

BYLAWS

3. Bylaw for Proposed Minor Amendment to the R1-G Zone, Gonzales Single Family Dwelling District

Motion:

It was moved by Councillor Coleman, seconded by Councillor Loveday, that the following bylaw **be given first and second reading:**

- a. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1142) No. 18-026*

Carried Unanimously



Council Report

For the Meeting of January 25, 2018

To: Council **Date:** January 11, 2018
From: Jonathan Tinney, Director of Sustainable Planning and Community Development
Subject: Proposed Minor Amendment to the R1-G Zone, Gonzales Single Family Dwelling District

RECOMMENDATION

That Council give first and second reading and direct staff to set the Public Hearing for the attached Zoning Regulation Bylaw Amendment Bylaw No. 18-026 to amend the R1-G Zone, Gonzales Single Family Dwelling District.

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the following motion moved by Council on June 9, 2016:

"That Council instruct staff to prepare the proposed Zoning Regulation Bylaw amendment to correct and clarify the following:

1. *Amend the R1-G Zone, Gonzales Single Family District, by amending the wording relating to building setbacks from the waterfront to address minor drafting errors.*
2. *Amend the R1-B-GS4-C1 Zone, Single Family Dwelling with Garden Suite and Limited Commercial Moss Street District, by deleting the "m" after maximum number of storeys.*
3. *Amend the CA-72 Zone, Fort Street Commercial – Residential District, replacing the word "minimum" with "maximum" as it applies to height.*
4. *Amend the R-76 Zone, Oak Bay Avenue Multiple Dwelling District, underlining the defined term "lot lines".*
5. *Amend the R1-S1 Zone, Restricted Small Lot (One Storey) District and R1-S2 Zone, Restricted Small Lot (Two Storey) District, to address minor drafting errors relating to underlining and the unit of measurement for rear setback requirements.*
6. *Amend the M2-I Zone, Douglas-Blanshard Industrial District, to remove reference to "work-live".*
7. *Delete the following redundant zones:*
 - i. *C-3H Zone, Harbour Commercial District*
 - ii. *C-4H Zone, Harbour Activity District.*
8. *Amend the R-2 Zone, Two Family Dwelling District, to include the new regulations for low-density residential zones relating to outdoor features.*
9. *Define the term "Street".*
10. *Amend the definition of "Half Storey" to reference "first storey area" instead of "ground floor*

area”.

11. Amend the definition of “Site Coverage” by replacing the word “structure” with the word “building” and by clarifying that accessory garden structures, balconies and roof projections are excluded from site coverage calculations.”

The proposed amendments to the *Zoning Regulation Bylaw* are being advanced by staff as application volumes permit. However, staff felt that there is a greater degree of urgency in correcting a drafting error in the R1-G Zone, Gonzales Single Family Dwelling District relating to building setbacks from the waterfront, so it is being advanced independently.

Background

Given the age, size and complexity of the *Zoning Regulation Bylaw* staff bring forward recommended improvements to the Bylaw for Councils consideration from time to time. These improvements may relate to minor technical issues (such as the matter 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.

Proposed Amendments to the R1-G Zone, Gonzales Single Family Dwelling District

Subsection 1.6.5 (c) of the R1-G Zone, Gonzales Single Family Dwelling District, relates to the rear yard setback from the waterfront and reads as follows:

c. Rear yard setback – waterfront lot (minimum) 36.5m from the front lot line

The purpose of this regulation is to ensure that buildings do not encroach more than 36.5m from the front lot line towards the waterfront. However, the use of the word “minimum” requires that a building must actually project towards the waterfront beyond a point measured 36.5m from the front lot line. In addition, the use of the defined term setback does not work in the context of this regulation as it means the distance between the front lot line and the main face of the building. This was an error made when drafting the R1-G Zone and to address this issue staff recommend that Council consider the following replacement wording:

c. Notwithstanding any other provisions in this Zone, no building or portion of a building shall be placed or erected on a waterfront lot beyond 36.5m of the front lot line of that lot

The proposed change is consistent with the previous version of the Bylaw and correcting it will ensure a common understanding that buildings, including accessory buildings and garden suites, may not be located immediately adjacent to the public shoreline.

Proposed Gonzales Neighbourhood Plan

The proposed change is consistent with the emerging *Gonzales Neighbourhood Plan* which includes policies relating to the retention and enhancement of the coastal bluff ecosystem along the Gonzales Bay and Ross Bay shoreline.

Conclusion

The proposed amendment to the R1-G Zone, Gonzales Single Family Dwelling District, responds to a minor drafting error. The proposed minor revision 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.

Respectfully submitted,

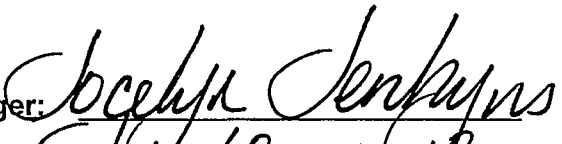


Jim Handy
Senior Planner – Development Agreements
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Jan 18, 2018