

MAXIMUM FLOOR SPACE RATIO FOR AFFORDABLE HOUSING

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw and the Zoning Bylaw 2018 to establish a maximum floor space ratio for qualifying affordable housing developments.

Contents

- 1 Title
- 2 Zoning Regulation Bylaw Amendments
- 3 Zoning Bylaw 2018 Amendments
- 4 Effective Date

Pursuant to its statutory powers, including section 479(1)(c) of the *Local Government Act*, the Council of The Corporation of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “MAXIMUM FLOOR SPACE RATIO FOR AFFORDABLE HOUSING BYLAW”.

Zoning Regulation Bylaw Amendments

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

- (a) by adding the following as a new section 48 immediately after section 47:

“48. (1) Notwithstanding any other provision of this Bylaw, the maximum floor space ratio on a lot containing affordable housing development is the higher of:

- a) the floor space ratio allowing for such use in the zone in which the lot is located; or
- b) the floor space ratio that is specified in Schedule “O” as applicable to that lot,

subject to any conditions as to the provision of amenities in the applicable zone or Schedule “O”, as the case may be.

(2) For the purposes of subsection (1), if the maximum floor space ratio specified for a lot is the same in (1)(a) and (1)(b), then the maximum floor space ratio for affordable housing development is that in (1)(b), subject to any conditions as to the provision of amenities in Schedule “O”.”;

- (b) In Schedule A – Definitions, the following is inserted immediately after the definition of “Affordable”:

“ **“Affordable Housing Development”** means a housing development that is:

- a) subject to a legal agreement securing affordability and rental tenure for a minimum period of 60 years, and is either:

- i) wholly owned and operated by a public housing body as prescribed in the *Residential Tenancy Act*, or
 - ii) operated by a public housing body as prescribed in the *Residential Tenancy Act* pursuant to a legally binding arrangement with the property owner; or
- b) subject to a legal agreement securing affordability for a minimum period of 60 years and is either wholly owned and operated by a housing cooperative meeting the below requirements, or operated by a housing cooperative that meets the below requirements and operates the development pursuant to a legally binding arrangement with the property owner:
- i) the housing cooperative must:
 - A) be a housing cooperative pursuant to the *Cooperative Association Act*,
 - B) have purposes including the provision of affordable housing to low- or moderate-income households, and
 - C) have constating documents preventing the remuneration of directors and providing for the disposition of assets on dissolution or wind-up to an organization with similar purposes and restrictions.”;
- (c) In Schedule B – Table of Contents, the following is inserted on the first page, immediately after “Schedule M Garden Suites”:
- “Schedule N Residential Rental Tenure**
- Schedule O Maximum Floor Space Ratio for Affordable Housing Development”;** and
- (d) The new Schedule O attached to this Bylaw as Schedule 1 is added after Schedule N – Residential Rental Tenure.

Zoning Bylaw 2018 Amendments

- 3 Bylaw No. 18-072, the Zoning Bylaw 2018, is amended as follows:
- (a) In the Table of Contents, the following is inserted beneath “Part 3 – Use of Land, Buildings and Structures”, with a corresponding page number:

“3.2 Affordable Housing”;
 - (b) In section 1.1.5, by striking out “The” at the beginning of the section and replacing it with “Subject to section 3.2.1, the”;
 - (c) In section 1.1.17, by striking out “The” at the beginning of the section and replacing it with “Subject to section 3.2.1, the”;
 - (d) By adding the following new definition to Part 2.1 Administrative Definitions immediately after the definition for “Affordable”:
- “Affordable Housing Development** means a housing development that is:
- a. subject to a legal agreement securing affordability and rental tenure for a minimum period of 60 years, and is either:
 - (i) wholly owned and operated by a public housing body as prescribed in the *Residential Tenancy Act*, or

- (ii) operated by a public housing body as prescribed in the *Residential Tenancy Act* pursuant to a legally binding arrangement with the property owner; or
- b. subject to a legal agreement securing affordability for a minimum period of 60 years and is either wholly owned and operated by a housing cooperative meeting the below requirements, or operated by a housing cooperative that meets the below requirements and operates the development pursuant to a legally binding arrangement with the property owner:
 - (i) the housing cooperative must:
 - (A) be a housing cooperative pursuant to the *Cooperative Association Act*,
 - (B) have purposes including the provision of affordable housing to low- or moderate-income households, and
 - (C) have constating documents preventing the remuneration of directors and providing for the disposition of assets on dissolution or wind-up to an organization with similar purposes and restrictions.”;
- (e) By inserting the new section 3.2 attached to this Bylaw as Schedule 2 immediately after section 3.1.

Effective Date

4 This Bylaw comes into force on adoption.

READ A FIRST TIME the	3rd	day of	March	2022
READ A SECOND TIME the	3rd	day of	March	2022
Public hearing held on the		day of		2022
READ A THIRD TIME the		day of		2022
ADOPTED on the		day of		2022

CITY CLERK

MAYOR

SCHEDULE 1

SCHEDULE O – MAXIMUM FLOOR SPACE RATIO FOR AFFORDABLE HOUSING DEVELOPMENT

The location of a lot is determined by its Urban Place Designation in the *Official Community Plan Bylaw, 2012*, and any restrictions contained within the “Locational Factors” column.

Row	Official Community Plan Urban Place Designation	Locational Factors	Maximum Floor Space Ratio for Residential Uses
1	Traditional Residential	N/A	1:1
2	Urban Residential	a) Site is located: i. within 200 m of the following <i>Official Community Plan</i> Urban Place Designations: a) Urban Core b) Town Centre c) Large Urban Villages, or ii. abutting an arterial or secondary arterial road	2:1
		b) All other areas	1.2:1
3	Small Urban Village	Site abuts an arterial or secondary arterial road, or pursuant to Map 21 (Fairfield Neighbourhood) of the <i>Official Community Plan</i> is: i. within Fairfield Plaza, or ii. within Five Points Village and abuts Fairfield Road	2:1
		All other areas	1.5:1
4	Large Urban Village	N/A	2.5:1
5	Town Centre	N/A	3:1
6	Core Inner Harbour/Legislative	N/A	4:1
7	Core Residential	a) the eastern side of the block bounded by Johnson Street, Cook Street and Yates Street	6.8:1
		b) area south of Mason Street / east of Quadra Street / west of Vancouver Street	5.5:1

		c) area east of Vancouver Street / west of Cook Street / on Pandora Avenue	5.5:1
		d) area on Mason Street / east of Vancouver Street / west of Cook Street	2:1
		e) area south of Meares Street / west of Vancouver Street / north of Rockland Avenue / east of Pioneer Square	2.5:1
		f) area east of Blanshard Avenue / south of Fort Street / west of Quadra Street / north of Courtney Street	5:1
		g) area east of Cook Street / north of Meares Street	3.5:1
		h) areas south of Meares Street / east of Vancouver Street	3:1
		i) area west of Quadra Street / north of Pandora Avenue / south of Caledonia Avenue	5:1
8	Core Songhees	N/A	2.5:1
9	Core Business	N/A	3:1
10	Core Employment	N/A	3:1
11	Industrial Employment – Residential	N/A	1.5:1
12	Employment Residential	N/A	1.5:1

SCHEDULE 2

3.2 Affordable Housing

1. Affordable Housing Development

- a. Notwithstanding any other provision of this bylaw, the maximum Density of Development on a Lot containing Affordable Housing Development is the higher of the Density of Development that is specified in:
 - i. the zone and any “Site Specific Regulations” applicable to the Lot that allows for such use; or
 - ii. Table A as applicable to that Lot,subject to any conditions as to the provision of amenities in the applicable “Site Specific Regulations” in the case of (i), if applicable.
- b. For the purposes of subsection (a), if the maximum Density of Development specified for a Lot is the same in (a)(i) and (a)(ii), then the maximum Density of Development for Affordable Housing Development is that in (a)(ii).
- c. The location of a Lot for the purposes of Table A is determined by its Urban Place Designation in the *Official Community Plan Bylaw, 2012*, and any restrictions contained within the “Locational Factors” column.

TABLE A: MAXIMUM FLOOR SPACE RATIO FOR AFFORDABLE HOUSING DEVELOPMENT

Row	Official Community Plan Urban Place Designation	Locational Factors	Maximum Floor Space Ratio for Residential Uses
1	Core Historic	N/A	3:1
2	Core Residential	The north-west corner of the intersection of Johnson Street and Quadra Street	5.5:1
3	Core Business	N/A	3:1