



City of Richmond

Report to Committee

To: Planning Committee

Date: April 13, 2011

From: Brian J. Jackson, MCIP
Director of Development

File: 12-8060-20-8743/Vol 01

Re: Housekeeping Amendments to Richmond Zoning Bylaw 8500

Staff Recommendation

That *Richmond Zoning Bylaw 8500, Amendment Bylaw 8743* be introduced and given first reading.

Brian J. Jackson, MCIP
Director of Development
(604-276-4138)

Att. 1

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Building Approvals	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

The purpose of this report is to introduce various housekeeping amendments to *Richmond Zoning Bylaw 8500*. These amendments are considered minor and are intended to keep the *Zoning Bylaw* current and up-to-date.

When *Richmond Zoning Bylaw 8500* was adopted, staff envisioned that minor housekeeping amendments would be required. This was not consistently done with the previous *Richmond Zoning & Development Bylaw No. 5300*, which is why such a comprehensive update was required. Experience has shown that it is better to continually update the *Zoning Bylaw* with small housekeeping amendments rather than to let these amendments accumulate into one large review.

Findings Of Fact

This is the third set of housekeeping to *Richmond Zoning Bylaw 8500*. There are five proposed housekeeping amendments to the *Zoning Bylaw*. Each of these is described in detail below.

1. Variances For Projections Into The Setbacks Of Townhouse Zones

Over the past year, the Development Permit Panel has approved two Development Permit applications that requested a variance for a ground-level electrical closet attached to the building that projected into the required side yard setbacks in the standard townhouse zones. Neither of these variances were problematic or adversely affected the form and character of the proposed new townhouse development.

As a result, recent new site specific townhouse zones (formerly called comprehensive development districts) permit electrical closets forming part of the principal building to project 0.6 m (2 feet) in the side yard and rear yard.

With the exception of the aforesaid comprehensive development districts, the previous *Richmond Zoning & Development Bylaw No. 5300* did not deal with this issue.

Therefore, it is recommended that a general development regulation be added to the section of *Richmond Zoning Bylaw 8500* that permits projections into yards in townhouse zones. Specifically, it is proposed that electrical closets and similar ground-level projections attached to the building on the ground floor be allowed to project 0.6 m (2 feet) into the side and rear yards in all townhouse zones.

2. Uncovered Entry Stairs Projections Into The Setbacks Of Some Zones

Richmond Zoning Bylaw 8500 currently permits uncovered entry stairs to project into any yard but no closer than:

- 0.6 m (2 feet) to a lot line abutting a road in the low rise apartment zones;
- 1.5 m (5 feet) to a side lot line or rear lot line and 3.0 m (10 feet) to a front lot line in the townhouse zones; and
- 1.2 m (4 feet) to an interior side yard in all other zones.

City staff have been asked how far an uncovered entry stair could project into an exterior side yard on a corner lot in the coach house zone. *Richmond Zoning Bylaw 8500* does not specify how close such a staircase to a coach house above the garage can be from the side street. Similarly, the previous *Richmond Zoning & Development Bylaw No. 5300* did not mention uncovered stair projections and this was never before raised as an issue.

Although this situation will not arise that often, it is recommended the general development regulations be amended to indicate that uncovered entry stairs can project 1.2 m (4 feet) into the side and rear yards, but must be no closer than 1.2 m (4 feet) from an interior lot line, 1.8 m (6 feet) from an exterior side lot line and 1.8 m (6 feet) from a rear lot line. These distances would not apply to the townhouse and low rise apartment zones which have their own specific setback requirement for uncovered entry stairs.

3. Dormer Projections Into The Residential Vertical Envelope In Single Detached Zones

Some of the single detached zones permit the ridge line of a front roof and side roof dormer to project horizontally between 0.9 m to 0.915 m (3 feet) beyond the residential vertical lot depth and lot width envelopes, but no further than the setback required for the front yard or side yard (i.e., the compact single detached, coach house and certain site specific single detached zones). None of these zones limit the size of the front roof or side roof dormer (i.e., amount of building area or wall space the dormer can occupy), and this has not been a problem in these zones to date.

Other single detached zones do not permit a similar projection for a front roof and side roof dormer (i.e., standard single detached, residential child care and various other site specific single detached zones). City staff see no reason why this should not be permitted in these zones too since it will add to the roofscape and design of the single detached house. Furthermore, staff are not aware of any issues or complaints regarding the zones that do permit a front roof and side roof dormer to project beyond the residential vertical lot depth and lot width envelope. The implications of this amendment will be monitored and if it is found that the size of the front roof or side roof dormer becomes problematic (e.g., it occupies an inordinate amount of wall space or adversely increases the building area), the *Zoning Bylaw* could be amended further to define dormers and limit their size or scale.

The previous *Richmond Zoning & Development Bylaw No. 5300* contained a similar discrepancy between the compact single detached and coach house zones and the standard single detached and residential child care zones. Likewise, some of the former comprehensive development districts (now called site specific single detached zones) permitted front roof and side roof dormer projections and other comprehensive development districts did not.

Therefore, for the sake of consistency and better design, it is recommended that a new general development regulation entitled "Projections Into Heights In Single Detached Housing Zones" be added to the *Zoning Bylaw*, which would permit the ridge line of a front roof and side roof dormer to project horizontally 0.915 m (3 feet) beyond the residential vertical lot depth and lot width envelope but no further than the setback required for the front yard or side yard in all single detached housing zones.

4. Fence Height Limitations In Residential Zones

Richmond Zoning Bylaw 8500 specifies that “fence height shall be measured using the average landscape grade 1.0 m from both sides of the fence”. This works if both of the properties are at the same grade. However, if one property is higher than the other, using the average grade on both sides of the fence could create a situation where the higher property will have a much lower fence than normal (e.g., 0.9 m to 1.2 m or 3 foot to 4 foot high fence along the side or rear lot lines rather than the typical 2.0 m or 6 foot 6 inch high fence). Such a lower fence could raise safety and privacy issues, especially in the single detached housing zones.

The new way of measuring fence height is also difficult to administer since a permit is not required for a fence. Since most single detached home owners and builders are used to the typical 2.0 m (6 foot 6 inch) height restriction on fences in the side and rear yards, it is likely that this is what is actually being built. Furthermore, calculating the average landscape grade on both sides of the fence is not easily determined where one property is higher than the other and is only a temporary situation since eventually all new single detached houses are being raised to a similar grade for flood protection purposes.

According to the previous *Richmond Zoning & Development Bylaw No. 5300*, the height of a fence in the residential zoning districts “shall be calculated from: (i) the point at which the fence intersects the ground; or (ii) the top of any curb abutting the property, or if there is no curb, the crown of the adjacent roadway; whichever is the highest”.

Staff recommend simplifying the measurement of fence height in the residential zones of the *Zoning Bylaw* by saying it is measured from the point at which the fence intersects the ground (i.e., based on the landscape grade of the property on which the fence is located and not the grade of the adjacent property or the height of the curb/crown of any adjacent roadway).

5. VariANCES For Landscaping With Live Plant Material In Townhouse Zones

Over the past year, the Development Permit Panel has approved four Development Permit applications that requested a variance to reduce the lot coverage for landscaping with live plant material in the standard townhouse zones. In each case, the amount of porous surfaces exceeded the requirements in these townhouse zones by means such as permeable pavers in the driveways, parking spaces and patios. As a result, none of these variances were problematic or adversely affected the landscaping or porosity of the proposed new townhouse development.

The previous *Richmond Zoning & Development Bylaw No. 5300* did not have a requirement for the percentage of the lot area restricted to landscaping with live plant material. However, three former comprehensive development districts (CDs) did specify the maximum lot coverage for buildings and any non-porous surfaces or structures and stated that the remainder of the lot area was restricted to landscaping with live plant material. Accordingly, when these three CDs were converted to site specific townhouse zones in the new *Zoning Bylaw*, it was specified that the remaining lot area, stated as a percentage, was restricted to landscaping with live plant material.

Based on the precedence of these three site specific townhouse zones, and in order to ensure sufficient live landscaping and site porosity for other new townhouse developments, new requirements shown in the table on the next page were added to the standard townhouse zones in *Richmond Zoning Bylaw 8500*.

In light of the experience over the past year, it is recommended that the lot coverage requirements in these standard townhouse zones and the three site specific townhouse zones be amended as shown in the following table by:

- 1) Reducing the minimum percentage of the lot area restricted to landscaping with live plant material by 5%; and
- 2) Reducing the maximum percentage of the lot area occupied by buildings, structures and non-porous surfaces by 5%.

This should eliminate the need for variances with future standard townhouse zone projects, while maintaining an adequate amount of live landscaping and porous or permeable surfaces.

MINIMUM % OF LOT AREA RESTRICTED TO LANDSCAPING WITH LIVE PLANT MATERIAL IN TOWNHOUSE ZONES			
Zone	Previous Richmond Zoning & Development Bylaw No. 5300	Existing Richmond Zoning Bylaw 8500	Proposed Housekeeping Amendment Bylaw 8743
Low Density Townhouses (RTL1, RTL2, RTL3, RTL4)	N/A	30%	25%
Medium Density Townhouses (RTM1, RTM2, RTM3)	N/A	30%	25%
High Density Townhouses (RTH1, RTH2, RTH3, RTH4)	N/A	25%	20%
Parking Structure Townhouses (RTP1, RTP2, RTP3, RTP4)	N/A	20%	15%
Town Housing (ZT15)	N/A	20%	15%
Town Housing (ZT18)	N/A	20%	15%
Town Housing (ZT45)	N/A	30%	25%
MAXIMUM % OF LOT AREA OCCUPIED BY BUILDINGS, STRUCTURES & NON-POROUS SURFACES IN TOWNHOUSE ZONES			
Zone	Previous Richmond Zoning & Development Bylaw No. 5300	Existing Richmond Zoning Bylaw 8500	Proposed Housekeeping Amendment Bylaw 8743
Low Density Townhouses (RTL1, RTL2, RTL3, RTL4)	N/A	70%	65%
Medium Density Townhouses (RTM1, RTM2, RTM3)	N/A	70%	65%
High Density Townhouses (RTH1, RTH2, RTH3, RTH4)	N/A	75%	70%
Parking Structure Townhouses (RTP1, RTP2, RTP3, RTP4)	N/A	80%	75%
Town Housing (ZT15)	80%	80%	75%
Town Housing (ZT18)	80%	80%	75%
Town Housing (ZT45)	70%	70%	65%

Analysis

Each of the five proposed housekeeping amendments are intended to improve the quality of *Richmond Zoning Bylaw 8500*. None are considered controversial.

The two housekeeping amendments related to the townhouse zones arise from experience at the Development Permit Panel. The only public concern expressed at the Panel meetings was that the ground-level electrical closet would create noise that would adversely impact adjacent properties. Staff’s response is that the electrical closet will not be noisy and is always visually screened by landscaping elements. None of the public delegations or correspondence at the Panel meetings expressed concerns regarding the variances to the lot coverage for landscaping with live plant material.

The other three housekeeping amendments regarding uncovered entry stairs, front roof and side roof dormers, and fence heights primarily relate to single detached housing zones. City staff discussed these amendments with Richmond’s single family residential builders on March 29, 2011. No objections were expressed with regard to these three housekeeping amendments.

In fact, the single family residential builders pointed out one other potential change to *Richmond Zoning Bylaw 8500* that can be incorporated into a future set of housekeeping amendments (i.e., allow a post or pillar in the front yard to exceed the 1.2 m or 4 foot fence height limitation). Further research and thought needs to be put into this suggestion.

Financial Impact

None.

Conclusion

Five minor housekeeping amendments are proposed to *Richmond Zoning Bylaw 8500*.

Each of these respond to issues that have arisen since *Bylaw 8500* was adopted in November 2009.

None of the proposed housekeeping amendments are expected to raise public concerns.

Therefore, it is recommended that *Richmond Zoning Bylaw 8500, Amendment Bylaw 8743* be introduced and given first reading.



Holger Burke, MCIP
Development Coordinator
(604-276-4164)

HB:cas



**Richmond Zoning Bylaw 8500
Amendment Bylaw 8743
(Housekeeping Amendments – Third Set)**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning Bylaw 8500, as amended, is further amended:
 - a) at section 4.9. by adding the following:
 - 4.9.8.1. Electrical closets and similar ground-level projections attached to the **building** on the ground floor may project into the **side yard** and **rear yard** not more than 0.6 m.
 - b) by deleting section 4.12.6. in its entirety and substituting the following:
 - 4.12.6. Stairs which are uncovered and are not entry stairs to **town housing** or low rise **apartment housing**, may project into a required **yard**. Such stairs may project 1.2 m into the **side yard** and **rear yard**, but shall not be closer than 1.2 m to an interior **side lot line**, 1.8 m to an exterior **side lot line** and 1.8 m to a **rear lot line**.
 - c) at section 4. by adding the following after section 4.12:
 - 4.12A. **Projections into Heights in Single Detached Housing Zones**
 - 4.12A.1. The ridge line of a front roof dormer may project horizontally up to 0.915 m beyond the **residential vertical lot depth envelope** but no further than the **setback** required for the **front yard**.
 - 4.12A.2. The ridge line of a side roof dormer may project horizontally up to 0.915 m beyond the **residential vertical lot width envelope** but no further than the **setback** required for the **interior side yard** or the **exterior side yard**.
 - d) by deleting section 6.8.3. in its entirety and substituting the following:
 - 6.8.3. **Fence height** shall be measured at the point at which the **fence** intersects the ground.
 - e) by deleting:
 - i) sections 8.6.5.2., 8.7.5.2. and 17.45.5.2. in their entirety and substituting the following:

No more than 65% of the **lot** may be occupied by **buildings, structures** and **non-porous surfaces**.

- ii) section 8.8.5.2. in its entirety and substituting the following:
No more than 70% of the **lot** may be occupied by **buildings, structures and non-porous surfaces.**
- iii) sections 8.9.5.2., 17.15.5.2. and 17.18.5.2. in their entirety and substituting the following:
No more than 75% of the **lot** may be occupied by **buildings, structures and non-porous surfaces.**
- iv) sections 8.6.5.3., 8.7.5.3. and 17.45.5.3. in their entirety and substituting the following:
25% of the **lot area** is restricted to **landscaping** with live plant material.
- v) section 8.8.5.3. in its entirety and substituting the following:
20% of the **lot area** is restricted to **landscaping** with live plant material.
- vi) sections 8.9.5.3., 17.15.5.3. and 17.18.5.3. in their entirety and substituting the following:
15% of the **lot area** is restricted to **landscaping** with live plant material.

2. This Bylaw may be cited as **“Richmond Zoning Bylaw 8500, Amendment Bylaw 8743”**.

FIRST READING
 PUBLIC HEARING
 SECOND READING
 THIRD READING
 ADOPTED

MAY 09 2011



MAYOR

CORPORATE OFFICER