

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4648

A Bylaw to amend the *Zoning Bylaw, 1986*

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts that Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, is further amended as follows:

- (1) By deleting the definition of "Basement" in Section 2.1 Interpretation and replacing it with the following:

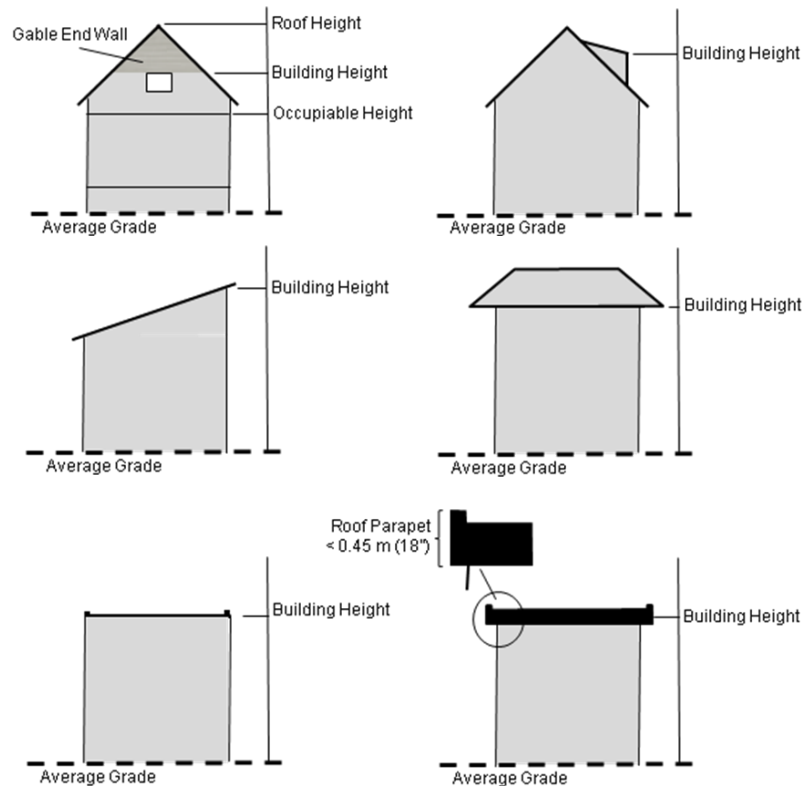
"BASEMENT" means that part of a building having its floor level below average natural grade.

- (2) By deleting the definition of "Building" in Section 2.1 Interpretation and replacing it with the following:

"BUILDING" means a structure wholly or partly enclosed by a roof or roofs, supported by walls, columns or posts and used for the shelter or accommodation of persons, animals or chattels and includes a portion or portions of a building and in addition includes chimneys, steeples, porches, balconies, verandas, enclosed stairs, patios with any point higher than 0.6 m above average natural grade, and attached decks.

- (3) By amending the definition of "Building Height" in Section 2.1 Interpretation to include the following at the end of the definition:

as shown on the included diagrams.



- (4) By deleting the definition of “Grade” in Section 2.1 Interpretation and replacing it with the following:

“GRADE” means the mean elevation of natural grade calculated from the four corners of the smallest rectangle that will encompass the building coverage, but excludes decks. The mean elevation of natural grade for deck height will be calculated from the four corners of the smallest rectangle that will encompass the deck only.

- (5) By deleting the definition of “Gross Floor Area” in Section 2.1 Interpretation and replacing it with the following:

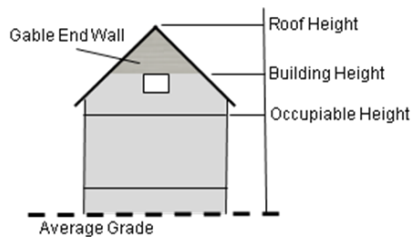
“GROSS FLOOR AREA” means the total area of all floors measured to the extreme outer limits of the building, including the space occupied by interior walls and partitions, but for the RS-4 and RS-5 zones, specifically excludes decks less than or equal to 1.2 m above natural grade.

- (6) By deleting the definition of “Lot Coverage” in Section 2.1 Interpretation and replacing it with the following:

“LOT COVERAGE” means the coverage expressed as a percentage of the lot area, which for the purpose of applying the lot coverage regulations set out in Parts 6 through 11 shall mean the combined coverage of all buildings within a particular class of building, the combined coverage of all buildings, the combined coverage of all structures, or the combined coverage of all buildings and structures, as the context requires.

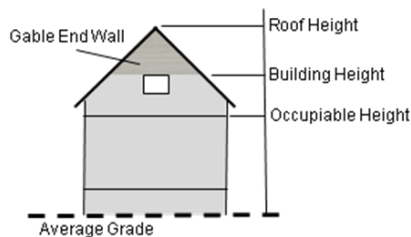
- (7) By amending the definition of “Occupiable Height” in Section 2.1 Interpretation to include the following at the end of the definition:

as shown on the included diagram.



- (8) By amending the definition of “Roof Height” in Section 2.1 Interpretation to include the following at the end of the definition:

as shown on the included diagram.



- (9) By deleting the definition of “Structure” in Section 2.1 Interpretation and replacing it with the following:

“STRUCTURE” means any construction, except a building, fixed to, supported by, or sunk into land or water, and includes fences, walls, and below grade stairs and patios; and excludes paved parking surfaces and on grade patios.

- (10) By adding the following as Subsection 4.6.4.(3):

in the form of cladding, including insulation and brick, may intrude into the required setbacks by not more than 100 mm (4 inches).

- (11) By adding the following as Subsection 4.6.5.(3):

into side yard setbacks by not more than 0.76 m (2.5 ft) for eaves.

- (12) By deleting Subsection 4.6.11 in its entirety and replacing with the following:

Gross Floor Area

- (13) By deleting Subsection 4.6.11(1) in its entirety and replacing with the following:

In One Family Residential Use zones RS-4 and RS-5, not more than 22 m² (237 ft²) of that part of the floor area used and maintained for the parking of motor vehicles shall be excluded from the computation of Gross Floor Area provided:

- a) the garage or carport is sited so that the vertical plane of the vehicle entrance makes an angle between 85 degrees and 90 degrees, both inclusive, with a straight line connecting the endpoints of the front lot line; or
- b) all garage and carport vehicle entrances facing a street must be set back a minimum of 1.0 m (3.2 ft) from the remainder of the front face of the principal building.

(14) By adding the following as Subsection 4.6.11(2):

Basement Exemption – Occupancy After 1985

- a) In One Family Residential Use zones RS-4 and RS-5, where a principal building for which an occupancy certificate was issued on January 1, 1986 or later, all or part of the basement floor area shall be exempted from the calculation of Gross Floor Area by a percentage calculated under subsections (b) to (e).
- b) Subject to subsection (c), 100% of the Gross Floor Area shall be exempted under (a) where the first storey floor height is less than 1.22 m (4 ft) above Grade.
- c) The exemption under subsection (b) shall not exceed the lesser of the basement floor area or 25% of the total lot area.
- d) There shall be no exemption of a basement from Gross Floor Area where the first storey floor height is greater than 1.52 m (5 ft) above Grade.
- e) Where the first storey floor height is greater than 1.22 m (4 ft) and less than 1.52 m (5 ft) above Grade, then the amount of Gross Floor area to be exempted shall be calculated on the basis of the following formula where “P” represents the percentage:

$$\text{“P” represented in the formula } P = \frac{(1.52 - H_{\text{actual}})}{0.3} \times 100 \text{ where}$$

H_{actual} = height of first floor above average natural grade

(15) By adding the following as Subsection 4.6.11(3):

Basement Exemption – Occupancy Prior to 1986

- a) In One Family Residential Use zones RS-4 and RS-5, where a principal building for which an occupancy certificate was issued prior to January 1, 1986, all or part of the basement floor area shall be exempted from the calculation of Gross Floor Area by a percentage calculated under subsections (b) to (e).
- b) Subject to subsection (c), 100% of the Gross Floor Area shall be exempted under (a) where the first storey floor height is less than 1.22 metres (4 ft) above Grade.
- c) The exemption under subsection (b) shall not exceed the lesser of the basement floor area or 25% of the total lot area.
- d) There shall be no exemption of a basement from Gross Floor Area where the first storey floor height is greater than 2.22 m (7 ft) above Grade.
- e) Where the first storey floor height is greater than 1.22 m (4 ft) and less than 2.22 m (7 ft) above Grade, then the amount of Gross Floor area to be exempted shall be calculated on the basis of the following formula where “P” represents the percentage:

$$\text{“P” represented in the formula } P = (2.22 - H_{\text{actual}}) \times 100 \text{ where}$$

H_{actual} = height of first floor above average natural grade

- (16) By adding the following as Subsection 4.6.11(4):

In One Family Residential Use zones RS-4 and RS-5, a maximum of three (3) covered door landings are exempt from Gross Floor Area calculations to a maximum of 1.86 m² (20 ft²) per landing.

- (17) By adding the following as Subsection 4.6.11(5):

In One Family Residential Use zones RS-4 and RS-5, verandas, contiguous or separated, are exempt from Gross Floor Area calculations for up to 2.5% of the lot area, to a maximum of 15 m² (161 ft²) where:

- a) The veranda abuts the primary building;
- b) The veranda floor is level with the first storey;
- c) The veranda faces a street;
- d) The veranda is open to a street excluding the railing or guard;
- e) The veranda railing is not more than 1.06 m (3.4 ft) in height;
- f) The veranda is covered by a roof;
- g) The veranda ceiling is less than 3.2 m (10.5 ft) above the veranda floor; and
- h) No habitable living space is sited above or below the veranda.

- (18) By adding the following as Subsection 4.6.11(6):

Gross Floor Area for an atrium will be calculated as the following:

<i>Height of Atrium</i>	<i>Gross Floor Area Value to be Included</i>
Atrium Less Than 4.3 m (14 ft) Height	Gross Floor Area of Atrium x 1
Atrium Greater Than or Equal to 4.3 m (14 ft) Height	Gross Floor Area of Atrium x 2

- (19) By deleting Subsection 6.4.4.(2)(b) in its entirety and replacing the entries under the four columns with the following four entries respectively:

Rear Lot Line	The greater of	0.61 m (2.00')	1.52 m (5.00')
	(a) 7.62 m (25.00'); and		
	(b) 25% of lot depth		

- (20) By deleting Subsection 6.4.4.(4) in its entirety and replacing with the following:

Maximum Lot Coverage

- (a) 30.00% for all buildings and structures, of which a maximum 7.00% may be for all accessory buildings
- (b) 35.00% for all buildings and structures in a single storey designation as set out in Schedule B, of which a maximum 7.00% may be for all accessory buildings

- (21) By renumbering Subsection 6.4.4.(5) as Subsection 6.4.4.(6).

- (22) By adding the following as Subsection 6.4.4.(5):

The maximum Floor Area Ratio shall not exceed 0.4.

- (23) By deleting Subsections 6.4.4(6)(a) and 6.4.4(6)(b) in their entirety.

- (24) By deleting Subsection 6.5.4.(2)(b) in its entirety and replacing the entries under the four columns with the following four entries respectively:

Rear Lot Line	The greater of	0.61 m (2.00')	1.52 m (5.00')
	(a) 7.62 m (25.00'); and		
	(b) 25% of lot depth		

- (25) By deleting Subsection 6.5.4.(4) in its entirety and replacing with the following:

Maximum Lot Coverage

- (a) 30.00% for all buildings and structures, of which a maximum 7.00% may be for all accessory buildings
- (b) 35.00% for all buildings and structures in a single storey designation as set out in Schedule B, of which a maximum 7.00% may be for all accessory buildings

- (26) By renumbering Subsection 6.5.4.(5) as Subsection 6.5.4.(6).

- (27) By adding the following as Subsection 6.5.4.(5):

The maximum Floor Area Ratio shall not exceed 0.4.

- (28) By deleting Subsections 6.5.4(6)(a) and 6.5.4(6)(b) in their entirety.

(29) By deleting the Schedule B table in its entirety and replacing with the following:

SCHEDULE B

HEIGHT REGULATIONS FOR ALL RS ZONES (PRINCIPAL BUILDING)

LOT BREADTH		<i>Maximum Roof Height</i>	<i>Maximum Building Height</i>	<i>Maximum Occupiable Height</i>
<i>Greater than or Equal to</i>	<i>Less Than</i>			
21.34 m (70.00')	-	9.14 m (30.00')	7.32 m (24.00')	4.57 m (15.00')
18.29 m (60.00')	21.34 m (70.00')	8.84 m (29.00')	7.07 m (23.20')	4.42 m (14.50')
15.24 m (50.00')	18.29 m (60.00')	8.53 m (28.00')	6.83 m (22.40')	4.27 m (14.00')
9.14 m (30.00')	15.24 m (50.00')	56% of Lot Breadth	44.8% of Lot Breadth	28% of Lot Breadth
-	9.14 m (30.00')	5.12 m (16.80')	4.10 m (13.44')	2.56 m (8.40')

HEIGHT REGULATIONS FOR RS-4 AND RS-5 ZONES SINGLE STOREY ONLY (PRINCIPAL BUILDING)

LOT BREADTH		<i>Maximum Roof Height</i>	<i>Maximum Building Height</i>	<i>Maximum Occupiable Height</i>
<i>Greater than or Equal to</i>	<i>Less Than</i>			
21.34 m (70.00')	-	6.10 m (20.00')	4.27 m (14.00')	0.90 m (3.00')
18.29 m (60.00')	21.34 m (70.00')	5.94 m (19.50')	4.12 m (13.50')	0.76 m (2.50')
15.24 m (50.00')	18.29 m (60.00')	5.79 m (19.00')	3.96 m (13.00')	0.61 m (2.00')
9.14 m (30.00')	15.24 m (50.00')	5.64 m (18.50')	3.81 m (12.50')	0.61 m (2.00')
-	9.14 m (30.00')	5.49 m (18.00')	3.66 m (12.00')	0.61 m (2.00')

This Bylaw may be cited as the *Ninety-Fourth Zoning Bylaw Amendment Bylaw, 2015*.

READ a first and second time by the Municipal Council on _____

PUBLIC HEARING held on _____

READ a third time by the Municipal Council on _____

ADOPTED AND FINALLY PASSED by the Municipal Council on _____

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation
of the District of Oak Bay.