

# Request for Decision



**To:** Peter de Verteuil, CAO

**File No:**

**Date:** April 18, 2017

**From:** Dave Pady, Manager of Planning

**Re:** New Zoning Bylaw - Information and Consultation

## **RECOMMENDATION:**

**That Council receive the Zoning Bylaw report for information; and**

**That Council direct staff to proceed with the proposed consultation strategy for the new Zoning Bylaw.**

## **BACKGROUND:**

The Official Community Plan (OCP) was adopted August 13, 2007. The plan sets the trajectory for the future of the City of Duncan by establishing a broad range of goals and policies to determine and guide land use and development. While the OCP is established as a bylaw it does not contain any regulatory components. A Zoning Bylaw is the regulatory tool used to implement the OCP in order to realize goals and objectives. The current Zoning Bylaw, adopted in 1988 and amended 73 times, no longer achieves the vision of the 2007 OCP. During the OCP consultation, citizens clearly stated that they value well-managed growth and a safe, healthy, and well-served community. A new Zoning Bylaw has been drafted to achieve these objectives. While the current bylaw has been continuously amended, The City of Duncan is long overdue for an update related to land use regulations. On August 31<sup>st</sup> 2015, Council received a report containing a proposed process, timeline, set of objectives, areas of focus and a work plan for a much needed zoning bylaw review. It very quickly became evident that a completely new Zoning Bylaw would be essential to implement the vision of the OCP in the City of Duncan. On January 9<sup>th</sup>, 2017 the Committee of the Whole received another report outlining format and components of an entirely new Zoning Bylaw. This report described the importance of providing a zoning bylaw that is logical, intuitive and user friendly for residents and developers.

## **BYLAW REVIEW:**

After completing a review of the existing Zoning Bylaw, a comprehensive new Zoning Bylaw has been drafted and has gone for legal review. The new Zoning Bylaw is a result of comprehensive research, analysis, and staff collaboration. It was developed in consideration of other key policies including the Official Community Plan, Integrated Community Sustainability Plan (ICSP), University Village Local Area Plan, and Community Energy and Emissions Plan, all of which involved stakeholder and public engagement in their development.

The OCP Land Use Map 1 provides a basic framework from which to create zones. Residential zones have been divided into three categories: Low Density, Medium Density, and High Density Multi-Family Residential. Commercial zones have also been divided into three categories: Downtown Comprehensive, Neighbourhood Commercial and Highway Corridor Commercial. The Downtown zone provides opportunity for overlap with the residential zones by allowing/promoting mixed-use

buildings with commercial uses on the ground floor and residential uses above in buildings up to 5 stories. Two public institution zones are proposed, one of which is specific to parks in order to create a higher level of perceived protection for public parks and better define the uses within them.

The new Zoning Bylaw significantly reduces the overall number of zones compared to the current bylaw, which has 8 residential zones, 7 commercial zones and two public use zones. Despite having fewer zones in the new bylaw, each of the zones allows far greater flexibility for land owners and developers. All zones are named in accordance with the OCP to ensure consistency and with logical acronyms that are intuitive and easy to understand. For instance, Low Density Residential zone carries the acronym LDR, not R1 as currently stated.

In addition, the new Zoning Bylaw will create development opportunities, economic diversity, and lead to wealth creation for both the City of Duncan and its citizens.

Major notable items in the new Zoning Bylaw include the use of:

- **Floor Area Ratio (FAR)** rather than units per hectare. Units per hectare is a static measure of units based on a given area of land whereas Floor Area Ratio is more flexible with respect to size of unit based on location and market. One unit per specified area of land doesn't provide flexibility to create smaller or more units.
- **Row Houses** - as few as two units which may discourage strata-titled duplexes in the future;
- **Detached secondary suites** (carriage houses). The city currently permits these. The proposed bylaw allows for an increase in percentage size to reflect the large number of small existing single unit dwellings on parcels.
- **Subdivision** – variable sized lots with up to 30% reduction in both frontage and area it is possible to create not only more smaller parcels but a greater mix of parcel sizes. This will have the effect of creating a greater diversity of housing in the city.
- **Highway Corridor** – changes to uses and siting of buildings to improve the pedestrian realm, create a better gateway to the Downtown (via Trunk Road and Coronation) and create better through-traffic along the Highway corridor and to not permit uses which grossly under-develop these prime lands, deflate real estate values, and maintain the existing negative experience of the highway corridor.
- **Food Carts** – proposed in any zone where a restaurant is permitted. Allows for a greater diversity of fast, pedestrian-oriented food choices, provides upstart opportunities for entrepreneurs (many successful restaurants have started this way – ie Noodlebox), and creates greater economic diversity (resiliency) of the downtown.
- **Day Care** to be allowed in all commercial zones, whereas it is currently prohibited Downtown;
- **Urban Farming** to be permitted on vacant parcels in any zone – reflects the agricultural heritage of our region.
- **Pawn Shops** are separately defined and permitted only within the Highway Commercial zone and require a minimum separation of not less than 500 m from another pawn shop;
- **Check Cashing Operations** are excluded from the definition of Financial Institution and specifically defined and permitted only within the Highway Commercial Zone with a minimum separation of not less than 500 m from another check cashing operation or pawn shop;
- **Marijuana Operations** remain prohibited until legislation tabled by the Federal government with respect to legalization prompts further research and regulation;
- **Metric** - measurements used in the New Zoning Bylaw for consistency with other local governments and ease of reading; and
- **Non-conforming uses and siting** – *Local Government Act* Section 528 provides protection for landowners and even if a use becomes non-conforming the use can continue to be performed on the property so long as it's not discontinuous for a period greater than six months.

If Council is unable to complete a comprehensive review of the Zoning Bylaw within the allotted time on April 18<sup>th</sup> and determines more information should be provided by Staff, a special meeting is scheduled for April 24<sup>th</sup>, 2017 to ensure Council is comfortable with the draft of the Zoning Bylaw prior to proceeding to the first consultation date on April 27<sup>th</sup>, 2017.

### **NOTIFICATION:**

Given the significance of this Bylaw to all developers and land-owners, the City of Duncan is committed to informing the public, in advance, of changes that are proposed and aims to reflect feedback from public and stakeholder input to the greatest extent possible, while also ensuring alignment with the OCP.

A proposed communications strategy has been prepared and is ready for execution in April and May; inviting citizens to review and provide comment on the proposed new bylaw.

The proposed communication strategy invites residents to participate in the following engagement opportunities:

- Referral to Cowichan Valley Regional District and the Municipality of North Cowichan,
- Online consultation via PlaceSpeak ([www.placespeak.com](http://www.placespeak.com)), starting April 27<sup>th</sup>;
- Community Open House at the Duncan Pentecostal Church (931 Trunk Rd.) on Thursday, April 27<sup>th</sup> from 4 - 7 pm;
- Booth at the Farmers Market on Saturday, April 29<sup>th</sup> from 9 am - 2 pm;
- Community Open House at St. Andrew's Presbyterian Church (531 Herbert St.) on Wednesday, May 3<sup>rd</sup> from 4:30 – 7:30 pm.

### **ALTERNATE RECOMMENDATION**

- 1. That Council request revisions to the Zoning Bylaw prior to Public Consultation.**
- 2. That Council provide revisions to the consultation plan prior to consultation.**

Respectfully submitted,



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Dave Pady, Manager of Planning

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Reviewed by CAO