

## Overview and Rationale for Proposed Land Use Bylaw Amendments

Proposed Amendment Summary	Affected Land Use Bylaw Section(s)	Amending Bylaw Reference(s)	Rationale
<b><i>Pop-Up clarification and flexibility</i></b> <ul style="list-style-type: none"> <li>• Pop-Up added as a Use category in the Land Use Bylaw for all districts</li> <li>• Pop-Ups will be a permitted use in the ROS, Downtown, GC, and IBP Districts, and discretionary in the other districts</li> <li>• Use standards would limit Pop-Ups to 4 per site and one sign per Pop-Up</li> <li>• Pop-Ups would be exempt from requiring a development permit where they are permitted</li> <li>• Revised definition to open up timeframes</li> </ul>	<ul style="list-style-type: none"> <li>• 3.2 Permitted and Discretionary Uses</li> <li>• All Land Use Districts (3.3 to 3.11)</li> <li>• 5.15 Development Permits Not Required</li> <li>• 6.1 Glossary of Terms</li> </ul>	1a, 2b, 3a-b, 4a, 5a-b, 6a-b, 7a-b, 8a-b, 9a-b, 10a-b, 16c	These changes provide greater clarity for interpretation of how these temporary businesses are treated within the LUB as well as more flexibility of timing given the diverse potential of different temporary Pop-Up businesses.
<b><i>Active Recreation in NA District</i></b> <ul style="list-style-type: none"> <li>• Adjustment to the Overview of the NA District to allow for some active recreational use</li> <li>• Addition of Recreation – Active as a Discretionary Use to the NA District</li> </ul>	<ul style="list-style-type: none"> <li>• 3.2 Permitted and Discretionary Uses</li> <li>• 3.3 NA District</li> </ul>	1b, 2a	These changes will support a greater flexibility of recreational programming in the river valley, where it aligns with the direction of the MDP in terms of environmental sensitivity and flood hazard
<b><i>Outdoor Lighting Standards</i></b> <ul style="list-style-type: none"> <li>• Replacing the general requirement in all districts for permanently installed outdoor lighting to be Dark Sky Compliant with specific measurable standards.</li> </ul>	<ul style="list-style-type: none"> <li>• All Land Use Districts (3.3 to 3.11)</li> </ul>	2c, 3c, 4c, 5g, 6f, 7h, 8d, 9c, 10c	The existing provision for outdoor lighting to be Dark Sky Compliant does not provide enough direction in interpreting lighting requirements. District provisions are based on the International Dark-Sky Association (IDA) model lighting ordinance recommendations and provide more specific direction for determining acceptable light levels.
<b><i>Side and Rear Yard Setback Clarification</i></b> <ul style="list-style-type: none"> <li>• Establish separate side yard and rear yard setbacks for Primary versus Accessory Buildings in the TN District, NC District, D District, GC District</li> </ul>	<ul style="list-style-type: none"> <li>• 3.6 TN District</li> <li>• 3.7 NC District</li> <li>• 3.8 D District</li> <li>• 3.9 GC District</li> </ul>	5c-d, 6a-d, 7c, 8c	Greater clarity for determining setbacks for Accessory Buildings than the current approach of exempting them

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<b><i>Allowable Projections into Setbacks Clarification</i></b> <ul style="list-style-type: none"> <li>Revising Allowable Projections into Setbacks into separate projection table in section 5.20</li> </ul>	<ul style="list-style-type: none"> <li>3.6 TN District</li> <li>3.7 NC District</li> <li>3.8 D District</li> <li>5.20 Additional Setback &amp; Encroachment Considerations</li> </ul>	5e, 6e, 7e	Greater clarity for determining setbacks for various features of residential development than the current approach of exempting them
<b><i>Additional Architectural Guidance</i></b> <ul style="list-style-type: none"> <li>New additional requirement for exterior building finish materials to be permanent and of a durable material as well as the materials and design must be compatible with other buildings on the site and in the vicinity.</li> <li>Flexibility on this requirement has been added to the IBP District</li> </ul>	<ul style="list-style-type: none"> <li>3.3 NA District</li> <li>3.4 ALH District</li> <li>3.5 ROS District</li> <li>3.6 TN District</li> <li>3.7 NC District</li> <li>3.8 D District</li> <li>3.9 GC District</li> <li>3.10 IBP District</li> <li>3.11 A District</li> </ul>	5e, 6e, 8c	Ensures a minimum standard of building appearance to ensure capability with larger development context and that non-permanent materials are not used for new development. Similar to previous provision in the former Land Use Bylaw.
<b><i>Driveway Limits</i></b> <ul style="list-style-type: none"> <li>Establishing a maximum limit to driveway width for front drive Dwelling Units in TN District - <i>Maximum 70% of the lot width or 9.0 metres, whichever is less</i></li> </ul>	<ul style="list-style-type: none"> <li>3.6 TN District</li> </ul>	5f	Ensures that driveways cannot be widened out to the width of the site without a development permit variance. Maintains residential context, on-street parking, and vegetated areas for limiting surface run-off and urban heat effect
<b><i>More flexible breweries, wineries, or distilleries</i></b> <ul style="list-style-type: none"> <li>Removing the requirement for a brewery, winery or distillery to have to include a Restaurant / Café</li> </ul>	<ul style="list-style-type: none"> <li>3.8 D District</li> </ul>	7b	A micro-brewery or distillery can still be an effective activating use in the Downtown without a full restaurant through the advent of a tasting room or retail sales.
<b><i>Reduced main street side yards</i></b> <ul style="list-style-type: none"> <li>Reducing the Detached Interior Side Yard requirement from 4.0 metres to 2.0 metres for Main Street</li> </ul>	<ul style="list-style-type: none"> <li>3.8 D District</li> </ul>	7d	A minimum 4.0 metre side yard for detached buildings in the Downtown main street area significantly reduces the buildability on small lots and provides a significant break in the streetscape. 2.0 metres will still provide side yard access without as large a setback
<b><i>Higher site coverage for Elma Street East</i></b> <ul style="list-style-type: none"> <li>Revising the Site Coverage for Elma Street East in the Downtown District from a maximum of 40 percent to a maximum of 70 percent</li> </ul>	<ul style="list-style-type: none"> <li>3.8 D District</li> </ul>	7e	Elma Street East is intended to support midrise residential buildings and the higher site coverage is more inline with the NC District

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<b><i>Reducing the minimum height provisions for Elma Street West</i></b> <ul style="list-style-type: none"> <li>Reducing the minimum height of buildings in Elma Street West from 2 storeys to 1 storey</li> </ul>	<ul style="list-style-type: none"> <li>3.8 D District</li> </ul>	7f	Removes the issue of historical houses becoming non-conforming where sensitive infill is proposed.
<b><i>Removing “Building Entrances” as a Building and Placement Standard</i></b> <ul style="list-style-type: none"> <li>Remove requirement that all Dwelling Units must have separate and direct Access to the Primary Thoroughfare</li> </ul>	<ul style="list-style-type: none"> <li>3.8 D District</li> </ul>	7f	This clause does not allow for common entrances to apartment style development or life-work configurations that can meet code requirements
<b><i>Consistency Correction for Downtown Fence Height</i></b> <ul style="list-style-type: none"> <li>Revising the maximum height of fences in the Downtown District from 1.8 metres to 2.0 metres</li> </ul>	<ul style="list-style-type: none"> <li>3.8 D District</li> </ul>	7g	2.0 metres for fencing better aligns with the other district requirements and previous fencing heights in the Downtown area
<b><i>Establish limits on Window Signs</i></b> <ul style="list-style-type: none"> <li>Limiting window signs to 30 percent of the window area without a permit</li> </ul>	<ul style="list-style-type: none"> <li>4.1 Sign Not Requiring a Development Permit</li> </ul>	11a	Ensure that whole window conversions to signage are considered through a DP process
<b><i>Wayfinding Signage Flexibility</i></b> <ul style="list-style-type: none"> <li>Clarification of the use of Municipal Signs to add “or otherwise provide direction and wayfinding”</li> </ul>	<ul style="list-style-type: none"> <li>4.1 Sign Not Requiring a Development Permit</li> </ul>	11b	Ensure the provision is broad enough to encompass the range of compatible municipal sign usage, especially in the context of the municipal wayfinding program
<b><i>Downtown A-Board Sign Correction</i></b> <ul style="list-style-type: none"> <li>Clarification of that A-board signs are permitted in the Downtown when associated with a non-residential use and otherwise discretionary</li> </ul>	<ul style="list-style-type: none"> <li>4.3 Signs Standards</li> </ul>	12a	Currently the Land Use Bylaw is unclear how A-Board signs are to be treated in the Downtown
<b><i>Limits to Fascia Sign Area</i></b> <ul style="list-style-type: none"> <li>Adding a limit of 15% of the bay façade to the maximum areas</li> </ul>	<ul style="list-style-type: none"> <li>4.3 Signs Standards</li> </ul>	12b	The current maximum fascia sign areas could result in a significantly oversized sign in the case of a smaller bay.
<b><i>Limits to Ground Signs</i></b> <ul style="list-style-type: none"> <li>A number of adjustments to the ground sign provisions</li> </ul>	<ul style="list-style-type: none"> <li>4.3 Signs Standards</li> </ul>	12c	General adjustments and corrections
<b><i>Encroaching Projecting Signs</i></b> <ul style="list-style-type: none"> <li>Clarifying allowance for Projecting Signs to project into the Right-of-Way</li> </ul>	<ul style="list-style-type: none"> <li>4.3 Signs Standards</li> </ul>	12d	Alignment with previous LUB on allowing projecting signs to project into the road right-of-way

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<b><i>Tolerances for Compliance</i></b> <ul style="list-style-type: none"> <li>Changes to the Interpretation section to allow a tolerance for compliance, where Buildings are close to the requirements</li> </ul>	<ul style="list-style-type: none"> <li>5.1 Interpretation</li> </ul>	13a	Allows more flexibility to approve Certificates of Compliance without a DP variance where variation to measurement timing with construction may have led to properties being outside minimum requirements
<b><i>Development Officer Authority</i></b> <ul style="list-style-type: none"> <li>Changing the authority of the Development Officer to be able to approve a discretionary use anywhere on an existing approved site and not just within an existing building</li> </ul>	<ul style="list-style-type: none"> <li>5.6 Development Officer</li> </ul>	14a	Greater authority is in alignment with DO authority under the previous LUB
<ul style="list-style-type: none"> <li>Deleting the authority of the Development Officer to be able to approve a Home Occupation - Minor</li> </ul>	<ul style="list-style-type: none"> <li>5.6 Development Officer</li> </ul>	14b	Provides clarification as a Home Occupation – Minor does not require a DP and if the requirements are exceeded, it becomes a Home Occupation – Major.
<ul style="list-style-type: none"> <li>Adding the authority for a Development Officer to approve an addition to a non-conforming building, even where it remains non-conforming</li> </ul>	<ul style="list-style-type: none"> <li>5.6 Development Officer</li> </ul>	14c	Provides the ability to consider applications for modest changes to historical buildings that may not meet the current requirements.
<ul style="list-style-type: none"> <li>Adding the authority for a Development Officer to approve any changes to an Approved Development Permit</li> </ul>	<ul style="list-style-type: none"> <li>5.6 Development Officer</li> </ul>	14c	Greater authority is in alignment with DO authority under the previous LUB
<b><i>Non-Conforming Variances</i></b> <ul style="list-style-type: none"> <li>Adding to the Variance Powers to allow for Non-conforming Buildings to be varied</li> </ul>	<ul style="list-style-type: none"> <li>5.7 Variance Powers</li> </ul>	15a	Provides the ability to consider applications for changes to historical buildings that may not meet the current requirements.

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<b>Development Permit exemptions</b> Revising the Development Permits Not Required section to clarify that: <ul style="list-style-type: none"> <li>a 2 dwelling unit building is permitted without a DP on an undeveloped lot,</li> <li>one secondary suite is allowed within an existing Building without a DP,</li> <li>a residential conversion does not qualify as a Change of Use exemption,</li> <li>a Pop-Up does not require a DP, and</li> <li>Agriculture – Urban does not require a DP.</li> </ul>	<ul style="list-style-type: none"> <li>5.15 Development Permits Not Required</li> </ul>	16a-c	Provides greater clarity, balancing reasonable exemptions with development that will have a greater impact on an area
Updating the Additional Setback and Encroachment Considerations (s. 5.20) with comprehensive tables and adding provision about narrow lanes that was missed in original draft	<ul style="list-style-type: none"> <li>5.20 Additional Setback and Encroachment Considerations</li> </ul>	17a	Improved clarity for interpretation
Updating encroachment provision to reference the Encroachment Policy and general utility rights-of-way	<ul style="list-style-type: none"> <li>5.20 Additional Setback and Encroachment Considerations</li> </ul>	17b	Improved clarity for interpretation and consistency with the Encroachment Policy
<b>Servicing Standards</b> Removing Servicing Standards from all Districts and having all servicing standards for all sites within the Administration Section	<ul style="list-style-type: none"> <li>5.21 Servicing Standards (New Section)</li> </ul>	18	Servicing exemptions rarely apply and with standardized development conditions in Administration Section, moving all the servicing requirements to this section makes more sense.
Updating the definition of Agriculture – Urban to minimize the keeping of animals	<ul style="list-style-type: none"> <li>6.1 Glossary of Terms</li> </ul>	19a	Clarification that only the expressly allowed keeping of animals in residential or other areas is to be considered part of this definition. For example, urban hens and a limited number of domestic animals are allowed but no livestock or bee keeping.
Updating the definition of Commercial Vehicle	<ul style="list-style-type: none"> <li>6.1 Glossary of Terms</li> </ul>	19b	Better clarity for enforcement purposes.
Updating the definition of Pop-Up to allow more flexibility of timelines	<ul style="list-style-type: none"> <li>6.1 Glossary of Terms</li> </ul>	19c	Business friendly and ease of administering with variable provisions instead of an unvarying definition

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Updating the definition of Setback	• 6.1 Glossary of Terms	19d	Improved clarity for interpretation
Adding the definition of Encroachment Policy	• 6.1 Glossary of Terms	19e	Improved clarity for interpretation
Adding the definition of Site Depth	• 6.1 Glossary of Terms	19f	Improved clarity for interpretation