



Planning and Land Use Committee Report For the Meeting of September 18, 2014

To: Planning and Land Use Committee **Date:** September 4, 2014
From: Helen Cain, Senior Planner, Development Services Division
Subject: **Zoning Regulation Bylaw Amendments** – City-initiated amendments to further clarify provisions in the R1-A Zone, Rockland Single Family Dwelling District

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding minor amendments that are proposed to the R1-A Zone, Rockland Single Family Dwelling District and Schedule A (Definitions). The proposed amendments would clarify the intent of the Bylaw, confirming regulations that were more clearly stated in the pre-2011 *Zoning Regulation Bylaw*. The proposed changes are to:

- identify that the minimum site area requirement for each dwelling unit, including any single family dwellings, is 835 m² on lots where attached dwelling units or semi-attached dwelling units are considered in addition to an existing or proposed single family dwelling.
- amend the term "semi-attached dwelling" in Schedule A (Definitions) to reference self-contained dwelling units.

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 consistent with the previously approved Bylaw and it is important to make the amendments expeditiously, so no further consultation is proposed.

Recommendations

That Council direct staff to prepare *Zoning Regulation Bylaw* amendments to the R1-A Zone, Rockland Single Family Dwelling District, and Schedule A.

1. To identify the minimum site area requirement for each dwelling unit, including any single family dwellings, is 835 m² on lots where attached dwelling units or semi-attached dwelling units are being considered in addition to any existing or proposed single family dwelling.

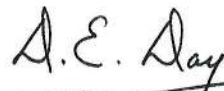
2. To clarify the definition of "semi-attached dwelling" to reference "self-contained dwelling units".

Respectfully submitted,

Helen Cain


Helen Cain
Senior Planner
Development Services Division



A.E. Day

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: _____


Jason Johnson

Date: _____

Sept. 10/14

HC//lw/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00444\ZRBAMENDMENTS_PLUC_SEP5_2014 DOC_FINAL.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding *Zoning Regulation Bylaw* amendments to further clarify provisions in the R1-A Zone, Rockland Single Family Dwelling District and Schedule A (Definitions).

2.0 Background

2.1 Relevant History

The R1-A Zone sets out regulations related to land use and development potential. In 2011, Council approved amendments to the R1-A Zone that unintentionally affected the clarity of how minimum site area per dwelling unit is determined in that zone. Related to this matter, the *Zoning Regulation Bylaw* Schedule A (Definitions) defines various types of housing forms; these definitions should be amended to clarify that “semi-attached dwellings” are self-contained dwelling units.

Since Council has previously directed staff to prepare amendments to address other issues in a number of low-density residential zones related to minimum lot size and lot width requirements for single family dwellings, it is recommended that these newly proposed revisions be rolled into the work that is already underway.

3.0 Issues

The main issues related to the *Zoning Regulation Bylaw* amendments are:

- minimum site area per dwelling unit
- definition of “semi-attached dwelling”
- community consultation.

4.0 Analysis

4.1 Minimum Site Area per Dwelling Unit

In 2011, Council approved amendments to the R1-A Zone that unintentionally affected the clarity of how minimum site area per dwelling unit is determined in that zone. Previously the site area requirement was set at 835 m² per dwelling unit, which as a practice had included any existing single family dwelling on the lot in the calculations of the required minimum site area per unit. Staff are recommending that the R1-A Zone be amended to clarify that the minimum site area for every permitted type of self-contained dwelling unit, including single family dwellings, is 835 m² when semi-attached and attached dwelling units are included on a site with a single family house. This will help ensure that the Bylaw is applied as originally intended.

4.2 Definition of “Semi-Attached Dwelling”

In the *Zoning Regulation Bylaw*, a “semi-attached dwelling” is defined as “a building used or designed for use as two dwelling units, each having direct access to the outside at grade level and where neither unit is wholly or partly above the other”. An “attached dwelling” means “a building used or designed as three or more self-contained dwelling units, each having direct access to the outside at grade level, where no dwelling unit is wholly or partly above another dwelling unit”. Staff are recommending that the definition of “semi-attached dwelling” be amended to also reference “self-contained dwelling units” given this is current wording to denote

a dwelling rather than another type of use such as housekeeping units.

4.3 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 consistent with the previously approved Bylaw and it is important to make the amendments expeditiously, so no further consultation is proposed.

5.0 Resource Impacts

There are no resource impacts associated with this development.

6.0. Conclusions

Staff are recommending that amendments to the R1-A Zone be prepared to set the minimum site area requirement for every type of dwelling unit on the site, including any existing single family dwelling, at 835 m² on sites where attached or semi-attached dwelling units are being considered in addition to single family dwelling units, consistent with the pre-2011 zoning practice. An amendment to Schedule A to clarify the definition of "semi-attached dwelling" to reference self-contained dwelling units is also recommended.

7.0 Recommendations

7.1 Staff Recommendations

That Council direct staff to prepare *Zoning Regulation Bylaw* amendments to the R1-A Zone, Rockland Single Family Dwelling District, and Schedule A.

1. To identify the minimum site area requirement for each dwelling unit, including any single family dwellings, is 835 m² on lots where attached dwelling units or semi-attached dwelling units are being considered in addition to any existing or proposed single family dwelling.
2. To clarify the definition of "semi-attached dwelling" to reference "self-contained dwelling units".

7.2 Alternate Recommendations (decline)

That Council postpone a decision on preparation of amendments to the R1-A Zone and Schedule A (Definitions).

8.0 List of Attachments

- Zoning Regulation Bylaw Part 1.1 R1-A Zone, Single Family Dwelling District
- R1-A Zone, prior to 2011 amendments.

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

1.1.2 Site Area, Lot Width

- a. Lots subdivided prior to May 24, 1956 (minimum) 230m² in site area and 7.5m average lot width
- b. Lots subdivided after May 24, 1956 (minimum) 740m² in site area and 24m average lot width
- c. Site area for each attached or semi-attached dwelling unit (minimum) 835m² in site area
- 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 which ever is less
- e. Panhandle lot for lots subdivided after July 10, 2009 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

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 2 ¹ / ₂ storeys |
| b. <u>Attached</u> and <u>semi-attached dwellings</u> (maximum) | 7.6m in <u>height</u> and 2 ¹ / ₂ storeys |
| c. <u>Public building</u> (maximum) | 11m and 2 ¹ / ₂ storeys |
| d. <u>Roof deck</u> | Not permitted |

1.1.5 Setbacks, Projections

- | | |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <u>Front yard setback</u> (minimum)
except for the following maximum
projections into the <u>setback</u> : | 10.5m except for <u>lots</u> less than 30.5m in depth
which require a 7.5m |
| • steps less than 1.7m in <u>height</u>
(maximum) | 2.5m |
| • <u>porch</u> (maximum) | 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</u>
<u>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 14-041 adopted July 10, 2014)

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

Permitted uses

- 1(1) The uses permitted in this zone are the same as those permitted in the R1-B Zone, Single Family Dwelling District (Part 1.2), and attached and semi-attached dwellings, subject to the regulations in this Part, and if there is any conflict then the regulations contained in this Part prevail.
 - (1)(a) secondary suites in single family dwellings
- (2) A garage or shed that is not accessory to a building on the lot is a permitted use of a lot referred to in Section 7(2) provided the total floor area of the garage or shed must not exceed 37m².
- (3) A garage or shed referred to in Section 1(2) may be used for the parking of motor vehicles.

Floor area

- 2 (1) The following minimum floor area restrictions apply to all buildings other than attached and semi-attached dwellings:

Bungalow

130m² minimum ground floor area

1½ Storey

111m² minimum ground floor area

18.5 m² minimum second floor area

2 Storeys

92.5m² minimum ground floor area

92.5m² minimum second floor area

Split Level Dwelling

130m² minimum floor area, except that where living accommodation is provided on two levels one vertically below the other, a maximum of 18.5m² of such accommodation may be considered as contributory to the minimum of 130m² area. The level of any part of such contributory area must be not more than 0.3m below the grade of the immediately adjoining ground.

- (2) For the purpose of determining floor area, a first storey includes a basement the floor area of which is less than 1.2m below grade.

- Setbacks** 3 The minimum setback shall be 10.5m except in the case of lots in existence on May 24, 1956, which lots are 30.5m or less in depth and in such case the minimum setback shall be 7.5m.
- Rear yard** 4 A rear yard of not less than 25% of the site depth shall be provided, but in no case shall it be less than 7.5m.
- Side yard** 5 On a site other than a corner lot, a side yard shall be provided on each side of the principal building of not less than 3m.
- Side yard on a corner lot** 6 The side yard facing the flanking street shall be not less than 10.5m in width, except that on lots of less than 35m in average width, the minimum width of the side yard may be reduced by a dimension equal to that by which the average width of the lot is less than 35m but the width of the side yard shall in no case be less than 6m
- Accessory buildings** Accessory buildings shall in all cases be located in the rear yard and shall be located so as to provide a passage of at least 2.4m between the accessory building and the principal building.
- Site area and lot width** 7 (1) Except in the case of a lot, the title of which was registered in the Land Titles Office before May 24, 1956, there shall be provided within the lot a site area of not less than 740m² with an average width of not less than 24m for each single family dwelling.
- (2) A single family dwelling may be located on a lot the title to which was registered in the Land Title Office before May 24, 1956, only if that lot has
- (a) an area of at least 230m², and
- (b) a width of a at least 7.5m.
- 8 No boarding house, rooming house, housekeeping apartment building, rest home, kindergarten, two-family dwelling or multiple dwelling shall be used or maintained on a lot having a superficial area of less than 740m² or a width of less than 24m.
- 9 Attached and semi-attached dwellings are permitted provided that:
- a) the minimum setback from the street frontage is 10.5m.

- b) the minimum setback from the rear lot line is 7.5m.
- c) the minimum setback from other lot boundaries is 3m.
- d) the height of such buildings shall not exceed 10.5m nor shall such a building have more than 2½ storeys; and
- e) the number of dwelling units on the lot shall not exceed a number equal to the area of the lot in m² divided by 835.
- f) the dwelling units within such buildings are connected by a common roof, pergola, breeze-way or arbour; and
- g) the site coverage may not exceed 25%.

Site Coverage

- 10 A satellite dish antenna shall be sited only on the ground level of a rear yard; and

Satellite Dish

- (a) is subject to the siting and site coverage restrictions for accessory buildings contained in Section 1(f) and Section 11 of Part 1.2 of this By-law;
- (b) shall not exceed 2.15m measured from ground level to its highest point.

Height

- 11(1) No single family dwelling shall exceed 11m, nor 2½ storeys, nor shall it exceed the width of the site on which it is situate.
- (2) For the purpose of determining height, the first storey of all buildings includes basements which have a floor area less than 1.2m below grade.

- 12 The provisions of Sections 17, 18 and 19 of Part 1.2 do not apply in this zone.

Attached and Semi-Attached Dwellings

- 13 Notwithstanding the provisions of Schedule A and for the purposes of this Part, attached and semi-attached dwellings may include any dwelling units in an existing house which are horizontally separated.

Siting

- 14 Notwithstanding the provisions of Section 9 (a) no attached or semi-attached dwellings may be sited in any front yard where they are constructed, placed or erected on any lot on which there is an existing residential building.

Note: For parking requirements refer to Schedule "C".

Panhandle Lot Regulations

15 Sections 16 to 23 apply only to a panhandle lot for which the title is registered in a Land Title Office or its predecessor after this By-law is adopted.

Lot Area

16 The area of a lot, excluding the area of its panhandle driveway, must be at least 850m².

Lot Width

17 A lot must have a width of at least 24m.

- 18 (1) A building must not have a height of more than 5m nor 1 storey.
 (2) For the purpose of subsection (1), the storey includes any basement that has a floor that is less than 1.2m below grade.
 (3) A garage or car shelter must not have a height of more than 3m.
 (4) An accessory building that is not a garage or carport must not have a height of more than 2.4m.

19 The sum of the total floor area of a building plus the area of the basement of that building must not exceed 280m².

20 The site coverage must not exceed 25%.

Setbacks

21 The minimum setbacks required are:

- (a) despite paragraphs (b) and (c), 10.5m between the main building on a lot and at least one of the lot lines;
- (b) for a room that is designed to be used as a habitable room:
 (i) 4m for a wall that faces the boundary of a lot and that does not have any windows, and
 (ii) 7.5m for a wall that faces the boundary of a lot and that does have windows;
- (c) 4m for a room, including a garage or car shelter, that is attached to the main building on a lot, and that is not designed to be used as a habitable room.
- (d) for a garage or a car shelter that is an accessory building and that is not attached to the main building on a lot, the greatest of the minimum setbacks required under paragraphs (b) and (c) for a room's exterior wall that faces the same lot line as the garage or car shelter.
- (e) 1m for an accessory building other than that described in paragraph (d).

- 22 An accessory building that is a garage or a car shelter and that is not attached to the main building on a lot must not be located closer than 2.4m to that main building.
- 23 A lot must contain at least one parking space for every dwelling unit located on that lot.

Secondary Suites Secondary Suites in a Single Family Dwelling Regulations

- | | |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Floor Area | 24 The floor area of a <u>secondary suite</u> must not exceed the lesser of:
(a) 90 m ² .
(b) 40% of the habitable floor space of the <u>building</u> . |
| Habitable Floor Area | 25 A <u>building</u> containing a <u>secondary suite</u> must have a habitable floor area of at least 150 m ² and comply with the applicable British Columbia Building Code requirements. |
| Exterior Changes | 26 The following exterior changes cannot be made to a <u>building</u> used as a <u>single family dwelling</u> within the period of 5 years before or at any time after the date a secondary suite is installed in the <u>building</u> :

(a) an extension to the <u>building</u> that creates more than 20 m ² (215 ft ²) of enclosed floor <u>area</u> , including a dormer;
(b) raising the <u>building</u> more than 60 cm (2') in height;
(c) the addition of steps and an entranceway more than 1.5 m (4.9') in height. |
| Parking | 27 No off-street parking spaces is required for a <u>secondary suite</u> . |