

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4627

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 Section 1.3 is amended by inserting the following immediately below the entry RS-5 “One Family Residential Use”:

“RD-1 Two Family Residential Use”

- 2 Section 2.1 is amended by adding the definition of “OPEN SPACE” following the definition of “OFF-STREET PARKING USE” as follows:

““OPEN SPACE” means the portions of a lot which are unoccupied and unobstructed by any structure from the ground upward.”

- 3 Subsection 3.3.1 is amended by:

- (1) Inserting “RD-1” immediately below RS-5 in the column headed “Short Form”; and
- (2) Inserting “Two-family residential use” immediately below “One-family residential use” in the column headed “Zone Designation”.

- 4 Paragraph 4.6.10(1) is amended by:

- (1) deleting Sub-paragraphs (a), (b) and (c) and replacing them with the following:

“(a) in a zone other than a One Family Residential Use Zone or a Two Family Residential Use Zone, the part of the floor area used and maintained for the parking of motor vehicles;

(b) in One Family Residential Use Zones RS-1, RS-2 and RS-3, not more than 19 sq. m (205 s.f.) of that part of the floor area of the principal building used and maintained for the parking of motor vehicles;

(c) in Two Family Residential Use Zone RD-1, not more than 19 sq. m (205 s.f.) per dwelling unit of that part of the floor area used and maintained for parking of motor vehicles; and

(d) In One Family Residential Use Zones RS-1, RS-2, RS-3, and in Two Family Residential Use Zone RD-1, the part of the floor area at a level lower than 1 m (3.3 feet) below grade,”

- 5 The heading “ONE-FAMILY RESIDENTIAL USE” immediately preceding Section 6.1 is deleted.

6 The following Section is inserted between Section 6.5 and 7.1:

6.6 This Zone shall be known as RD-1 TWO-FAMILY RESIDENTIAL USE.

6.6.1 Principal Uses Permitted:

6.6.1(1) One-family residential use,

6.6.1(2) Two-family residential use, providing:

- (a) the lot area is not less than 663 sq. m (7,137 s.f.); or
- (b) the lot was existing at the effective date of this Bylaw; and
- (c) on every lot there shall be open space of not less than 170 sq. m (1,830 s.f.) per dwelling unit thereon.

6.6.2 Secondary Uses Permitted:

6.6.2(1) Without limiting the application or derogating from the requirements of the *Rubbish and Weed Control Bylaw*, small-scale urban agriculture, provided,

- (a) the total area of land within the parcel which is under cultivation for the production of fruits and vegetables for sale or exchange does not exceed 95 sq. m (1,023 s.f.), with two contiguous parcels straddled by a single principal building to be treated as one for the purpose of applying this subparagraph;
- (b) fruits or vegetables produced for sale or exchange are not grown or cultivated within a greenhouse or other building;
- (c) no artificial lighting is used in connection with the small-scale urban agriculture use;
- (d) no sign is erected, placed or maintained on the parcel identifying or in any way connected with the small-scale urban agriculture use; and
- (e) fruits or vegetables produced for sale or exchange are not available for purchase by the general public on the parcel.

6.6.2(2) Home-based child care.

6.6.2(3) A residential business use conforming to 4.2.8.

6.6.3 Accessory Uses Permitted and Required:

6.6.3(1) An accessory off-street parking use as required by the Parking Facilities Bylaw.

6.6.3(2) Accessory buildings.

6.6.3(3) Accessory structures.

6.6.4 Regulations for Buildings and Structures

		<u>Principal Building</u>	<u>Accessory Buildings</u>	<u>Accessory Structures</u>
6.6.4(1)	Number Permitted	one	two	two
6.6.4(2)	Setbacks-Minimum			
	(a) Front lot line(subject to paragraph (10))	7.62 m (25.00')	7.62 m (25.00')	7.62 m (25.00')
	(b) Rear lot line	7.62 m (25.00')	0.61 m (2.00')	1.52 m (5.00')
	(c) Interior side lot line (subject to paragraph (11))	1.52 m (5.00')	0.61 m (2.00')	1.52 m (5.00')
	(d) Exterior side lot line	3.65 m (12.00')	3.65 m (12.00')	3.65 m (12.00')
	(e) Total of side lot lines	4.57 m (15.00')	N/A	N/A
6.6.4(3)	Maximum			
	(a) Building Height	See NOTE below	3.00 m (10.00')	4.60 m (15.00')
	(b) Occupiable Height	See NOTE below	0.25 m (10.00")	N/A
	(c) Roof Height	See NOTE below	4.60 m (15.00')	N/A

N O T E: To be determined as a function of lot breadth in accordance with Schedule B.

6.6.4(4) Floor Area Ratio 0.4 to 1

N O T E: Floor Area Ratio, total of all buildings, may not exceed 0.4 to 1.

6.6.4(5)	Lot Coverage Maximum	25.00%	The greater of: (a) 44 sq. m or 7% of lot area, whichever is less; and (b) 5% of lot area	5.00%
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- 6.6.4(6) Minimum Floor Area 110 sq. m (1184 s.f.) per dwelling unit N/R N/R
- 6.6.4(7) A clear space of 3 m (10 feet) shall be provided between buildings and between buildings and structures.
- 6.6.4(8) An accessory building constructed in the area between the front lot line and a line 25 m (82 feet) distant from and parallel to the front lot line shall conform to the same setback requirements for the principal building for the side lot lines.
- 6.6.4(9) A principal use and a secondary use, except for small-scale urban agriculture, are only permitted within a principal building.
- 6.6.4(10) Subparagraph (2)(a) notwithstanding, the required front lot line setback for the principal building shall be a distance not less than 1.5 m (4.9 feet) shorter than and not more than 1.5 m (4.9 feet) longer than the quotient

$$\frac{F_1 + F_2 + 2(7.62) \text{ metres}}{4}$$

where F_1 and F_2 are the front lot line setbacks, at the time of application, of the principal buildings on

- (a) each of the two contextual lots adjoining and on either side of the subject lot,

except that where there do not exist two contextual lots sited as described in (a), then F_1 and F_2 shall be the front lot line setbacks, at the time of application, of the principal buildings on

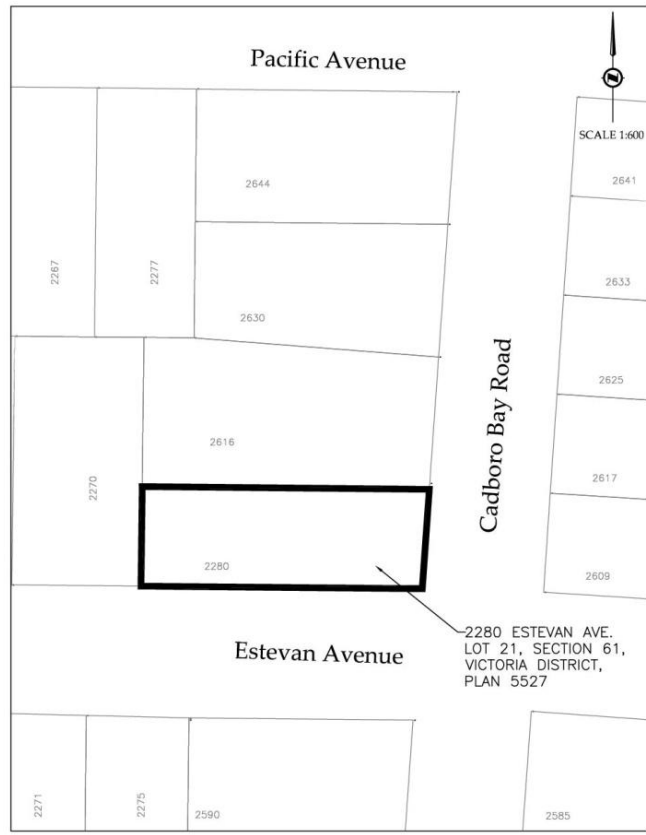
- (b) a contextual lot adjoining the subject lot, and the next adjoining contextual lot,

provided, however, that in no case shall the front lot line setback be less than 7.62 m (25 feet).

Where there do not exist two contextual lots sited as described in (a) or (b), then the front setback of the principal building shall be not less than 7.62 m (25 feet).

- 6.6.4(11) Sub-paragraph (2)(c) notwithstanding, in respect of a principal building containing more than one storey, the interior side lot line setback of the second storey and all portions of the building above the second storey shall be a distance not less than 3.0 m (9.8 feet).

- 7 Schedule “A” is amended:
- (1) In the column headed “Zone”, by inserting “Two-Family Residential (RD-1)” immediately below “One-Family Residential (RS-5)” ;
 - (2) In the column headed “Minimum Lot Area”, by inserting “663.00 sq. m (7137 s.f.)” immediately below “558.00 sq. m (6,006.45 s.f.)” opposite “Two-Family Residential (RD-1); and
 - (3) In the column headed “Minimum Lot Frontage and Lot Width”, by inserting “15.25 m (50 feet)” opposite “Two-Family Residential (RD-1)”.
- 8 The parcel of land described as Lot 21, Section 61, Victoria District, Plan 5527, as shown in bold outline on the sketch reproduced below:



is hereby rezoned from RS-5 (One-Family Residential Use) to RD-1 (Two Family Residential Use), and the “Zoning Map of The Corporation of the District of Oak Bay”, which is appended to and forms a part of the said Bylaw, is amended accordingly.

- 9 Paragraphs 6.1.4(9), 6.2.4(9), 6.3.4(9), 6.4.4(9) and 6.5.4(9) are amended by inserting “, except for small-scale urban agriculture,” between the words “use” and “are”.

10 This bylaw may be cited as the *Ninety-Third Zoning Bylaw Amendment Bylaw, 2014*.

READ a first and second time by the Municipal Council on September 29, 2014

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