

Zoning Bylaw 2018



Purpose

- Present Council with draft Zoning Bylaw 2018.
- Report back on consultation with the Downtown Residents Association and refinements to Zoning Bylaw.
- Provide Council with options for advancing Zoning Bylaw 2018.



Zoning Bylaw 2018

Consultation with Downtown Residents Association

- City staff met with DRA Land Use Committee on **April 5, 10 and 23** to review and discuss all development concerns identified to date.
- Meetings resulted in mutually acceptable solutions including:
 - A few amendments to the draft Zoning Bylaw
 - Expedited review and update of the Old Town Design Guidelines
 - Initiating a review of opportunities to improve public notification of development permits and potential input development permits
- Staff have also continued to meet with the development industry (UDI) to keep them informed and receive feedback on proposed solutions.



Zoning Bylaw 2018

Bylaw Amendments

1. Exterior Hallways and Staircases (Floor Area)

- **Floor Area** definition has been amended to **include** exterior hallways and staircases for calculation of density for **new** buildings.
- Revised definition will help to reduce potential for bulkier buildings and mitigate livability impacts on adjacent residential properties.

2. Home Occupations

- Integration of Home Occupation regulations and related definitions similar to those contained in current *Zoning Regulation Bylaw*.
- Allows up to two bedrooms to be used as Short-term Rental within a principal residence.
- Prohibits an entire dwelling unit from being used as Short-term Rental except periodically when the operator is temporarily away.



Zoning Bylaw 2018

Bylaw Amendments

3. Off-Street Parking (Old Town)

- Old Town District -1 Zone amended to require off-street motor vehicle parking for lots that are 1,100m² or greater.
- Lots less than 1,100m² will not require off-street motor vehicle parking.
- Previous regulation proposed no off-street motor vehicle parking for all Old Town properties.
- Regulations continue to recognize implications of off-street parking on smaller lots and support conservation of heritage properties.
- Development rights for existing lots that are 1,100m² or greater that do not require off-street motor vehicle parking based on existing zoning have been retained through site specific regulations.



Zoning Bylaw 2018

Bylaw Amendments

4. Off-Street Parking (Residential Threshold)

- Off-street parking regulations (Part 5) have been amended to increase the threshold for reduced residential motor vehicle and bicycle parking from 40m² to 45m².
- Provides an incentive for the development of slightly larger and more 'livable' dwelling units.
- Applies to condominiums (strata), apartments (rental) and affordable housing developments.



Zoning Bylaw 2018

Bylaw Amendments

5. Transitioning Development Applications

- New administrative regulations to address in-stream applications that may overlap with current Zoning Regulation Bylaw and proposed Zoning Bylaw 2018.
 - Example: If a DP was previously approved under current Zoning Regulation Bylaw, the subsequent BP if received within two years year following adoption of Zoning Bylaw 2018 can be reviewed under the previous regulations.
- Reduces the need for **in-progress** applications to seek a variance because of the change in regulations between both Zoning Bylaws.
- Provides increased certainty for applicants, staff and Council.



Zoning Bylaw 2018

Other Development Concerns

Minimum (33m²) Residential Unit Size

- DRA has requested a 33m² minimum residential dwelling unit size within the downtown area.
- Council considered removal of minimum dwelling unit size (city wide) in September 2016 and directed staff to amend current zoning bylaw to include a 33m² minimum unit size in neighborhoods **outside** of downtown.
- Integration of a minimum dwelling unit size within Zoning Bylaw 2018 requires direction from Council and would need to consider potential non-conformity impacts on existing buildings.



Zoning Bylaw 2018

Other Development Concerns

Cash in lieu for parking

- DRA has raised concerns with parking variances that do not result in an amenity contribution such as cash in lieu.
- Staff have explained the legal requirements and limitations for development variances as per the Local Government Act
- Cash in lieu along with other potential regulatory tools will be explored through the upcoming development of a City of Victoria Sustainable Mobility Strategy.
- Project will have public consultation including with CALUCs.



Zoning Bylaw 2018

Other Development Concerns

Notification of Development Permit Applications

- DRA has requested an improved process for public notification of development permits early in the process.
- Council has directed staff to consider amending the *Land Use Procedures Bylaw* to allow for notification of DP applications to adjoining property owners and CALUCs.
- Report to Council is expected later this year in Quarter 3.



Zoning Bylaw 2018

Other Development Concerns

Public input on Development Permit Applications and interpretation of Design Guidelines

- DRA would like for CALUCs to be able to provide formal comments on DP applications prior to final decision as well as to provide input on the interpretation of applicable design guidelines.
- Council has previously discussed this matter and a report to Council is expected later this year in Quarter 3 with options that consider legal implications and potential impacts on resources and processing times.



Zoning Bylaw 2018

Other Development Concerns

Enforcement of building design as per DP

- DRA is concerned that final design and finishing of completed buildings is sometimes inconsistent with the approved design outlined in the Development Permit.
- Staff have explained the City's legal limitations as per the Local Government Act and BC Building Code
- City staff often request the property owner/applicant to make the required changes or in some instances the variations are addressed through a subsequent Development Permit.



Zoning Bylaw 2018

Other Development Concerns

Review and Update of Old Town Design Guidelines

- Project is currently underway with direct involvement by the DRA as part of a 14 member Working Group.
- Updated guidelines will offer greater detail to reduce varying interpretation and will also address building mass, scale, relationship to the street, finishing materials and overall compatibility with the historic context.
- Updated design guidelines will address many of the DRA's previous concerns which are not related to Zoning Bylaw 2018.
- A report to Council with the updated design guidelines is anticipated later this year in Quarter 4.



Zoning Bylaw 2018

Conclusion

- Staff have completed additional consultation with the DRA and have established mutually-agreed solutions to all of the DRA's concerns.
- Zoning Bylaw 2018 has been comprehensively reviewed and updated and is ready to be considered through a public hearing.



Zoning Bylaw 2018

Recommendation

That Council give first and second reading of Zoning Bylaw 2018 (Bylaw No. 18-072) and schedule a public hearing.



Zoning Bylaw 2018