

UNIVERSITY ENDOWMENT LANDS

DRAFT LAND USE AND DEVELOPMENT BYLAW XXX, 2010:

A SUMMARY OF MAJOR CHANGES

May 2010

BACKGROUND

Over the past year, 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The existing bylaw was originally enacted in 1989.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. A previous version of the new bylaw was reviewed by the Community Advisory Committee and the Advisory Design Panel. The next step in the review process involves the holding of four focus group meetings in each of the four sub areas with the UEL. A community wide public information meeting will be held in the early fall. 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 for 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.

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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**, have 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 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

subject to the applicable regulations and siting exemptions for principal buildings; and

- ☐ Section 310 (**Accessory Suites**) has been included in the new bylaw, but only for the purpose of generating community discussion on the issue. The Official Community Plan contemplated that this matter would be the subject of further study and the bylaw update process seems like a good opportunity for the community to begin discussing this matter.

Division 400 – Zoning Districts

This section contains the regulations for the various zoning districts in the UEL. One significant change is that each of the three single family neighbourhoods (Areas 1, 2, and 3) has been allocated its own zoning district (**SF-A, SF-B, and SF-C**). Area D will continue to be regulated by the Commercial, Multi Family and Comprehensive Development zones. This approach has been pursued due to the unique characteristics of each of the three neighbourhoods.

The **intent clauses** associated with each zoning district in the existing bylaw have been removed due their ambiguity and subjective nature. Issues of neighbourhood character are certainly important but should be addressed in the Official Community Plan and in the section of the bylaw

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 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.

In the new bylaw **Area C** is zoned SF-C. The **height of new houses** has certainly been an issue in Area C. Instead of taking a definitive stand on this issue within this draft of the new bylaw, UEL staff and the Planning Consultant concluded that two options should be provided for consideration by the residents in Area C; either retaining the two storey maximum as is currently the case in the existing bylaw, or alternatively reducing the maximum height to one storey. The pros and cons of these two options should be weighed in the context of the development permit mechanism that is outlined in Division 500 of the new bylaw.

Regarding **building setbacks**, instead of relying on an interpretation of the bylaw to determine the front, side, and rear yard setbacks, a schedule has been added to the new bylaw that identifies the setback requirements for each lot.

Due to the complicated nature of determining and calculating the **building envelope** on a lot, this concept has been eliminated from the new bylaw and has been replaced with a more straight forward approach that utilizes building setbacks, lot coverage in combination with Development Permit guidelines.

The permitted uses within the C-1 (Commercial) zone have been reorganized into generic type categories.

This section has undergone significant changes. In the new bylaw the procedural elements have been removed and will be addressed in a separate procedural bylaw.

- a) erect a **new principal building** within any zone;
- b) **expand an existing principal building**, except where the expansion is less than 10% of the gross floor area of the existing building and the expansion takes place entirely on the first floor of the building in which case a development permit shall not be required; or
- c) obtain approval for a **variance** to the height, setback, lot coverage, or off street parking requirements of this Bylaw within any zone.

A series of new Development Permit Guidelines has been established for Areas A, B, and C. The guidelines within the existing bylaw are considered inadequate for practical application

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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.

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