



Staff Report to Sustainable Development Advisory Committee

DATE: Monday, April 14, 2025

DEPARTMENT: Planning

APPLICATION NO.: Z24-0018 – Omnibus No. 67

SUBJECT: Bylaw No. 2213 – Text Amendments to various parts of Zoning Bylaw No. 300.

EXECUTIVE SUMMARY:

The following Omnibus is intended to address gaps, ambiguities, and inconsistencies in Zoning Bylaw No. 300 as well as to bring forward changes that were previously initiated by Council Resolution.

This Omnibus focuses on the following eight themes, some of which require amendments to various Zoning Bylaw No. 300 sections:

1. Addition of definition for ‘mobile food vendor’;
2. Amendment to the definition of “structure” to exclude little free libraries;
3. Amendment to various regulations pertaining to Small-Scale Multi-Unit Housing;
4. Addition of clarifying clause pertaining to modular construction for detached suites;
5. Removal of limitations on group daycare capacity;
6. Removal of incorrect parking requirement for home occupation daycares;
7. Removal of the unused CR1 (Commercial Recreation) zone; and
8. Inclusion of ‘home occupation’ as permitted use in various mixed-use zones.

Consistent and clear bylaws reduce ambiguity and ensure that both the public and City staff can interpret the bylaw as intended. As such, several amendments to Zoning Bylaw No. 300 are being proposed to address issues that have been brought to staff’s attention.

COMMENTARY:

Commentary on Amendment 1: Addition of Definition for ‘Mobile Food Vendor’

On April 2, 2024, during their Regular meeting, Council passed a resolution directing staff to prepare an amendment to Zoning Bylaw No. 300 to include a definition for “food truck” in relation to the Temporary Use Permit (TUP) extension application for The Langford Station (TUP21-0003).

As outlined in the staff report submitted for Council’s consideration of the TUP renewal, the creation of The Langford Station and its designated space for food truck vendors led the City to distinguish food trucks as a separate land use from restaurants. Consequently, food trucks are no longer categorized under the restaurant definition in Zoning Bylaw No. 300.

Instead of adopting a definition for “food truck,” staff proposes the following broader definition for “mobile food vendor” to provide a more comprehensive representation of this land use:

Mobile food vendor means a mobile structure, including but not limited to licensed motorized vehicles (e.g. food trucks), trailers, carts, or similar mobile units, which are fully self-contained or connected to temporary utility-services and where food and beverages are prepared and served to the public for immediate consumption.

Incorporating this definition into Zoning Bylaw No. 300 would clarify the distinction between mobile food vendors and other uses, enabling staff to regulate land use more effectively and ensuring businesses operate in appropriate locations.

Currently, no zones explicitly permit mobile food vendors. As such, their operation will continue to be subject to Council’s approval through a Temporary Use Permit or a Text Amendment Rezoning application process.

Commentary on Amendment 2: Amendment to a Definition of ‘Structure’ to Exclude Little Free Libraries

Current definition:

Structure means anything constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, including any satellite dish antenna, heat pump, gas meter, propane tank or other attached mechanical equipment, but excluding any fence, beehive, retaining wall, underground sewage disposal facility, and paved or concrete

surface.

Proposed definition:

Structure means anything constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, including any satellite dish antenna, heat pump, gas meter, propane tank or other attached mechanical equipment, but excluding any fence, beehive, little free library, retaining wall, underground sewage disposal facility, and paved or concrete surface.

Currently, Zoning Bylaw No. 300 does not explicitly prohibit free book-exchange libraries but permits them wherever accessory buildings and structures are allowed, subject to the regulations in Section 3.05. This section outlines regulations that govern the siting, size, and height of such structures and states that, despite any setback requirement in any Zone, no accessory building may be located within 15 m (49.2 ft) of a front lot line unless it complies with the front lot line setback requirements applicable to the principal building.

While regulating the location an accessory structure is important to prevent unsightly installations in front yards, this requirement complicates the placement of little free libraries. These libraries, intended as community amenities to facilitate book exchanges, need to be accessible and are typically located near the front property line, on private property, to serve their purpose effectively.

To address this issue, Council may wish to exclude little free libraries from the definition of “structure” to explicitly exclude these community amenity initiatives on private property. This would allow residents to install these amenities in a functional and inviting manner without facing unnecessary regulatory barriers.

Although several little free libraries already exist in Langford, formalizing their exclusion from the definition of “structure” could encourage more residents to install these placemaking amenities. The amendment would support community-driven initiative without undermining the intent of the Zoning Bylaws.

Commentary on Amendment 3: Regulations Pertaining to Small-Scale Multi Unit Housing

On June 17, 2024, Council adopted Bylaw No. 2183, which implemented Small-Scale Multi-Unit Housing (SSMUH) legislation into Zoning Bylaw No. 300. Following the implementation of SSMUH legislation into the bylaw, a few inconsistencies have been identified that may impede the bylaw's effective interpretation and implementation. To address these issues and ensure consistency and clarity throughout the document, additional text amendments to the bylaw are now required to

facilitate interpretive clarity and consistency with the recently adopted legislative changes.

All proposed changes to Zoning Bylaw No. 300 pertaining to SSMUH legislation have been consolidated into the table below, including the rationale for each amendment.

Proposed Change	Rationale
Definition of ‘Secondary suite’ within Section 1.01.01 would be amended as follows:	
<p>Current text: <i>Secondary site means an accessory dwelling unit located within a one-family dwelling.</i></p> <p>Proposed text: <i>Secondary suite means an accessory dwelling unit located within a one-family dwelling or a two-family dwelling.</i></p>	<p>The proposed amendment acknowledges that secondary suites are now permitted within the two-family dwelling housing typology.</p>
Section 3.07.01(3) would be amended as follows:	
<p>Current text: <i>A suite is prohibited in conjunction with any two-family dwelling.</i></p> <p>Proposed text: <i>A suite is prohibited in conjunction with any two-family dwelling, unless expressly permitted in Part 6 of this bylaw.</i></p>	<p>The proposed amendment would address an inconsistency in the Bylaw that prohibits secondary suites in all two-family dwellings while permitting them in specified restricted zones, as outlined in Part 6 of the bylaw.</p>
The following text would be added as a new Section 3.07.01(5):	
<p>Proposed text: <i>Notwithstanding Section 3.07.01(2), for lots with a width of less than 11 m, where a two-family dwelling is permitted by Part 6 of this Bylaw, the linear length of habitable space facing the front lot line or exterior side lot line may be reduced to 3 m.</i></p>	<p>This amendment intends to address the prohibitive nature of Section 3.07.01(2), which stipulates that all two-family dwellings must maintain a minimum of 4.5 m of linear wall length of habitable space facing the front lot line or exterior side lot line, with the exception of CD3 zone and lots with a lot size of 4,000 m² located in Agricultural or Rural Residential zones.</p> <p>With the introduction of SSMUH legislation, two-family dwellings are now permitted on lots with a lot width below 11 m. Achieving 4.5 m of linear wall length of habitable space, while maintaining the required setbacks (typically set at a minimum 1.5 m</p>

Proposed Change	Rationale
	from the interior lot line), is not possible on lots with a width below 11 m, making the requirement prohibitive in nature. As such, staff propose to maintain the requirement for lots with lot widths of 11 m and above where the existing standard is achievable, and reducing the requirement to 3.0 m for the lots with width of less than 11 m.
Section 3.08.01(2) would be amended as follows:	
<p>Current text: <i>The one-family dwelling to which suite is accessory to must be owner-occupied.</i></p> <p>Proposed text: <i>The owner must occupy either the principal dwelling, or the suite that is accessory to the principal dwelling.</i></p>	<p>The proposed text amendment acknowledges that secondary suites are now permitted in two-family dwellings and maintains the established standards across housing typologies where suites are allowed. The amendment retains the intent of the clause while emphasizing the owner's flexibility to occupy any legal dwelling unit on the site, whether it is the principal dwelling, a secondary suite within the principal dwelling, or a detached accessory suite.</p>
Section 3.08.01(6) would be amended as follows:	
<p>Current text: <i>The suite and the one-family dwelling to which it is accessory must be a single real estate entity. Strata titling is not permitted.</i></p> <p>Proposed text: <i>The suite and the principal dwelling unit to which it is accessory must be a single real estate entity. Strata titling is not permitted.</i></p>	<p>Similarly to the above, this change would reflect the inclusion of secondary suites in two-family dwellings and ensure the existing requirement is applied uniformly to single-family dwellings and two-family dwellings, where secondary suites are permitted by Part 6 of the Bylaw.</p>
Section 3.08.02(1) would be amended as follows:	
<p>Current text: <i>The secondary suite must be completely contained within the one-family dwelling.</i></p> <p>Proposed text: <i>The secondary suite must be completely contained within the principal dwelling</i></p>	<p>The purpose of this amendment recognizes the allowance of secondary suites in two-family dwellings and upholds the existing standards for both housing types where suites are currently permitted.</p>

Proposed Change	Rationale
<i>unit to which it is accessory.</i>	
Section 3.08.02(2) would be amended as follows:	
<p>Current text: <i>The secondary suite is not obtrusive so as to change the one- family nature of the one- family dwelling.</i></p> <p>Proposed text: <i>The secondary suite must be integrated in a manner that maintains the form and character of the housing typology to which it is accessory.</i></p>	<p>The proposed amendment will ensure that both housing typologies, where secondary suites are currently permitted, align with the design standards outlined in Zoning Bylaw No. 300.</p>

Commentary on Amendment 4: Addition of Clarifying Clause Pertaining to Modular Construction for Detached Suites

In 2019, staff amended the existing definition of modular housing to include garden suites and carriage suites. The rationale behind the change was to provide flexibility in construction methods for this housing typology. The current definition of modular housing in Zoning Bylaw No. 300 includes one-family dwellings, garden suites, and carriage houses. While the definition is clear in its scope, its application may cause some confusion regarding where modular housing is permitted.

The intent of the existing clause is not to permit modular single-family dwellings in all areas where single-family dwellings are allowed but to restrict modular housing to locations explicitly designated for such use, such as manufactured home parks. However, the inclusion of garden suites and carriage houses within the modular housing definition may lead to potential misinterpretation. Specifically, the definition could be read as permitting modular construction for single-family dwellings in all zones where single-family dwellings are allowed, contrary to the original intent of the bylaw.

To address the ambiguity and ensure consistency in interpretation, staff proposes incorporating an additional clause into the general regulation for suites, to explicitly state that detached accessory dwellings may be constructed using modular methods, as outlined in the existing definition. The proposed amendment will reinforce that modular construction is permitted for accessory detached suites where such housing typology is already a permitted use, while clarifying that modular housing definition does not imply that modular construction is permitted in all zones where one-family dwellings are allowed.

Commentary on Amendment 5: Removal of Limitations on Group Daycare Capacity

On November 12, 2024, the Sustainable Development Advisory Committee facilitated a discussion regarding the limitations within Zoning Bylaw No. 300 on the capacity of group daycares. This conversation was initiated in response to a Temporary Use Permit application seeking to increase the number of children permitted in a group daycare. Following this discussion, the Committee passed a resolution recommending that Council direct staff to prepare an omnibus amendment to Zoning Bylaw No. 300 to remove the restrictions on the number of children allowed in group daycares.

At its Regular meeting on November 18, 2024, Council passed a resolution instructing staff to proceed with the amendment.

Currently, the Sections 3.26.02(4) and 3.26.02(5) of Zoning Bylaw restricts group daycare capacity to 20 children on lots with areas less than or equal to 1,099 m² and 36 children on lots exceeding 1,099 m², respectively. However, considering that provincial regulatory bodies already establish requirements for indoor and outdoor space per child and determine staff-to-child ratios for various age groups, the Zoning Bylaw's additional restrictions can be deemed unnecessary and unduly restrictive.

It is important to note that Zoning Bylaw No. 300 mandates group daycares to provide at least one parking space per non-resident employee and two parking spaces for pick-up and drop-off. Staff recommends retaining this parking requirement to ensure that group daycares are located in areas where parking demand can be adequately met.

With the removal of the two clauses limiting group daycare capacity, any sections that explicitly reference these clauses, as well as those establishing site-specific daycare capacity through text amendment rezonings, are no longer applicable. As a result, the bylaw has been amended to remove these sections in conjunction with the elimination of group daycare capacity limitations.

Commentary on Amendment 6: Removal of Incorrect Parking Requirement for Home Occupation Daycares

In the course of reviewing Part 4 of the bylaw for application purposes, it was identified that the parking requirement for home occupation daycare is listed twice with conflicting rates.

The following rate is identified in Section 4.01.01 of the Zoning Bylaw No. 300 under commercial classification of Table 1:

Home occupation daycare, other than in a one-family dwelling	1 for pick-up and drop-off and 1 per non-resident employee
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The following rate is identified in the under Institutional classification of Table 1:

Home occupation daycare	1 plus 1 per non-resident staff person, in addition to the required parking for any other use on the same lot
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The latter of the two parking requirements is incorrect, as it applies the parking rate uniformly to all housing typologies where home occupation daycare is a permitted use. This contradicts the Community Care and Assisted Living Act (CCALA), which takes precedence over municipal bylaws. The CCALA differentiates between daycares within single-family homes and states that if a municipal bylaw is imposed upon a home occupation daycare solely because the dwelling is not being used exclusively as a single-family home, the bylaw does not apply. As such, as long as the dwelling in question is a single-family home and contains a home occupation daycare facility with 8 children or fewer, municipal bylaws cannot impose additional parking requirements beyond what is required for a single-family dwelling without a daycare.

The CCALA is silent on stipulations pertaining to home occupation daycares in other housing typologies, therefore Zoning Bylaw No. 300 may impose parking requirements for two-family dwellings and townhouses, where home occupation daycares are a permitted use.

Although staff are currently working on a city-wide parking study and rewrite of part 4 of the bylaw, staff recommends prompt removal of the incorrect parking rate at this time in order to conform with the provincial regulations imposed by CCALA.

Commentary on Amendment 7: Removal of Unused CR1 (Commercial Recreation) Zone

As there are currently no properties in Langford zoned CR1 (Commercial Recreation), the bylaw has been amended to remove this zoning designation in its entirety.

The last property to which this designation applied, known as Western Speedway, was rezoned in 2020 through Bylaw No. 1951 to align with the site’s current development direction. Aside from site-specific uses permitted under the CR1 zone, such as “drive-in theatre” and “grandstand”, all other uses are accommodated within existing zoning designation in the bylaw. As such, the removal of the CCR1 zone does not impose any additional restrictions under Zoning Bylaw No. 300, nor does it affect any existing

properties or homeowners.

Commentary on Amendment 8: Inclusion of ‘Home Occupation’ as Permitted Use in Various Mixed-Use Zones

In the course of reviewing various zones in Part 6 of the Bylaw for application purposes, it was identified that several mixed-use zones do not list ‘home occupation’ as a permitted use.

The following zones do not currently include ‘home occupation’ under permitted uses for the residential component: MU1A, MUE1, MUE2, and MUE3.

Although Part 3 of the bylaw, which contains general regulations pertaining to home occupations, explicitly states that home office is permitted in any dwelling unit (covering all residential housing typologies), the absence of this use within some zones while being listed in others creates inconsistency in application. This inconsistency may cause confusion for residents seeking to register a home office in their residence and attempting to navigate the Zoning Bylaw.

For clarity, ‘home office’ refers exclusively to uses that do not require the presence of clients, patrons, or employees of the business on-site. A home office with clients on-site is classified as a ‘home business’ for the purposes of bylaw application.

To address this inconsistency, ‘home occupation, subject to Section 3.09,’ should be included as a permitted use in the aforementioned mixed-use zones in Part 6 of the bylaw.

FINANCIAL IMPLICATIONS:

There are no known financial implications for the proposed amendments.

LEGAL IMPLICATIONS:

There are no known legal implications for the proposed amendments.

OPTIONS:

Option 1

THAT Sustainable Development Advisory Committee recommend that Council consider bringing forward Bylaw No. 2213 for 1st, 2nd, and 3rd readings at a future Council meeting in order to amend Zoning Bylaw No. 300 in accordance with Omnibus No. 67.

OR Option 2

THAT Sustainable Development Advisory Committee recommend that Council take no action with

respect to Bylaw No. 2213 until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

- a. _____;
- b. _____;
- c. _____.

SUBMITTED BY: Anastasiya Mysak, Planner I

Concurrence: Matthew Baldwin, RPP, MCIP, Director of Development Services

Concurrence: Melisa Miles, Manager of Legislative Services

Concurrence: Donna Petrie, Senior Manager of Communications & Economic Development

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

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Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Director of Legislative & Protective Services

Concurrence: Braden Hutchins, Deputy Chief Administrative Officer

Concurrence: Darren Kiedyk, Chief Administrative Officer

Attachments: Bylaw No. 2213