



## REQUEST FOR DECISION

To: Development & Planning Services Committee

From: Senior Planner & Approving Officer

Title: Zoning Bylaw Amendment Application No. 1286 – Definitions for Height of Buildings and Grade

Date: March 18, 2024

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### Executive Summary/Purpose:

This proposal is to amend the Zoning Bylaw definitions of Height and Grade to facilitate residential development.

### Motion for Consideration:

**THAT: A bylaw be prepared for Council's consideration, amending Zoning Bylaw No. 2303 as follows:**

#### 1. Section 2 – Definitions

HEIGHT when determining the *height of buildings*, except for those *structures* listed in Section 4.4 (Height Exceptions), means the vertically measured distance between the lowest of the average levels of *grade* adjoining each exterior wall of a *building* prior to the start of constructions of the *building*, to the roof line of the *building* when roof line means the highest point on any roof top or edge or parapet forming the top line of the (roof) *building* silhouette.

Be replaced with:

**HEIGHT** when determining the *height of buildings or structures*, except for those *structures* listed in Section 4.4 (Height Exceptions) and Section 4.12 (Fences and Retaining Walls), means the vertically measured distance between the average *grade* and the highest point of the *structure* of a non-sloping roof, or the mid-point of a sloping roof.

and

#### 2. Section 2 – Definitions

GRADE means a natural or mechanically developed ground level elevation approved by the *Authority* for the purposes of measurement of a *building* or *structure's height* using the following criteria:

- a) Natural ground level shall be so common and usual, long and continued in its character by visible trees, shrubs, vegetation, and surrounding terrain and the nature of the soil itself to indicate no visible landfill or soils removal in recent years; or
- b) Mechanically developed ground level shall be an altered elevation of soils upon one or more parcels to obtain levelled, terraced, or sloped buildings sites, usually graded to blend with one another as shall be approved by the Approving Officer or Council through due process.

Be replaced with:

**GRADE means the ground level elevation approved by the Authority for the purposes of measurement of a *building* or *structure's height* using the natural ground level (being the usual and continued in character by visible trees, shrubs, vegetation, and surrounding terrain and the nature of the soil itself to indicate no visible landfill or soils removal in recent years), or**

**means the ground level elevation approved by the Authority for the purposes of measurement of a *building* or *structure's height* using the mechanically developed ground levels shown on a site grading plan where required and approved by the Authority.**

#### **Staff Recommendation:**

THAT: The motion for consideration be adopted.

#### **Proposal:**

This proposal is to amend the Zoning Bylaw definitions of Height and Grade and how height is calculated, in order to align with the current recommended standards, policy and procedures to better support various housing forms.

#### **Background:**

The proposed amendments to the Zoning Bylaw definitions of Height and Grade are intended to update the City's definitions aligned with both provincial and municipal housing policies. The Provincial Ministry of Housing's Small-Scale Multi-Unit Housing Policy Manual suggest that the definition of Building Height be considered for review by Local Government. The proposed bylaw amendment is intended to bring the zoning bylaw into compliance with the *Local Government Act* and the provision of SSMUH options.

Insufficient height allowances can deter supported housing forms. The Province recommends a universal height limit that permits three stories regardless of the method of measurement, site gradient, or roof style to help improve the viability and diversity of housing forms. Limits of 1, 2 or 2.5 stories affect project viability or increase lot coverage to the point of reducing site permeability, green space, and livability. If height maximums are too low, it can also restrict

evolving building technologies designed to improve efficiency, sound, and fire separation, such as increased minimum insulation requirements for floor and roof systems which may result in a larger but more energy-efficient building envelope.

Staff note that the City has been generally supportive of variances for increased height: since 1987, 37 Variance Permit applications for building height have been considered with 36 approved and only 1 defeated. Additionally, height variances have been granted through the Development Permit application process, as the building height and roof lines are significant elements of the form and character of a development (the number of these variances have not been tracked). Variances can delay a project and may call into question the suitability of an otherwise strong proposal. While there may still be instances where the viability of a project may still depend on varying the building height requirement, staff suggest that these applications may be reasonably limited by the suggested amendments.

Further to this, staff note that the current definition has proven to particularly impact buildings on sloping sites. As development within the City moves towards more challenging terrain within our infill areas as well as Residential Development Area B, staff view the proposed amendments as proactive to support residential development in these identified priority areas.

While the maximum heights permitted in the Zoning Bylaw generally already allow for three stories (10 m), staff note that the current definition of height can be limiting, particularly affected by site grade and potentially restricting development across sloping sites. The current definition of height is:

**HEIGHT** when determining the *height* of *buildings*, except for those *structures* listed in Section 4.4 (Height Exceptions), means the vertically measured distance between the lowest of the average levels of *grade* adjoining each exterior wall of a *building* prior to the start of construction of the *building*, to the roof line of the *building* when roof line means the highest point on any roof top or edge or parapet forming the top line of the (roof) *building* silhouette.

Staff have proposed to amend the above definition as follows:

**HEIGHT** when determining the height of buildings and structures, except for those *structures* listed in Section 4.4 (Height Exceptions) and Section 4.12 (Fences and Retaining Walls), means the vertically measured distance between the average *grade* and the highest point of the *structure* of a non-sloping roof, or the mid-point of a sloping roof.

This proposed definition aligns with current provincial guidelines and recommendations, as well as the definitions utilized in many neighbouring municipalities. Using “average grade” is a more permissive approach particularly for sloping sites, while allowing measurement to the mid-point of a sloping roof is more permissive with respect to a more supported building form. Lots with very steep slopes away from the road or access point, tend to result in height limits that are negatively affected by the very low (bottom of slope) grade points, that then do not allow a 2-3 story structures to be constructed on the upper portion of the lot where the driveway access must be located, requiring a variance to allow a reasonable structure. “Averaging” the grade tends to lessen this effect.

It is impossible to consider Height without some corresponding consideration of the definition of “Grade”. The Zoning Bylaw definition of Grade is as follows:

**GRADE** means a natural or mechanically developed ground level elevation approved by the *Authority* for the purposes of measurement of a *building* or *structure's height* using the following criteria:

- a) natural ground level shall be so common and usual, long and continued in its character by visible trees, shrubs, vegetation, and surrounding terrain and the nature of the soil itself to indicate no visible landfill or soils removal in recent years; or
- b) mechanically developed ground level shall be an altered elevation of soils upon one or more parcels to obtain levelled, terraced, or sloped buildings sites, usually graded to blend with one another as shall be approved by the Approving Officer or Council through due process.

For purposes of clarity and accuracy, Staff propose to amend the above definition as follows:

**GRADE** means the ground level elevation approved by the *Authority* for the purposes of measurement of a *building* or *structure's height* using the natural ground level (being the usual and continued in character by visible trees, shrubs, vegetation, and surrounding terrain and the nature of the soil itself to indicate no visible landfill or soils removal in recent years), or

means the ground level elevation approved by the *Authority* for the purposes of measurement of a *building* or *structure's height* using the mechanically developed ground levels shown on a site grading plan where required and approved by the *Authority*.

Staff view this change as a relatively minor “housekeeping” update. The proposed definition would bring the Zoning Bylaw into alignment with the Subdivision and Development Servicing (SDS) Bylaw with respect to site grading plan requirements, terminology, and approval process. Site grading plans are required through the SDS Bylaw as a component of site pre-design and preparation through the Subdivision or Building Permit application process.

Diagrams demonstrating the application of these proposed changes are attached as Appendix 1.

In general OCP policy supports a variety of housing forms. Staff note that the proposed zoning amendments align with the OCP’s Urban Residential Objectives listed in Section 8.2 and the Urban Residential Policies listed in Section 8.3, including providing a variety of housing types and housing options. The allowance for additional height supports sloping roof designs, which may offer visual interest in alignment with OCP Residential Building Guidelines listed in Section 8.4.

Furthermore, Staff suggest that this proposal aligns with strategic themes identified in the Community Housing Strategy supporting residential density and diversity that fits with the character of the community, and developing opportunities to address rental housing needs. The changes are intended to support options to increase housing density within a range of buildings which may be slightly taller while maintaining more traditional roofline aesthetics.

#### **Relevant Policy(ies):**

As noted, staff view the proposed Zoning Bylaw amendments as presented to be consistent with OCP residential objectives and policies, the Subdivision and Development Servicing Bylaw, as well as the Community Housing Strategy.

**Referral Comments:**Fire Department

The Fire Department has advised that this change will not significantly affect firefighting operations.

Ministry of Transportation (MOTI)

Ministry of Transportation approval is required for Zoning Amendment Bylaws. Staff referred a draft version of this staff report. After third reading of the bylaw it will be forwarded to MOTI for signature.

Planning Department

Staff view the proposed Zoning Bylaw amendments as presented to be consistent with OCP residential objectives and policies, as well as the Community Housing Strategy. The amendments proposed to the Zoning Bylaw serve to clarify and align with municipal policy, support housing diversity, and provide opportunity for additional housing formats.

The proposed bylaw will be held at second reading and will progress through future readings in concurrence with other bylaws related to the implementation of SSMUH.

**Financial Considerations:** N/A

**Committee Recommendations:** N/A

**Public Consultation:**

Pursuant to the *Local Government Act* and City of Salmon Arm Zoning Bylaw newspaper ads are placed in two editions of the local in advance of first reading of the bylaw, which is expected to be April 8, 2024. A Statutory Public Hearing is not held for Zoning Bylaw Amendments that bring bylaws into compliance with SSMUH.

**Alternatives & Implications:** Staff anticipate that the number of Variance Permit applications related to building height will be reduced as a result of the proposed amendment.

Prepared by: Senior Planner

Reviewed by: Director of Planning & Community Services

Approved by:

Attachments:

- Appendix 1 – Height and Grade Diagrams