

## Comprehensive Zoning Bylaw Review – Amendment Package Four

### APPLICATION SUMMARY

A Comprehensive Review of the Zoning Bylaw Project (Project) is being undertaken to align the Zoning Bylaw with identified strategic priorities, current trends, changes to provincial legislation and to make minor amendments. This report is the fourth package of proposed amendments being undertaken as part of the Project. The proposed amendments address a range of topics identified during the information gathering phase.

### RECOMMENDATION

That a copy of this report be submitted to City Council recommending that at the time of the public hearing, City Council consider Administration's recommendation that the proposed amendments to Bylaw No. 8770, Zoning Bylaw, 2009, as outlined in this report, be approved.

### BACKGROUND

The general scope of the Project will, through new and amended regulations, bring [Bylaw No. 8770, Zoning Bylaw, 2009](#) (Zoning Bylaw) into alignment with relevant City of Saskatoon (City) strategies and plans to reflect and balance community values, industry needs and to support and manage city growth. The proposed Zoning Bylaw amendments are being managed through a series of amendment packages staged out over the course of the Project. A project update, including information about previously approved amendments, is provided in Appendix 1.

### DISCUSSION

The proposed amendments, if adopted, will achieve several outcomes which are supportive of approved strategies and plans and the City's strategic goals, including:

- 1) Implement policies and recommendations from the Official Community Plan;
- 2) Address matters which will improve consistency of interpretation and application;
- 3) Allow for flexible application of landscape requirements when utility constraints are present.

#### Amendments to Definitions, General Administration, General Provisions, Landscaping and Residential and Institutional Zoning Districts

Amendments are proposed for Sections 2, 4, 5, 7, 8 and 9 of the Zoning Bylaw including:

- 1) Update to the section for developments not requiring a development permit including the addition of pergolas and gazebos;
- 2) Definitions and regulations for attached covered patios or decks, three season rooms and pergolas and gazebos;
- 3) Clarification of how rear yard corner cut-offs are measured when adjacent to Municipal Reserve;

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- 4) Allow for flexible tree planting locations to manage utility constraints, while supporting the City’s targets for the urban tree canopy, as well as other clarifications to the existing landscaping provisions;
  - 5) Remove a duplicated use from the M3 and M4 permitted use tables; and
  - 6) Housekeeping amendment to the R2 District.

These amendments were put forward by stakeholders or were identified by Administration and are intended to address policy gaps, improve flexibility and remove inconsistencies from the above-mentioned sections in the Zoning Bylaw. Details of the proposed amendments and rationale are outlined in Appendix 2.

#### Policy Review

Proposed amendments in this report conform to [Bylaw No. 9700, The Official Community Plan, 2020](#) (OCP) policies as required by *The Planning and Development Act, 2007*.

#### Comments from other Departments

Proposed amendments were circulated to affected departments through an internal review process and no concerns were raised.

### **COMMUNICATIONS AND ENGAGEMENT**

The Public Engagement Summary for the proposed amendments is found in Appendix 3. Communications will be developed to communicate changes to all affected stakeholders.

### **PUBLIC NOTICE**

Public notice is required for consideration of this matter, pursuant to Section 11(a) of Policy No. C01-021, Public Notice Policy.

Once this application has been considered by the Municipal Planning Commission, it will be advertised in accordance with Policy No. C01-021, Public Notice Policy and a date for a public hearing will be set. A notice will be placed in The StarPhoenix two weeks prior to the public hearing.

### **APPENDICES**

1. Zoning Bylaw Review Project Update
2. Proposed Zoning Bylaw Amendments
3. Public Engagement Summary

### **REPORT APPROVAL**

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SP/2022/PD/MCP/Comprehensive Zoning Bylaw Review – Amendment Package Four/kp

# Zoning Bylaw Review

Official Community Plan  
Zoning Bylaw Review



# Project Overview

## Information Gathering Phase (Spring – Fall 2019)

The purpose of this phase was to gather input regarding the topics that should be included in the Comprehensive Review of the Zoning Bylaw Project (Project). An [information report](#) was provided to the Standing Policy Committee on Planning, Development and Community Services (PDCS) on November 5, 2019.

## Amendment Phase (September 2019 – 2023)

The purpose of this phase is to undertake amendments to the Zoning Bylaw through a series of amendment packages staged over the course of the Project. Each topic will involve an appropriate level of engagement for the topic being considered with stakeholders and the community.

## Project Milestones

The following have been approved by City Council as part of the Project:

- [Amendment Package One](#) in May 2020.
- The [Development Applications Fee Bylaw](#) in November 2020.
- [Amendment Package Two](#) in April 2021.
- [Amendments to the Official Community Plan and Zoning Bylaw](#) for the Architectural Control Districts Design Review Committee in September 2021.
- [Amendment Package Three](#) in December 2021.
- [Amendments](#) for child care and adult day care facilities in April 2022.
- [Amendments](#) for Neighbourhood Level Infill in May 2022.

## Repeal and Replace (2023)

To repeal Zoning Bylaw No. 8770 and replace the Bylaw. When this occurs, the new Bylaw will replace the existing Zoning Bylaw No. 8770 with final review and revisions of the full document taking place during the final stage of the Project.

## Project Topics

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Several topics have already been addressed through previous amendment packages as well as the amendments proposed in Amendment Package Four. Topics that are still under review and will be addressed in future amendment packages are outlined in this report.

New items added to the Project since the last update or items that will no longer be addressed through the Project are identified in the final section. We will continue to identify new items in future updates to ensure transparency.

## General Updates to the Zoning Bylaw

General updates to the Zoning Bylaw will be undertaken to ensure consistency with the applicable Provincial legislation, the Official Community Plan, and other relevant City policies and practices. The Zoning Bylaw will also be updated to correct spelling and grammatical errors, clarify definitions where appropriate, provide clarification where needed and review the Bylaw for repetition and consistency.

General updating of the Bylaw will be undertaken throughout the Project.

## Updates to the Bylaw

Topics still under review and to be addressed in future amendment packages include:

- Ensuring consistency with accessibility standards;
- Review of regulations for supportive housing;
- Review and clarify amenity space requirements;
- Review development standards in zoning districts to ensure consistency.

In addition, updates to various zoning districts and sections of the Bylaw will be undertaken including but not limited to the MX1 District, Industrial Districts and the South Downtown Local Area Design Plan.



## In-depth Review Topics

**Parking** – Parking will be reviewed to address specific regulations identified during stakeholder consultations. This includes:

- Review of parking standards for specific uses identified during stakeholder consultations; and,
- Location of parking requirements in the B5 District (restrict front yard parking).

**Environmental Initiatives** – A consultant has been hired to complete a review of environmental / sustainability initiatives to be included in the Zoning Bylaw including:

- Review of bonusing options for environmental initiatives;
- EV parking options;
- Incorporating options for green roofs; and,
- Review of potential provisions for net zero buildings.

## Completed In-depth Review Topics

**Neighbourhood Level Infill** – Amendments ([Bylaw No. 9818](#)) were made related to attached covered entries and front yard setbacks, along with minor housekeeping amendments. Further amendments ([Bylaw No. 9823](#)) were not approved at this time and will not be revisited until conclusion of the scoped work on this project, and future Zoning Bylaw Amendments are being considered.

**Landscaping** – The landscaping section of the Bylaw was updated to address concerns raised by stakeholders regarding repetition and inconsistencies. In addition, amendments to address specific regulations such as alternative landscaping options were added to the Bylaw.

**Digital Zoning Bylaw** – A user friendly digital version of the Zoning Bylaw to provide residents an easier way to find information in the Bylaw.



## Other Topics Evaluated

After a review, it has been determined that the topics below are either not within the scope of the Project, are better managed by others, or that no changes are needed to address the item.

Topic	Reason
Payment in Lieu of Parking	<p>Payment in lieu of parking would provide applicants the option to pay for a reduction in the number of required parking spaces. This is currently not an option in the Zoning Bylaw.</p> <p>Currently, if an applicant wishes to pursue a reduced parking requirement, options include Zoning by Agreement, a Development Appeal or Minor Variance.</p> <p>In a scan of other Saskatchewan municipalities where payment in lieu of parking is an option, this option has had limited to no uptake. In part, this is because of other options available to applicants.</p> <p>Based on this scan and a review of the City’s current approach, it is Administration’s opinion that the current practice adequately addresses needs and that no further review is required.</p>
Grade	<p>No changes are proposed for the Zoning Bylaw to the definition of grade or the method by which grade is determined.</p> <p>An <a href="#">information document</a> has been prepared to provide clarification about:</p> <ul style="list-style-type: none"> <li>• How grade is measured for the purpose of meeting the requirements of the Zoning Bylaw;</li> <li>• How grade impacts building height including unique challenges for infill development; and,</li> <li>• The effects of artificially altering grade.</li> </ul>
Building Height	<p>No overall changes are proposed for the Zoning Bylaw with respect to building height. Development standards, including building height where applicable, for all zoning districts will be reviewed for consistency.</p> <p>Building height has been amended in some zoning districts through previous amendment packages.</p>
School Site Zoning Regulations	<p>School site zoning regulations will be reviewed following final consideration of the City Centre School project.</p>
Day Programs	<p>The term “day programs” will be added to the Zoning Bylaw as part of the Repeal and Replace to appropriately reflect support programs provided for persons with disabilities.</p> <p>Day programs will be permitted or discretionary similar to how “day cares” are permitted or discretionary in the Zoning Bylaw.</p>

## Proposed Zoning Bylaw Amendments

<b>Section 2: Definitions</b>			
<b>Definition</b>	<b>Current Provision</b>	<b>Proposed Change</b>	<b>Rationale</b>
Attached covered patio or deck	Means a single storey patio or deck which is covered with a permanent roof structure which may be enclosed by walls, windows or screens and which is not integrated into the dwelling unit by virtue of the extension of the dwelling unit's heating or cooling system or the removal of the exterior door between the patio or deck and the dwelling unit. In addition, 50% of the walls must be openings and no basement may be constructed under the deck or patio. Typically, an attached covered patio or deck would provide up to three season accommodation and would not provide fully furnished liveable floor space.	Change the definition to provide clarity of the difference between an attached covered patio or deck and a three season room.  Information better captured in a regulation will be added in a new General Provisions Section (see below).	To provide clarification.
Gazebo	None	Add a new definition for gazebo.	A new definition is being added to support the addition of gazebos to the list of developments not requiring a development permit.
Pergola	None	Add a new definition for pergola.	A new definition is being added to support the addition of pergolas to the list of developments not requiring a development permit.
Three season room	None	Add a new definition for three season room.	A new definition is being added to provide clarity of the difference between an attached covered patio or deck and a three season room.



<b>Section 4: General Administration</b>			
<b>Section</b>	<b>Current Provision</b>	<b>Proposed Change</b>	<b>Rationale</b>
Developments Not Requiring a Development Permit  Section 4.3.2	This section identifies the types of development which do not require a development permit.	Add the following to the list: <ul style="list-style-type: none"> <li>• day care, residential</li> <li>• keeping of boarders</li> <li>• pergola</li> <li>• gazebo</li> </ul>	Amend the Zoning Bylaw to align with current practices.

<b>Section 5: General Provisions</b>			
<b>Section</b>	<b>Current Provision</b>	<b>Proposed Change</b>	<b>Rationale</b>
Front Yard Corner Cut-Offs  Section 5.53	Regulations are provided for how front yard corner cut-offs are measured.	Rename the section to Corner Cut-Offs.  Add regulations about how rear yard corner cut-offs are measured when the site is adjacent to a Municipal Reserve. A new figure will be added for rear yard corner cut-offs. The existing figures for front yard corner cut-offs will also be updated.	Currently, a minor variance is required where there is a rear yard corner cut-off adjacent to a Municipal Reserve. This amendment will provide clarity in the Zoning Bylaw for how rear yard corner cut-offs adjacent to a Municipal Reserve are measured.
New	None	Add a new section for three season rooms. Three season rooms: <ul style="list-style-type: none"> <li>• may be enclosed and up to 50% of the walls must be openings;</li> <li>• shall not be integrated into the dwelling by removal of an exterior door;</li> <li>• shall be unconditioned and not have a permanent heating source; and</li> <li>• no basement shall be constructed under a three season room.</li> </ul>	Add a new section for regulations pertaining to three season rooms for clarity.  Currently, information is provided in the definition for “attached covered patio or deck”. This information is better captured in the General Provisions Section.
New	None	Add a new section for pergolas, gazebos and similar structures. These structures must not exceed 14m <sup>2</sup> or be located within the required front yard.	For structures less than 14m <sup>2</sup> , a development permit is not required. This section will be added to support the proposed amendment to Section 4.3.2 noted above.

<b>Section 7: Landscaping</b>			
<b>Section</b>	<b>Current Provision</b>	<b>Proposed Change</b>	<b>Rationale</b>
Section 7.3	This section provides planting requirements for plant materials.	Specify the planting ratio for shrubs and grasses planted in lieu of trees where the development is adjacent to boulevard trees with large canopies.	To provide clarification.
Section 7.6	This section provides for flexible landscaping.	Reformat the regulations which provide for flexible landscaping in the B, I, M and MX Districts within the areas defined as Established Neighbourhoods, C.N. Industrial Area and the Airport Business Area.  Rename the section to Flexible Landscaping.	To provide clarification.
Section 7.6	This section provides for flexible landscaping.	Add a new section to provide flexibility of the required tree planting location where a utility constraint exists on a site as follows: <ul style="list-style-type: none"> <li>• Allow trees to be located on-site within the required yard setback.</li> <li>• Where this is not feasible, trees may be planted in the boulevard or in a Municipal Reserve provided appropriate approvals are granted.</li> <li>• Where this is not feasible, shrubs and grasses may be planted in lieu of trees within the required landscaped strip.</li> </ul>	Stakeholders provided feedback that flexibility is needed where tree planting requirements conflict with utilities. A new section will be added to provide applicants the ability to adjust the tree planting location provided appropriate approvals are granted. Supplementary information will be provided in the Landscape Guidelines to provide applicants with information about the process.
Section 7.7	This section provides landscaping requirements for commercial districts.	Clarify that the landscaping requirement in the B4MX District applies to the required front yard.	To provide clarification.

<b>Section 8: Residential Districts</b>			
<b>Section 9: Institutional Districts</b>			
<b>District</b>	<b>Current Provision</b>	<b>Proposed Change</b>	<b>Rationale</b>
R2 District  Section 8.4.4 Notes to Development Standards 3(a)	This section provides for the front yard setback requirement for one-unit dwellings in established neighbourhoods.	Add two-unit dwellings and semi-detached dwellings to 8.4.4 3(a) Notes to Development Standards.	Correction from a previous amendment in the R2 District.
Residential Districts (excluding RMHC District)  M2 District	Increased site coverage may be permitted for specific structures in addition to the area of the dwelling unit.	The allowance for additional site coverage will apply for three season rooms and attached covered entries, patios and decks in residential districts (excluding RMHC District), and in the M2 District.	Clarification and addition of three season rooms and attached covered entries.
M3 and M4 Districts	Day cares and preschools are a permitted use.  In addition, the use tables list day cares and preschools accessory to a place of worship, elementary and high schools, community centre conversion or community centre as a permitted use.	Remove the use “day cares and preschools accessory to a place of worship, elementary and high schools, community centre, conversion or community centre” from the permitted use tables because day cares and preschools are permitted and this is a duplication.	Correct the duplication of the listed permitted uses.



## ENGAGEMENT SUMMARY

### Zoning Bylaw Comprehensive Review Project *Proposed Amendments to Sections 2, 4, 5, 7, 8 and 9 (Appendix 2)*

#### Description

A Comprehensive Review of the Zoning Bylaw Project (Project) is being undertaken to align the Zoning Bylaw with identified strategic priorities, current trends, changes to provincial legislation and to make minor amendments. This report is the fourth package of proposed amendments being undertaken as part of the Project. The proposed amendments address a range of topics identified during the information gathering phase of the Project.

#### Using What We Learn

Stakeholders offered valuable feedback which is included in this report. There was also feedback that was specific to amendments not captured within this package of amendments. This feedback has not been included in this report; however, it will be shared with the relevant groups for consideration in future reviews where appropriate.

#### What We Did

Who we had conversations with	How we gathered input
Internal City Stakeholders (Planning and Development, Transportation, Parks, Solicitors, Building Standards, Communications and Engagement)	Relevant internal divisions were contacted for review and comment for proposed amendments. No comments were received that would preclude these amendments from proceeding.
Utility Providers, Landscape Architects, Developers and Parks, Transportation and Planning and Development Departments	<p>A virtual workshop was held with the utility providers, landscape architects, Parks and Transportation Departments and developers on October 27, 2021, to discuss an approach to manage conflicts between utilities and landscaping requirements.</p> <p>A follow up virtual information session was held on May 4, 2022. Participants were provided a project update email and advised of the information on the Engage Page on May 19, 2022.</p>

Who we had conversations with	How we gathered input
General Public	<p>Information was provided on the Zoning Bylaw Review Engage Page starting on May 19, 2022. Visitors to the website were able to provide a comment on the Engage Page. Contact information for the Project Team was also included on the Engage Page. Promotion of the information on the website was as follows:</p> <ul style="list-style-type: none"> <li>• The North Saskatoon Business Association (NSBA) and the Saskatoon &amp; Region Home Builders' Association (SRHBA) were advised of the information on the Engage Page on May 19, 2022.</li> <li>• Information about the Engage Page was shared with Community Associations via the Community Consultants the week of May 23, 2022.</li> <li>• An e-newsletter was used to promote the information on May 24 and June 1, 2022.</li> <li>• Twitter and Facebook were used to promote the information on May 31, June 1 and June 2, 2022.</li> </ul>

**What We Heard – Comments Specific to Utility / Landscaped Strip Conflicts**

We organized what we heard into themes and summaries below. These comments were received through the workshop and information session. *Note: The language below is not word for word comments provided by stakeholders.*

Theme	Summarized Comments	Response
Process needs to be clear	Needs to be clear information of who to contact and what is required for developers who may not go through this process regularly.	Process and contact information will be available in the supplementary Landscape Guidelines.
Trees may need to be removed later if land is redeveloped	The number of trees required is consistent with current Zoning Bylaw requirements and helps the City meet the goals of the Official Community Plan, Urban Forestry Management Plan, and other City plans.	Comments noted.

Theme	Summarized Comments	Response
Support for Approach	<ul style="list-style-type: none"> <li>• Flexibility appreciated to assist in addressing utility constraints. Support for options (e.g., planting in the boulevard if approved by Parks, somewhere else on the site, etc.).</li> <li>• Challenging to meet the requirements for utilities and landscaping (e.g., tree requirements) and other site constraints.</li> <li>• Landscaping and utilities can share an area except those areas that are prohibited between all utilities.</li> </ul>	Comments noted.
In some cases, shrubs may not be appropriate	A conflict may exist between a required landscaped strip and an above or below ground utility preventing trees <i>and shrubs</i> plantings.	Allowing for shrubs and ornamental grasses to be substituted for tree plantings is consistent with the current approach in the Zoning Bylaw.
Landscaping Requirements	Concern that additional area on the site would be needed for landscaping which would reduce the amount of developable area on the site.	Additional landscaping area is not being required. This approach is to provide alternate options for where tree plantings can be accommodated.
Flexibility	More flexibility is needed on where trees can be planted on site (referring to previous language that they needed to be “visible from the street”).	The proposed amendments allow for trees to be planted in the required setback area to provide clarity in how the regulation will be applied. Concerns were raised with the option for trees to be “visible from the street” because of the potential to be subjective and may cause misinterpretation and inconsistent application of the proposed amendments.

No comments were received for proposed amendments to Sections 2, 4, 5, 8 and 9 of the Zoning Bylaw.

### What Went Well

- Trying different engagement tactics such as surveys to gain feedback. Virtual workshops were well attended and different engagement tactics such as Mentimeter and Slido were used to engage participants in the discussion.
- Working with industry and targeted stakeholders with experience specific to landscape / utility constraints provided insight into their perspectives on the proposed regulations.

### **What We Can Do Better**

- A short turn around on engagement was required in order to meet reporting deadlines. Updates to the Engage Page showing the proposed amendments were not available for a long period of time prior to completion of this report.
- The results from engagement are comments specific to utility / landscaped strip conflicts. No comments were received on the proposed amendments to Sections 2, 4, 5, 8 and 9 of the Zoning Bylaw.
- Information about the proposed amendments in the M3 and M4 Districts to remove the use “day cares and preschools accessory to a to a place of worship, elementary and high schools, community” was not shared on the Engage Page because this amendment is a clean up item to remove a duplicated use from the use tables.
- Information about the proposed amendment in the R2 District to add two-unit dwellings and semi-detached dwellings to the Notes to Development Standards for front yard setback requirements was not shared on the Engage Page because this amendment is to correct an error from Bylaw No. 9818.

### **What's Next**

- Additional amendments to the Zoning Bylaw will be brought forward through in future amendment packagements or through separate topic specific reports.

