



Committee of the Whole Report

For the Meeting of February 1, 2018

To: Committee of the Whole **Date:** January 19, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Revised Zoning Bylaw 2017

RECOMMENDATION

That Council:

1. Rescind second reading of Zoning Bylaw 2017;
2. Direct staff to amend Zoning Bylaw 2017 as follows:
 - (a) In Section 1.1 of Part 1 (Administration), by:
 - (i) deleting subsection 17. in its entirety and replacing it with the following:

"17. The figure indicated in a column of section 3, Part 4 of this bylaw adjacent to the heading "**Height-Maximum**" is the maximum **Height** of any **Building** that may be constructed or erected in the relevant Height Area of the relevant zone shown on Schedule A to Part 6, for the Central Business District-2 Zone, or in the relevant zone, for all other zones."
 - (ii) deleting subsection 23. in its entirety and replacing it with the following:

"23. In this section,

"Permit" means a development permit, heritage alteration permit, development variance permit or temporary use permit

23.1 If a Permit has been issued for a development prior to the date of adoption of this bylaw and a subsequent complete application for a Permit is received for the same development, then provided that the subsequent application:

 - a. is for a Permit that has been delegated to the Director pursuant to the Land Use Procedures Bylaw, 2016,
 - b. is received within twenty-four (24) months of the date of adoption of this bylaw, and
 - c. is only for exterior changes or landscaping changes to the development,

the subsequent application shall be processed in accordance with the Zoning Regulation Bylaw No. 80-159.

23.2 If a Permit has been issued for a development prior to the date of adoption of this bylaw and a subsequent complete application for a building permit is received for the same development within twenty-four (24) months of the date of adoption of this bylaw, then if:

- a. all alterations or differences in the development from the approved Permit were approved by subsequent Permit in accordance with section 23.1, or
- b. there are no alterations or differences in the development from the approved Permit,

the building permit shall be processed in accordance with the Zoning Regulation Bylaw No. 80-159.

23.3 If a bylaw to amend the Zoning Regulation Bylaw No. 80-159 has been adopted for a property prior to the date of adoption of this bylaw, and a subsequent complete application for a building permit or business licence is received for the same property within twenty-four (24) months of the date of adoption of this bylaw, then the building permit or business licence shall be processed in accordance with the Zoning Regulation Bylaw No. 80-159.

23.4 If prior to the date of adoption of this bylaw, Council has moved a Permit application forward to a future Council meeting for an opportunity for public comment, then Council's motion is deemed to be amended to reflect the requirements of this bylaw and the Director is authorized to bring forward to Council at the opportunity for public comment a report accordingly, provided that:

- a. the opportunity for public comment takes place within twenty-four (24) months of the date of adoption of this bylaw,
- b. there are no alterations or differences in the development from that considered at Council, with the exception of an increase in the number of vehicle or bicycle parking spaces being provided on the lot, and
- c. the intent of the Council motion is unchanged.”;

(b) In Section 1 of Part 2.1 (Administrative Definitions), by adding the following new definition after the definition for “Bicycle Parking, Short-Term”:
“**Bonus Density of Development** means the **Density of Development** that applies in accordance with section 482 of the Local Government Act if applicable conditions entitling an owner to a higher density are satisfied”;

(c) In Section 1 of Part 2.2 (Use Definitions), by deleting the definition for “**Brew Pub, Distillery and Winery**” and replacing it with the following:
“**Brew Pub (beer, spirits, wine)** means facilities used for the consumption of beer, spirits, wine or other alcoholic beverages which are produced and manufactured on the premises, and which may be provided in combination with **Food and Beverage Service or Retail Trade.**”;

- (d) In Part 4.1 (Central Business District-1 Zone), Part 4.2 (Central Business District-2 Zone), and Part 4.4 (Old Town District-1 Zone) by:
- (i) deleting "**Brew Pub, Distillery and Winery**" as a permitted use in section 1.c and replacing it with "**Brew Pub (beer, spirits, wine)**",
 - (ii) deleting subsection 1.1.c. and replacing it with the following:
 - "c. i. The production and manufacturing area for a **Brew Pub (beer, spirits, wine)** must not be located above the **First Storey** and is not permitted within 6m of the wall of any **Building** that abuts a **Street** or pedestrian walkway, except where the **Brew Pub (beer, spirits, wine)** is provided in conjunction with **Retail Trade** or **Food and Beverage Service**.
 - ii. Not more than 35% of the **First Storey Floor Area** of a **Brew Pub (beer, spirits, wine)** may be used for the production and manufacturing of beer, spirits, wine or other alcoholic beverages.";
- (e) In Part 4.1 (Central Business District-1 Zone) by:
- (i) deleting the row at subsection 3.a and replacing it with the following row:

a. Height – Maximum:	43.0m
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 - (ii) deleting the row at subsection 3.b,
 - (iii) renumbering the row at subsection 3.c as new subsection 3.b,
 - (iv) deleting subsection 4.b. ii. in its entirety and replacing it with the following:
 - "ii. Exterior walls over 30.0m and up to 43.0m in **Height:** 6.0m",
 - (v) deleting subsection 4.b. iii. in its entirety and renumbering the row at 4.b. iv. as new subsection 4.b. iii.",
 - (vi) deleting the entire table in section 8. (Site Specific Regulations) and replacing it with the table contained in Attachment A of this report;
- (f) In Part 4.2 (Central Business District-2 Zone) by deleting the entire table in section 8. (Site Specific Regulations) and replacing it with the table contained in Attachment B of this report;
- (g) In Part 4.3 (Mixed Use Residential District-1 Zone) by:
- (i) inserting the following row as subsection 1.1.b. (Location and Siting of Uses):
 - "b. A maximum 50% of the **Floor Area** may be used for non-**Residential** uses.",
 - (ii) deleting subsection 2.b. in its entirety;
- (h) In Part 4.4 (Old Town District-1 Zone) by deleting the entire table in subsection 8. (Site Specific Regulations) and replacing it with the table contained in Attachment C of this report; and
- (i) In Part 6. (Schedules) by revising the title of Schedule A to read: "**Schedule A - CBD - 2 Zone Height Area Map**".

3. Direct Staff to bring forward the revised Zoning Bylaw 2017 for Council's consideration of second reading prior to a public hearing.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with proposed amendments to Zoning Bylaw 2017 to address some issues that were identified during the public consultation period. Zoning Bylaw 2017 was given second reading by Council on November 23, 2017; however, it was not

considered at a public hearing until further refinements were made to ensure that existing density limits and building heights were maintained for all affected properties.

Staff have reviewed the bylaw to correct circumstances where properties were receiving increased development rights. The revised bylaw now fully embodies the intended approach of maintaining current development entitlements, balanced with simplifying the regulations into a more user-friendly approach, and maintaining a “destination” zone for future development proposals. Amendments to the administration section of the Zoning Bylaw are also proposed to provide strengthened provisions for transitioning development applications between the current Zoning Regulation Bylaw and Zoning Bylaw 2017.

This report provides a summary of the key changes and also seeks Council’s direction to rescind second reading, direct staff to amend the bylaw as noted in this report, and reconsider second reading of the amended bylaw at an upcoming Council meeting.

PURPOSE

The purpose of this report is to present Council with proposed amendments to Zoning Bylaw 2017 and advance the revised Zoning Bylaw (Attachment D) to Council for reconsideration of second reading prior to a public hearing.

BACKGROUND

Zoning Bylaw 2017 received second reading on November 23, 2017 and was scheduled to be considered at a public hearing on December 14, 2017. Prior to the public hearing, the City received correspondence from the Downtown Residents’ Association (DRA) which identified that the new Zoning Bylaw would have conveyed additional land uses, densities and building height maximums on certain properties within the Central Business District (CBD) and Old Town. The DRA was concerned about the loss of opportunity for public comment on proposed land use and density changes in future if these properties received any increased development rights through the introduction of Zoning Bylaw 2017.

ISSUES & ANALYSIS

In response, staff reviewed the bylaw to correct circumstances where properties were receiving any increased development rights and have prepared a series of related amendments. The revised bylaw now fully embodies the intended approach of maintaining current development entitlements balanced with simplifying the regulations into a more user-friendly approach, and continues to offer a “destination” zone for future development proposals that require a rezoning.

These corrections have been primarily focused on adding existing site-specific regulations into the new CBD and Old Town zones as indicated with red text in Attachments A, B and C. This approach ensures that any proposals for increased density or building height beyond current maximum entitlements will require a rezoning or variance process and decision from Council. An updated zoning map is also included as Attachment E which identifies the distribution of the proposed zones within the CBD and Old Town. The corrections and general approach are summarized as follows:

1. Density:

- All existing zoned density limits are maintained including densities that are **below or above 3:1 FSR**.
- A maximum density of 3:1 FSR has been applied to a property in Old Town located at 1705 Store Street, which is currently in the C-SS Zone (Special Service Station District)

and is operating as an automotive repair centre. The current C-SS Zone does not have a prescribed maximum density; therefore, the proposed 3:1 FSR density would be consistent with the maximum density found throughout Old Town.

- Properties that are currently zoned higher than 4:1 FSR have been transitioned to the **CBD-2 Zone** (the “destination” zone). Most of these sites currently enjoy density bonus opportunities in excess to 4:1 FSR for the provision of amenities. A 3:1 base density has been carried forward into the site specific regulations for these properties, which reflects their current base density entitlements.

2. Building Height:

- The current 43m maximum building height regulation that generally applies to properties east of Douglas Street in the existing Zoning Regulation Bylaw has been carried forward into the CBD-1 Zone.
- Increased building heights are introduced **only within the CBD-2 Zone** (the “destination” zone) as per the policy direction of the Downtown Core Area Plan which envisions building heights ranging from 45m to 72m.
- A 15m maximum building height has been retained for Old Town in the OTD-1 Zone.
- Current zoned building heights that exceed 15m are identified through Site Specific Regulations in the OTD-1 Zone.

3. Land Uses:

- Existing entitlements for properties currently in the S-1 Zone (Limited Service District), have been maintained and identified in the site-specific regulations as a means to recognize and retain the current uses that are operating on the sites. The S-1 Zone does not permit residential as a permitted use, so land owners wanting to add additional uses would be required to undertake a rezoning process which requires a decision by Council.
- Automotive repair has been identified as **the only** permitted use for a property in Old Town located at 1885 Government Street, which is currently in the M-1 Zone (Limited Light Industrial District). This will allow the existing business to be recognized as a permitted use; however, it will remove the ability to develop or operate other types of industrial activities which would not be compatible with the context or policies of Old Town.

4. Transitioning Development Applications

- The regulations contained in subsection 23. of Zoning Bylaw 2017 are proposed to be revised in order to provide an improved process for transitioning and processing a variety of development applications that may overlap with the current Zoning Regulation Bylaw and the introduction of Zoning Bylaw 2017. For example, if a development permit was previously approved under the current Zoning Regulation Bylaw, then the transition regulations identify specific conditions for allowing the related building permit to be processed using the Zoning Regulation Bylaw regulations that existed when the development permit was approved, rather than the regulations of the new Zoning Bylaw 2017. This approach will provide improved certainty for land owners and will reduce the need for potential variances to account for differences between the Zoning Regulation Bylaw and Zoning Bylaw 2017. The specific provisions are outlined as recommendations within this report.

OPTIONS AND IMPACTS

Option 1:

Direct staff to amend Zoning Bylaw 2017 and advance the revised Zoning Bylaw 2017 to a meeting of Council for consideration of second reading prior to a Public Hearing.
(Recommended)

This option will allow Council to consider Zoning Bylaw 2017 which has been revised to address earlier concerns identified by Council and the Downtown Residents' Association. The revised Zoning Bylaw is now ready to proceed through the public hearing process.

Option 2:

Direct staff to further refine Zoning Bylaw 2017 prior to advancing it to second reading and a Public Hearing.

Accessibility Impact Statement

The revisions to the Zoning Bylaw 2017 detailed in this report do not have any impacts on accessibility.

2015 – 2018 Strategic Plan

This project supports Objective 3: Strive for Excellence in Planning and Land Use, as the proposed Zoning Bylaw 2017 is anticipated to contribute to streamlining application processes by reducing the need for site-specific zones. This project also supports Objective 5: Create Prosperity through Economic Development, as the new zoning regulations serve to facilitate increased investment and development within the Downtown Core Area.

Impacts to Financial Plan

Implementation of the new Zoning Bylaw 2017 will not have any impacts to the Financial Plan.

Official Community Plan Consistency Statement

This project is consistent with the Official Community Plan which supports the role of the Zoning Bylaw to help implement plan objectives, land uses, built forms and densities (policy 6.3).

CONCLUSIONS


Zoning Bylaw 2017 has been further refined to ensure that all current zoned densities and height limits are maintained. The revised bylaw now fully embodies the intended approach of maintaining current development entitlements while simplifying the regulations into a more user-friendly approach, and continuing to provide a "destination" zone for future development proposals.

Respectfully submitted,



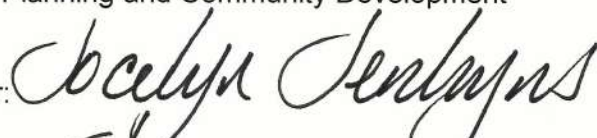
Robert Batallas, Senior Planner
Community Planning Division

Alt.



Jonathan Tinney, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:


Date: Jan 25, 2018

List of Attachments:

- Attachment A: CBD-1 Zone Site Specific Regulations
- Attachment B: CBD-2 Zone Site Specific Regulations
- Attachment C: OTD-1 Zone Site Specific Regulations
- Attachment D: (Revised) Zoning Bylaw 2017
- Attachment E: Distribution of proposed zones in Central Business District and Old Town