

# Zoning Bylaw Minor Updates & Housekeeping Changes

## **RECOMMENDATIONS:**

That Committee recommend to Council:

A. That the Zoning Bylaw be amended to:

- (1) confirm commercial floor area is excluded from the floor area ratio calculation in the Community Commercial Zone,
- (2) permit personal services as a use accessory to indoor commercial recreation uses in industrial zones,
- (3) make the following housekeeping amendments:
  - a. deleting the maximum patron capacity of a liquor primary licensed establishment
  - b. confirming the indoor amenity areas must be common property in strata buildings, and
  - c. making coach house and detached garage regulations consistent when combined as one building; and,

B. That the Building & Plumbing Bylaw be amended to correct the Step Code implementation date.

## **PREVIOUS COUNCIL/COMMITTEE ACTIONS**

- (1) For the Community Commercial zone amendment: on October 9, 2018 Council amended the Zoning Bylaw to apply a floor area ratio in the Community Commercial zone as part of implementing the new affordable and family-friendly housing policy.
- (2) For the indoor commercial recreation amendment: on July 16, 2015 Smart Growth Committee determined it would defer amending the Zoning Bylaw to allow accessory personal services in commercial indoor recreation uses, pending further review.
- (3) Council's most recent adoption of a housekeeping bylaw was November 14<sup>th</sup>, 2017.

## **REPORT SUMMARY**

This report outlines a number of recommended changes to the Zoning Bylaw that, for the most part, are minor or of a housekeeping nature. These amendments are recommended for adoption to address identified inconsistencies, remove redundant regulations, and clarify the intent of regulations. A housekeeping amendment to the Building & Plumbing Bylaw is also recommended.

## **BACKGROUND & DISCUSSION**

(1) Proposed Community Commercial Zone Amendment:

In 2018, Council adopted a new policy to achieve housing affordability objectives and it approved a number of regulatory changes to implement these objectives. One of these changes was to introduce a floor area ratio calculation in the Community Commercial zone to facilitate application of density bonus and housing affordability policies to larger mixed-use

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projects. The Community Commercial zone allows for a wide range of general commercial and personal service uses in pedestrian-orientated commercial centres and permits residential uses above the ground floor and, prior to the amendment, the amount of achievable floor area could only be determined through a site-specific analysis of the siting, parking and other regulations applicable to these uses. The amendment to the Community Commercial zone to apply a floor area ratio of 1.5 facilitated the calculation of the amount of affordable housing required to meet the new policy with the added benefit of providing greater certainty to property owners and developers as to a site's development potential.

In review of several mixed-use projects proposed since adoption of the amendment, the floor area ratio is being found to restrict the potential development of commercial space, contrary to the intent of the zoning. As the purpose of the amendment relates to residential uses within the zone, it is recommended that the bylaw be amended to restrict application of the maximum floor area ratio to only the residential portion of the building.

### (2) Proposed Commercial Indoor Recreation Amendment:

In 2015, the Smart Growth Committee considered a report recommending changes to allow for accessory personal services to be associated with commercial indoor recreation uses located in industrial areas. This recommendation arose from its consideration of a staff report titled, *The Industrial and Commercial Lands Review*, that had identified a need to support existing businesses by allowing for additional services to be offered such as health services (e.g., physiotherapists, chiropractors, occupational therapists) and personal services (e.g., personal trainers, nutritionists). At the time, Committee determined that it would defer making a decision pending receipt of additional information on industrial areas. One of the concerns informally raised included the potential that supporting indoor recreation businesses by allowing for additional uses would reduce the attractiveness of the City's industrial areas for industrial uses.

A number of businesses have since indicated to staff that they continue to wish to be permitted to include health and personal services to complement their recreational activity. Over the past five years, it is evident that the City's industrial areas continue to be highly attractive for industrial uses and policies in support of industrial uses have been strengthened. It is unlikely that allowing for this accessory use would have a significant impact given the strength of industrial uses and it is recommended that Committee support amending the bylaw to respond to the requests from businesses.

### (3) Proposed Housekeeping Amendments:

- a. The regulations section of the Zoning Bylaw includes a clause that limits the patron capacity of a liquor primary licensed establishment to 125. As patron capacity is set on a site-specific basis, this clause is not required and can be deleted.
- b. Apartment buildings and mixed use buildings with residential uses must provide an indoor amenity space to accommodate activities such as meetings, socializing, fitness and recreation. The intent of this regulation is that this area will be available for use by all occupants of the building. However, in some instances the registered strata plan has not

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confirmed this intent and residents have informed the City that they do not have access to the required common area. To confirm the bylaw requirement it is recommended that the wording be amended to specify that in the case of a strata-titled building, the common area must be either common property or a strata lot that is a common asset of the strata corporation.

- c. In implementing the new coach house regulations, it has proved to be challenging for staff to reconcile bylaw requirements for coach houses with requirements for detached garages. Housekeeping amendments are proposed to clarify the floor area ratio calculation and ensure appropriate separation between structures on a property, harmonize siting requirements for projects that combine a detached garage with a coach house, and confirm that the floor area below the habitable floor elevation that is used as a foyer, bathroom or utility closet is included in the floor area of the coach house. These proposed changes are shown in Attachment 1.

- (4) An error was made in the recent amendment to the Building & Plumbing Bylaw with respect to Step Code implementation dates. A housekeeping correction is required to change the date from 2020 to 2021.

### **FINANCIAL IMPLICATIONS**

None.

### **OPTIONS** (✓= Staff Recommendation)

	#	Description
<input checked="" type="checkbox"/>	1	Recommend to Council that the zoning and building bylaws be amended per this report.
<input type="checkbox"/>	2	Recommend to Council that the bylaws only be amended for selected changes.
<input type="checkbox"/>	3	Determine that no changes should be made at this time pending receipt of further information.

Attachment 1: Proposed housekeeping changes to coach house regulations in the Zoning Bylaw