

NO. 22-044

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to support the development of “missing middle housing” forms in Traditional Residential Urban Place Designations.

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Under its statutory powers, including Divisions 4 and 7 of Part 14 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 42)”.

Definition

- 2 “OCP Bylaw” means Bylaw No. 12-013, the Official Community Plan Bylaw, 2012.

Amendments

- 3 The OCP Bylaw is amended in Schedule A, Table of Contents, under the heading “List of Maps” by striking out the following:
 - (a) “Map 32A: Composite Map of Attached Residential Development Permit Areas”;
 - (b) “Map 73: DPA 15F: Intensive Residential - Attached Residential Development (Victoria West)”;
 - (c) “Map 74: DPA 15F: Intensive Residential - Attached Residential Development (Fairfield)”.
- 4 The OCP Bylaw is further amended in Schedule A, Section 6: Land Management and Development as follows:
 - (a) in section 6.1.5, by striking out “located along arterial and secondary arterial roads”;
 - (b) in Figure 8: Urban Place Guidelines, by striking out the entire row of the table pertaining to Traditional Residential Designation and replacing it with the row contained in Schedule 1 attached to this Bylaw; and

- (c) in section 6.21, by striking out “plan, permitting their increase only as this plan provides or following the completion of a new local area plan for the area, and the subsequent amendment of this plan to give it effect” and replacing it with “plan and related City policy”.

5 The OCP Bylaw is further amended in Schedule A, Section 13: Housing and Homelessness as follows:

- (a) in section 13.34, by striking out “such as multi-unit developments, the creation of small residential lots, street-oriented fee simple row-houses and other housing forms”.

6 The OCP Bylaw is further amended in Schedule A, Appendix A: Development Permit Areas and Heritage Conservation Areas as follows:

- (a) within the legend of Map 32, by striking out “See Map 32A for the following Intensive Residential Development Permit Areas: DPA 15F: Intensive Residential – Attached Residential Development”, and by inserting “DPA 15F: Missing Middle Housing” directly after “DPA 15E: Intensive Residential Garden Suites”;
- (b) by repealing Map 32A: Composite Map of Attached Residential Development Permit Areas;
- (c) within DPA 15C: Intensive Residential – Rockland, at section 2(c)(i), by inserting the following new subparagraph directly after subparagraph (8):
 - “(9) development for which a Development Permit is required, not exempt, and has been applied for under DPA 15F: Missing Middle Housing.”;
- (d) within DPA 15D: Intensive Residential – Duplex, at section 2(c)(i)(6), by striking out “or”;
- (e) within DPA 15D: Intensive Residential – Duplex, at section 2(c)(i), by renumbering subparagraph “(7)” as new subparagraph “(8)”;
- (f) within DPA 15D: Intensive Residential – Duplex, at section 2(c)(i), by inserting the following new subparagraph (7) directly after subparagraph (6):
 - “(7) development for which a Development Permit is required, not exempt, and has been applied for under DPA 15F: Missing Middle Housing; or”;
- (g) by repealing Map 73: DPA 15F: Intensive Residential - Attached Residential Development (Victoria West);
- (h) by repealing Map 74: DPA 15F: Intensive Residential - Attached Residential Development (Fairfield);

- (i) by repealing the entire DPA 15F: Intensive Residential – Attached Residential Development and replacing it with the new DPA 15F: Missing Middle Housing, attached to this Bylaw in Schedule 2; and
- (j) within DPA 16: General Form and Character, at section 2(b)(i)(1)(B), by striking out “DPA 15F, Intensive Residential – Attached Residential Development”, and replacing it with:

“DPA 15F, Missing Middle Housing”.

7 The OCP Bylaw is further amended in Schedule A, Appendix B: Glossary of Terms, by inserting the following new definition immediately after the definition for “Mid-Rise Building”:

“Missing Middle Housing: Housing in which:

(a) buildings are used or designed as two or more self-contained dwelling units, not counting accessory dwelling units, with at least half of the units having direct access to the outside, at least two of which share a common wall or an area that forms the floor of one unit and the ceiling of the other and are not linked by a trellis, deck, breezeway or similar connection; or

(b) a single family dwelling is located on a lot with a building on the heritage register.”.

Commencement

8 This Bylaw comes into force 45 days after the date of adoption.

READ A FIRST TIME the	14th	day of	July	2022
READ A SECOND TIME the	14th	day of	July	2022
Public hearing held on	August 4th , September 1st and September 2nd			2022
READ A THIRD TIME the		day of		2023
ADOPTED on the		day of		2023

CITY CLERK

MAYOR

Schedule 1

<p>Traditional Residential</p>	<p>Missing middle housing and other ground-oriented buildings up to three storeys as supported by City policy.</p> <p>Multi-unit buildings up to three storeys as supported by City policy.</p>	<p>Houses with front and rear yards, with variable setbacks, oriented to face the street.</p> <p>Variable landscaping, boulevard, and street tree planting.</p> <p>Small apartments and retail stores as supported by City policy including local area plans.</p> <p>On-street parking, collective access to off-street parking, and individual driveways.</p>	<p>Residential, including missing middle housing, ground-oriented multi-unit, attached, duplex, and single detached dwelling buildings, as well as accessory residential, such as secondary suites, lock-off suites, and garden suites.</p> <p>Low-rise multi-unit residential and mixed-use along arterial and secondary arterial roads, and as identified in City policy including local area plans.</p> <p>Freestanding commercial at the intersection of major roads, and as identified in City policy including local area plans.</p> <p>Home occupations.</p>	<p>Total floor space ratios up to approximately 1.1:1.</p> <p>Additional density may be considered where appropriate in certain limited areas, as identified in City policy including local area plans.</p>
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Schedule 2

DPA 15F: MISSING MIDDLE HOUSING

1. Pursuant to Section 488 (1) (a), (e), and (i) of the Local Government Act, the entire city is designated as Development Permit Area DPA 15F, Missing Middle Housing, for the following purposes:
 - (a) protection of the natural environment, its ecosystems and biological diversity,
 - (b) establishing objectives for the form and character of intensive residential development, and
 - (c) establishment of objectives to promote water conservation.
2. Application and Exemptions:
 - (a) In this area:

“Missing Middle Development” means construction of, addition to or alteration of a building, accessory structure or landscape on a lot which includes missing middle housing (housing in which:

 - (a) buildings are used or designed as two or more self-contained dwelling units, not counting accessory dwelling units, with at least half of the units having direct access to the outside, at least two of which share a common wall or an area that forms the floor of one unit and the ceiling of the other and are not linked by a trellis, deck, breezeway or similar connection; or
 - (b) a single family dwelling is located on a lot with a building on the heritage register.).
 - (b) Development Permits are required for Missing Middle Development in accordance with the Local Government Act, subject only to the General Exemptions identified in the “Overview” section of this Appendix and the following exemptions.
 - (c) Specific Exemptions for DPA 15F, Missing Middle Housing:
 - (i) A Development Permit is not required for:
 - (1) development that is not Missing Middle Development;
 - (2) residential single-family dwellings, including accessory dwelling units, and their accessory buildings and structures unless the single-family dwelling is located on a lot that also includes missing middle housing;
 - (3) house conversion;
 - (4) commercial or industrial development;
 - (5) alterations to landscaped areas which neither expand the extent of paved or impervious areas nor remove trees or shrubs which are shown in a previously approved Development Permit; and
 - (6) development of a property with an Urban Place Designation other than Traditional Residential.
3. The special conditions that justify this designation include:
 - (a) Victoria’s Traditional Residential areas are primarily characterized by low density dwellings.
 - (b) These neighbourhoods each have a unique sense of place, traditional scale, and character.
 - (c) Missing middle housing provides an opportunity to integrate other types of ground-oriented housing forms into neighbourhoods to provide more housing diversity.
 - (d) Victoria’s Traditional Residential areas play a vital role in the conservation of water, including the management and infiltration of rainwater.
 - (e) The city’s Traditional Residential areas play a critical role in hosting and facilitating the continued growth of much of the city’s urban forest, which is instrumental to the resilience and flourishing of Victoria’s ecosystems and biodiversity amidst a changing climate.
 - (f) These areas contain properties with heritage value, and these properties may be permitted to add infill housing or additions on the same property.
4. The objectives that justify this designation are:
 - (a) To accommodate 10% of Victoria’s anticipated population growth and associated housing growth in Small Urban Villages, and residential areas, to encourage and support future and existing commercial and community services.
 - (b) To integrate more intensive residential development in the form of missing middle housing within Traditional Residential areas in a manner that respects the desirable characteristics of the natural and built environment in these areas.
 - (c) To accommodate housing growth in Traditional Residential areas in a manner that is gradual, of a compatible scale and adaptive to the local contexts.
 - (d) To achieve a high quality of architecture, landscape and urban design to enhance neighbourhoods.
 - (e) To integrate infill development in Traditional Residential areas that is compatible with existing neighbourhoods through considerations for site planning and building designs that promote livability and provide sensitive transitions to adjacent developments.
 - (f) To promote water conservation, on-site rainwater management and infiltration, as well as minimize impact of

accommodating housing growth on the stormwater utility.

- (g) To facilitate the continued growth of the city's urban forest canopy cover through conservation and replacement of the green space that supports a healthy urban forest, with particular attention to the needs of large canopy trees.
- (h) To encourage the conservation of heritage value and guide the sensitive design of infill housing or additions on a property containing historic buildings or other heritage value.

5. Guidelines:

These Guidelines are to be considered and applied for Development Permits:

- > Missing Middle Design Guidelines (2022).
- > Advisory Design Guidelines for Buildings, Signs and Awnings (1981).