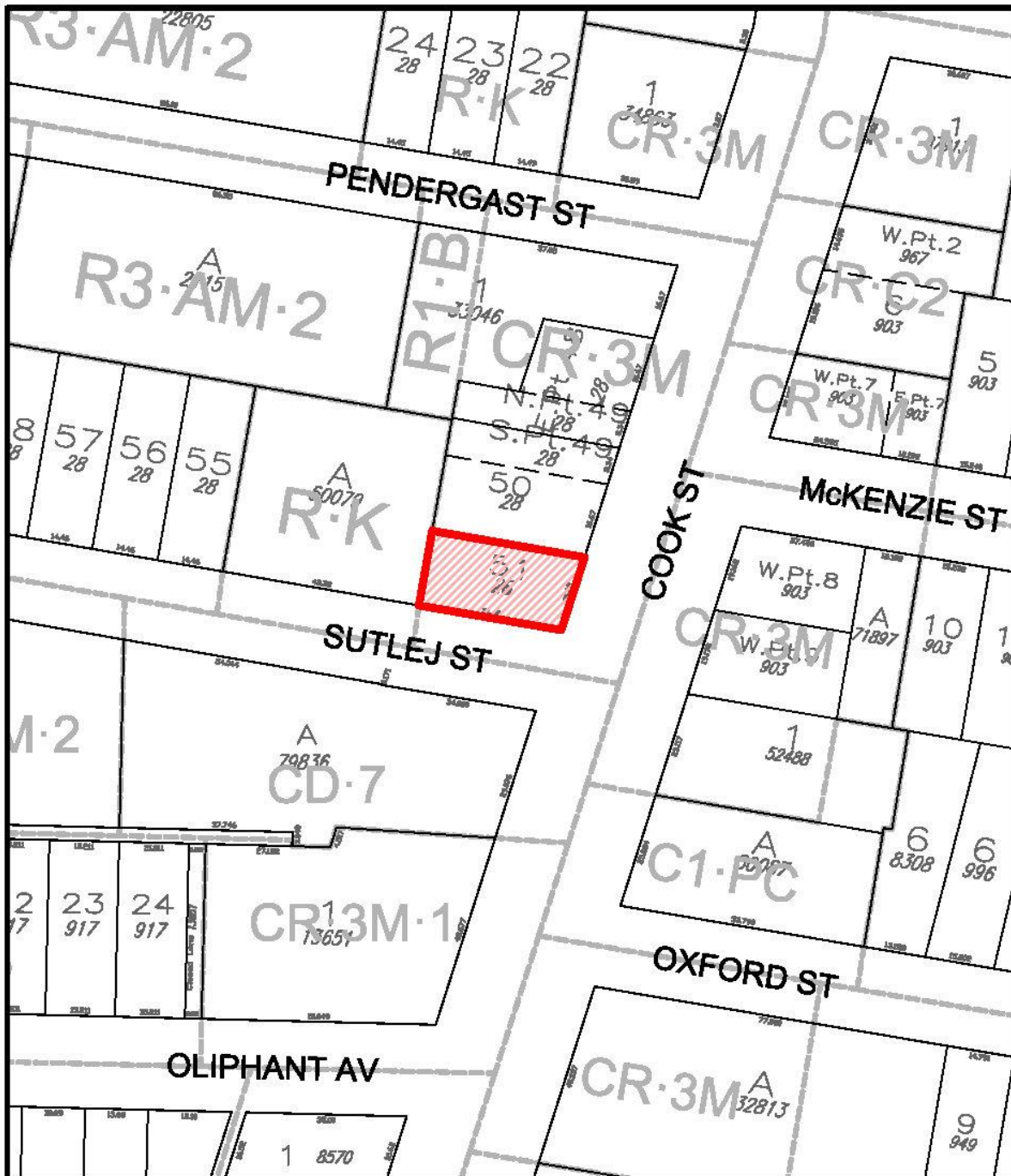
4.86.8 Outside Storage, surface parking, landscaping

- f. except within a building as permitted by law, no commodity, merchandise, stock in trade or other material or thing related to any commercial use shall be stored or displayed at any place within the setback area.
- g. section above does not apply to outdoor seating for a restaurant or displays for florists and green grocers.
- h. parking, other than an enclosed parking space, shall be sited within the rear yard subject to the landscaping requirements for side street setbacks.
- i. all that portion of the lot lying between any building setback line and the street or streets bounding the lot shall be graded and landscaped, provided that this section shall not apply to any portion of the lot that is used or intended to be used only for the movement of motor vehicles.

PART 4.86 – CR-3M-2 ZONE, COMMERCIAL RESIDENTIAL APARTMENT (SUTLEJ) DISTRICT

4.86.3 Vehicle and Bicycle Parking

- a. vehicle parking and bicycle parking subject to the regulations in Schedule “C” except as otherwise specified by the regulations in this Part
- b. uses set out in section 4.86.1.d.i, ii, iii, vi, x, xi and xii. (minimum) 1 spaces per 95m² of gross floor area
- c. required parking may be provided on a different lot from the lot on which the building to which they appertain is located, provided that:
 - a. the lot on which the parking spaces are located is not more than 125m distant from the lot on which the building is located;
 - b. the lot on which the parking spaces are located lies within the same CR-3M zoned area as the lot on which the building is located;
 - c. the lot on which the parking spaces are located has registered against its title an easement providing for the parking requirements, in favour of the lot on which the building is located; and
 - d. there is registered a covenant in favour of the City restricting the use of the easement area on the servient tenement to parking purposes for as long as the provisions of this Part have application to the dominant tenement.



304 Cook Street
Rezoning No.00586

