

UNIVERSITY ENDOWMENT LANDS

DRAFT LAND USE AND DEVELOPMENT BYLAW XXX, 2010:

A SUMMARY OF MAJOR CHANGES (DRAFT 1.5)

January 2010

BACKGROUND

Over the past several months, the Manager of the University Endowment Land (UEL) and her staff have been collaborating with Michael Rosen, a planning consultant, on rewriting the *University Endowment Lands Land Use, Building, and Community Administration Bylaw* (existing bylaw).

The existing bylaw was originally enacted in 1989. Over the last 20 years, the UEL staff while working with the existing bylaw has identified a number of inadequacies with it. As well, in 2005 a new Official Community Plan was approved that provided policy direction for the updating of the existing bylaw. Both these factors have been the major driving forces behind the need to produce a new land use regulatory bylaw for the UEL.

A new bylaw, called the *Land Use and Development Bylaw* (new bylaw), has been prepared. Over the next several months, the new bylaw will be reviewed by the Community Advisory Committee, the Advisory Design Panel, and the general public. To assist the various parties in their review of the new bylaw, the following summary of major changes has been prepared.

It is important that this summary of changes not be solely relied upon by the parties when reviewing the new bylaw. While it provides key highlights, the actual bylaw should be reviewed to gain a complete understanding of the proposed new land use regulations for the UEL.

SUMMARY OF MAJOR CHANGES

The new bylaw differs from the existing bylaw both in terms of **format** and **substance** as described as follows:

NOTES AND COMMENTS

1) Format Changes

The major change in the bylaw's format is the elimination of various sections that do not specifically pertain to land use and development, including fees and charges, application procedures, building permit matters, noise control, swimming pool design, and sprinklering regulations. These sections will need to be replaced with the preparation of new bylaws. This approach is consistent with the practices of other local governments.

Where practical, the general regulations that apply to all of the zoning districts have been grouped together under one section - Division 3. For example, the regulations pertaining to accessory buildings are contained in Section 309, the intent being to make the bylaw easier to use.

Another substantive change in the format is the use of charts in the various zones. This avoids the need to repeat wording in each zone and is intended to make the new bylaw more user friendly.

The result of these format changes is a new bylaw that is more to the point, easy to use, and a lot less bulky.

2) Major Substantive Changes

For ease of use, the major changes that have been incorporated within the new bylaw have been identified in accordance with the sequencing of the new bylaw, which has been organized under separate sections called Divisions.

Division 100 – Scope

This section has been reorganized to better outline the scope of the new bylaw. Although the permit appeal process has been removed from the new bylaw, it is still in effect and will be incorporated within a new procedural bylaw.

Division 200 – Definitions

Many of the definitions have either been reworded, removed, reorganized, or new ones created. The definitions are an important part of a bylaw as they are intended to provide clarity to terms that may otherwise be open to interpretation.

Division 300 – General Regulations

This section has gathered a number of regulations that are currently scattered throughout the existing bylaw and has organized them into this one section. Of particular importance are the regulations pertaining to:

- ❑ exceptions to siting requirements (Section 304);
- ❑ exceptions to height requirements (Section 305);

- ☐ home occupations (Section 307);
- ☐ bed and breakfast (Section 308);
- ☐ accessory buildings (Section 309);
- ☐ fences and walls (Section 313); and
- ☐ signs (Section 315).

In reviewing this section, the following items should be recognized:

- ☐ Section 307, the regulations pertaining to **home occupations**, has been rewritten to better regulate such operations while at the time recognizing their contribution to creating sustainable neighbourhoods;
- ☐ Section 308, new regulations for **bed and breakfast operations**, has been inserted within the new bylaw as no regulations exist within the existing bylaw;
- ☐ Section 309(4) establishes the maximum floor area of all **accessory buildings** on a residential lot as 7.5% of the total area of the lot up to a maximum of 140 square meters (1506 square feet). In the existing bylaw, the determination of the maximum size of accessory buildings is somewhat complicated.

Garages and carports that are attached to a house will no longer be considered as **accessory buildings**, but will be treated as part of the **principal building** and

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that pertains to Development Permits (Division 500).

Section 402(7) identifies in this one section **floor space inclusions and exemptions** for the purpose of calculating a building's floor space. In the existing bylaw, these inclusions and exemptions are currently scattered throughout the bylaw.

Another significant change is that the permitted uses listed in each zoning district are now considered **outright** uses, and the **conditional** use approach has been eliminated in order to reduce uncertainty. Within the SF-A, SF-B, and SF-C zones, **home occupations** and **bed and breakfasts** have been included as permitted uses subject to specific regulations. Within the C (Commercial), I (Institutional and Public Use), and CD-1 (Comprehensive Development) zones, the conditional uses were reviewed and the appropriate ones were included as permitted uses while others were eliminated. An application for a use **not** identified as a permitted use will require rezoning which will entail a public process.

In all the zones, regulations pertaining to **lot coverage** is no longer limited to just building coverage as is the case with the existing bylaw. In the new bylaw, there is a maximum amount of **impervious surface** that has been established that differ by zoning district.

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and do not provide an appropriate level of guidance.

The guidelines are intended to encourage the design of new houses and renovations that are compatible with the **single family character** of the neighbourhoods. There are two central principles upon which the guidelines are based on:

- ☐ respect the unique identity of each of the single family neighbourhoods; and
- ☐ demand high quality architectural and landscape design.

The guidelines for each of the three single family neighbourhoods are quite similar but differ in accordance with the direction established in the Official Community Plan. The guidelines for Area C will need to be revisited after there is a determination on the maximum building height.

Division 600 – Parking

There have not been significant changes made to the parking regulations other than:

- ☐ a **maximum** number of off street parking spaces has been established for lots within each of the three neighbourhoods; 5 in Areas A and B and 3 in Area C; and
- ☐ the required number of off street parking spaces for new **multi family housing developments** has been slightly lowered.

The new bylaw does not address **on-street parking regulations** unlike the existing bylaw does. This matter will be covered off in another bylaw.
