

BACKGROUND

The District of Oak Bay's Infill Housing Strategy was endorsed by Council in 2022. In 2023, Strategy implementation was paused when the Province announced sweeping changes to increase housing supply across BC (Bill 44). Under these changes, local governments must allow infill housing in areas otherwise restricted to single detached and duplex homes.

Now, the District's Housing Action Program (HAP) (2024 – 2028) builds on previous work and responds to the new Provincial housing requirements and supports a range of new housing across Oak Bay. Updating the Zoning Bylaw to align with Bill 44 and accommodate infill housing is the first step in implementing the HAP and a priority for the District.

On June 24, 2024 Council adopted Bylaw Amendments that enable the following housing densities required through Bill 44:

- 3 units on lots 280 m² and smaller
- 4 units on lots 280 m² and larger
- 2 units on Heritage Designated properties

WHAT IS INFILL HOUSING?

Infill housing is ground-oriented housing typically built at a similar scale to single-detached and duplex housing, within existing neighbourhoods. The sketches below are illustrative examples of infill housing.

Image credit: Small Housing BC



STAY INFORMED

Through summer and fall 2024, the District will continue to refine and implement the Infill Housing Program Bylaw Updates. Stay up to date by signing up for project updates:

www.connect.oakbay.ca/housing-action-program



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DISTRICT OF
OAK BAY

**INFILL
HOUSING
PROGRAM
BYLAW UPDATES**

JUNE 2024

WHAT'S NEW?

Amendments to the District's Zoning Bylaw and the Parking Facilities Bylaws enable the Province's minimum permitted densities and incentivize infill. Key changes include:

- Allowing up to 3-4 units on any lot previously restricted to single detached or duplex use
- Introducing Accessory Dwelling Units (ADU) as a permitted use, such as garden suites and carriage houses
- Adjusting parking and build-outs to ensure new development is appropriately scaled
- Adjusting setbacks and heights to allow for more feasible infill housing forms

In addition, all affected single detached zones were re-named from 'RS/One Family' to 'R/Residential'.

The following sections further outline key changes by zoning category. All new and existing siting and density regulations are listed in the accompanying Residential Infill Zone One Page Summaries.

LARGE LOT ZONES (R-1, R-2, R-3)

- Allow a mix of housing types (up to 4 units on any lot)
- Adjust Floor Area Ratio (FAR):

ZONE	2 units	3 or more units
R-1	0.2	0.25
R-2	0.3	0.4
R-3	0.4	0.55

- Reduce parking rate to 1 space per unit for infill
- Add parameters for Accessory Dwelling Units
- Add a requirement for Live Landscaping (50% in R-1, and 40% in R-2 and R-3)
- Retain existing height, setbacks, and site coverage

SMALL LOT ZONES (R-4, R-5)

- Consolidate RS-5, RS-5B, RD-1 and CD-2 into a new R-5 zone
- Allow a mix of housing types (up to 3 units on lots 280 m² and smaller, and 4 units on any lot larger than 280 m²)
- Adjust Floor Area Ratio (FAR):

ZONE	1 or 2 units	2 units, including ADU	3 or more units
R-4	0.4	0.5	0.6
R-5	0.3	0.6	0.8

- Reduce parking rate to 0.5 space per unit for infill
- Add parameters for Accessory Dwelling Units
- Allow infill housing up to 10 m high (Roof Height)
- Reduce front yard setback by 1.6 m to 6.0 m
- Increase lot coverage by 7% in R-4, and 10% in R-5, where an ADU is added and where the existing home is retained
- Increase the permitted paved coverage in a front yard to 30% in R-4 and 40% in R-5
- Add a requirement for Live landscaping (30% in R-4 and 20% in R-5)

MULTI-DWELLING ZONES (RM1LD, RM1MD, RM-1HD, RM2, RM3, RM-3HD, RM4, RM8, RMMC1, RM-MC4)

Most multi-dwelling zones in Oak Bay are 'Restricted Zones' because they only allow single detached homes on smaller lots, and must now reflect Bill 44 densities. The R-5 zone regulations apply if up to 4 infill units are developed instead of multi-dwelling residential.

COMMERCIAL ZONES (C-1, C-4, C-5)

Several commercial zones permit single detached homes and are therefore defined as 'Restricted Zones'. Amendments to zones C-1, C-4, and C-5 include:

- Allow up to 4 apartment dwelling units
- Increase building heights for 3 or more units
- Reduce parking rate to 0.5 space per unit for infill

P-2 ZONE

The P-2 Special Institutional Zone is considered a 'Restricted Zone' as it restricts residential use to single detached homes. It must now reflect Bill 44 densities, and so the regulations of the R-5 zone apply to any residential development in this zone.

HERITAGE DESIGNATED PROPERTIES

Properties designated under the Heritage Bylaw are exempt from the requirements to allow 3 or more units. However, the Province still requires that the District allow up to one principal unit and one additional unit. The District will continue to consider additional density where heritage assets are protected through redevelopment.

ADDITIONAL AMENDMENTS

Several additional amendments are intended to ease the implementation of infill housing in Oak Bay. These include:

- Removing the requirement for covered parking
- Simplifying the measurement of height by removing the term 'Occupiable Height'
- Removing the requirement for a contextual front setback
- Removing the variable rear yard setback calculation
- Updating definitions to allow greater flexibility in providing housing
- No Development Permit required