

Report

Date

March 15, 2023

File: ZB000208

Subject

Zoning Amendment Bylaw No. 3901 for First and Second Readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3901, which proposes to rezone 1681 Roberts Street and part of an adjacent lane (Crofton Fire Hall) from the Residential one and two-family zone (R3) to the Public Use (PU) zone.

BACKGROUND

Following an alternative approval process in 2022, where just 0.02% of eligible electors registered opposition, Council authorized renovations and a partial replacement of the Crofton Fire Hall. Apparatus bays that were constructed in 2002 will be maintained, but the remainder of the existing hall will be replaced with new construction. Improvements include training and administration space and dedicated storage space for equipment, gear and electronics. Demolition of part of the existing hall has commenced, and the building design and application for a building permit are mainly complete.

DISCUSSION

The Issue:

The Crofton Fire Hall site is comprised of four lots with a total area of 1,970 square metres (Attachments 1 & 2). Although the site has been used for a fire hall for many years, it is zoned Residential One and Two-Family Dwelling (Attachment 3). While the residential zoning for the site is inconsistent with the long-standing use of the site as a fire hall, Zoning Bylaw 2950 allows "civic use" (including fire halls) in all zones. As such, the Zoning Bylaw allows the site to be used for a fire hall, but any development must be compliant with the development regulations of the R3 zone.

The existing fire hall building is non-compliant with the R3 development regulations in several ways. For example, the building straddles lot lines and does not comply with setback requirements. It also exceeds the lot coverage maximum of the R3 zone. It is not apparent from available records as to why the old hall does not comply with zoning regulations, but any new construction on the site is required to comply with zoning regulations and other applicable bylaws before a building permit is issued.

The design for the new fire hall (Attachment 4) is also not compliant with all R3 development regulations, even though the new hall will have a smaller footprint than the old hall. Some of the setback issues will be resolved by a lot consolidation that will amalgamate the four lots that comprise the site into a single lot. However, the project has a proposed lot coverage (the percentage of the total lot area covered by structures) of 37% rather than 30%, and the setback from the east property boundary is less than the required side yard setback. In order for the project to proceed as proposed, an amendment to the zoning bylaw is required.

Proposed Amendment:

The Public Use zone (Attachment 5) is commonly used for municipally-owned properties with facilities used for providing services to the public. Zoning Bylaw 2950 defines "Public Use" as,

A building, facility, or open space under the direct control of the federal government, provincial government, a regional district, or a municipality and used as utility, household recycling drop-off depot, office, hospital, prison, university or college, or by a crown corporation, and may include an accessory helicopter landing pad.

Although a fire hall is not explicitly identified in the definition of Public Use, as a facility under the direct control of a Municipality, a fire hall can reasonably be considered as a Public Use. Other fire halls within North Cowichan (Chemainus Safety Building; South End Fire Hall) are zoned Public Use.

The only development regulations with the Public Use zones are:

- (a) Where the lot abuts residentially-zoned land, the yard, side, or the yard, rear, shall be 8.0 m. (26.25') in depth; and*
- (b) Where the lot abuts an arterial highway, the yard front shall be 8.0 m. (26.25').*

The subject property does not abut an arterial highway, and the development plan for the site does provide an 8.0 metre setback from abutting residentially zoned land to the north. However, the 8.0 metre setback is not achieved from the residentially zoned properties to the east for the new fire hall. Rather than varying the setback requirement with a development variance permit, it is recommended that it be addressed through the proposed zoning amendment with the following insertion to the PU Zone:

- (c) Despite section 79(2)(a), the minimum setback from abutting residentially-zoned land on the east boundary of 1681 Roberts Street (PIDs 008-625-069, 008-625-077, 008-625-051, 008-625-026) shall be 5.5 m (18.2').*

The above insertion would relax the setback requirement on the east side of the fire hall site from 8.0 metres to 5.5 metres. The relaxation is not expected to have a significant impact on the adjacent residential uses as it is mainly required to accommodate an exterior staircase, patio and retaining structures on the back of the building where the intensity of use will be low. A vacant lane (included in the 5.5 metre setback) is also expected to mitigate the potential impacts of the setback relaxation.

Compliance with Official Community Plan:

The lands proposed for rezoning in Bylaw No. 3901 (Attachment 6) are designated in the Official Community Plan (OCP) as "Civic." The proposed zoning amendment is consistent with the OCP's Civic land use designation.

OPTIONS

1. **(Recommended Option)** THAT Council:
 - (1) Give first and second readings to Zoning Amendment Bylaw No. 3901, 2023; and,
 - (2) Schedule a public hearing for Zoning Amendment Bylaw No. 3901, 2023, at 7:00 p.m. on April 5, 2023, in Council Chambers.
2. THAT Zoning Amendment Bylaw No. 3901, 2023, be abandoned, and the zoning designation of 1681 Robert Street be considered as part of the Zoning Bylaw update project.

IMPLICATIONS

The proposed zoning amendment, if approved, would allow for the Crofton Fire Hall development plans to proceed and ensure the site's zoning is more suitable for its civic use. The proposed amendment is not expected to cause any additional impacts on the nearby residents. However, a public hearing will be held to provide an opportunity for any concerns to be addressed before the bylaw is adopted.

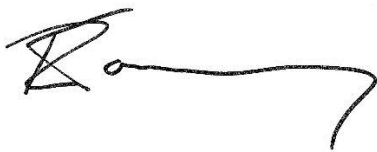
If Council chooses not to proceed with Zoning Amendment Bylaw No. 3901, the project would need to be re-designed to comply with the R3 zoning regulations, potentially leading to delays and budgetary impacts.

RECOMMENDATION

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3901, 2023; and
- (2) Schedule a public hearing for Zoning Amendment Bylaw No. 3901, 2023, at 7:00 p.m. on April 5, 2023, in Council Chambers.

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Attachments:

- (1) Location Map
- (2) Ortho Map
- (3) Zoning Map
- (4) Re-development Site Plan
- (5) R3 and PU Zones
- (6) Draft Zoning Amendment Bylaw