

Report

Date March 5, 2025
Subject Zoning Bylaw Module 2: Legacy Zones

File: SPP00082

PURPOSE

To present Zoning Amendment (Legacy Zoned Sites) Bylaw No. 4002, 2025, for first and second readings.

BACKGROUND

On January 7, the Committee of the Whole considered the list of candidate sites whose zoning was identified as being in conflict with the Official Community Plan (OCP) land use designations. These are collectively referred to as “legacy zonings”. Legacy-zoned sites can arise for a number of reasons, most commonly a result of a past site-specific zoning that was never developed. As the land use policy context changes through OCP updates or rewrites, the pre-existing zoning sometimes ends up at odds with the land use designation, particularly where a very different policy context is articulated by a new or revised OCP. Some of these legacy site conflicts are longstanding and pre-date the current OCP.

The Committee of the Whole removed some sites from the list and directed that a zoning amendment bylaw be prepared regarding the remainder. A separate resolution was made at the February 19 Council meeting to include the Bare Point Road parcel subject to a current development permit application within the legacy zoned sites bylaw with a proposed zoning change to C9, including a site-specific provision for a commercial laundry. Council also directed that the owners of parcels with significant change proposed were provided written notification and an opportunity to provide comments.

DISCUSSION

The previous staff report explained how sites were identified to arrive at a shortlist of candidate sites for rezoning. This exercise was focused only on use, not density. Sites fell into two categories:

- 1) “true conflicts” where the development potential for current or future uses would contradict the OCP’s policy context for the area; and,
- 2) “fragments & clean-up” where zoning boundaries created small fragments of split-zoning on parcels, where such fragments have no meaningful development potential.

The latter category represents “technical conflicts,” where the opportunity is being taken to clean up discrepancies or adjust zoning boundaries that make no sense and where no meaningful impact on development potential arises.

Category 1 “true conflicts” are discussed below, including the relevant bylaw sections, should Council wish to remove or amend those sections.

Address/PID	Current Zone	Proposed Zone	Bylaw Section(s)	Comments
8272 Crofton Rd PID: 001-024-817	R8	R1	4, 9, Sched. 1	Map amendment (s.6) plus text amendment to allow "apartment" at this site and retain current use as a conforming one (s.3)
2830 Oak St PID: 008-099-944	I2	MA1	5, 10, Sched. 2	Map amendment (s.7) plus text amendment to allow "boat terminals & dock" at this site and retain current use as a conforming one.
Kingsview Commercial Parcel PID: 029-172-667	A2_LUD	C1	6, 11, Sched. 3	Map amendment (s.8) plus text amendment to add four further uses beyond those in C1 that may be desirable at this undeveloped site. This prezones the site for commercial development.
Arthur Street Parcel PID: 000-253-073	A2	R3	12, Sched. 4	Zoning to R3 will provide the same bill 44 development rights as all other privately-owned parcels on this block of Arthur Street.
6223 Somenos Road PID: 000-681-041	A1	R3	13, Sched 5	Zoning to R3 will provide the same bill 44 development rights as all other privately-owned single family parcels within the UCB.
6679 Trans-Canada Hwy PID: 004-253-582	I1	C2	14, Sched 6	I1 zone inappropriate adjacent to future development in Bell McKinnon. C2 zone preserves current use as permitted.
Kingsview/Donnay Dr MNC owned parcel PID: 001-284-428	A2_LUC	PU	15, Sched 3	Public Use zoning for the publicly-owned site designated "Civic" is most appropriate to replace the defunct A2_LUC zoning.
Shoal Point PID: 009-921-958	I1	A2	16, Sched 7	Site not apparently used for industrial purposes and subject to environmental features.
Shoal Island PID: 009-925-431	I1	A2	17, Sched 7	Site not apparently used for industrial purposes and subject to environmental features.
1698 Maple Bay Road PID: 002-647-842	CD7	A2	20, Sched 8	Stonehill CDZ, remove CD7 zone entirely.
Unnamed parcel on Donnay Drive PID: 028-874-617	CD7	A2	21, Sched 8	Stonehill CDZ, remove CD7 zone entirely.
Unnamed parcel on Bare Point Road PID: 010-798-587	I1	C9	3, 7, 22 Sched 9	Commercial laundry proposed, I1 zoning otherwise inconsistent with neighbourhood designation. Council direction to amend zoning to C9, including laundry.
2011 University Way PID:	PU/C2	PU	22, Sched 10	Small undeveloped portion zoned C2 is only part subject to change.

Owner Notification

Where more than ten properties with more than ten separate owners are being rezoned, North Cowichan does not carry a legal obligation to provide direct notification to affected owners (*Local Government Act* s.466(7)). However, it may opt to carry out non-statutory notification, and Council directed that the owners of such legacy sites be provided written notification at least two weeks prior to consideration of first reading. A number of other undevelopable site fragments are addressed within the bylaw, but notification was not provided to these owners.

Owners subject to significant change were written to on February 11, 2025. No responses were received as of February 26. Any further correspondence received will be provided to Council separately.

Should Council (whether in response to owner comments or on its own initiative) wish to remove any sites from the list, it may do so through the template motion (i) provided in Option 2 below. If it wishes to specify a different rezoning direction for any site, it may do so through the template motion (ii) provided in Option 2 below. Council must ensure that any change to the proposed zonings is consistent with the OCP, as required by section 478(2) of the *Local Government Act*.

OPTIONS

(1) **(Recommended Option)** THAT Council:

- 1) Gives first and second readings to Zoning Amendment Bylaw No. 4002, 2025; and,
 - 2) Directs that a public hearing be scheduled.
- There is no legal requirement to notify affected owners as per *Local Government Act* s.466(7); however, staff will provide direct non-statutory notification to the owners of category one sites, having already given an initial opportunity to those owners to provide comment.

(2) THAT Council:

- 1) Amends Zoning Amendment Bylaw No. 4002, 2025 by:
 - i. Removing [*Council to identify sites to be removed*]
 - ii. Changing the proposed zoning of [*identify site*] to [*identify alternative zoning*];
 - 2) Gives first and second readings to Zoning Amendment Bylaw No. 4002, 2025, as amended; and,
 - 3) Directs that a public hearing be scheduled.
- Council may remove sites from consideration entirely through part (i) above or specify an alternative proposed zoning for a given site through part (ii) above.
 - Council should confirm with staff that any amendments remain consistent with the OCP, as required by *Local Government Act* s.478(2).

(3) THAT Council directs staff to amend Zoning Amendment Bylaw No. 4002, 2025 by [*amendments to be identified by Council*] and bring it back to Council at a future meeting for consideration of first reading.

- More significant amendments to the bylaw may not be practical without further work.

(4) THAT Council rejects Zoning Amendment Bylaw No. 4002, 2025.

- Rejecting the bylaw would conclude this part of Module 2 of the zoning bylaw without any zoning amendments taking place. These sites' zonings would remain in conflict with the OCP.

IMPLICATIONS

No significant financial or operational implications are identified for North Cowichan, given that the intent is to prevent future development proposals inconsistent with the OCP's land use policy. The potential implications for property owners will vary from site to site and may be perceived as positive or negative.

RECOMMENDATION

THAT Council:

- 1) Gives first and second readings to Zoning Amendment Bylaw No. 4002, 2025; and,
- 2) Directs that a public hearing be scheduled.

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Approved to be forwarded to Council:



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Attachment:

- (1) Amendment Bylaw No. 4002, including schedules 1-17