

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by adding definitions for outdoor feature, finished grade and natural grade; amending the definition of grade; and by amending zones R1-A, R1-B, R1-G, R1-S, R1-S2, R1-S-G, R1-S1, R1-S2, RS-1, R1-25, R1-G2, R1-NH, R1-G6, R1-35, R1-S25, R1-39, R1-25, R2-38, and R-2-P to include the requirement that outdoor features are subject to site coverage, height and setback regulations.

Under its statutory powers, including section 903 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1050)”.

**Zoning Regulation Bylaw**

- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:

- (a) in the Introduction and General Regulations, by adding the following sections 40 and 41 immediately after section 39:

“40. Unless regulations applicable to a particular zone expressly provide otherwise with respect to outdoor features, the regulations applicable to site coverage, setback and height of accessory buildings within that zone apply to outdoor features above 0.6m in height from natural grade or finished grade, whichever is lower, as though they are accessory buildings.

41. Unless a regulation expressly provides otherwise, regulations applicable to site coverage and setback of outdoor features do not apply to outdoor features which are 0.6m or lower in height from natural grade or finished grade, whichever is lower.”

- (b) in Schedule A – Definitions:

- (i) by adding the following definition immediately after the definition of “**Financial Service**”:

“‘**Finished Grade**’ means the finished elevation of the ground surface of land following construction or land altering activities.”

- (ii) by adding the following definition immediately after the definition of “**Open Site Space**”:

“‘**Outdoor Feature**’ means any structure constructed or placed on a lot, whether attached or detached from a building, including but not limited to swimming pools, patio, decks and stairs, and excluding:

- a) buildings;
- b) raised gardens bed;
- c) docks;
- d) wharfs;
- e) piers;
- f) cistern;
- g) stormwater retention and water quality facility;
- h) retaining walls;
- i) fences.”

- (iii) by repealing the definition of “**Grade**” and replacing that definition with the following:

“‘**Grade**’ means the elevation calculated by averaging the elevation of natural grade or finished grade, whichever is lower at any points at which any part of a building comes into contact with the surface of a lot, excluding any artificial mounds of earth or rocks placed at or near the wall of a building, and excluding the minimum window well width and depth required by the *British Columbia Building Code*.”

- (iv) by adding the following definition after the definition of “**Multiple Dwelling Accessory Use**”:

“‘**Natural Grade**’ means the elevation of the ground surface of land prior to any land alteration, including, but not limited to, disturbance, excavation, filling, or construction. Where land alteration has occurred, the natural grade is determined by historical records or interpolation based on surrounding natural grades.”

- (c) in Part 1.1 – R1-A, Rockland Single Family Dwelling of Schedule B by adding the following section 1.1.7 immediately after section 1.1.6

“ **1.1.7 Outdoor Features**

- a. The setbacks set out in section 1.1.5 apply to outdoor features , as though they are buildings
- b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (d) in Part 1.2 – R1-B, Single Family Dwelling District of Schedule B by adding the following section 1.2.7 immediately after section 1.2.6:

### 1.2.7 Outdoor Features

- ### 1.6.8 Outdoor Features

### 1.6.8 Outdoor Features

- a. The setbacks set out in section 1.6.5 apply to outdoor features as though they are buildings
- b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”
- (f) in Part 1.7 – R1-S Zone, Single Family Dwelling (Small Lot) District of Schedule B,
- (i) by repealing section 3 and substituting that section with the following:
- “Site coverage 3 40% (maximum)”;
- (ii) by adding the following section 10 immediately after section 9:
- “Outdoor Features 10 (a) The setbacks set out in section 4 apply to outdoor features as though they are buildings
- (b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”
- (g) in Part 1.20 – R1-S-G Zone, Grant Street Small Lot District of Schedule B by adding the following section 12 immediately after section 11:
- “Outdoor Features 12 (a) The setbacks set out in section 10 apply to outdoor features as though they are buildings
- (b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (h) in Part 1.22 – R1-S1 Zone, Restricted Small Lot (One Storey) District of Schedule B by adding the following section 15 immediately after section 14:

“Outdoor Features    15    (a) The setbacks set out in section 8 apply to outdoor features attached to the main building as though those outdoor features are buildings

(b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade”

- (i) in Part 1.23 – R1-S2 Zone, Restricted Small Lot (Two Storey) District of Schedule B

- (i) by striking out from section 13 the words “The minimum setbacks” and substituting:

“Except as required by s. 14, the minimum setbacks”

- (ii) by adding the following section 16 immediately after section 15:

“Outdoor Features    16    (a) The setbacks set out in sections 8 and 14 apply to outdoor features attached to the main building as though they are buildings

(b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (j) in Part 1.42 – RS-1 Zone, Single Family Infill Dwelling District of Schedule B by adding the following section 17 immediately after section 16:

“Outdoor Features    17    The setbacks set out in sections 9, 11, 12 and 13 apply to outdoor features attached to the main building as though they are buildings

- (k) in Part 1.90 – R1-25 Zone, Springfield Dwelling District of Schedule B by adding the following section 8 immediately after section 7:

“Outdoor Features    8    (a) The setbacks set out in section 5 apply to outdoor features as though they are buildings

(b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (l) in Part 1.96 – R1-G2 Zone, Gonzales Small Lot District of Schedule B by adding the following section 11 immediately after section 10:

“Outdoor Features    11    (a) The setbacks set out in sections 9(1) and 9(2) apply to outdoor features attached to the main building as though those outdoor features are buildings

(b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (m) in Part 1.110 – R1-NH Zone, Newcombe House District of Schedule B by adding the following section 3 immediately after section 2:

3    (a)    The setbacks set out in section 2 apply to outdoor features as though they are buildings;

(b)    Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower.”

- (n) in Part 1.112 – R1-G6 Zone, Chadwick Place Single Family Dwelling District of Schedule B by adding the following section 1.112.8 immediately after 1.112.7:

“ **1.112.8 Outdoor Features**

- a. The setbacks set out in section 1.112.5 apply to outdoor features as though they are buildings
- b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (o) in Part 1.120 – R1-35 Zone, Langford Street District of Schedule B by adding the following section 1.120.9 immediately after 1.120.8:

“ **1.120.9 Outdoor Features**

- a. The setbacks set out in section 1.120.5 apply to outdoor features as though they are buildings
- b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (p) in Part 1.123 – R1-S25 Zone, Pembroke Street Restricted Small Lot Two Storey District of Schedule B by adding the following section 1.123.8 immediately after 1.123.7:

“ **1.123.8 Outdoor Features**

- a. The setbacks set out in section 1.123.5 apply to outdoor features as though they are buildings
- b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (q) in Part 1.127 – R1-39 Zone, Cambridge Single Family by adding the following section 1.127.7 immediately after 1.127.6:

“ **1.127.7 Outdoor Features**

- a. The setbacks set out in section 1.127.5 apply to outdoor features as though they are buildings
- b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (r) in Part 2.82 – R2-25 Zone, Caledonia Duplex District of Schedule B by adding the following section 10 immediately after section 9:

- “Outdoor Features    10    (a) The setbacks set out in sections 8 apply to outdoor features as though they are buildings
- (b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (s) in Part 2.104 – R2-38 Zone, Fifth Duplex District of Schedule B by adding the following section 11 immediately after section 10:

- “Outdoor Features    11    (a) The setbacks set out in section 9 apply to outdoor features as though they are buildings
- (b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower”

- (t) in Part 2.127 – R-2-P Zone, Two Family Dwelling Pilot Street District of Schedule B by adding the following section 3 immediately after section 2:
- “3 (a) The setbacks set out in section 2 apply to outdoor features as though they are buildings.
- (b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower.”

**Effective Date**

**3** This Bylaw comes into force on adoption.

READ A FIRST TIME the **14<sup>th</sup>** day of **January** 2016

READ A SECOND TIME the **14<sup>th</sup>** day of **January** 2016

Public hearing held on the day of 2016

READ A THIRD TIME the day of 2016

ADOPTED on the day of 2016

CITY CLERK

MAYOR