



MEMORANDUM

TO: ADVISORY PLANNING COMMISSOIN
FROM: BRIGID REYNOLDS, CONSULTING TOWN PLANNER
SUBJECT: TRADITIONAL URBAN – R-3 ZONE
MEETING DATE: APRIL 24, 2025

Purpose

The purpose of this report is to discuss recent zoning amendments to the R-3 zone district, specifically Section 5.1.6 f. i) minimum front lot line setbacks for principal and accessory buildings or structures.

Background

Bill 44 Housing Statutes (Residential Development) Amendment Act, 2023 permits one secondary suite or one accessory dwelling units in all communities in B.C. and requires bylaws in municipalities, with more than 5,000 people and within an urban containment boundary, to allow for:

- three to four units on lots zoned for single-family or duplex use
- six units on larger lots zoned for single family or duplex use, close to frequent-service transit stops.

While the Town is not subject to these provisions under the CMHC-HAF grant, the Town voluntarily offered to undertake a review and increase density on selected single lots in a manner suitable for the town.

In the fall of 2024 APC reviewed and on November 24, 2024 Council approved Zoning Amendment Bylaw 1110 to increase density on single family zone districts by permitting duplexes in the Urban R-2 zone district and permitting triplex and quadplex type dwellings in the Traditional Urban R-3 zone district. The zoning amendment also included changes to regulations for minimum lot size, maximum height, maximum lot coverage, front, rear and side yard setbacks. See the attached [1110-2024 Zoning Amendment - Density.pdf](#). Also attached is

a detailed analysis report prepared by the previous contract planner dated September 13, 2024. This report was prepared for the APC and Council to explain the rationale for the proposed amendments [Analysis of Increased Density on a lot for APC Review.pdf](#)

The building and development community has recently expressed concern about this new regulation, in particular Section 5.1.6 f. i) minimum front lot line setbacks for principal and accessory buildings or structures

a) For single detached, duplex, triplex, and quadplex dwellings:

- 6.1 to garage face;
- 4.5 to front face of dwelling;
- the garage face shall in all cases be set back a minimum of 1.5 metres further than the dwelling front face.

b) For townhouses: 4.5 to dwelling face and garage face; front porches may extend into the setback

See the [attached correspondence](#) that have been received.

Discussion

Rationale for setbacks

The following discussion is extracted from the Analysis Report.

c) Density vs. intensity

A number of “levers” exist which help local governments to regulate the size and number of units for a parcel of land.

Zoning bylaws typically regulate the density of development in residential zones by controlling the number of units per lot or units per hectare. SSMUH legislation supersedes subject local governments’ ability to regulate on-parcel density in Restricted Zones as defined in the legislation, through the introduction of a minimum number of housing units that must be permitted for lots of varying characteristics. While Lake Cowichan is not subject to the ‘more units on a lot’ element of Bill 44, the Town has agreed voluntarily to undertake its own unique version of this vis-à-vis the HAF grant.

Local governments also often regulate the intensity of development in residential zones. This can be done in a number of ways, including lot coverage limits, floorplate limits, total floor area limits, and through Floor Area Ratio (FAR). The Town uses lot coverage limits to address intensity.

d) Lot line setbacks

Standard setbacks from lot lines for buildings and structures serve several functions. In addition to setbacks, building code standards for spatial separation for

fire safety are necessary to reduce the risk of fire spreading from one building to another. Additionally, setbacks are designed to create a consistent look and feel on a street, mitigate concerns about adjacent uses, and define where open space on a parcel is located.

To create a favourable development environment that encourages landowners to add additional housing units on their lots, local governments may adopt modest lot line setbacks in Restricted Zones. This will help ensure the viability of SSMUH housing forms and provide flexibility for the development of new units through multiple configurations.

The generous rear yard setbacks typical of single-family zones (e.g., 7 metres) will significantly limit the viability of adding additional housing units to single-family lots.

Local governments may also consider reducing their front yard setbacks to bring buildings closer to the sidewalk, which will have the effect of creating more vibrant streets through the 'eyes on the street' effect and increasing the likelihood of social interactions. Reducing front yard setbacks, however, reduces driveway length and potentially reduces or eliminates on-site parking spaces.

Of all the land use regulation changes proposed in the SSMUH manual, reducing customary single-family and duplex front and rear lot line setbacks may have the most profound effect on the traditional development pattern in single-family and duplex zones.

Public Notification

As required by the Local Government Act, zoning bylaw amendments are required to receive 3 readings and final adoption. Public hearings are now prohibited if a proposed zoning bylaw is consistent with the Official Community Plan and for residential uses. Notice of the intent to grant 1st reading of the zoning amendment bylaw is required and Council may grant all 3 readings and adopt a zoning amendment bylaw

Conclusion

The Town has heard concerns related to the recent amendments to the R-3 zone related to setbacks. The implications of amending the bylaw to address these concerns need some discussion prior to any amendments to ensure there are no unintended consequences.