

Request for Decision



To: Peter de Verteuil, CAO

File No: Bylaw No. 3166

Date: August 8, 2017

From: Michelle Geneau, Manager of Planning

Re: New Zoning Bylaw

RECOMMENDATION:

That the following recommendation be forwarded to Council for approval:

That Council give first and second readings to “Zoning Bylaw No. 3166, 2017”;

And That Council set a Public Hearing date for Monday, September 18, 2017 and direct staff to advertise in accordance with the *Local Government Act*.

BACKGROUND:

In April 2017, Council received an update and presentation on the draft new Zoning Bylaw and directed staff to proceed with the proposed public consultation. A copy of the April staff report, including an overview of notable items in the new bylaw, is attached. Following the presentation to Council in April, staff undertook public consultation. Minor changes were made to the bylaw in response to consultation feedback and further staff analysis of the bylaw.

PUBLIC CONSULTATION:

Staff carried out the following consultation:

- Online consultation via PlaceSpeak (www.placespeak.com), starting April 27th;
- Community Open House at the Duncan Pentecostal Church on Thursday, April 27th from 4 - 7 pm;
- Booth at the Farmers Market on Saturday, April 29th from 9 am - 2 pm;
- Community Open House at St. Andrew’s Presbyterian Church on Wednesday, May 3rd from 4:30 – 7:30 pm.
- Open House at City Hall (invited the Chamber of Commerce, DBIA and real estate offices) on Wednesday, May 17 from 2 pm – 6 pm

The PlaceSpeak site attracted 225 views, 27 follows and comments from 3 users. Some people who viewed the topic on PlaceSpeak contacted staff directly instead of commenting on the web platform. The Open Houses had fair attendance and the farmers market booth was well attended, however, most of the comments at those events were about topics not covered in the Zoning Bylaw, such as active transportation. Feedback was incorporated in the bylaw.

The bylaw was sent to CVRD and North Cowichan staff for review, and comments were received from CVRD staff in support of the new bylaw. North Cowichan staff were unable to provide comments at this time. North Cowichan staff presented a draft Zoning Bylaw to NC Council in June 2016, and are continuing to work on revisions that will be taken to Council in fall 2017.

BYLAW REVIEW:

Changes to the draft Zoning Bylaw since April include:

- Accessory Uses – added a subsection to clarify that accessory buildings must not be used as dwelling units, unless permitted as secondary suites through other regulations in the bylaw. (Subsection 3.3.4)
 - Fabric Covered Structures – added dates (November 1st to March 1st) for winter months during which fabric covered structures that meet regulations are permitted. (Subsection 3.6.3)
 - Backyard Hens – reintroduced regulations similar to the current bylaw, as they were inadvertently removed during the drafting process. (Section 3.18)
 - Home-Based Business – added a regulation for multi-unit dwellings, prohibiting businesses that involve regular attendance of clients/customers or employees. (Subsection 3.19.4)
 - Floor Area Ratio (FAR) – FARs in the Medium Density Residential (MDR), High Density Residential (HDR), Downtown Comprehensive (DTC) and Neighbourhood Commercial (NC) Zones were revised in conjunction with new density bonusing provisions. (Parts 4 and 5 Residential and Commercial Zones)
 - Mobile Food Vending – terms and definitions were modified to match North Cowichan's recently adopted regulations. “Food trucks” was used in the previous version and was replaced with “mobile food vending” which includes “food cart”, “food trailer”, “food truck” (Parts 5 and 6 Commercial and Community Use Zones, and Part 7 Definitions)
 - Density Bonusing – added provisions to allow additional density (increased Floor Area Ratio) if the following amenities are provided in a development:
 - Level I:
 - The developer enters a *housing agreement* with the City to ensure that a minimum of 30% of the *dwelling units* are rental units or *affordable housing* units for a period of at least five years.
 - Level II:
 - The developer enters a *housing agreement* with the City to ensure that a minimum of 75% of the *dwelling units* are rental units or *affordable housing* units for a period of at least ten years;
 - 100 percent of the required parking is located underground or within a parking structure incorporated into the design of the building; or
 - The development achieves or exceeds BCBC Energy Step Code Level 3 energy efficiency requirements.
- “Affordable housing” is defined as:
- housing which, under the terms of a *Housing Agreement* with the City, is priced such that the occupant household's annual housing costs are not more than 18% of the median gross annual household income in the City of Duncan as most recently reported by Statistics Canada as of the date of the *Housing Agreement*. In the case of ownership housing, housing costs include property taxes and assume a down payment of 10% and a 25-year mortgage amortization period.
- (Parts 4 and 5 Residential and Commercial Zones and Part 7 Definitions)
- DTC Minimum Height – changed from 3 storeys to 2 storeys. (Subsection 5.3.1)
 - Zoning Map – Changed the proposed zoning for several properties. (Schedule A)
 - New diagrams – in the Definitions section for assistance with interpretation. (Part 7)

- New maps (“Figures”) – under subsection 3.28.5 to show downtown roads where properties require shared access, and subsection subsection 3.15.1 to show downtown roads where properties require additional 2 m front yard setbacks.

Other minor revisions were made to wording in individual regulations and definitions throughout the bylaw to improve clarity in interpretation. Adoption of the bylaw will also require adoption of an amendment to the Official Community Plan Land Use Map (being prepared by staff), where some proposed zones vary from the land uses or densities shown in the Land Use Map.

IMPLICATIONS:

Financial:	The new bylaw is anticipated to encourage new development; including increasing the tax base, and revenue including application fees and Development Cost Charges.	<div style="border: 1px solid black; padding: 5px; width: fit-content;">_____ DOF Signature</div>
Policy/Legislation:	Relates to implementation of the OCP and University Village Local Area Plan objectives and policies.	
Strategic Priority:	2.3 Comprehensive review of the Zoning Bylaw; 11.2 Increase Green Building requirements.	
Sustainability:	Encouraging urban infill and densification within walking distance to commercial centres relates to action 5.2 “Land Use Suite” of the Community Energy and Emissions Plan.	
Communication:	Public consultation to date is described in the report. Required notification for the public hearing will be implemented. The bylaw will be referred to the Province.	
Staffing Implications:	Staff time will be required for public hearing notification. Interpretation of the new Zoning Bylaw will possibly be easier, however implementation of density bonusing will require additional staff time.	

ALTERNATE RECOMMENDATION

1. That Council recommend revisions to the Zoning Bylaw prior to first two readings.

ATTACHMENTS:

Attachment 1: Zoning Bylaw No. 3166, 2017

Attachment 2: April 2017 Staff Report

Respectfully submitted,



Michelle Geneau, Manager of Planning



Reviewed by CAO