

DISTRICT OF SQUAMISH

REPORT TO: Council FOR: COW
PRESENTED: May 25th, 2010 FILE: 2010-13
FROM: Planning Department
SUBJECT: Zoning Bylaw Review – Interim Consultation Report and Council Workshop

Recommendation:

Interim Consultation Report and Council Workshop – Zoning Bylaw Review - Interim Consultation Report - for information and discussion, as per the proposed strategy and timeline.

CAO Recommendation:

THAT the CAO supports the recommendations of the Community Services report.

CAO

1. **Background:**

Subsequent to the issues identification meeting held on April 26th with District staff (and reported on at the May 4th Regular Meeting of Council) the first meeting with external stakeholders was held on May 6th. At the meeting, in addition to staff from Brook + Associates, Halcrow Consulting Inc. and the District of Squamish, were representatives from the following groups/areas:

- Local designers;
- Local Real Estate;
- Sea to Sky Landholders Association;
- Squamish Climate Action Network (SCAN);
- Land surveyors;
- Urban Development Institute;
- Squamish Chamber of Commerce; and
- Squamish Environmental Conservation Society

Additionally, and at Council's recommendation, an invitation was forwarded to the Social Planning Committee requesting their participation. Unfortunately they were not able to send a representative to the May 6th meeting but they do plan to participate in future working sessions.

The May 6th meeting was held in Council Chambers. Feedback was good and the group was genuinely engaged in the discussion and appreciative of the opportunity to participate. The general consensus was similar to the feedback gathered from the staff

working session of April 26th.

In accordance with the consultation contract, the purpose of the Interim Consultation Report is for Council to review the input that has been received to date on the Zoning Bylaw Review project, and discuss the proposed issues for further review resulting from the initial stakeholder input and suggestions.

2. **Next Steps:**

Continue with the consultation strategy and timeline and work to engage targeted community stakeholders at the next meeting scheduled for June 18th. On the technical side, staff leads from the functional areas will be meeting with the technical consultants on May 19th and May 26th.

3. **Staff Comments:**

The Interim Consultation Report as attached details the work done to date with both staff and the stakeholder groups. Further, the report provides next steps for Council's information.

4. **Policy Implication**

The Zoning Bylaw Review project direction remains consistent with the goals of the project as originally discussed and presented to Council. Some shifting in the project timeline has occurred; however, this is not currently a concern of either staff or the consultant as generally a consistent pace is being held.

5. **Recommendation:**

Interim Consultation Report and Council Workshop – Zoning Bylaw Review - Interim Consultation Report - for information and discussion, as per the proposed strategy and timeline.

Chris Bishop,
PLANNER

Appendix A: Interim Consultation Report – Brook + Associates Inc.



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District of Squamish

INTERIM CONSULTATION REPORT

Zoning Bylaw Review

Prepared by: Brook + Associates Inc.
For: District of Squamish

May 18, 2010



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A. EXECUTIVE SUMMARY

Brook + Associates Inc. (Brook) has been engaged by the District of Squamish to develop and implement the Consultation Strategy for the Zoning Bylaw review project (one of the District's highest priorities in 2010). The Consultation Strategy ensures that feedback from staff, Council, key user groups and the public is integrated into the technical review of the Bylaw

The following report provides an interim update on consultation activities that have included a Staff Issue Identification Workshop held April 26th and the first of three meetings of the Bylaw Working Group held May 6th. Information about each consultation session, including event details, methodology, and summary of feedback is found in **Section C**. **Section D** lists the proposed issues identified throughout the consultation process that will inform the technical consultants' review of the bylaw (a summary table is provided below). Relevant support materials are found in the **Appendix**.

Summary of Proposed Issues for Further Review

General Issues	<ul style="list-style-type: none"> - ensure consistency throughout the bylaw - ensure that items are addressed in one area of bylaw only or if sections are related that they be cross-referenced - ensure consistency between regulations of different departments and/or requirements of provincial/federal government - ensure consistency with OCP and Subdivision and Development Control Bylaw - integrate accessibility considerations where possible - integrate sustainability considerations where possible
Interpretation	<ul style="list-style-type: none"> - provide clear, concise definitions - remove unnecessary definitions - specifically address/review: height, grade, storeys, fences, setbacks, yards, off leash areas, parkades, home occupation, manufactured homes, industrial, density, Floor Area Ratio, Gross Floor Area
Administration & Enforcement	<ul style="list-style-type: none"> - explore other methods of enforcing the zoning bylaw (e.g., ticketing) and re-evaluate fine structure - review whether zoning bylaw can provide more explicit direction for Development Permit applications - develop a template/protocol for Right of Way agreements - identify methods to communicate consistent interpretation of bylaw
General Regulations	<ul style="list-style-type: none"> - address/review: projections, flood construction level (FCL), watercourse setbacks, urban agriculture / keeping of animals, environmental, interface areas, hillside standards
Zones	<ul style="list-style-type: none"> - zones should be more specific, as currently permit more uses the more intensive they become (e.g., multifamily allows all types of residential, heavy industrial permits all types of industrial) - consider including a clear statement of intent for each zone - specifically review: all residential zones (heights), RS1, RS2, Rural Zones, Industrial Zones, Rock Processing - consider new zones: small lot residential, downtown, business park, airport, utilities, waterfront
Parking & Loading	<ul style="list-style-type: none"> - review downtown, and other onsite & visitor parking requirements - consider setbacks for parking space - consider defining % permeable areas for parking surfaces

B. PURPOSE

The purpose of the report is for Committee of the Whole to review the input that has been received to date on the Zoning Bylaw Review project, and discuss the proposed issues for further review resulting from the initial stakeholder



input and suggestions.

C. CONSULTATION STRATEGIES

I) Staff Issue Identification Workshop

Date: April 26, 2010

Time: 9:00 AM – 12:00 PM

Location: Garibaldi Room - Brew Pub

Attendees: Staff Representatives from Engineering and Parks, Corporate, Community, and Protective and Support Services

Purpose: To identify strengths and weaknesses of the zoning bylaw.

Methodology: District of Squamish staff from various service departments were invited to participate in a workshop to discuss the District's Zoning Bylaw. Participants were asked to identify strengths and weaknesses with the current Zoning Bylaw. The agenda was structured according to functional areas within the District (i.e. Community, Planning, Building, Environment), Engineering (Transportation, Public Works), Corporate (Bylaw Enforcement, Real Estate), Protective services (Fire and Emergency). Each service department was allocated approximately 15 minutes to identify strengths and weaknesses, after which all participants were asked to provide additional comment in a facilitated discussion.

Summary of Feedback: The workshop provided a good opportunity for departments that do not typically work together to listen and discuss issues that each functional area encounters when using the zoning bylaw. Overall, the feedback typically centred on the need for the bylaw to be clear and concise in order to limit the ambiguity and subjective interpretation that currently exists. Specific definitions, general regulations and zones that require revision were identified. Additional issues, including servicing capacities/capital works and GIS mapping capabilities were discussed, but identified as being outside of the scope of the Zoning Bylaw review.

Detailed notes from the Staff Issue Identification Workshop have been circulated to staff and are available on request.

II) Bylaw Working Group

Date: May 6, 2010

Location: District of Squamish - Council Chambers

Attendees: Representatives / Individuals from

- Urban Development Institute
- Association of BC Surveyors
- Sea to Sky Landholders Association
- Chamber of Commerce
- Squamish Climate Action Network
- Squamish Environmental Society
- Local Designers (2)
- Local Realtor
- District of Squamish Staff (Community Services)

Purpose: To review staff identified issues and provide additional feedback about how to revise the bylaw.



Methodology: In consultation with the District of Squamish, Brook identified twenty-one key user groups/individuals of the Zoning Bylaw to be invited to participate in a Zoning Bylaw Working Group; a twenty second group (Social Planning Council) was identified by Council when asked to consider the Consultation Strategy. A 'Request to Participate' letter was mailed on the District's letterhead asking groups to identify a representative and alternate that would participate in the Zoning Bylaw review process (see Appendix for Sample Copy). Sixteen representatives have agreed to participate and eleven participated in the first meeting held May 6 in District Council Chambers.

Group / Organization	Participants Identified
Urban Development Institute	1 representative
Professional Associations (Survey)	1 representative, 1 alternate
Professional Associations (Engineers)	
Professional Associations (Architects)	
Downtown Squamish Business Improvement Association	
Sea to Sky Landholders Association	1 representative, 1 alternate
Chamber of Commerce	1 representative, 1 alternate
Squamish Climate Action Network (SCAN)	1 representative, 1 alternate
Squamish Environmental & Conservation Services	1 representative
(SECS)	2 representatives
Local Designers	1 representative, 1 alternate
Accessibility Representative	1 representative
Local Realtor	1 representative, 1 alternate
Social Planning Council	2 representatives from Engineering and Parks
District of Squamish Staff Working Group	2 representatives from Corporate
	1 representative from Protective and Support
	3 representatives from Community Services

An agenda was circulated prior to the meeting along with a link to the District's web page that houses the Zoning Bylaw. Participants were asked to familiarize themselves with the Zoning Bylaw in advance of the Working Group meeting. Due to the late request (as identified by Council) for the Social Planning Council's participation, no one from that organization was able to attend the first meeting. This group will provide additional feedback to the consultant team after discussing the project with the volunteer board at their next meeting May 20th. The Social Planning Council plans to attend future Working Group Meetings.

Brook circulated a package to the members at the meeting that included the agenda, list of participants, and handouts (see Appendix for the hand outs). The handouts included an overview of the Local Government Act legislation relating to zoning bylaws and issues identified by District Staff at their April 26th Issue Identification Workshop. Issues were organized according to the structure of the existing bylaw. Brook reviewed the issues identified by staff and then facilitated the discussion with the group. The Working Group members were also asked to identify any other sections and/or opportunities within the Bylaw that should be reviewed. At the close of the meeting, participants were asked to provide additional feedback to Brook via e-mail within one week.

Summary of Feedback: In general, the Working Group was in agreement with the issues identified by the Staff Issue Identification Workshop and provided additional context as it relates to a user applying the bylaw. One item of disagreement arose around watercourse setbacks and whether it should be included directly in the bylaw or simply refer to the provincial regulations. Coach houses and laneway housing were discussed briefly and identified as outside of the scope of the bylaw review, but an opportunity for a future study of affordable housing options. Several additional inconsistencies and areas requiring more clarity were identified as well as recommendations for new zones.

Draft notes from the first meeting have been circulated to Staff and the Working Group, and are available on request. On review of the meeting notes, additional comments provided by select members reinforced themes or issues already discussed at the meeting. One member circulated several attachments with detailed comments and reference to examples in other communities or practices; these will be circulated to the Working Group for discussion at the next meeting.

D. PROPOSED ISSUES FOR FURTHER REVIEW

Through the two consultation events completed to date, several issues have been identified. The following table outlines the proposed preliminary issues for further review. The following table provides guidance to the technical consultants to inform their review of the bylaw.

ISSUE	FEEDBACK
General	<ul style="list-style-type: none"> - ensure consistency throughout the bylaw (e.g., maximum driveway widths differ b/w zoning and subdivision bylaw) - ensure that items are addressed in one area of bylaw only or if sections are related that they be cross-reference - ensure consistency between regulations of different departments and/or requirements of provincial/federal government (e.g., engineering, DFO drainage requirements) - ensure consistency with OCP and Subdivision Bylaw - integrate accessibility considerations - integrate sustainability considerations
Interpretation	<ul style="list-style-type: none"> - provide clear, concise definitions - remove unnecessary definitions
Height	<ul style="list-style-type: none"> - consistency with BC Building code - review relationship to grade; how is grade defined, sea level? Refer to West Vancouver's definition of grade - align with fill regulations of subdivision bylaw - review 35 foot roof limit - tall structures result from interpretation of FCL, grade and fill - review how to regulate height in light of various lot sizes
Grade	<ul style="list-style-type: none"> - resolve issues with varying grade conditions (e.g., altered landscapes, hillside conditions) - ensure consistency in measurement by identifying appropriate definition of grade to be applied (e.g., finished, natural, existing) - review site fill and removal of landscape provisions in relationship to grade - review relationship to FCL and habitable space
Storeys	<ul style="list-style-type: none"> - provide clear definition especially in relation to 80% rule for second storeys - review intent of 80% rule – attempt to regulate good design but not working
Fences	<ul style="list-style-type: none"> - provide clear definition of fence, retaining wall
Setbacks, Yards	<ul style="list-style-type: none"> - review setback requirement in specific areas/neighbourhoods to ensure consistent look - provide clear definition or illustration - review allowed setbacks in downtown area – currently limits redevelopment
Off leash Areas	<ul style="list-style-type: none"> - consider including a definition for this use
Parkade	<ul style="list-style-type: none"> - provide clear definition to address fire and safety issues (gates) - consider including timber structures
Home Occupation	<ul style="list-style-type: none"> - review whether to limit home occupation activities in the rural zones - review whether to prohibit certain/ specific uses or activities as they relate to Home Occupation to address fire/safety issues
Manufactured	<ul style="list-style-type: none"> - integrate up-to-date definitions to address creative/new applications of



Homes	manufactured/mobile homes
Industrial	<ul style="list-style-type: none"> - revise light industrial definition to address new economy - provide additional definitions of industrial to permit industrial uses between heavy and light industry - address the neighbourhood interface issues - include a definition for marine oriented light industry
Density, Gross Floor Area, Floor Area Ratio	<ul style="list-style-type: none"> - review allowed Gross Floor Area, Floor Area Ratio - some felt this value was too large (i.e., 35% in most residential areas) or was limiting the ability to encourage development (i.e., downtown area – 2nd Ave) - clearly define where FAR measurement is to be taken from (e.g. rain screening, interior insulation, etc.) - define density so as to balance land use intensity and massing, especially in the multi-family zones - review use of FAR as a measurement proposed use of volume analysis
Administration & Enforcement	<ul style="list-style-type: none"> - explore other methods of enforcing the zoning bylaw, (e.g., ticketing). - introduce / re-evaluate fine structure - review whether zoning bylaw can provide more explicit direction for Development Permit applications - develop a template/protocol for Right of Way agreements - identify methods to communicate consistent interpretation of bylaw (e.g., administrative bulletins) - review whether zoning bylaw can provide variance guidelines for a specific subdivision areas
General Regulations	
Projections into the required setbacks	<ul style="list-style-type: none"> - address ambiguity - review allowable projections of roof overhang (i.e., 2ft is limiting) as it relates to fire and leaky condo issues - review Section A to be more specific of what is allowed. - review Section B for what to be included. - review front entry stairs in setbacks as thought these should have different setback requirements (e.g., first three risers sometimes encroach on setback because under two feet) - review suggestion for two setback provisions – one for living space and the other for landscape features (i.e., stairs)
Flood Construction Level	<ul style="list-style-type: none"> - review District’s repealed (2004) Flood Construction Level (FCL) regulations and consider re-introducing section 4.20 - review requirement of applicant’s provision of a geotechnical/FCL study. - clearly identify what permitted below FCL (i.e., mechanical equipment and non-living spaces - review how to address small additions when structure already below flood level as the language is very ambiguous as to what is exempt and allowable. - review FCL in downtown as too restrictive and impacting commercial viability/ redevelopment (e.g., parking requirements as it relates to lot size, permitting commercial uses on first floor)
Watercourse setbacks	<ul style="list-style-type: none"> - watercourse section in zoning bylaw was repealed due to provincial regulations being adopted- staff suggested that regulations do not apply to single family and additional guidance should be provided

	<ul style="list-style-type: none"> - review and clarify requirements as it relates to zoning bylaw, larger lot subdivisions and watercourse setbacks. - Working Group suggested to keep watercourse/environmental setback out of zoning bylaw to avoid further ambiguity, instead have an environmental setback bylaw apart from the zoning bylaw or make simple reference to provincial RAR. - clarify how DP area 11- riparian areas (approved by DFO) addresses above
Urban Agriculture & keeping of animals	<ul style="list-style-type: none"> - identify how to permit flexibility in the bylaw to allow users to explore agricultural uses while considering possible conflict with wildlife - review whether a defined percentage of site used for food production or linking to parcel size is viable
Environmental	<ul style="list-style-type: none"> - provide direction on tree, soil retention - address how to limit impervious surfaces - review whether there is an opportunity to preserve wildlife corridors and how
Interface Areas	<ul style="list-style-type: none"> - consider the application of interface area specifically as it relates to conflicting/adjacent uses and/or natural features, appropriate separation distance
Hillside Standards	<ul style="list-style-type: none"> - research hillside standards and applicability to Squamish, integration into bylaw - precedent example identified: Kelowna's audit of hillside standards
Zones	<ul style="list-style-type: none"> - zones should be more specific, as currently permit more uses the more intensive they become (e.g., multifamily allows all types of residential, heavy industrial permits all types of industrial) - consider including a clear statement of intent for each zone
Residential	<ul style="list-style-type: none"> - review heights in various residential zones and impact on neighbours (e.g., three and four storey single family houses, coach houses/accessory structures) - define what constitutes a high rise to clarify fire protection requirements - review massing regulations for building second and upper storeys (i.e., the 80% rule) - what is being addressed with this provision? define features to be included.
RS1 / RS2	<ul style="list-style-type: none"> - review how to address site specific conditions as do not want every second application to go through Board of Variance - consider breaking up RS zones (i.e. RS1-A, RS1-B) to address a variety of site conditions including: new subdivisions, infill, flood plain, non flood plain, hillside, downtown, large vs. small lot - consider developing additional guidelines that are clear and can be applied consistently
Rural Zones	<ul style="list-style-type: none"> - review height provisions for accessory buildings in the rural zones as contradicts the provisions set out in the general regulations. - review restriction on number of structures in rural zones (i.e. an acreage only allows one home + accessory) and consider two principal dwellings on larger properties (e.g. panhandle lots, lots that are 300 -400 ft deep)
Comprehensive Development Zones	<ul style="list-style-type: none"> - create a small lot zone as opposed to using a CD zone - limit additional review of CD zones
Industrial Zones	<ul style="list-style-type: none"> - review whether residential uses should be permitted in bylaw, issues with bylaw enforcement, fire code infractions, rentals and residential tenancy act - review industrial zones and definitions to provide a more nuanced understanding of what industrial means in the new economy - integrate most flexibility to encourage investment - review heavy industrial land uses and opportunity to allow commercial use - consider industrial and/or commercial zoning as employment land (e.g., 'light' employment lands and 'heavy' employment lands)



	<ul style="list-style-type: none">- update Section 35 (13)– incineration and how to permit alternative energy plants
Rock Processing	<ul style="list-style-type: none">- review how to integrate wood waste recycling in this zone (considered a similar activity)
Opportunities for new zones	<ul style="list-style-type: none">- small lot residential zone- downtown and business park zones- airport zone to support airport related leases/uses, permitting aviation uses and limited ancillary- utilities / infrastructure (i.e. pump house) zones- waterfront zone to consider more than industrial uses, such as floating homes, marine based uses
Parking & Loading	<ul style="list-style-type: none">- review downtown parking requirements to encourage commercial redevelopment as lot sizes are too small to (25 x 100 ft lot) to meet requirement- review visitor parking requirements provided onsite as opposed to on street as in some instances (areas with smaller ROW) fire/emergency access issues- review parking standards as lower standards do not deter the ownership of multiple vehicles, only limit the opportunity to retain vehicles on-site- consider setbacks for parking spaces in line with requiring on-site capacity for accommodating parking- review parking standards relative to municipalities of similar context- consider defining % permeable areas for parking surfaces

E. NEXT STEPS

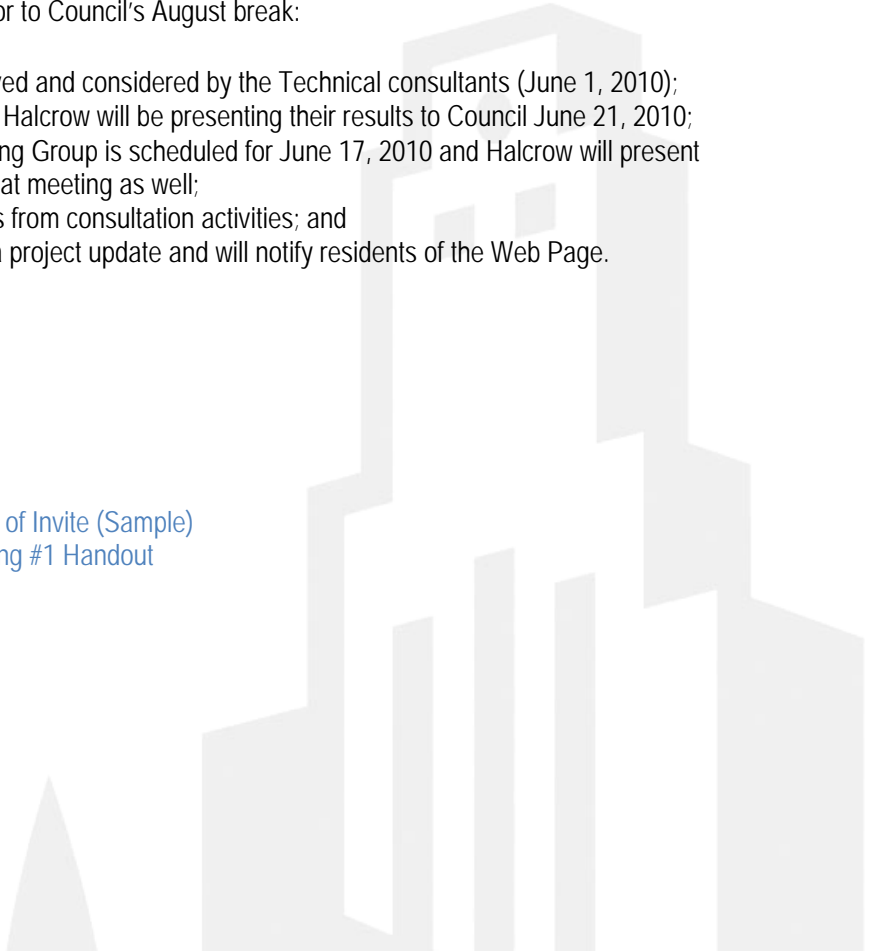
The following consultation activities will occur prior to Council's August break:

- Social Planning Council feedback received and considered by the Technical consultants (June 1, 2010);
- Staff Technical Sessions are underway. Halcrow will be presenting their results to Council June 21, 2010;
- The second meeting of the Bylaw Working Group is scheduled for June 17, 2010 and Halcrow will present the results of the technical analysis at that meeting as well;
- Web page will be updated with materials from consultation activities; and
- Ideally the Mayor's Bulletin will include a project update and will notify residents of the Web Page.

F. APPENDIX:

Consultation Materials:

- a) Bylaw Working Group Letter of Invite (Sample)
- b) Bylaw Working Group Meeting #1 Handout



Insert: *Date*

Insert: *User Group*

Dear: *Bylaw User Group Contact*

**RE: DISTRICT OF SQUAMISH ZONING BYLAW UPDATE
INVITATION TO PARTICIPATE IN THE "BYLAW WORKING GROUP"**

The District of Squamish has initiated a process to update the current Zoning Bylaw. The Zoning Bylaw update is one of the District's highest priorities in 2010 and is anticipated to take place over approximately 10 months. The update will ensure the Zoning Bylaw is easily interpreted by users, better understood by Council and the Development Community, and more effectively implemented by the District. Two consultants, **Halcrow** and **Brook + Associates** (Brook) have been engaged to undertake the study under the direction of District Staff and Council.

On behalf of the District of Squamish, I would like to invite you to join a Bylaw Working Group. The purpose of the Bylaw Working Group will be to bring together key users of the Zoning Bylaw to:

- address current deficiencies in the Zoning Bylaw;
- provide feedback on key findings of the technical review; and
- review technical updates.

This invitation has been extended to the following groups:

- Urban Development Institute
- Architectural, Engineering and Survey Professional Associations
- Downtown Squamish Business Improvement Association
- Squamish Landholders Association
- Chamber of Commerce
- Environmental Organizations (SCAN, SECS)
- Local Development Industry Representatives (Designers)
- Accessibility Representative
- Local Realtor
- District of Squamish Staff Working Group

Each group is being asked to designate one representative and one alternate representative who will commit to the Working Group over the course of the study. Only these designated representatives will attend meetings, in order to maintain a level of consistency among group members. Over the course of the study, the Working Group is expected to meet on three separate occasions in the afternoon for approximately three hours. Each meeting will be facilitated by Brook + Associates and will include presentation of findings from the technical review by Halcrow.

The expected meeting dates and proposed outline for each meeting are as follows:

Meeting #1 - May 6, 2010: At the first meeting Brook will introduce the project and consultant team. An overview presentation of the study's objectives and timeline with a brief orientation to the zoning bylaw will

be presented by the District. Brook will present an overview of the findings from the District Staff Working Group (scheduled to meet April 26th) and Halcrow will present findings from their preliminary technical review. Participants will have an opportunity to review the findings of Staff and Halcrow and will then engage in a facilitated discussion to identify additional issues with the bylaw.

Meeting #2 - June 17, 2010: At the second meeting, Halcrow will present findings from its Technical Summary Report. Halcrow may also present specific technical details to the group to test interpretation or precedent bylaws on which to base the updated bylaw. Brook will lead a discussion about the report and draft of the revised bylaw.

Meeting #3 - Target Date September 16, 2010: This meeting will focus on review the final draft bylaw. Working Group members will be expected to review the draft document in advance. Brook will lead a discussion on the draft bylaw and next steps in the Zoning Bylaw update. This meeting will conclude the Working Group's role in the study process.

Please **nominate one representative and one alternate** to participate in the Bylaw Working Group on behalf of your organization. Please reply **by May 3, 2010** to **Blaire Chisholm of Brook + Associates**, if you are interested in joining the Working Group or have any questions or concerns about the Working Group or the Zoning Bylaw update process:

Blaire Chisholm, Brook + Associates
telephone: 604.731.9053 ext. 104
fax: 604-731-9075
e-mail: bchisholm@brookdev.com

The first meeting will be held on **Thursday May 6th** from **2:00 – 5:00pm** in the **District of Squamish Council Chambers**.

I would like to express our community's appreciation for considering this request. The feedback from your organization is significant and your time participating on the Working Group will help ensure that the updated zoning bylaw is easily and unilaterally interpreted by future users.

Sincerely,

Mayor Greg Gardner
District of Squamish

CC: Blaire Chisholm, Brook + Associates
CC: Chris Bishop, District of Squamish

Division 7 - Zoning and Other Development Regulations

Zoning bylaws

Section 903

(1) A local government may, by bylaw, do one or more of the following:

(a) divide the whole or part of the municipality or regional district into zones, name each zone and establish the boundaries of the zones;

(b) limit the vertical extent of a zone and provide other zones above or below it;

(c) regulate within a zone

(i) the use of land, buildings and other structures,

(ii) the density of the use of land, buildings and other structures,

(iii) the siting, size and dimensions of

(A) buildings and other structures, and

(B) uses that are permitted on the land, and

(iv) the location of uses on the land and within buildings and other structures;

(d) regulate the shape, dimensions and area, including the establishment of minimum and maximum sizes, of all parcels of land that may be created by subdivision, in which case

(i) the regulations may be different for different areas, and

(ii) the boundaries of those areas need not be the same as the boundaries of zones created under paragraph (a).

(2) The authority under subsection (1) may be exercised by incorporating in the bylaw maps, plans, tables or other graphic material.

(3) The regulations under subsection (1) may be different for one or more of the following, as specified in the bylaw:

(a) different zones;

(b) different uses within a zone;

(c) different locations within a zone;

(d) different standards of works and services provided;

(e) different siting circumstances;

(f) different protected heritage properties.

(4) The power to regulate under subsection (1) includes the power to prohibit any use or uses in a zone.

INTERPRETATION (Section 1)

“hone in on concise definitions to avoid ambiguity and subjectivity” | “definitions need to be clearer and more concise”

DEFINITION

Height: with reference to a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, to the mean level between the eaves and the ridge of a gable, hip gambrel, or other sloping roof, and or the highest point of a structure other than a building

Grade, Natural Grade: the average level of finished ground adjoining the exterior walls of a building except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of the average level or finished ground; means the level of the ground at a particular point on a site prior to any disturbance.

Fence: a type of screening that is used to form a boundary or enclose an area, and includes but is not limited to arbours, archways, boundary fences, gates, pergolas, screens, trellises, or walls and chain link fences where such fences are permitted by this bylaw.

Parking Area, Underground Parking: means a covered or uncovered area of a lot used for parking vehicles of persons occupying or visiting a lot; means an off-street parking use located below the finished ground elevation of the lot.

Storey: the space between a floor level and the ceiling above it, excluding a basement.

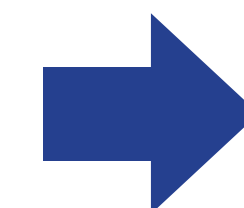
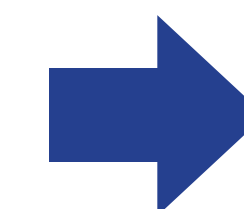
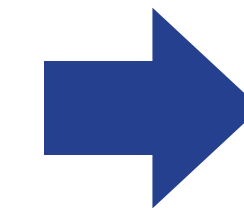
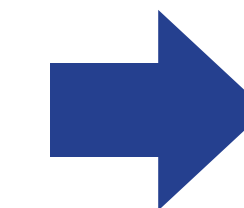
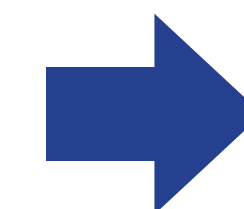
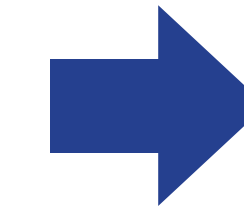
Yard, front: portion of a lot between the front lot line and a line extending along the front face of a principal building to the side lot lines.

Yard, rear: portion of a lot between the rear lot line and a line extending along the rear face of a principal building to the side lot line

Yard, side: means the portion of a lot extending from the front yard to the rear yard, between the side lot line and a line extending along the side face of a principal building.

ISSUES

- Different height limits in different zones leads to ambiguous interpretation
- BC Building Code conflicts with Zoning Bylaw
- What constitutes a high rise and thus the related fire protection requirements.
- Varying site conditions lead to confusion - what constitutes prior to disturbance?
- Grade definition needs alignment with fill regulations in subdivision bylaw.
- What is the difference between ‘retaining walls’ and fences.
- What constitutes a parkade?
- Regulates fire protocol - gated or ungated.
- Massing regulations for a building’s 2nd/upper stories is uncertain (i.e. 80% rule on second storey). Are these standards based on an average or an absolute value?.
- Current mandates have limited access in regulating good design principles.
- Issue with control of siting / setbacks, the projection of stairs and its relation to the ‘yard’ definition.
- Need to rework yard definitions.
- Amendments completed in 2006 were considered temporary and are now being used.



INTERPRETATION (Section 1 cont'd)

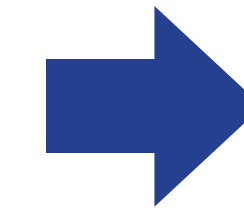
DEFINITION

Density: figure obtained by dividing the total number of dwelling units by the size of the parcel upon which the units are located, and for the purpose of single-family or duplex lots, means the total gross floor area divided by the total lot area.

Gross Floor Area: total area of space on all storeys of a building measured to the outside surface of the exterior walls, and for the purpose of multi-family residential buildings excludes balconies, common stairwells, elevator shafts, common corridors, crawlspaces, concealed parking areas, and common recreation or service facilities, and for the purpose of commercial buildings excludes areas used for storage and warehouse.

Floor Area Ratio: the figure obtained when the gross floor area of all buildings is divided by the area of the parcel.

ISSUES



- Need to define density to balance land use intensity and massing, especially in multi-family zones.
- Density and metrics for measuring - need appropriate GFA, FSR in individual Zones

OPPORTUNITIES FOR NEW DEFINITIONS

- Urban Agriculture
- Off leash dog park
- Accessibility measures?
- Sustainability measures?

DEFINITIONS REQUIRING CLARIFICATION

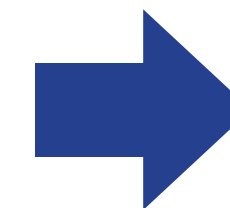
GENERAL REGULATIONS (Section 4)

Apply to all zones and include items related, but not limited to: uses permitted in all zones; accessory buildings; storage; fencing; screening and landscaping; projections, etc.

Regulation

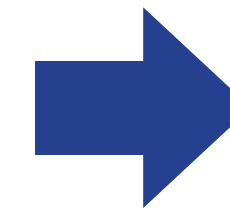
4.11 Projections into Required Setback

The following features of the building are exempt from the siting requirements of this bylaw.....



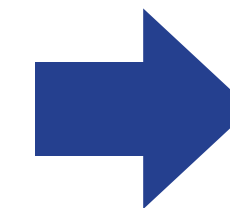
4.27 Flood Construction Level (FCL)

Spaces other than parking areas and entry foyers, located below the established FCL in any residential building shall be limited to a maximum ceiling height of 1.5 meters (4.9 feet).



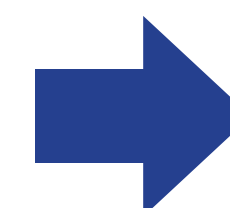
4.20 Watercourse Setbacks

Repealed by Bylaw 1797 in 2004



4.13 Keeping of Animals

No animals, other than household pets and guard dogs may be kept in any zone, unless specifically permitted in that zone.



Issue

- How to relate to “yard” definition?
- Issue with control of siting / setbacks, the projection of stairs and relation to the ‘yard’ definition.

- Uncertainty as to whether mechanical equipment and non-living spaces are permitted below the FCL (e.g. washer/dryer).
- Homeowners/designers/etc - taking away from allowable FAR.
- Electrical under water poses fire safety issue.
- Noted that the regulations pertaining to FCL were repealed in 2004 and have since been contingent upon the applicants provision of a geotechnical study.

- Preservation of wildlife corridors and riparian areas

- Residents may be interested in keeping small barnyard animals for personal use (e.g. chickens) - urban agriculture.

Other Issues

- Limiting the extent of impervious surfaces.
- Site fill and removal of landscape - need more direction in Zoning Bylaw.
- How to integrate exemptions to allow for utilities/infrastructure (e.g., pumphouse)?
- Interface areas were noted - raising suggestions about increased separation between differing zones, natural features, others?
- Sustainability - “green” provisions to be provided wherever possible in the Zoning Bylaw as it should regulate and offer opportunities for sustainable choices.

ZONES (Sections 6 - 39)

Residential

Urban Agriculture - whether this should be permitted in more than just Rural Residential; and if so how to address in Zoning Bylaw.

- Linking agricultural activity to parcel size. The intent being that rural parcels might be appropriate for low scale agricultural activity such as keeping hens or bees.
- Permit a percentage of area for food production.

Home Occupation - Home Occupation activities were identified as an issue, especially in the rural zones.

- Should certain uses or activities be prohibited in relation to Home Occupation?

Definition: any occupation carried on for financial gain or otherwise, in or from a dwelling unit or accessory building, which use is separate and subordinate to the use of the dwelling unit for residential purpose, shall not alter the residential character of the area, and shall be subject to the provisions of section 4.18 of the Bylaw, and includes a home occupation office and a residential child care facility.

Height - provisions for accessory buildings in the rural zone contradict the provisions as set out in the general regulations:

Section 21.5 Height of Principal and Accessory Buildings

No building shall exceed a height of 10.68 meters (35 feet), or three storeys, or whichever is less.

Section 4.4d (f) General Regulations

No accessory building shall exceed a height of 4.58 meters (15 feet) unless it contains a permitted secondary suite, in which case the maximum height is 6.7 meters (22 feet).

- Additional concerns with heights of single attached dwellings that are three and four stories high.

Comprehensive Development

Small lot zones were discussed in the context of CD Zones, with specific mention of Willow Crescent area. Is there an opportunity for a new small lot zone instead of using CD?

CD zones and appropriate application.

Industrial

Residential uses in industrial zones were noted as problematic - conflict of users, bylaw enforcement and fire code infractions.

Opportunity for New Zones

Airport zoning would help support the existing airport related issues and leases/uses. The zone would be limited to aviation uses, although there was some discussion about providing for ancillary uses.

The airport is currently zoned as a resource zone.

Downtown and Business Park Zones may need new zones, density, and parking regulations. The downtown plan will inform many of the new regulatory directions for the downtown area.

Waterfront Zones

Many of the current waterfront sites are zoned industrial; should the District consider new uses (e.g. floating homes, marine based uses etc.).

Utility Zone?

General Issues with Zones

Multifamily and **Industrial** zones were identified.

- The more intensive a zone, the more that is permitted. In terms of multifamily, all residential uses are permitted.
- Specific forms of development should be linked to such zones.

Prohibit Uses how can the zoning bylaw prohibit uses explicitly? If a use or activity is not permitted, it is not allowed under any circumstance.

Statement of Intent - explicitly define the what and why for a zone.

Section 40 & 41

ISSUES

Parking Standards & ROWs

- In some instances, low parking standards do not deter ownership of multiple vehicles, only limit ability to retain vehicles on site.
- When combined with alternate street width standards, results in on-street parking.
- On site guest parking is often a problem as guests tend to park their vehicles on the street, potentially challenging emergency access.
- Densification - smaller roads - more cars...
- How to limit parking on streets in winter (i.e., to allow snow removal)?
- Limits District ability to access the street with service or emergency vehicles.
- Existing parking standards should be confirmed / compared relative to similar municipalities. Are parking ratios appropriate?

Parking Definitions

- Surface - permeability requirement; interpretation of hard surfaced lots?
- Parkades, etc.

Hillside Development Standards

Alternative Development Standards

- Slope and access issues.
- Design phase vs. implementation (i.e., construction and 'fitting services').
- Projects requesting variances on road widths and grades citing non-comparable examples.
- Reference to Kelowna's audit of hillside standards as an example.

Setbacks

- Setbacks for parking do not exist as parking contained on site.
- Sometimes vehicles straddle property lines.

Driveway Widths

- There is a difference in maximum driveway widths between the Zoning Bylaw and the Subdivision Bylaw (11m vs. 9m).
- Zoning Section 40.9c (i) the access to all off-street parking spaces from a highway shall not be less than 6 meters (19.7 feet and not more than 11 meters (36 feet) wide).

ADDITIONAL ISSUES

Section 3 Administration and Enforcement

- Explore other methods of enforcing the Zoning Bylaw, (e.g., ticketing). Current practice is a summary conviction through the courts for Bylaw infractions.
- Opportunity to introduce/ re-evaluate fines.
- Provide more explicit direction for Development Permit Applications in the Zoning Bylaw.
- Develop a template/protocol for Right of Way agreements.
- Administrative bulletins - other methods of ensuring consistent interpretation.

Alignment with other initiatives

- GIS mapping system.
- Subdivision Bylaw Review - District staff have direction to undertake this.
- Policy alignment with Zoning Bylaw: Official Community Plan, Business Park Sub- Area, Downtown Plan
- Servicing Capacities and Capital Works - use and land use intensity should coincide with water supply/services (e.g. District pressure test tables).
- Sustainability - “green” provisions to be incorporated wherever they can be accommodated appropriately in the bylaw. Incentives to encourage sustainability?
- Accessibility - greater effort to incorporate accessibility measures.

Other....

- Landfill does not have an adequate buffer.
- Development variances through Council - interpretation.
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