

Council Chamber
City Hall, Saskatoon, Sask.
Thursday, September 3, 1998
at 9:00 a.m.

MINUTES OF THE SPECIAL MEETING OF CITY COUNCIL

PRESENT: His Worship Mayor Dayday in the Chair:
Councillors Birkmaier, Harding, Heidt, Langford, Maddin, Roe,
Steernberg and Waygood;
A/City Manager Richards;
General Manager Planning and Building Coveyduck
Coordinator Plan Saskatoon Project Grauer
Solicitor Manning;
City Clerk Mann;

Moved by Councillor Roe, Seconded by Councillor Langford,

THAT Council go into Committee of the Whole with His Worship the Mayor in the Chair.

CARRIED.

Council went into Committee of the Whole with His Worship the Mayor in the Chair.

Committee arose.

His Worship the Mayor, Chair of the Committee of the Whole, made the following report:

THAT while in Committee of the Whole, the following matter was considered and dealt with as stated:

- 1. Plan Saskatoon Project
Proposed New Zoning Bylaw
(File No. CK. 4110-10)**

REPORT OF THE CITY CLERK:

“Attached is a copy of Clause 1, Report No. 12-1998 of the Municipal Planning Commission which was considered by City Council at its meeting held on August 10, 1998.

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City Council resolved that a special meeting be held in order to review in detail the policies and development standards contained in the proposed Zoning Bylaw. Council also referred the following recommendation of the Municipal Planning Commission to the special meeting:

- ‘3) that, in accordance with Section 209 of *The Planning and Development Act*, City Council request the Minister of Municipal Government to exempt City Council from sending written notices to all property owners affected by a change in zoning district under the proposed Zoning Bylaw.’

The following is a report of the General Manager, Planning and Building Department dated August 27, 1998 submitting further information.

**1) Plan Saskatoon Project - Proposed Zoning Bylaw - Version dated July 21, 1998
(File No.: CK 4110-10)**

- RECOMMENDATION:**
- 1) that the proposed Zoning Bylaw be approved in principle; and
 - 2) that, in accordance with Section 209 of *The Planning and Development Act*, City Council request the Minister of Municipal Government to exempt City Council from sending written notices to all property owners affected by a change in zoning district under the new Zoning Bylaw.

INTRODUCTION

On February 25, 1998, City Council approved, in principle, the proposed new Development Plan for the City of Saskatoon. Council’s approval set the stage for the preparation of the new Zoning Bylaw. While the Development Plan sets out the long range policy for the City’s future, the Zoning Bylaw helps to put those policies into effect and makes the day to day administration of land use and development possible.

City Council received the proposed new Zoning Bylaw for information at its meeting held on August 10, 1998, and resolved that a special meeting of Council be convened to consider the new Zoning Bylaw in detail. This meeting has been set for September 3, 1998. The Administration will be present at that time to brief Council on the proposed Zoning Bylaw and to answer any questions that may arise.

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AGENDA

The agenda for the meeting will consist of an overview of the Zoning Bylaw, including new initiatives and development standards which depart significantly from the present Zoning Bylaw, as well as addressing a number of issues that have the potential to be controversial.

A. Purpose and Structure of the New Zoning Bylaw

Zoning is a system of land use regulation that divides the City into geographic areas or zoning districts. Under the Zoning Bylaw only certain compatible uses and activities are permitted in a given area or district. Each district contains standards for lot size, building height, building setbacks, site coverage, parking, landscaping, and signage, intended to provide for the amenity and safety of the area, and to achieve consistency in the location and form of physical development.

The new Zoning Bylaw was drafted with a number of objectives in mind, including:

- Implementing the policies of the new Development Plan and ensuring consistency between the Development Plan and Zoning Bylaw;
- Making the Zoning Bylaw easier to use and understand by reducing the number of zoning districts, and adopting a chart format in place of written text wherever possible;
- Ensuring an improved progression of land use intensity between districts, with each district serving a clear and stated purpose;
- Improving certainty and enforceability by updating terms and definitions; and
- Improving the zoning map in terms of clarity and accessibility to the public by adopting a digital format with neighbourhood based map sheets, in 11 inch by 17 inch size for ease of reproduction.

B. Highlights of the New Zoning Bylaw

1. Infill Policies for One and Two unit Dwellings

Following the direction provided in the draft Development Plan, the new Zoning Bylaw contains several standards to improve compatibility between new infill houses and existing homes and lotting patterns.

a) New infill lots to be consistent with nearby lotting patterns

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The first policy standard requires that new lots for one unit dwellings in established neighbourhoods have a width that is consistent with the lot widths in the immediate area. The new Zoning Bylaw currently requires that a new lot must have a width that is at least 80% of the average width of the lots in the subject block face and the opposite block face. After re-examining a number of sample situations, the department is now of the opinion that 80% is too restrictive, and that a 70% standard would be more appropriate to facilitate infill development, and at the same time, achieve a reasonable level of consistency with the surrounding lots.

b) Height limit for new homes and additions reduced from 11.0m to 8.5m

The height limit for new one and two unit dwellings throughout the City has been reduced from 11 metres to 8.5 metres in the new Zoning Bylaw. In addition, there is no longer any reference to the number of storeys that may be permitted. This provision will ensure that new infill homes are generally consistent with nearby homes in terms of height. Similar benefits would also apply to new areas, where the former 11.0 metre standard is not appropriate when built to the maximum.

c) Front yard setbacks of new infill houses to match neighbouring homes

The third policy standard relates to the front yard set back of new one and two unit dwellings and front additions in established neighbourhoods. The new Zoning Bylaw requires that such buildings have a set back which does not vary by more than 2.0 metres from the average setback of the principal buildings on the adjacent flanking sites. While the adoption of this standard will provide some limited benefits, it will also require significant staff resources to implement. Based on the need to gather information, conduct on-site measurements and communicate with the applicant, it is estimated that each application will take up to four extra staff hours to administer.

Based on an expectation of at least 75 such applications per year, this amounts to 300 staff hours and about \$7,500 in extra staff costs for

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wages and benefits. Without charging applicants a special fee for this process, the department is of the opinion that the benefit of adopting this process is not equal to the added administrative costs.

Furthermore, after examining many situations in established neighbourhoods, it is felt that a 2.0 metre standard is too restrictive, and that there may be more potentially positive developments that are harmed by this proposal that helped. If this process is to be retained in the new Zoning Bylaw, the department is of the opinion that the standard be altered from 2.0 metres to 3.0 metres in order to provide more flexibility.

2. Storage of Vehicles in Residential Areas - Section 5.17 on pages 5-11 and 5-12

The intent of this section is to provide clarity to the issue of storing and repairing vehicles in residential areas. In summary Section 5.17:

- prohibits the storage of commercial vehicles with a gross vehicle weight of more than 5,000 kg in residential areas;
- permits the storage of large recreational vehicles (such as motor homes) in the required front yard of a residential site only in the summer months, but permits the storage of such vehicles in a side or rear yard throughout the year;
- permits the outdoor storage of up to two unlicensed or junked vehicles on a residential property, provided the junked vehicles are screened or covered;
- permits the repair of domestic vehicles or machinery on a residential property; provided there is no payment or other consideration received; and
- permits the storage and repair of racing vehicles on a residential site provided there is no nuisance created for nearby residents.

3. Number of Residents to be Permitted in Residential Care Homes

Council previously requested the MPC to review this issue, which was subsequently referred to the Planning and Building Department as part of the overall Zoning Bylaw review. Based on the growing need for this type of

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service, the comments from industry representatives and the public, and the department's past experience with this type of land use, the following is a summary of the proposed treatment of residential care homes in the new Zoning Bylaw:

Zoning Category	Permitted	Discretionary
Low density residential	1 to 5 persons	6 to 15 persons
Medium density residential	1 to 15 persons	16 or more persons
High density residential	No fixed limit	

Under the existing Zoning Bylaw, care homes with 1 to 5 persons are now a fully permitted use in low density residential areas and, by policy, 6 to 8 persons are now a discretionary use in low density residential areas.

4. Home Based Businesses - Section 5.29 on Pages 5-18 to 5-22

The policies for home based businesses have been clarified, and in most respects, made more flexible under the new Zoning Bylaw. These policies have been developed after extensive consultation with both the general public, the business community, and home business operators.

Without limiting the authority of the Development Officer to approve or deny many other forms of home businesses, the new Zoning Bylaw sets out a list of permitted and prohibited home businesses. The new Zoning Bylaw also requires that all home based businesses be classified as a Type I (less intensive) or Type II (more intensive) home business. The proposed new development standards for Type I and Type II home businesses are summarized as follows:

- the maximum floor area that may be devoted to home based businesses on a site is 30 square metres for a Type I business and 40 square metres for a Type II;
- a detached garage may now be used for a Type I or II home business;
- a small sign is now permitted in association with a Type I or II home business;

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- a vehicle with a gross vehicle weight of less than 5,000 Kg may be kept on site in association with Type I or II home business;
- the number of business-related trips to the site is limited to five per day for a Type I home business and 10 per day for a Type II; and
- only persons resident in the dwelling may be employed in a Type I home business, while in the case of a Type II business, one non-resident person may be employed on the property, with an on-site parking space to be provided.

5. Secondary Suites

On February 25, 1998 Council held a special meeting to consider the proposed new Development Plan in principle. At that time Council approved, in part, the following policy for secondary suites:

A secondary suite shall be a permitted accessory use to a one-unit dwelling in all areas of the City where one-unit dwellings are permitted, with the exception of lots with a width of less than 11.43 metres (37.5 feet), upon which a secondary suite may only be permitted at the discretion of City Council.

At the time of the February meeting, the administration had recommended that secondary suites be permitted only at the discretion of Council in low density residential areas. This recommendation was based on public consultation up to that point. While the proposed Zoning Bylaw has been drafted to reflect Council's direction, the Planning and Building Department believes that a significant number of property owners in R1 and R1A zoned areas will be concerned if secondary suites become fully permitted uses. It remains the department's position that secondary suites become a discretionary use in R1 and R1A zoned areas for at least a two year trial period, and that the issue as to whether they become fully permitted be reviewed after that time. Secondary suites are recommended as fully permitted uses in R.2 zoned areas, provided the lot width is at least 37.5 feet. Secondary suites would remain as a discretionary use in R2 zoned areas on lots with a width of less than 37.5 feet.

6. Retail Development in Industrial Areas

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At Council's meeting on February 25, 1998, the issue of developing large retail facilities in industrial areas was also considered as part of the proposed Development Plan. At that time, Council approved, in principle, the policy of permitting large retail facilities only as a discretionary use in the City's industrial areas. This policy has been communicated to all industrial land owners in the City, as well as the major business organizations in the community. While this policy has the potential to be controversial, the department is confident that the vast majority of industrial land owners understand the reasons for the policy, and are satisfied that it does not conflict with the main focus of industrial areas.

This policy direction is reflected in the proposed Zoning Bylaw by allowing all retail developments with a floor area of up to 5,000 square metres (53,821 square feet) as a fully permitted use in the standard light and heavy industrial areas. Minor expansions of existing large retail buildings would also be fully permitted under the proposed Zoning Bylaw. Retail developments greater than 5,000 square metres in area would be permitted only as a discretionary use, based on the ability to service the proposal with transportation and other utilities, and the market influence of the proposal on other existing commercial areas.

The type of retail activity often attracted to industrial areas is the large format (big box) developments that may be stand-alone uses or combined in so called "power centres". The new Development Plan and Zoning Bylaw do not include areas set aside specifically for big box retail developments, as they are intended to locate in selected industrial sites through Discretionary Use Approval and within the existing commercial hierarchy, including the downtown, suburban centres and arterial commercial areas, such as 8th Street or 22nd Street. In addition, the new Development Plan does provide an opportunity for auto sales lots to move to more peripheral locations, freeing up important arterial commercial and industrial sites for more intensive retail or big box developments.

7. New Parking and Loading Requirements for Elementary and High Schools

In accordance with Council's request, the parking and passenger loading space requirements for elementary and high schools were examined as part of the Zoning Bylaw review. Following is a summary of the existing and proposed parking standards:

Elementary Schools	Parking Standard
Existing Zoning Bylaw	1 space per classroom, plus 4 spaces
Proposed Zoning Bylaw	1.3 spaces per classroom
High Schools	Parking Standard
Existing Zoning Bylaw	1 space per classroom, plus 1 space per 20 students
Proposed Zoning Bylaw	1.5 spaces per classroom, plus 1 space per 5 students

The proposed Zoning Bylaw could provide some flexibility for the provision of parking in relation to portable classrooms, on smaller existing school sites.

The proposed standards for **passenger drop-off spaces** (section 6.5 on page 6-17) are as follows:

For elementary schools, 8 spaces for the first 100 students and at least 2 spaces for each additional 100 students.

For high schools, 8 spaces for the first 100 students and at least 1 space for each additional 100 students.

These loading spaces may be located along the street or on the school property, however, if the school fronts on a collector or arterial street, they must be on the school property. In addition, the proposed Bylaw provides

some flexibility for the provision of loading spaces for the expansion of existing schools situated on restrictive sites.

8. Garage Setbacks from Rear Lanes - Section 5.7 (3) (h) on page 5-3

Saskatoon's existing Zoning Bylaw contains a requirement for detached garages in residential areas to be set back at least 1.2 metres from a rear lane when a vehicle door faces the lane. The new Zoning Bylaw also contains this development standard. In response to a request to eliminate this provision, the Planning and Building Department, in consultation with the Transportation Department, has carefully considered this issue and believes that the 1.2 metre setback for detached garages is appropriate when a vehicle door faces the lane. The reasons are as follows:

- The setback provides a necessary margin of safety by giving the driver a greater opportunity to view the lane when leaving the garage, and by having less of the vehicle protruding into the lane at any given point prior to full driver vision being obtained.
- Most garages built today are constructed on slab foundations from six to 12 inches above grade at the back of the slab, next to the lane. This requires some form of ramp from the lane to the garage floor. Without a 1.2 metre setback, these ramps would project into the lane creating a variety of problems, such as impeding drainage, creating hazards for vehicles and pedestrians, and leading to increased dispute and enforcement problems when ramps are damaged by municipal vehicles or other utility agencies building and maintaining public works. For these reasons the Transportation Department is not prepared to grant encroachments or easements into the lane for the purpose of ramping.
- It is common for lanes to have utility poles, garbage containers and fencing, making vehicle maneuvering difficult. The 1.2 metre setback generally provides an improved vehicle turning radius, particularly for lanes that are only 15 feet wide, but also on lanes that are 20 feet wide. This is especially helpful in winter when the driving area is narrowed by snow.
- And while we do not rely exclusively on the advice of other cities, we do check to see how other zoning bylaws have been prepared in recent

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times. On this issue, it is apparent that many other communities have setback standards for rear garages which are similar to our present 1.2 metre standard. We believe that this information supports our position.

The Municipal Planning Commission (MPC) specifically considered this issue at its meeting held on August 4, 1998, along with a submission and verbal presentation from Mr. Richard Gryschuk on behalf of Mr. Barry Prokop requesting that the 1.2 metre setback be eliminated. The MPC subsequently resolved:

that the Zoning Bylaw continue to contain a development standard requiring that detached garages be set back at least 1.2 metres from a lane toward which a vehicle door faces.

C. Future Advertising of the New Zoning Bylaw

In addition to the newspaper advertising requirements, Section 209(1) of *The Planning and Development Act* requires that where a Council proposes to amend the Zoning Bylaw by changing the zoning districts on specific properties, written notice shall be provided to each owner of land that is the subject of such an amendment. In this regard, Section 209(2) of *The Act* does permit the Minister of Municipal Government to waive the written notice requirements upon the application of Council.

Because of the restructuring of the new Zoning Bylaw, the renaming of many zoning districts and the changes to zoning policy in many areas of the City, virtually all properties in the City may fall under the requirements of Section 209(1) of *The Act*. Therefore, it is recommended that the Minister be requested to waive the written notice requirements in the advertisement of the new Zoning Bylaw.

The logistical challenges presented by ensuring that all 80,000 property owners in the City receive a written notice detailing the changes as they apply to their property would be an almost insurmountable task that would have to be completed manually, with a very high probability of errors when dealing with so many properties. The sheer magnitude of the task was such that the department did not include it in the budget or time estimates for the project. It is for massive projects like this that the Minister provides the opportunity for a municipality to request a waiver. The Administration is very comfortable recommending the waiver given that:

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- of the 100 or so properties in the City that are proposed for a change in zoning classification under the new Zoning Bylaw, all such property owners have been contacted in writing and in most cases by phone or in person as well. It is anticipated that the vast majority of owners will have no objection to the proposed zoning map amendments;
- It is anticipated that the newspaper advertisement for the new Development Plan and Zoning Bylaw will involve at least eight full newspaper pages in the Star Phoenix, which will include detailed zoning maps of the City and descriptions of the new zoning districts and new zoning policies. All households that do not receive the StarPhoenix will receive the same full eight page advertisement through one of the City's weekly papers, or by special delivery. Additional advertising will be placed in a newspaper circulated to all residential addresses in the City, advising that handouts of the complete material will be made available to those persons on request; and
- Because of the extensive community consultation that has been undertaken during the Zoning Bylaw review, the Department is confident that virtually all persons and groups that have a direct interest in the new Zoning Bylaw have been made aware of the process and how to provide their comments. **The following is a sample of the advertising and community consultation that has been undertaken respecting the new Zoning Bylaw so far this year:**
 - The main zoning changes proposed for residential properties were communicated to virtually all properties in the City through a brochure in the January 1998 utility bills. The issues included secondary suites, residential care homes, home businesses, and infill residential development;
 - A full page feature article on the above-noted residential issues was published and circulated city-wide as part of the March Homestyles newspaper supplement;
 - Three newsletters have been sent out so far this year, with a mailing list that includes about 250 persons and groups, including all community associations;
 - About 1,500 letters were sent out in March to all assessed owners of industrial property in Saskatoon, advising of the proposed changes to industrial zoning policy. Numerous calls and inquires were generated and addressed in a satisfactory manner;
 - The department has met on several occasions with the North Saskatoon Business Association, including a special public meeting held on April 14, 1998, which focused on the issue of retail development in industrial areas;

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- The department has contacted all owners of property (about 100) whose zoning classification will change under the new Bylaw, including one or two letters and numerous follow-up calls and meetings. The vast majority of owners have no objection to the proposed changes;
- The Saskatoon Home Builders Association has been advised of the proposed residential infill policies, including the new building height reduction;
- A group of local architects has been consulted respecting a variety of proposed changes to multiple-unit residential zoning;
- SHAC representatives provided the proposed wording for the density bonus for accessible dwelling units;
- The Animal Control Advisory Committee approved the proposed policy changes for the breeding and boarding of animals in residential areas;
- The proposed changes to parking and loading requirements for schools have been discussed with the respective Boards and the Transportation Department;
- The proposed enforcement policy under *The Clean Air Act* was developed in consultation with SERM;
- The proposed Zoning Bylaw has been reviewed with the Department of Municipal Government on a line by line basis; and
- The main elements of the new Zoning Bylaw have been reviewed by a committee of the whole of MPC, and approved, in principle, by the MPC.

D. Procedure for the Adoption of the Development Plan and Zoning Bylaw

There are several options for the actual approval process of the new Development Plan and Zoning Bylaw. It is important that Council provide some direction on this issue to help guide the preparation of the adopting Bylaws and public notices. The administration will brief Council on this issue at the meeting on September 3, 1998.

ATTACHMENT

1. Proposed Zoning Bylaw, version dated July 21, 1998 (copies provided to Council on August 10, 1998).”

The City Clerk circulated copies of a memo dated September 1, 1998 from the Secretary of the Planning and Operations Committee submitting information regarding home-based businesses.

The Committee reviewed the August 27th report of the General Manager, Planning and Building Department, as follows:

Infill Policies for One- and Two-Unit Dwellings

- IT WAS RESOLVED:**
- a) *that the standard for lot widths for infill development be 70% of the average width of the lots in the subject block and the opposite block face;*
 - b) *that the height limit for new one- and two-unit dwellings be reduced from 11 metres to 8.5 metres, with no reference to the number of storeys that may be permitted; and*
 - c) *that the standard for front yard setbacks of new one- and two-unit dwellings and front additions in established neighbourhoods be a variance of 3.0 metres from the average setback of the principal buildings on the adjacent flanking sites; and*
 - d) *that the Administration review possibilities for recovering the administrative costs involved in implementing the front yard setback standard in established neighbourhoods.*

Storage of Vehicles in Residential Areas

IT WAS RESOLVED: *that the requirements for storage of vehicles in residential areas be as outlined in Section 5.17 of the draft bylaw.*

Number of Residents to be Permitted in Residential Care Homes

IT WAS RESOLVED: *that the number of residents to be permitted in residential care homes be as follows:*

<i>Low Density Residential</i>	<i>1 - 5 persons permitted 6 - 15 persons discretionary</i>
<i>Medium Density Residential</i>	<i>1-15 persons permitted 16 or more persons discretionary</i>
<i>High Density Residential</i>	<i>No fixed amount</i>

Home-Based Businesses

- IT WAS RESOLVED:**
- a) *that there be no provision for any type of signage;*
 - b) *that there be no provision for appeal to the Development Appeals Board; and*
 - c) *that the provision for home-based businesses be as outlined in the proposed bylaw, with the above amendments.*

Secondary Suites

IT WAS RESOLVED: *that secondary suites be a permitted accessory use to one-unit dwellings in all areas of the City where one-unit dwellings are permitted, with the exception of lots with a width of less than 11.43 metres (37.5 feet), upon which a secondary suite may only be permitted at the discretion of City Council.*

Retail Development in Industrial Areas

IT WAS RESOLVED: *that the provision for retail development in industrial areas be as outlined in the draft bylaw.*

New Parking and Loading Requirements for Elementary and High Schools

IT WAS RESOLVED: *that the provision for parking and loading for elementary and high schools be as outlined in the draft bylaw.*

Garage Setbacks from Rear Lanes

IT WAS RESOLVED: *that the provision for garage setbacks from rear lanes be as outlined in the draft bylaw.*

Procedures for Advertising and Adopting the New Zoning Bylaw

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- IT WAS RESOLVED:**
- a) *that the procedures for advertising the new bylaw be as outlined in the report of the General Manager, Planning and Building Department, dated August 27, 1998;*
 - b) *that the proposed Zoning Bylaw be approved in principle;
and*
 - c) *that, in accordance with Section 209 of The Planning and Development Act, City Council request the Minister of Municipal Government to exempt City Council from sending written notices to all property owners affected by a change in zoning district under the proposed Zoning Bylaw.*

Moved by Councillor Langford,

THAT the meeting stand adjourned.

CARRIED.

The meeting adjourned at 11:45 a.m.

Mayor

City Clerk