

BYLAWS

1. FIRST READING

Motion:

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

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1079) No. 16-094*
(Bylaw for Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes)

Carried

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe
Opposed: Councillors Isitt, Madoff, and Young

2. SECOND READING

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas, that the following bylaw **be given first reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1079) No. 16-094*
(Bylaw for Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes)

Carried

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe
Opposed: Councillors Isitt, Madoff, and Young



Council Report

For the Meeting of December 8, 2016

To: Council **Date:** November 25, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Victoria Housing Strategy Implementation – Removing Minimum Unit Sizes

RECOMMENDATIONS

1. That Council consider first and second readings of Bylaw No. 16-094;
2. That Bylaw No. 16-094 be considered at a Public Hearing to be scheduled by staff.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 16-094. This matter came before Council on September 15, 2016 where the following resolution was approved:

That Council direct staff to:

1. Prepare amendments to the *Zoning Regulation Bylaw* to remove minimum residential unit size regulations and add new regulations that address liveability in the following zones:
 - i. R3-AM-1 Zone, Mid-Rise Multiple Dwelling District
 - ii. R3-AM-2 Zone, Mid-Rise Multiple Dwelling District
 - iii. R3-G Zone, Garden Apartment District
 - iv. R-78 Zone, McClure Street Multiple Dwelling District
 - v. R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen) District
 - vi. R3-L Zone, Low Density Multiple Dwelling District
 - vii. R3-1 Zone, Multiple Dwelling District
 - viii. R3-2 Zone, Multiple Dwelling District
 - ix. R3-B Zone, Bonus Multiple Dwelling District
 - x. R3-H Zone, High Density Multiple Dwelling District
 - xi. R3-S Zone, Special Multiple Dwelling District
 - xii. R3-A1 Zone, Low Profile Multiple Dwelling District
 - xiii. R3-A2 Zone, Low Profile Multiple Dwelling District
 - xiv. CR-3 Zone, Commercial Residential Apartment District
 - xv. CR-3M Zone, Commercial Residential Apartment Modified District
 - xvi. CR-G Zone, Commercial Residential Gorge Road District
 - xvii. C1-NM Zone, Neighbourhood (Modified) Shopping District
 - xviii. CR-4 Zone, Upper Cook Commercial Residential District
 - xix. CR-NP Zone, North Park Commercial Residential District
 - xx. CR-4-OB Zone, Oak Bay Commercial Residential District
 - xxi. T-6 Zone, James Bay Transient Accommodation District

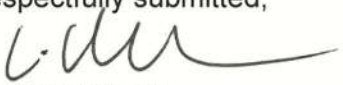
xxii. CHP-R3 Zone, Cathedral Hill Precinct (Multiple Dwelling) District.

2. Bring forward the proposed zoning amendments for consideration of first and second readings in the Fall of 2016.
3. Notify:
 - i. the Community Association Land Use Committees, the Urban Development Institute, Together Against Poverty Society, and members of the Mayor's Task Force on Housing Affordability on the proposed zoning amendments through a stakeholder email with an opportunity to comment at a public hearing
 - ii. the general public through newspaper notices and the City's website and social media channels, with an opportunity for comment up to, and at the public hearing.
4. That the Zoning Bylaw amendments include the requirement for an operable window in each unit.

CHANGES

Staff have altered the liveability requirements in Council's direction "That the Zoning Bylaw amendments include the requirement for an operable window in each unit" by changing "operable window" to "window to the outside" after further considering the practicality of this requirement. It was stressed that a number of developments may find the requirement to have a window that opens problematic, often posing a safety or security risk. For example, ground floor units with operable windows may present a security concern in some buildings; while in supportive housing or other developments in which residents struggle with mental wellness, addiction, or behavioural issues, a window that opens may, in itself, present a safety risk. Because the BC Building Code contains rules ensuring ventilation and emergency egress, a window that does not open does not pose any risk to safety and access to fresh air. Access to natural light is not covered by the Code, so the inclusion of a new requirement for buildings with no minimum unit size to contain at least one window to the outside will ensure units receive natural light. This new zoning regulation will work in conjunction with the Code to ensure liveability standards are in place, and provide flexibility for developments in need of balancing multiple objectives in their designs.

Respectfully submitted,


Lindsay Milburn
Senior Planner – Housing Policy

Att.


Jonathan Tinney, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Date:



December 1, 2016

Attachment: Bylaw No. 16-094

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by amending the Schedule A definitions to include a definition for 'window to the outside' and by amending Zones R3-AM-1, R3-AM-2, R3-G, R-78, R3-A-SC, R3-L, R3-1, R3-2, R3-B, R3-H, R3-S, R3-A1, R3-A2, CR-3, CR-3M, CR-G, C1-NM, CR-4, CR-NP, CR-4-OB, T-6, and CHP-R3 to remove reference to minimum residential unit sizes in multi-unit residential zones and replacing with livability regulations.

The Council of The Corporation of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as "ZONING REGULATION BYLAW, AMENDMENT BYLAW (No. 1079)"

Zoning Regulation Bylaw

- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:
- (a) In Part 3.10 (R3-AM-1 and R3-AM-2 Zones, Mid-Rise Multiple Dwelling District) of Schedule B:
 - (i) in section 3.10.15 (Suite Size) by repealing that section and substituting the following new section 3.10.15:

"Livability of Dwelling Units

15. Each self-contained dwelling unit shall have at least one window to the outside."
 - (b) In Part 3.1 (R3-G Zone, Garden Apartment District) of Schedule B:
 - (i) in section 3.1.3 (Size of Dwelling Units) by repealing that section and substituting the following new section 3.1.3:

"Livability of Dwelling Units

3 Each self-contained dwelling unit shall have at least one window to the outside."
 - (c) In Part 3.101 (R-78 Zone, McClure Street Multiple Dwelling District) of Schedule B:
 - (i) in section 3.101.8 (Self-contained Dwelling Unit Size) by repealing that section and substituting the following new section 3.101.8:

"3.101.8 Livability of Dwelling Units

Each self-contained dwelling unit shall have at least one window to the outside."

- 2
- (d) In Part 3.13 (R3-A-SC Zone, Low Profile Multiple Dwelling (Senior Citizen) District) of Schedule B:
- (i) in section 3.13.3 (Minimum Size of Dwelling Unit) by repealing that section and substituting the following new section 3.13.3:
- “Livability of Dwelling Units
- 3 Each dwelling unit shall have at least one window to the outside.”
- (e) In Part 3.2 (R3-L Zone, Low Density Multiple Dwelling District) of Schedule B:
- (i) in section 3.2.6 (Floor Area) by repealing the following lines:
- “Multiple Dwelling conversion (See Sec. 15) 46m²”
- “Multiple Dwellings 46m²”
- (ii) in section 3.2.8 (Multiple Dwellings, Churches, and Public Schools) by adding the following new paragraph (i) immediately after paragraph (h):
- “(i) Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside.”
- (f) In Part 3.3 (R3-1 and R3-2 Zone, Multiple Dwelling District) of Schedule B:
- (i) in sections 3.3.2 and 3.3.3 (Size and Height Restrictions)
- (1) by repealing paragraph 3.3.2
- (2) by renumbering paragraph 3.3.3 as 3.3.2
- (ii) by renumbering all subsequent sections after new section 3.3.2 in new sequential order
- (iii) by adding new section 23 immediately after renumbered section 22 (Balcony Enclosures):
- “Livability of dwelling units
- 23 Each dwelling unit in a multiple dwelling shall have at least one window to the outside.”
- (g) In Part 3.4 (R3-B Zone, Bonus Multiple Dwelling District) of Schedule B:
- (i) in section 3.4.2 (Floor Area) by repealing that section and substituting the following new section 3.4.2:
- “Livability of Dwelling Units
2. Each dwelling unit in a multiple dwelling shall have at least one window to the outside.”
- (h) In Part 3.5 (R3-H Zone, High-Density Dwelling District) of Schedule B:

- (i) in section 3.5.2 by ³ repealing that section and substituting the following new section 3.5.2:
 - "2. Each dwelling unit in a multiple dwelling shall have at least one window to the outside."
- (i) In Part 3.6 (R3-S Zone, Special Multiple Dwelling District) of Schedule B:
 - (i) in section 3.6.3 (Floor Area) by repealing that section and substituting the following new section 3.6.3:
 - "Livability of Dwelling Units
 - 3 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."
- (j) In Part 3.9 (R3-A1 and R3-A2 Zone, Low Profile Multiple Dwelling District) of Schedule B:
 - (i) in section 3.9.8 (Minimum Apartment Size) by repealing that section and substituting the following new section 3.9.8:
 - "Livability of Dwelling Units
 - 8. Each dwelling unit in a multiple dwelling shall have at least one window to the outside."
- (k) In Part 4.14 (CR-3 Zone, Commercial Residential Apartment District) of Schedule B:
 - (i) in section 4.14.4 (Minimum Apartment Size) by repealing that section and substituting the following new section 4.14.4:
 - "Livability of Dwelling Units
 - 4 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."
- (l) In Part 4.15 (CR-3M Zone, Commercial Residential Apartment Modified District) of Schedule B:
 - (i) in section 4.15.5 (Minimum Apartment Size) by repealing that section and substituting the following new section 4.15.5:
 - "Livability of Dwelling Units
 - 5 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."
- (m) In Part 4.31 (CR-G Zone, Commercial Residential Gorge Road District) of Schedule B:

- (i) in section 4.31.4 (Dwelling Unit Size) by repealing that section and substituting the following new section 4.31.4:

"Livability of Dwelling Units

- 4 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

- (n) In Part 4.3.1 (C1-NM Zone, Neighbourhood (Modified) Shopping District) of Schedule B:

- (i) in section 4.3.1.4 (Minimum Apartment Size) by repealing that section and substituting the following new section 4.3.1.4:

"Livability of Dwelling Units

- 4 Each dwelling unit in a multiple dwelling shall have at least one window to the outside."

- (o) In Part 4.61 (CR-4 Zone, Upper Cook Commercial-Residential District) of Schedule B:

- (i) in section 4.61.3

- (1) by repealing paragraph 4.61.3(1)

and by renumbering paragraph 4.61.3(2) as 4.61.3

- (ii) by adding a new section 4.61.9 immediately after section 4.61.8 (Parking) and adding the following new paragraph:

"Livability of Dwelling Units

- 9 Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside."

- (p) In Part 4.62 (CR-NP Zone, North Park Commercial Residential District) of Schedule B:

- (i) in section 4.62.4 (Floor Area) by repealing that section and substituting the following new section 4.62.4:

"Livability of Dwelling Units

- 4 Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside."

- (q) In Part 4.75 (CR-4-OB Zone, Oak Bay Commercial Residential District) of Schedule B:

- (i) in section 4.75.3 by repealing paragraph 4.75.3 b.

- (ii) by adding a new section 4.75.9 immediately after section 4.75.8 (Vehicle and Bicycle Parking) and adding the following new section:

“4.75.9 Livability of Dwelling Units

- a. Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside.”

- (r) In Part 5.6 (T-6 Zone, James Bay Transient Accommodation District) of Schedule B:

- (i) in sections 5.6.2 and 5.6.3 by repealing these two sections (Unit Size)
- (ii) in section 5.6.4 by renumbering this section as 5.6.2
- (iii) by renumbering all subsequent sections after new section 5.6.2 in new sequential order
- (iv) by adding the following new section 5.6.13 immediately after renumbered section 5.6.12 (Parking):

“Livability of Dwelling Units

- 13 Each self-contained dwelling unit in a multiple dwelling shall have at least one window to the outside.”

- (s) In Part 8.1 (CHP-R3 Zone – Cathedral Hill Precinct (Multiple Dwelling) District) of Schedule B:

- (i) in section 8.1.3 (Buildings) by repealing that section and substituting the following new section 8.1.3:

- “3 Each dwelling unit in a multiple dwelling shall have at least one window to the outside.”

Effective Date

- 3** This Bylaw comes into force on adoption.

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|----------------------------|--------|------|
| READ A FIRST TIME the | day of | 2016 |
| READ A SECOND TIME the | day of | 2016 |
| Public hearing held on the | day of | 2016 |
| READ A THIRD TIME the | day of | 2016 |
| ADOPTED on the | day of | 2016 |

CITY CLERK

MAYOR