

Summary of Proposed Amendments to Land Use Bylaw 1P2007

Background

This attachment provides detailed information on the Council-directed amendments to the Land Use Bylaw 1P2007 (the Bylaw). This section will refer to a “typical residential parcel”. Those dimensions are 15.2m x 36.6m (50’ x 120’) or 557 sq.m. or 6000 sq.ft.

Summary

1. Restore Land Use Bylaw Districts prior to third reading of bylaw amendment 21P2024 Citywide rezoning (*Rezoning for Housing*).

The following districts are proposed to be reinserted into the Bylaw:

- Residential – Contextual Large Parcel One Dwelling (R-C1L) (R-C1Ls)
- Residential – Contextual One Dwelling (R-C1) (R-C1s)
- Residential – Contextual Narrow Parcel One Dwelling (R-C1N)
- Residential – Contextual One / Two Dwelling (R-C2)
- Residential – One Dwelling (R-1) (R-1s)
- Residential – Narrow Parcel One Dwelling (R-1N)
- Residential – One / Two Dwelling (R-2)
- Residential – Grade Oriented Infill (R-CGex)

Several amendments to the Bylaw were made through *Rezoning for Housing*. The following amendments are proposed to revert the Bylaw prior to third reading of *Rezoning for Housing*:

- In the R-C1 and R-1 district secondary suites and backyard suites are discretionary uses
- A parcel can have either a secondary suite OR a backyard suite
- In the R-C2 district a backyard suite may not be located on the same parcel as a semi-detached dwelling
- A backyard suite requires 1.0 motor vehicle parking stalls
- A rowhouse is a permitted use in the R-CG district

2. Revert non-exempt parcels back to Land Use Bylaw Districts prior to third reading of bylaw amendment 21P2024 Citywide rezoning (*Rezoning for Housing*).

3. Amendments to the R-CG District as directed by the Notice of Motion and Motion Arising

1. *Reduce lot coverage from 60% to 55%*

Lowering maximum parcel coverage will result in smaller building footprints. On a typical residential parcel this would reduce the maximum building coverage of 3600sq. ft (336 sq.m) by approximately 300 sq.ft. (28 sq.m.). This would result in smaller home or garage sizes, and in larger hard or soft landscaped areas.

Bylaw sections: 534(2)(c)

2. *Limit building height to 10 metres*

Lowering the maximum height may reduce some shadowing and overlooking impacts; however, this must be placed in the context of the adjacent building’s height, orientation and design. It may negatively affect basement suites as a lower height will likely result in lower basement heights and less light into the space.

Building heights in R-C1 and R-C2 are measured differently than in R-CG and have a larger maximum (up to 11.0m). This would be taller than a rowhouse in an amended R-CG district. This creates inconsistency across the Bylaw and city in terms of residential building height.

Bylaw Sections: 541(1), (2)(b)

3. *Require Contextual Setbacks*

A contextual front setback rule is proposed that requires a minimum 3.0m setback up to a maximum of 4.5m. The exact dimension is taken by calculating the average front setback from the buildings on each side of the subject parcel.

A maximum front setback is recommended to prevent the new building from being pushed too deep into the parcel. This would result in smaller backyards and more building mass directly adjacent to the neighbouring parcel's backyard. It also prevents unnecessary conflict with other rules such as building depth, which would require development permit relaxations.

Bylaw Sections: 537(1)

4. *Eliminate zero lot lines*

The R-CG district allows for the side yard setback to be reduced to zero on one side of the building where both the subject and adjacent parcel owners enter into a private maintenance agreement. Administration did not identify any development in R-CG that implemented the zero-lot line rule. This rule is proposed to be deleted.

Bylaw Sections: 539(4), (5), (7)

5. *Limit parcels to one primary building*

Currently the R-CG district allows for multiple main residential buildings (not a garage or a backyard suite) on a parcel. Typically, this has meant two semi-detached dwellings. The proposed amendments will limit the number of main residential buildings to one. This eliminates "courtyard" or front-back semi-detached developments from R-CG on both midblock and corner parcels.

Bylaw Sections: 530(1)

6. *Prohibit midblock rowhouses and townhouses where midblock excludes the first three parcels at each end block*

Council direction is to limit rowhouses and townhouses to the first three parcels of a block (i.e. the corner and the next two parcels adjacent to the corner parcel). To implement this, a new definition, *corner adjacent parcel*, is proposed in the Bylaw. These parcels are defined as being within 20.0m of a corner parcel on the same block. Using 20.0m captures a maximum of two typical-parcel-width parcels (15.0m) away from the corner parcel.

The list of uses in R-CG is proposed to be amended to only allow for rowhouse and townhouse development on corner and corner-adjacent parcels.

Bylaw Sections: 13(42.1), 525(1)(b), 526(2), 527(1), (1.1), (1.2)

7. *Retain Section 546 that requires 1:1 parking minimum in post 1960s neighbourhoods and 0.5 to 1 parking minimum in pre-1960s neighbourhoods*

With the approval of *Rezoning for Housing* Council added to the Bylaw a table listing communities across the city that were developed prior to the 1960s. In these communities, the minimum required motor vehicle parking rate is reduced to 0.5 stalls per unit or suite. Communities not listed in the table require 1.0 stall per unit or suite.

Council has directed that the table remain in the Bylaw; no amendments are proposed.

Bylaw Sections: 546

8. *Modify Section 529 of the Land Use Bylaw, from 75 units per hectare to 60 units per hectare*

The proposed amendments reduce the maximum density from 75 units per hectare (uph) to 60uph.

Since its approval in 2014, the R-CG district has had a maximum density of 75uph. On a typical residential parcel this means a maximum of four dwelling units:

$$0.0557\text{ha} \times 75\text{uph} = 4.17 \text{ (density is rounded down)}$$

Lowering the maximum density to 60uph means that the maximum number of dwelling units on the same sized parcel will be three dwelling units:

$$0.0557\text{ha} \times 60\text{uph} = 3.3$$

Bylaw Sections: 529(1)

9. *Retain the following bylaws*

Several amendments to the Bylaw were made post *Rezoning for Housing*. Council has directed that they be retained as part of this report. Below is a summary of those amendments:

- Amendments to the Land Use Bylaw – Bylaw 78P2024
 - Land Use Bylaw 1P2007 was amended to support the *Rezoning for Housing* implementation by returning existing single detached and semi-detached homes to conforming status and maintaining the ability for minor exterior alterations and small-scale additions to be Development Permit exempt.
- Appeal Period and Notification of Decisions – Bylaw 58P2025
 - Land Use Bylaw 1P2007 amended to ensure alignment with the required appeal period in the Municipal Government Act and clarify the advertising process for notification of decisions on development permits.
- Low Density Residential Amendments – Bylaw 59P2025
 - Land Use Bylaw 1P2007 amended to fix inconsistencies and streamline the planning application process. The proposed amendments focus on rear setbacks, uncovered parking stall parcel coverage, landscaping, secondary suites, and fences.
- Child Care Service – Bylaw 60P2025
 - Land Use Bylaw 1P2007 amended to add child care service as a discretionary use in existing approved buildings in low density residential districts.
- Mobility Storage Lockers and Bike Parking – Bylaw 61P2025
 - Land Use Bylaw 1P2007 amended to remove the requirement for mobility storage lockers in the Residential – Grade Oriented Infill (R-CG) and Housing – Grade Oriented (H-GO) Districts and to reduce the amount of required bicycle parking in multi-residential buildings.
- Updates to Use Definitions – Bylaw 62P2025
 - Land Use Bylaw 1P2007 amended to update the definitions of the Health Care Service and Special Function Class – 1 uses to provide businesses with more operational flexibility.
- Expired Text and Text Error Removal – Bylaw 63P2025
 - Land Use Bylaw 1P2007 amended to remove expired text and correct grammatical errors.
- Exempting Rowhouses from Development Permits in Developing Communities – Bylaw 48P2025
 - Land Use Bylaw 1P2007 amended to remove the requirement for a permitted use development permit for a rowhouse building in developing communities.

10. *Non-conformity*

Some existing buildings that comply with the current Bylaw and R-CG district may not comply with the reinstated, previously deleted districts, and proposed amendments to the rules of the R-CG district. This is due to different rules for height, building size and setbacks and other Bylaw rules. Therefore, several amendments are proposed to make these buildings “deemed conforming” to respect previously approved and constructed development. However, new development must meet the current rules in the Bylaw.

Proposed Amendment	Rationale
<p>22(1)(d) pursuant to this Bylaw, a reference to a section for the R-CG District of this Bylaw within the Direct Control Bylaw is deemed to be a reference to the section on August 1, 2026, unless the Direct Control District referred to the R-CG District of this Bylaw as of the effective date of the Direct Control Bylaw</p>	<p>This clause allows Direct Control districts that refer to the R-CG district to refer to the district as it was written on the date when the Direct Control was approved.</p>
<p>25.1 developments listed in section 25 that:</p> <p>(i) comply with the rules of this Bylaw in place on August 1, 2026;</p>	<p>This clause allows proposed developments that are exempt from requiring a development permit to continue to be exempt if they have commenced</p>

<p>(ii) located on a parcel designated as a low density residential district or the H-GO District; and</p> <p>(iii) have commenced or for which an application for a permit pursuant to the Safety Codes Permit Bylaw was received prior to August 4, 2026.</p>	<p>or have submitted a Building Permit application prior to redesignation.</p>
<p>153.1(a)(ix) may be located on the same parcel as a Dwelling Unit in a Contextual Semi-detached Dwelling or a Semi-detached Dwelling, if legally existing or approved prior to August 4, 2026.</p> <p>357(2) Where a parcel is legally existing, or received a subdivision approval between August 6, 2024 and August 4, 2026, and the parcel width, parcel depth or the area of the parcel is less than the minimum required in a district the parcel is deemed to conform to the minimum requirement of this Bylaw.</p> <p>358(7) A development or use is deemed to conform with the requirements of this Bylaw if the development or use was legally existing or approved prior to August 4, 2026.</p> <p>527(1.2) The following uses are additional discretionary uses on a parcel that is not a corner parcel or corner adjacent parcel, if the uses were legally existing or approved prior to August 4, 2026: Rowhouse Building; and Townhouse.</p>	<p>Many of the reinstated districts and proposed amendments to R-CG change built form rules to be more restrictive. The Land Use Bylaw amendments proposed in this Bylaw add additional restrictions to allowed uses, minimum parcel area, depth and width, maximum building heights, allowance of backyard suites and minimum building setbacks.</p> <p>These four clauses ensure that any existing residential uses that were legally built or approved are deemed to conform even if they do not comply with the new rules. This is important because developments which are not conforming can have additional process requirements to become conforming. Non-conformity may impact landowners' ability to obtain Letters of Compliance, or build small residential improvements such as decks, patios, fences or additions.</p>