



## Legislation Text

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TAMRMS#: B06

**7.2**

### **Bylaw 18/2021 Land Use Bylaw - Downtown District (1st Reading)**

Presented by: Colin Krywiak, Manager, Development Branch

### **RECOMMENDED MOTIONS**

1. That Bylaw 18/2021, being amendment 193 to the Land Use Bylaw 9/2005, be read a first time.
2. That a Public Hearing for Bylaw 18/2021 be scheduled on May 31, 2021.

### **PURPOSE OF REPORT**

This report discusses proposed amendments to the Land Use Bylaw to reflect current Land Use District designations and to ensure consistency between Figures within the Bylaw related to the Downtown. The amendments are proposed to the Downtown Residential District (Section 8), Mixed Commercial District (Section 9), Downtown Land Use District (Section 11), and Parking Regulations (Part 7).

Amendments to Figures 12, 13, and 14 are proposed to be amended to remove inconsistencies between Figures or other sections of the Land Use Bylaw. Figure 23(a) is proposed to be amended to change the labelling of heights listed in the legend from storeys to metres. The update to Figure 23 (a) is required to ensure greater clarity and consistency regarding units of measurement within the Land Use Bylaw. Lastly, amendments to the parking requirements for the Downtown are proposed to provide greater clarity for the type of development existing and proposed in the Downtown.

The proposed amendments do not change the intent of the regulations.

### **ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN**

N/A

### **ALIGNMENT TO LEVELS OF SERVICE DELIVERY**

N/A

### **ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION**

N/A

## BACKGROUND AND DISCUSSION

In applying the Land Use Bylaw over the past several years to inquiries or applications, Administration noted inconsistencies between Figures 12, 13, and 14 in Land Use Bylaw 9/2005, and other Land Use District updates which have occurred over time. In order to ensure accuracy and consistency within the Land Use Bylaw, amendments to these figures are required.

### Figure 12 - Downtown Residential District Protected Views & Vistas

Figure 12 found in Section 8.37 (Downtown Residential (DR) District) of the Land Use Bylaw is proposed to be updated to remove the reference to DR (Downtown Residential District), including the dark outline around the property, from the lot on St. Michael Street as the lot is currently districted DT (Downtown District).

### Figure 13 - Mixed Commercial District Protected Views & Vistas

Figure 13, found in Section 9.15 (Mixed Commercial (MC) Land Use District) of the Land Use Bylaw is proposed to be updated to remove all references to DR (Downtown Residential District) from the legend and map, including the dark outlines around the properties marked DR as this map is in reference to the MC (Mixed Commercial District). The properties districted as MC (Mixed Commercial District) have been provided a dark outline for ease of reference.

### Figure 14 - Mixed Commercial District Maximum Building Heights

Figure 14, found in Section 9.15 - Mixed Commercial (MC) Land Use District of the Land Use Bylaw is proposed to be removed and replaced with a new Figure 14 which aligns with newer Figure 23(a) (Downtown District Perron Street and Gateway on the Trail Character Areas) from Section 11.1 (Downtown (DT) Land Use District) of the Land Use Bylaw, as approved by Council in 2012. The overall building heights remain the same with a minor exception. It is recognized that the parcel of land at 2 St. Anne Street is unlikely to be developed on its own due to the limitations presented by its unusual shape and size. The most likely scenario would see a consolidation between 2 St. Anne Street and 22 St. Thomas Street in order to make development feasible. Should this take place, a normalization of the varying building heights should occur. The amendments propose to lower the height range permitted at 2 St. Anne Street to meet those of 22 St. Thomas Street. The maximum height of the lower range would see a slight increase to the maximum height permitted to fall in line with recent changes to the Albert Building Code which allows for 6-storey wood-frame construction.

### Section 9.15(8) - Floor Area and Building Height

Section 9.15(8) is proposed to be amended by deleting the column titled "Maximum Building Height". The building heights currently listed became obsolete when Bylaws 19/2012 and 20/2012, which were related to the introduction of the Downtown (DT) Land Use District, were passed by Council in 2012. The correct building heights will now be accurately reflected in updated Figure 14 (Maximum Building Heights).

### Figure 23(a) - Downtown District Perron Street and Gateway on the Trail Character Areas Identified

Figure 23(a), found in Section 11.1 - Downtown (DT) Land Use District, is the only Figure in Land Use Bylaw 9/2005 that does not use metres in the legend as a form of measurement for the height of a building. All measurements within the Land Use Bylaw are listed in metres. Metres is an easily quantifiable measurement. Setbacks and height measured in metres provides a finite determination of building envelope (size).

Land Use Bylaw 9/2005 does not have parameters around how tall a storey is. Therefore, a storey is a measure which is highly variable. A storey can have varying heights; it could be 3 metres, 5 metres, or ultimately as high as structural engineering would allow. Using storey as a measure, a 3 storey or 6 storey building could theoretically be the same height in metres. In this case, a storey is therefore not a true reflection of the ultimate building envelope (size) and impact on surrounding properties.

While height in metres in relation to the properties highlighted in Figure 23(a), is referenced in the DARP or other Figures within the Land Use Bylaw, not having that measure reflected in the relevant text sections of the Land Use Bylaw could lead to confusion and inaccurate interpretation of measurements.

Figure 23(a) is updated to remove the storey references under building heights in the legend and replace them with height measurements in metres. The overall building heights remain the same with the minor exception noted for Figure 14 above.

#### Part 7 - Parking Regulations

Administration regularly hears from parties interested in developing in the Downtown that fixed parking requirements do not align well with the intent of the Downtown Area Redevelopment Plan, and are limiting development/re-development potential. In order to more accurately and appropriately apply parking regulations to the Downtown, Section 7.3 - On-Site Parking Requirements is proposed to be amended by adding multi-tenant development to Downtown non-residential parking. Additionally, as in other districts, adding the option to submit a parking and transportation study to help determine the appropriate amount of parking for a new development is proposed to be added to the Section.

### **STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT**

As the proposed amendments are a housekeeping item to ensure accuracy and consistency within the Land Use Bylaw, no external engagement was undertaken. As per section 692 of the *Municipal Government Act* an amendment to the Land Use Bylaw requires advertising and a public hearing.

### **IMPLICATIONS OF RECOMMENDATION(S)**

#### Financial:

None at this time.

#### Legal / Risk:

None at this time.

#### Program or Service:

None at this time.

#### Organizational:

None at this time.

## **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

Should Council decide to not support the recommendations, the following alternatives could be considered:

Alternative 1: That Council deny First Reading of the proposed Bylaw, thereby leaving inconsistent Figures in the Land Use Bylaw.

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