



Planning and Land Use Committee Report

For the Meeting of November 12, 2015

To: Planning and Land Use Committee **Date:** October 29 , 2015

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: R1-A Zone, Rockland Single Family Dwelling District
Housekeeping Amendments Regarding Site Area Requirements

RECOMMENDATION

Staff recommend that the Committee forward this report to Council and that Council consider giving first and second reading to the attached Zoning Regulation Bylaw Amendment proposed to the R1-A Zone, Rockland Single Family Dwelling District, and that a Public Hearing date be set.

LEGISLATIVE AUTHORITY

In accordance with Section 903 (c) of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 904(1) of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding amendments that are proposed to the R1-A Zone, Rockland Single Family Dwelling District. The proposed amendments would clarify the intent of the Bylaw, specifically confirming that:

- self-contained dwelling units in a house conversion are to be included in calculating the minimum site area when associated with attached and semi-attached dwelling units
- minimum site area (breathing room) requirements for pre-1970 conversions apply only when subdivision of the lot occupied by the conversion is proposed.

When the City initiates significant changes to zones in the *Zoning Regulation Bylaw*, there would usually be a consultation process in advance of the Public Hearing. However, in this case, the proposed changes are minor in nature and consistent with longstanding interpretations of site area regulations within the R1-A Zone.

BACKGROUND

Relevant History

In 2011, Council approved amendments to the *Zoning Regulation Bylaw* to clarify and simplify the regulations in the R1-A Zone, Rockland Single Family Dwelling District; R1-B Zone, Single Family Dwelling District; and R1-G Zone, Single Family Dwelling (Gonzales) District. The changes in wording unintentionally affected the minimum site area requirements per dwelling unit in the Zones. A correction to include a single family dwelling in the calculation of minimum site area when associated with attached and semi-attached dwelling units was approved by Council on March 26, 2015. However, a further correction is required to include in the calculation the dwelling units in a house conversion in association with attached and semi-attached dwelling units. In addition, the wording on the site area required for pre-1970 conversions needs to be amended to specify that this applies only when subdivision of the lot occupied by the conversion is proposed.

Community Consultation

When the City initiates significant changes to the zones in the *Zoning Regulation Bylaw*, there would usually be a consultation process in advance of the Public Hearing. However, in this case, the proposed changes are of a housekeeping nature and are consistent with longstanding interpretations of the R1-A Zone as well as the *Subdivision Bylaw* and it is important to make the amendments expeditiously to avoid misinterpretations. Staff have contacted the Rockland Neighbourhood Community Association Land Use Committee (CALUC) to advise them of the proposed change and the CALUC will be notified of Council's resolution and the date of the Public Hearing.

ANALYSIS

Minimum Site Area per Self-Contained Dwelling Unit

Prior to 2011, the site area requirement in the R1-A Zone for single family dwellings and for conversions in association with attached and semi-attached dwelling units was more clearly stated as requiring 835m² per dwelling unit, including the single family dwelling or the dwelling units in a house conversion. The changes to the R1-A Zone in 2011 unintentionally removed the single family dwelling and the units in a house conversion from the calculation of the site area requirement. The exclusion of single family dwellings was corrected by Council on March 26, 2015. Staff are recommending that the R1-A Zone be amended further to ensure that the Bylaw is applied to dwelling units in house conversions, as was originally intended.

Minimum Site Area (Breathing Room) for Pre-1970 Conversions

The City's previous *Subdivision Bylaw* included a section that required the provision of "breathing room" for conversions in houses built before 1970 when subdivision of the lot occupied by the conversion was proposed. The site area of the lot occupied by the house conversion was required to be 2800m² or the total floor area of the building (m²) multiplied by

3.63, whichever was less. This site area provision was added to the R1-A Zone in 2011 and removed from the current *Victoria Subdivision and Development Servicing Bylaw*, which was adopted in 2012. However, the wording in the R1-A Zone did not specify that the application of this site area requirement is with subdivision only. Staff are recommending that the R1-A Zone be amended to make this subdivision reference.

CONCLUSIONS

As these proposed amendments to the site area regulations are housekeeping in nature and consistent with the longstanding R1-A Zone site area regulations and interpretations, staff recommend that Council consider proceeding with first and second reading of the attached Zoning Regulation Bylaw Amendment and set a Public Hearing date.

ALTERNATE MOTION

That Council receive and file this report for information.

Respectfully submitted,



Brian Sikstrom, Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: November 2, 2015

List of Attachments

- Zoning Regulation Bylaw, Amendment Bylaw No. 15-084 for Part 1.1, R1-A Zone, Single Family Dwelling District
- R1-A Zone, prior to 2011 and 2015 amendments.

Under its statutory powers, including section 903 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in a public meeting, enacts the following provisions:

1 This Bylaw may be cited as "Zoning Regulation Bylaw, Amendment Bylaw (No. 1055)".

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

- (a) in Part 1.1 (R1-A Zone, Rockland Single Family Dwelling District) of Schedule B:

- (i) in section 1.1.2

by repealing paragraphs 1.1.2 c. and d. and replacing those paragraphs with the following:

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|-----|--|---|
| "c. | <u>Site area</u> for each <u>self-contained dwelling unit</u> on a <u>lot</u> on which there is an <u>attached dwelling</u> or <u>semi-attached dwelling</u> (minimum) | 835m ² |
| d. | <u>Site area</u> when creating a <u>lot</u> , on which there is a pre-1970 <u>building</u> which can accommodate <u>house conversion</u> (minimum) | 2800 m ² in <u>site area</u> or the <u>total floor area</u> of the <u>building</u> multiplied by 3.63 whichever is less" |

3 This Bylaw comes into force on adoption.

READ A FIRST TIME the day of 2015.

READ A SECOND TIME the _____ day of _____ 2015.

READ A THIRD TIME the

day of

2015.

ADOPTED on the

day of

2015.

CORPORATE ADMINISTRATOR

MAYOR

PART 1.1 - R1-A ZONE, ROCKLAND SINGLE FAMILY DWELLING DISTRICT

1.1.1 Permitted Uses

- a. Single family dwelling with no more than one of the following accessory uses:
Secondary suite subject to the regulations in Schedule "J"; or
Roomers and/or Boarders up to a maximum of 4
- b. Attached and semi-attached dwellings
- c. The uses created as a result of a house conversion, subject to the regulations in Schedule "G"
- d. Home occupation subject to the regulations in Schedule "D"
- e. Accessory buildings subject to the regulations in Schedule "F"
- f. Private garage
- g. Public building
- h. Garage sales limited to no more than 2 in any year
- i. Commercial exhibits existing prior to January 1, 2011
- j. notwithstanding paragraphs a. through i., the only uses permitted on a panhandle lot created by way of subdivision after July 10, 2009, are the uses described in paragraphs a., d. (subject to the regulations in Schedule "D"), e., f., and h., which uses are subject to the regulations in Schedule "H"
- k. notwithstanding paragraphs a. through j., the only use permitted on a lot with a site area less than 230m² or with an average lot width less than 7.5m is a private garage

1.1.2 Site Area, Lot Width

- a. Lot area (minimum) 740m²
- b. Lot width (minimum average) 24m
- c. Site area for each self-contained dwelling unit where there is more than one self-contained dwelling unit on a lot excluding uses created as a result of a house conversion (minimum) 835m²
- d. Site area for any lot with a pre 1970 building which can accommodate house conversions (minimum) 2800m² in site area or the total floor area of the building multiplied by 3.63 whichever is less
- e. Panhandle lot Subject to regulations in Schedule "H"

1.1.3 Floor Area of the Principal Building

- a. Floor area, of all floor levels combined, of a single family dwelling, attached or semi-attached dwelling (minimum) 130m²
- b. Private garage, floor area of all floor levels combined (maximum) 37m²
- c. Public building Not applicable

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

PART 1.1 - R1-A ZONE, ROCKLAND SINGLE FAMILY DWELLING DISTRICT

1.1.4 Height, Storeys, Roof Decks

- | | |
|---|--------------------------------------|
| a. Residential <u>building</u> (maximum) | 7.6m in <u>height</u> and 2½ storeys |
| b. <u>Attached</u> and <u>semi-attached dwellings</u> (maximum) | 7.6m in <u>height</u> and 2½ storeys |
| c. <u>Public building</u> (maximum) | 11m and 2½ storeys |
| d. <u>Roof deck</u> | Not permitted |

1.1.5 Setbacks, Projections

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| a. <u>Front yard setback</u> (minimum) except for the following maximum projections into the <u>setback</u> : <ul style="list-style-type: none">• steps less than 1.7m in <u>height</u> (maximum)• <u>porch</u> (maximum) | 10.5m except for <u>lots</u> less than 30.5m in depth which require a 7.5m
2.5m
1.6m |
| b. <u>Rear yard setback</u> (minimum) | 7.5m or 25% of <u>lot depth</u> whichever is greater |
| c. <u>Rear yard setback</u> for <u>attached</u> and <u>semi-attached dwellings</u> (minimum) | 7.5m |
| d. <u>Side yard setbacks</u> from interior <u>lot lines</u> (minimum) | 3.0m |
| e. <u>Side yard setback</u> on a flanking <u>street</u> for a <u>corner lot</u> (minimum) | 10.5m, except on <u>lots</u> less than 35m in <u>width</u> , where the <u>setback</u> may be reduced by an amount equal to the difference between the <u>lot width</u> and the minimum <u>setback</u> , but shall be no less than 6m |
| f. Eave projection into <u>setbacks</u> (maximum) | 0.75m |

1.1.6 Site Coverage, Location of Uses, Parking

- | | |
|---|---|
| a. <u>Site coverage</u> (maximum) | 40% |
| b. <u>Site coverage</u> of <u>attached</u> and <u>semi-attached dwellings</u> (maximum) | 25% |
| c. <u>Attached</u> and <u>semi-attached dwellings</u> siting and connection | Must be sited in the <u>side</u> or <u>rear yard</u> when there is an existing residential <u>building</u> ; and Must be connected by a common roof |
| d. Separation of <u>attached</u> and <u>semi-attached dwellings</u> | Notwithstanding the provisions of Schedule "A", <u>attached</u> and <u>semi-attached dwellings</u> may be horizontally separated within an existing <u>building</u> |
| e. Parking | Subject to the regulations in Schedule "C" |

(Amended Bylaw 15-001 adopted March 26, 2015)
(Amended Bylaw 14-041 adopted July 10, 2014)