



THE CORPORATION OF THE  
DISTRICT OF SUMMERLAND  
**COUNCIL REPORT**

DATE: August 4, 2017 File: ZON 2017-10  
TO: Linda Tynan – Chief Administrative Officer  
FROM: Dean Strachan, MCIP, RPP – Director of Development Services  
SUBJECT: Zoning Bylaw Text Amendment – Building Envelope

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STAFF RECOMMENDATION:

That Council pass the following resolutions:

1. *THAT “Zoning Bylaw and Subdivision and Development Servicing Bylaw Text Amendment Bylaw No. 2017-028” be introduced and given first and second readings.*
2. *THAT a Public Hearing be held on September 11, 2017 to receive public feedback on Bylaw No. 2017-028.*
3. *THAT Zoning Bylaw, Section 4.9.1 and Subdivision and Development Servicing Bylaw, Section 3.05 not be enforced pending completion of consideration of Bylaw No. 2017-028.*

PURPOSE:

To amend the text of the Zoning Bylaw regulation on building envelope for lots being created and to delete a similar but conflicting regulation from the Subdivision and Development Servicing Bylaw.

BACKGROUND and DISCUSSION:

The intent of the building envelope regulations in both bylaws is to ensure that when residential lots are created that they have adequate area on them to build a home. The issues identified with these regulations are the following:

1. The regulation should be in the Zoning Bylaw only and not also appear in the Subdivision and Development Services Bylaw (SADS), further the regulation in SADS uses different terminology and does not include an exception for RSD1(i) added to the Zoning Bylaw regulation in 2014. The subject proposed amendment bylaw includes the deletion of the regulation in SADS along with amending the regulation in the Zoning Bylaw.
2. The intent of the regulation is to ensure there is a sufficient building envelope on new residential lots, however, as the regulation does not specify residential the regulation applies to all lots. The proposed amendment specifies the regulation application to residential lots.

3. The regulation specifies 10 meter by 10 meter dimensions which conflicts with regulations of the RSD1 – Residential Medium Lot Zone. This zone allows for lot widths of 12.0 meters and has side yard setbacks of 1.5m per side. Therefore lots 12.0m would have a maximum dimension of 9.0 meters. Each subdivision would require a Development Variance Permit in order to subdivide according to the minimum lot width of the zone. The proposed amendment recommends replacing the 10 meter by 10 meter dimensions with 100 m<sup>2</sup> which would allow for some flexibility but would still meet the regulation intent to provide sufficient area for a home on each lot.
4. Summerland has a variety of development constraints including topography, hazard areas, environmentally sensitive areas and riparian areas. As a result, subdivision plans commonly include lot shape that are not rectangular. For lot shapes other than rectangular the current regulation presents significant limitations resulting in the lots needing to be enlarged in order to meet the square 10 meter by 10 meter regulation. Further natural constraints have irregular boundaries also limiting subdivision design.

**Zoning Bylaw, Section 4.9.1 currently reads as follows:**

*No Lot shall be created unless it contains a Building envelope with minimum horizontal dimensions of 10 meters by 10 meters. Properties zoned RSD1(i) Residential Single Detached Intensive Zone, be exempt from the requirement to have a 10m x 10m building envelope. The Building envelope must be located such that it does not encroach into the Property Line setbacks as required under the provisions of this bylaw.*

**Subdivision and Development Servicing Bylaw, Section 3.05 reads as follows:**

*No parcel shall be created unless it contains a building envelope with minimum horizontal dimensions of 10 meters by 10 meters. The building envelope must be located such that it does not encroach into the property line setbacks as required under the Zoning Bylaw.*

**The proposed amendment bylaw would delete the building envelope regulation its entirety from the SADS Bylaw and amend the regulation in the Zoning Bylaw to read as follows:**

*No Residential Lot shall be created unless it contains a Building envelope with minimum area of 100 m<sup>2</sup>. Properties zoned RSD1(i) Residential Single Detached Intensive Zone, are exempt from the requirement to have a 100 m<sup>2</sup> building envelope. The Building envelope must be located such that it does not encroach into the Property Line setbacks as required under the provisions of this bylaw.*

The issues noted with the current building envelope regulations would impact subdivisions currently being completed. The owners would need to either wait to complete their subdivision until Council makes a final decision on the proposed amendment bylaw, or the owners could apply for a Development Variance Permit. In order to allow these subdivisions to proceed to completion it has been recommended that the noted regulations not be enforced at this time.

**CIRCULATION COMMENTS:**

The above noted proposed amendment bylaw was prepared following review with the Works and Utilities and Corporate Services departments.

CONCLUSION:

The proposed amendment would correct regulation conflicts and add some flexibility to assist with subdivision design while still ensuring a sufficient building envelope is created on residential lots at subdivision.

OPTIONS:

1. Pass the resolutions as recommended.
2. Refer back to staff for other options.

Respectfully submitted,



Dean Strachan MCIP, RPP  
Director of Development Services

Approved for Agenda



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Linda Tyrn, CAO