



## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding a number of corrections and clarifying amendments to the *Zoning Regulation Bylaw*. The proposed amendments to the Bylaw respond to the following issues:

- minor errors or inconsistencies in the *Zoning Regulation Bylaw*
- minor revisions to the wording of the *Zoning Regulation Bylaw* to provide clarity where the existing wording is causing confusion.

## BACKGROUND

Given the age, size and complexity of *Zoning Regulation Bylaw 80-159* staff bring forward recommended improvements to the Bylaw for Council's consideration from time to time. These improvements may relate to minor technical issues (such as those identified in this report), or they may respond to more complex issues (for example, the review of Schedule C: Off-Street Parking Requirements) where the Bylaw needs to be amended to bring it in line with current best practice and development standards.

Items 3-8 of the staff recommendation were previously presented to Council and on June 9, 2016, Council passed a motion directing staff to address these minor issues (Council minutes attached); however, these proposed amendments did not advance when it became apparent that the motion included several amendments that were subsequently being reviewed through the work associated with the replacement Schedule C (Off-Street Parking Regulations) and *Zoning Regulation Bylaw 18-072* (Downtown), both of which have since been adopted. In addition, due to increased application numbers and development enquiries, and in order to meet target timelines for processing applications, the remaining outstanding amendments were given a lower priority, albeit some of the more time sensitive amendments advanced independently of the main motion.

Staff are now proposing to advance the outstanding minor amendments in addition to proposed minor amendments to the R3-1 and R3-2 Zone, Multiple Dwelling District, and R1-A Zone, Rockland Single Family Dwelling District.

## PROPOSED AMENDMENTS TO THE ZONING REGULATION BYLAW

### 1. R3-1 and R3-2 Zone, Multiple Dwelling District

Under the provisions of the R3-1 and R3-2 Zone, Multiple Dwelling District, if a multi-residential development accommodates all parking in an enclosed parking space, then the development benefits from greater site coverage and density allowances. For example, for a six-storey building where all parking is enclosed, the allowable density is 1.6:1 floor space ratio (FSR). Where the parking is not provided in an enclosed parking space, the allowable density is 1.2:1 FSR. Likewise, the site coverage increases from 30% to 40% for buildings not exceeding four storeys in height.

This is a form of bonus density where the development is entitled to higher density in return for an amenity. The amenity in this instance was intended to be both provision of all parking required under Schedule C and that the parking is enclosed. This greater density assists with the cost of providing enclosed parking and potentially allows for amenity space and landscaping at grade, rather than surface parking and vehicle manoeuvring space without imposing a parking burden on neighbouring streets. However, the language of the Bylaw does not accurately reflect this and, as a result, it is possible to obtain higher density without providing all parking required under Schedule C. As it currently stands, as long as all parking is in an enclosed space, the development is entitled to higher density, even if the number of parking spaces has been reduced through a variance.

Staff recommend that Council consider amending the Zone to clearly describe that in order to achieve the additional site coverage and density outlined in the Zone, motor vehicle parking must be provided in accordance with Schedule C and all motor vehicle parking provided on-site must be located in an enclosed parking space.

## **2. R1-A Zone, Rockland Single Family Dwelling District**

Defined terms are underlined in *Zoning Regulation Bylaw 80-159*; however, due to a drafting error, an undefined term is underlined in subsection 1.1.6 c. of the R1-A Zone, Rockland Single Family Dwelling District and, therefore, this underlining should be deleted. The wording that has inadvertently been underlined is “; and”.

## **3. R1-B-GS4-C1 Zone, Single Family Dwelling with Garden Suite and Limited Commercial Moss Street District**

Subsection 1.122.5 (b) of the R1-B-GS4-C1 Zone, Single Family Dwelling with Garden Suite and Limited Commercial Moss Street District, relates to the maximum number of storeys permitted and reads as follows:

b. Storeys (maximum) 1.5m

This regulation measures height through the use of storeys and, therefore, the “m” (which is a reference to metres) should be deleted from this subsection.

## **4. CA-72 Zone, Fort Street Commercial – Residential District**

Subsection 6.83.5 (a) of the CA-72 Zone, Fort Street Commercial – Residential District, relates to building height and reads as follows:

a. Building height (minimum) 23.7m

The intent of this regulation is to set a maximum building height in this zone and, therefore, the word “minimum” should be replaced with “maximum.”

## **5. R-76 Zone, Oak Bay Avenue Multiple Dwelling District**

The R-76 Zone, Oak Bay Avenue Multiple Dwelling District, makes two references to “lot lines.” As this is a defined term in the *Zoning Regulation Bylaw* it should be underlined to read as “lot lines.”

## **6. R1-S1 Zone, Restricted Small Lot (One Storey) District and R1-S2 Zone, Restricted Small Lot (Two Storey) District**

Minor drafting issues exist in both the R1-S1 Zone, Restricted Small Lot (One Storey) District, and R1-S2 Zone, Restricted Small Lot (Two Storey) District. Addressing these issues involves adding “m” to clarify the unit of measurement (metres) for rear setback requirements and minor changes to underlined text. For example, “site area” is underlined as a defined term; however, “site” and “area” are two separate defined terms and, therefore, this should read as “site area.” Staff recommend that Council consider approving amendments to both of these zones to address these minor issues.

## **7. M2-I Zone, Douglas-Blanshard Industrial District**

"Work-live" is not listed as a permitted use in the M2-I Zone, Douglas-Blanshard Industrial District; however, the zone includes a purpose statement that includes a reference to "work-live." The reference to "work-live" should be deleted and the purpose statement amended accordingly.

## **8. Definition of Half-Storey**

The definition of "Half Storey" in the *Zoning Regulation Bylaw* is:

*"Half Storey" means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor area of the building.*

The term "ground floor" is open to interpretation as it is not a defined term in the *Zoning Regulation Bylaw*; however, the term "First Storey" is defined as follows:

*"First Storey" means the storey above the basement of a building, and in the case of a building without a basement, means the lowest storey.*

The definition for "First Storey" is consistent with the meaning of "ground floor" as it appears in the current definition of "Half Storey", and the use of a defined term provides clarity and certainty. Therefore, staff recommend that Council consider amending the definition of "half storey" to:

*"Half Storey" means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the first storey area of the building.*

## **CONSULTATION**

When the City initiates significant changes to the *Zoning Regulation Bylaw*, there would be a consultation process in advance of the Public Hearing; however, in this case, the proposed changes are of such nature that general public consultation is not considered necessary and, instead, staff recommend limiting it to advising the Community Association Land Use Committees and the Urban Development Institute as part of ongoing communication and updates that are provided at regular upcoming meetings, prior to the Public Hearing.

## **OPTIONS AND IMPACTS**

### **2015-2018 Strategic Plan**

The ongoing maintenance of the *Zoning Regulation Bylaw* supports Objective 3: Strive for Excellence in Planning and Land Use as it removes inconsistencies and adds clarity to the existing regulations.

### **Impacts to Financial Plan**

The proposed amendments to the *Zoning Regulation Bylaw* will not impact the *Financial Plan*.

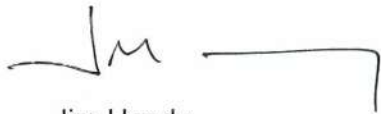
### **Official Community Plan Consistency Statement**

The proposed amendments to the *Zoning Regulation Bylaw* is consistent with the *Official Community Plan*, 2012 which supports the role of the Bylaw to help implement plan objectives, land uses, built forms and densities.


## CONCLUSIONS

The proposed amendments to the *Zoning Regulation Bylaw* respond to errors made when drafting Bylaw amendments. The proposed revisions to the wording of the Bylaw will provide clarity where the existing wording causes confusion and does not fully, or accurately, address the intent of the Bylaw. Staff recommend that Council consider approving the proposed amendments to the Bylaw.

Respectfully submitted,

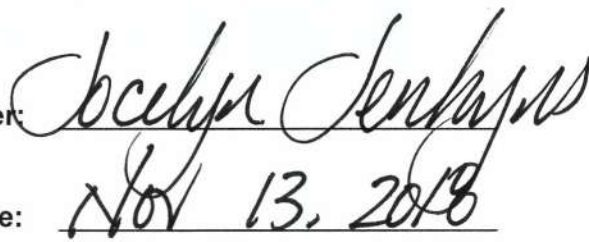


Jim Handy  
Senior Planner – Development Agreements  
Development Services



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Nov 13, 2018

### List of Attachments:

- Attachment A – Council minutes June 9, 2016