



## **Council Report**

### **For the Meeting of January 14, 2016**

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**To:** Council **Date:** December 31, 2015  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** **Zoning Regulation Bylaw Improvement Project – Phase 2**  
Alteration to Topography in Low-Density Residential Zones  
Advance to Public Hearing

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### **RECOMMENDATION**

That Council give first and second reading of the Zoning Regulation Bylaw Amendment (Bylaw No. 15-076), and set a Public Hearing date.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with updated information regarding the Zoning Regulation Bylaw Improvement Project – Phase 2 and the establishment of regulations for the alteration of topography in low-density residential zones. The Planning and Land Use Committee (PLUC) report dated, June 11, 2015, together with the meeting minutes, are attached. The motion from the June 25, 2015, PLUC meeting was:

“That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set in order to:

1. Add definitions of “finished grade” and “natural grade”.
2. Amend the definitions of “site coverage” and “setbacks” and the applicable low density residential zones to include a requirement that raised-building features greater than 0.6m in height are subject to site coverage and setback regulations.”

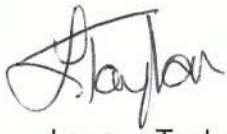
In the PLUC report, the term “Raised-Building Feature” was recommended as the appropriate term to describe items such as decks or patios attached or detached from a principal dwelling. However, since the types of structures being regulated may include those which are not commonly thought of as “buildings”, staff recommend for Council’s consideration that the term “Outdoor Feature” be used instead, in order to provide clarity when referring to these types of elements. The term “Outdoor Feature” would be defined as any structure constructed or placed on a lot, whether attached or detached from a building, including but not limited to swimming pools, patios, decks and stairs and will help avoid confusion that may result from using the term “building.”

In addition to applying site coverage and setback regulations to “Outdoor Features,” staff recommend for Council’s consideration that a maximum height of an outdoor feature is also

established. Including a height regulation in the *Zoning Regulation Bylaw* will provide additional clarity in regulating outdoor features. Prior to establishing regulations for outdoor features, these types of structures were regulated as accessory buildings and the maximum height of an accessory building is 3.5m. Applying the same height regulation to outdoor features would be consistent with past interpretations; and therefore not result in a significant change to the Bylaw or the need to undertake further consultation.

The recommendation provided for Council's consideration contains the appropriate language to advance the proposed Zoning Regulation Bylaw Amendment to a Public Hearing. In accordance with the *Local Government Act*, a Public Hearing Notice mailout is not required as the proposed changes affect the *Zoning Regulation Bylaw* for the entire city, and for that reason, staff recommend for Council's consideration that the Public Hearing date be set for January 28, 2016. A Public Hearing advertisement will still be posted in the newspaper as well as on the City's website to notify the public of the upcoming Public Hearing.

Respectfully submitted,



Leanne Taylor  
Senior Planner, Development  
Services Division



Jonathan Tinney, Director  
Sustainable Planning and  
Community Development

Report accepted and recommended by the City Manager:



Date: December 30, 2015

#### List of Attachments

- Planning and Land Use Committee Report dated June 11, 2015
- Minutes from the Planning and Land Use Committee Meeting dated June 25, 2015
- Minutes from the Council Meeting dated June 25, 2015.