

Report

Date July 17, 2024

File: 6480-30 23.04

Subject OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw 3915 and the implications of Zoning Amendment Bylaw 3964 for the applicant's proposal

PURPOSE

To provide information regarding Zoning Amendment Bylaw 3964, the impact of recent amendments to Zoning Bylaw 2950 on the proposed zoning for 1771 Robert Street, and the applicant's preferred next steps.

BACKGROUND

At the August 16, 2023, Regular Council Meeting, OCP Amendment Bylaw No. 3914 (to re-designate 1771 Robert Street from Rural Residential to Neighbourhood Residential) and include the property in the Urban Containment Boundary (UCB) and Zoning Amendment Bylaw No. 3915 (to reclassify it from the A2 (Rural) zone to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) zone were each given first reading.

At the October 4, 2023, Regular Council Meeting, Bylaws 3914 and 3915 were given second reading with updated community amenity contributions by the proponent, which included \$4,000 per unit for the estimated 34-38 units, excluding secondary suites.

An excerpt from the October 4, 2023, minutes is provided in Attachment 1.

The applicant's Concept Site Plan, which has not changed to date, is provided in Attachment 2.

The R3 Zone in effect prior to June 19, 2024, is provided in Attachment 3.

On June 19, Council adopted Zoning Amendment Bylaw 3964, which introduced sweeping changes to Zoning Bylaw No. 2950, 1997 due to the enactment of Bill 44 *Housing Statutes (Residential Development) Amendment Act, 2023* on December 7, 2023, by the Province. The current R3 Zone (for lots inside the UCB) is provided in Attachment 4.

DISCUSSION

Since Council adopted Bylaw 3964 amendments to Zoning Bylaw No. 2950, 1997 (Zoning Bylaw) on June 19, 2024, the proposed Concept Site Plan previously reviewed by Council at first and second readings no longer complies with the R3 zone.

For the Concept Site Plan to comply with the current R3 zone, lots less than 670 m² in area would need to be increased to meet the minimum lot size of the R3 zone.

Given this application with associated zoning amendment bylaw was instream at the time Council adopted Zoning Amendment Bylaw 3964, staff provided the applicant with the following options to move the application forward.

1. Revise the proposal to comply with the amended R3 zone;
2. Request that Council rescind second reading of the bylaw amendment, revise the amendment to a site-specific zoning amendment that would accommodate the proposal and then proceed to public hearing at a subsequent Council meeting; or,
3. Continue to Public Hearing with the bylaw which received first and second reading and address the non-compliance created by Zoning Amendment Bylaw 3964 through a Development Variance Permit or future site-specific Zoning Bylaw Amendment.

After discussion with staff of the potential benefits and risks of each option and consideration of these, the applicant selected option three in order to move directly to a public hearing.

Should the proposed amendment bylaws be approved under the updated R3 zone, the applicant could:

- Work within the current R3 zone,
- Proceed with a Development Variance Permit to vary the minimum lot size from 670 m² as would be identified on a surveyed plan, or,
- Request a site-specific amendment to the R3 zone to decrease the minimum lot size to 450 m² at 1771 Robert Street.

The applicant has opted for North Cowichan to bring a development variance permit application forward to Council to reduce the lot sizes as would be identified on a survey site plan provided by the applicant. The applicant understands it is Council's decision to approve or not to approve the variance request at that time.

Should Council adopt Bylaws 3914 and 3915, the applicant has indicated that a development variance permit application would follow for Council's consideration. Should Council not approve the variance anticipated to be requested, the applicant would need to adjust their plans to meet the standards in the Zoning Bylaw.

RECOMMENDATION

This report is provided for information only.

Report prepared by:

Caroline von Schilling

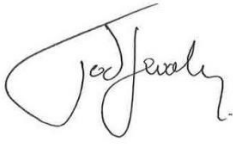
Caroline von Schilling, MCIP, RPP
Development Planner

Report reviewed by:



Amanda J. Young, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Excerpt from October 4, 2023, minutes
- (2) Concept Site Plan
- (3) R3 Zone prior to June 19, 2023 – previous
- (4) R3 Zone after June 19, 2023 – current

October 4, 2023 - Regular Council Minutes

IT WAS MOVED AND SECONDED:

THAT Council direct staff to strengthen all bylaws that support enforcing safety for the community and prepare an open drug use bylaw that minimizes public exposure to open drug use in parks and adjacent to school properties while continuing to provide support aimed at saving lives of some of the most vulnerable people in our community who use drugs. (Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to reconstitute the Somenos Marsh Wildlife Committee and investigate ways to partner on more fulsome marsh patrols.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to consult with community health partners to develop a formal request to the province for additional support services in the medical and social services sector to improve outcomes in the drug addiction, mental health, and homelessness issues in the Cowichan Valley Regional District.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to include funding opportunities for a "Clean Team" in the 2024 budget discussions.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to advocate to the province for funding to help manage the public disorder to support bylaw and/or RCMP resourcing.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council provide staff with pre-budget approval to hire a Social Planner.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

9. NOTICES OF MOTIONS

None.

10. UNFINISHED AND POSTPONED BUSINESS

10.1 OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and updated community amenity contribution offer

THAT Council:

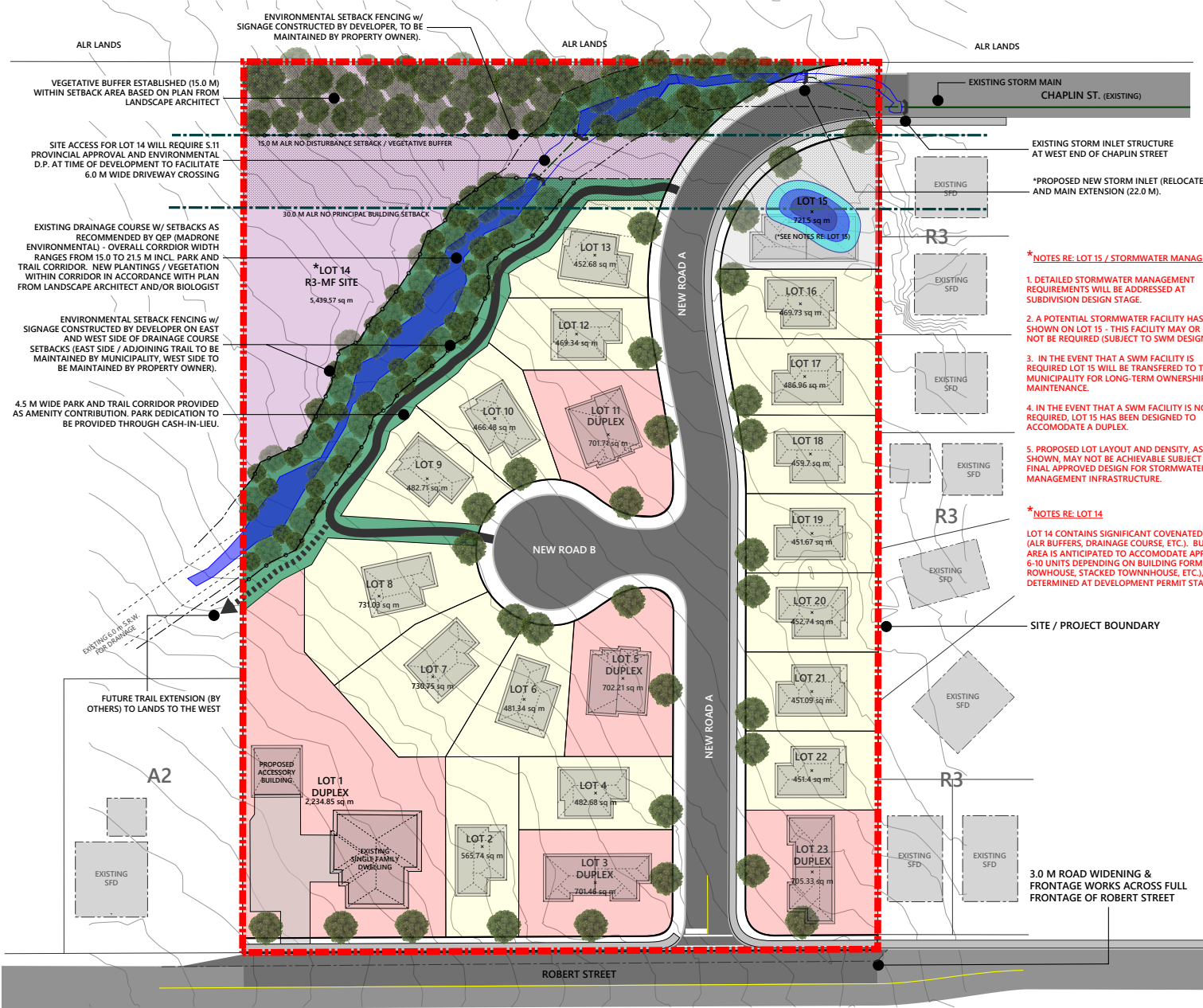
- (1) give second reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and
- (2) give second reading to Zoning Amendment Bylaw No. 3915, 2023; and
- (3) authorize a Public Hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 and Zoning Amendment Bylaw No. 3915, 2023.

(Opposed: Douglas, Justice, Toporowski)

CARRIED

ATTACHMENT 2

1771 ROBERT STREET CONCEPTUAL DEVELOPMENT PLAN



SITE & PROJECT DATA

CIVIC ADDRESS:

1771 ROBERT STREET

LEGAL ADDRESS:

LOT 1, SECTION 10, RANGE 10, CHEMAINUS DIST., PLAN 31598

PID: 001-147-544

AREA: 2.37 HA (5.87 ACRES)

JURISDICTION: MUNICIPALITY OF NORTH COWICHAN

EXISTING ZONING: A2 - RURAL

PROPOSED ZONING:

R3 - ONE AND TWO-FAMILY RESIDENTIAL

R3-MF - RESIDENTIAL MEDIUM DENSITY MULTI-FAMILY ZONE

TOTAL PROPOSED LOTS: 23

TOTAL MULTI-FAMILY UNITS: 6-10 (SUBJECT TO DETAILED DESIGN / BUILDING FORM / UNIT SIZE)

TOTAL ANTICIPATED UNITS: +/- 32-38 UNITS

*NOTE - THIS PLAN IS CONCEPTUAL AND HAS BEEN PREPARED FOR ILLUSTRATIVE PURPOSE IN ORDER TO DEMONSTRATE A POTENTIAL SUBDIVISION / DEVELOPMENT SCENARIO IF REZONING IS SUCCESSFUL. CONCEPTS IDENTIFIED ON THIS PLAN SHOULD NOT BE CONSIDERED TO HAVE ANY SPECIFIC ENDORSEMENT AT THIS STAGE BY THE MUNICIPALITY OF NORTH COWICHAN. ALL FUTURE SUBDIVISION AND/OR DEVELOPMENT APPLICATIONS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE DISTRICT OF NORTH COWICHAN.

File: 20-05 (ROBERT STREET / SYMBOLKSI)

Drawn By: SWM

Date: 2023-07-07

Version: 20-05-06



TOWNSITE PLANNING INC.
PO BOX 160
Lantzville, BC V0R 2H0
tel / text: 250.797.2515
email: scott@townsiteplanning.ca
web: www.townsiteplanning.ca

2023 TOWNSITE PLANNING INC. ALL RIGHTS RESERVED

ALL DOCUMENTS AND PLANS ARE PROTECTED BY COPYRIGHT LAW AND MAY NOT BE USED OR REPRODUCED FOR ANY PURPOSE EXCEPT WITH EXPRESS WRITTEN CONSENT PROVIDED BY TOWNSITE PLANNING INC.

CONTOUR DATA DERIVED FROM MUNICIPALITY OF NORTH COWICHAN WEB MAP DATA.

DRAINAGE COURSE ALIGNMENT DERIVED FROM FLAGGING AND SURVEY WORK COMPLETED BY MADRONE ENVIRONMENTAL AND HEROLD ENGINEERING.

Residential One and Two-Family Zone (R3)

Permitted Uses

- 58 (1) The permitted uses for the R3 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Home-based Business
 - Secondary Suite
 - Single-Family Dwelling
 - Supportive Housing
 - Two-Family Dwelling [BL3302]

Minimum Lot Size

- (2) A lot in the R3 zone must meet the minimum area requirements for the purposes of subdivision and use of the lot for permitted uses as follows:
- (a) Single-family dwelling, 450 m² (4,844 sq. ft.)
 - (b) Single-family dwelling with a secondary suite, 450 m² (4,844 sq. ft.)
 - (c) Two-family dwelling, 700 m² (7,535 sq. ft.) [BL3647, BL3674]
- (2.1) Despite section 58 (2) (b), a single-family dwelling with a secondary suite is permitted on 3133 Cook Street (Parcel Identifier: 027-873-200) with a lot area of 510 m² (5,490 sq. ft.). [BL3663]
- (2.2) Despite section 58 (2) (c), a two-family dwelling is permitted on Lot 15 of Plan 5756, on Sayward Road (PID: 001-503-120) with a lot area of 669 m² (7,201 sq. ft.). [BL3684]

Minimum Frontage

- (3) The minimum permitted frontage in the R3 zone is as follows:
- (a) Single-family dwelling, 15 m (49.21'),
 - (b) Single-family dwelling with a secondary suite, 15 m (49.21'),
 - (c) Two-family dwelling, 23.0 m (75.46'). [BL3083, BL3674]

Density

- (4) The maximum permitted density for the R3 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
 - (b) The maximum permitted floor space ratio is 0.5:1.
 - (c) The number of residential units per building shall not exceed two. For strata buildings/lots, each strata unit constitutes one residential unit.
 - (d) [Repealed, BL3754]
 - (e) Despite the foregoing, a maximum of 2 residential buildings, with a total combined maximum of 2 residential dwelling units, is permitted on 3340 Cowichan Lake Road (PID: 001-375-482). [BL3668]

Maximum Lot Coverage

- (5) The maximum permitted lot coverage for the R3 zone is as follows:
- (a) 30% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger; and
 - (b) 35% of the lot area for lots less than 650 m² (7,000 sq. ft.).

Minimum Setbacks

- (6) The minimum permitted setbacks for the R3 zone are as follows:
 - (a) Principal Buildings
 - Yard, Front, 5.0 m (16.40')
 - Yard, Side, 2.0 m (6.56')
 - Yard, Side when adjacent to a lane or street, 3.0 (9.8')
 - Yard, Rear, 7.5 m (24.6') [BL3323]
 - (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 5.0 m (16.40')
 - Yard, Side, 1.0 m (3.28')
 - Yard, Rear, 1.5 m (4.92') [BL3323]

- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

- (7) The maximum permitted building heights for the R3 zone are as follows:
 - (a) Principal Building, 9.0 m (29.53')
 - (b) Accessory Building, 5.0 m (16.40')

Conditions of Use

- (8) The conditions of use for the R3 zone are as follows:
 - (a) [Repealed. BL3891]
 - (b) [Repealed. BL3891]
 - (c) [Repealed. BL3891]
 - (d) Bed and breakfast uses may have no more than three sleeping units.
 - (e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
 - (f) [Repealed, BL3758]
 - (g) [Repealed, BL3674]
 - (h) For a lot created prior to March 31, 2000, a single-family dwelling, two-family dwelling, or secondary suite is permitted on any lot. [BL3323, BL3418]
 - (i) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
 - (j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed three, and
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]

Driveway Width

- (9) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.

Residential One and Two-Family Zone (R3)

Permitted Uses

- 58 (1) The permitted uses for the R3 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Detached Accessory Dwelling Unit
 - Home-based Business
 - Multi-Family Residence
 - Secondary Suite
 - Single-Family Dwelling
 - Supportive Housing
 - Two-Family Dwelling [BL3302]

Minimum Lot Size

- (2) The minimum permitted lot size in the R3 zone is 670 m² (7,212 sq. ft.).

Minimum Frontage

- (3) The minimum permitted frontage in the R3 zone is 18.0 m (59.06').

Density

- (4) The maximum permitted density for the R3 zone is as follows:
- (a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.
 - (b) The number of dwelling units shall not exceed:
 - (i) Three in the case of lots that are less than 280 m² (3,014 sq. ft.) in area.
 - (ii) Four in the case of lots that are at least 280 m² (3,014 sq. ft.) but not more than 4,050 m² (1 acre) in area.
 - (iii) Two in the case of lots that are greater than 4,050 m² (1 acre) in area.

Maximum Lot Coverage

- (5) Where a lot contains one residential building and up to two dwelling units the maximum permitted lot coverage in the R3 zone is as follows:
- (a) 30% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger; and
 - (b) 35% of the lot area for lots less than 650 m² (7,000 sq. ft.).
- (5.1) Where a lot contains three or more dwelling units or contains a detached accessory dwelling unit the maximum permitted lot coverage in the R3 zone is as follows:
- (a) 35% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger;
 - (b) 40% of the lot area for lots less than 650 m² (7,000 sq. ft.) but larger than 500 m² (5,382 sq. ft.); and
 - (c) 45% of the lot area for lots 500 m² (5,382 sq. ft.) or less.

Minimum Setbacks

- (6) The minimum permitted setbacks for the R3 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 4.5 m (14.76')
 - Yard, Side, 1.5 m (4.92')
 - Yard, Side when adjacent to a lane or street, 3.0 (9.8')
 - Yard, Rear, 7 m (22.97')

- (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 5.0 m (16.40')
 - Yard, Side, 1.0 m (3.28')
 - Yard, Rear, 1.5 m (4.92') [BL3323]
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

- (7) The maximum permitted building heights for the R3 zone are as follows:
 - (a) Principal Building, 9.0 m (29.53')
 - (b) Accessory Building, 5.0 m (16.40')

Conditions of Use

- (8) The conditions of use for the R3 zone are as follows:
 - (a) [Repealed, BL3891]
 - (b) [Repealed, BL3891]
 - (c) [Repealed, BL3891]
 - (d) Bed and breakfast uses may have no more than three sleeping units.
 - (e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
 - (f) [Repealed, BL3758]
 - (g) [Repealed, BL3674]
 - (i) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
 - (j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed three, and
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]
- (9) Despite sections 58 (2) and 58 (3) the minimum permitted lot size is 450 m² (4,844 sq. ft.) and the minimum permitted frontage is 15 m (49.21') on the following properties:
 - (a) 6077 Mary Street (PID: 000-328-332)
 - (b) 3056 Gibbins Road (PID: 005-667-909)
 - (c) Lot 1 Sophia Road (PID: 029-263-123)
 - (d) 3214 Cowichan Lake Road (PID: 001-086-359)
 - (e) 7978 Tidemark Way (PID: 028-795-261)
 - (f) 6125 Lakeview Drive (PID: 003-760-251)
 - (g) 9921 Echo Heights (PID: 027-633-250)
 - (h) 5850 (Lot 3) Highland Avenue (PID: 007-387-687)
 - (i) 1578 Adelaide Street (PID: 003-247-988)
 - (j) 3192 Sherman Road (PID: 002-748-851)
 - (k) 5951 Highland Avenue (PID: 000-392-651)

Driveway Width

- (10) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.