

# Report

# Municipality of North Cowichan

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Date	June 10, 2013	File:	SPP00008
To	Council		
From	Dave Pady, Planner	Endorsed:	
Subject	Zoning Bylaw Review - Terms of Reference Report		

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## Purpose

The purpose of this report is to seek Council approval for the proposed Terms of Reference for the Zoning Bylaw review project as outlined in Appendix 1 and 1a of this report.

## Background

On July 20, 2011, Council adopted a new Official Community Plan, (OCP). The OCP sets the municipality in a new direction by setting clear goals based on 5 key principles aimed at achieving Sustainability, Economic Opportunity, Smart Growth, Healthy and Safe Communities, and Community Engagement. North Cowichan has great diversity in regards to land uses and community with significant rural resources and waterfront opportunities. If the Municipality is to achieve these long term principles, goals and objectives it is important that Council policies and bylaws, particularly the Zoning Bylaw, which can effectively achieve many of these goals, are reviewed and updated accordingly.

In addition, Council has identified 21 Priority Projects. Two projects relevant to this project are "Focus on customer service" and "Streamline development approval process through a: Zoning Bylaw Review". These two priorities are related as simple to understand and transparent bylaws can in themselves be seen as providing excellent customer service.

An updated Zoning Bylaw which aligns more closely with the OCP has the potential to create a more certain process and outcome for both applicants and communities. Section 3.2.3 of the OCP states:

### ***"Immediate Implementation Priorities***

- *Bylaw and policy review to ensure consistency with the new OCP, including comprehensive review of zoning and subdivision bylaws, development cost charges, and engineering standards.*
- *Policy development related to density bonusing, amenity contributions, and inclusionary zoning."*

## Discussion

The current Zoning Bylaw NO. 2950 was adopted February 18, 1998 and it, at the time it was adopted, was not a completely new bylaw but an update of the previous Bylaw NO.1850,

The previous Bylaw upon which the current Bylaw is based was adopted July 4, 1980 and since that time the Municipality has adopted 2 Official Community Plan Bylaws.

Due to the many additions and amendments (154 to date), the current Bylaw has become difficult to navigate, overly complicated, lengthy, and outdated with regards to objectives and policies contained within the current (OCP). In addition, the Municipality has several other individual land use bylaws, such as the Mobile Home Bylaw NO 1775 and the Campground Bylaw NO 2140, which could easily be included within the Zoning Bylaw. By consolidating our land use-based Bylaws it would not only reduce the number of bylaws but serve as a process to update them, and make information gathering easier for both staff, applicants and communities.

### **Options**

The preferred option is to prepare a Zoning Bylaw Review in accordance in with the Terms of Reference outlined in Appendix 1 of this report. This work will be conducted as part of Planning & Development Department's 2013 and 2014 Work Plan and Budget and prepared in house and led by the Director of Planning with the support of planning staff and other key departments.

### **Implications**

The Zoning Bylaw Review Project offers significant opportunities to recognize and respond to social, economic and environmental issues in a comprehensive, systematic and integrated way and implement the sustainable development principles and key directions for growth envisaged within the OCP, the Climate Action and Energy Plan (CAEP), the Economic Development Work Plan, the Agricultural Advisory Committee Work and Implementation Plan, and other Council key policy objectives.

### **Social**

The Zoning Bylaw Review Project will allow for consideration and better planning for social infrastructure in the community, both as a whole, and to citizens in North Cowichan and the wider Cowichan Valley region, including enhancing and strengthening the sense of community, providing housing choice and affordability, mobility options and individual health and wellness.

### **Environmental**

Environmental protection and incorporation of ecological systems (land, air, water, energy and waste) into municipal planning, development and growth management decisions is an integral component of a sustainable Municipality and region. The Zoning Bylaw Review Project will allow for better planning and coordination of environmental components as well as opportunities for energy conservation and GHG reductions, key goals of the OCP and CAEP.

### **Economic**

A key goal of the OCP is to contribute to the creation of a prosperous economy. The Zoning Bylaw Review project will promote the economic prosperity of the area in keeping with the goals of the OCP and the Economic Development Work Plan.

### **Recommendation**

That Council endorse the proposed Terms of Reference for the Zoning Bylaw Review Project report outlined in Appendix 1 of this report.

Attachments: Appendix 1 – Terms of Reference



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## **Zoning Bylaw Terms of Reference - Appendix 1**

### **Introduction**

The purpose of this report is to set out the terms for the implementation of the new Zoning Bylaw (ZB). The adoption of the OCP, and policies contained therein, require a comprehensive review of bylaws and policies to ensure municipal actions are consistent with the OCP and other Council approved Strategic Policies such as the Economic Development Work Plan, AAC Work and Implementation Plan, and Climate Action & Energy Plan. Through this review it has been determined that the current ZB, and other land use bylaws, are no longer relatable to the OCP and, as such, a new ZB is required. The action items in this appendix lay out the action items necessary to start the process and bring it to adoption. During the course of the project staff will utilize this framework as a way of ensuring a transparent process has been followed to ensure public confidence and support.

### **Stage 1 – launching the project**

The launch of the project will commence with the support of CPAC and Council through the support of this report. Internal staff have had preliminary meetings and dialogue on the proposed Bylaw with the intent to proceed with research and drafting of a preliminary ZB. The goal of the project is to meet key milestones in accordance with Timeline Appendix 1a. The launch will include drafting a basic framework of the Bylaw and presenting key changes at a Zoning Bylaw Open House to which the media and community stakeholder groups will be invited to attend.

### **Stage 2 - Engagement Strategy**

In order to drive a transparent process that gains the support from the community and Council, an engagement strategy will be implemented both internally through various departments and Committees and externally with cooperation from the general community, development/construction industry, real estate and business communities.

#### **Internal**

An internal working group has been established and includes the Planning and Development department as the lead with addition involvement from Engineering, Building, Bylaw Enforcement, and Park & Recreation departments. It will also be important that engagement takes place with Council Committees (Economic Development Advisory Committee, Community Planning Advisory Committee, Agricultural Advisory Committee, Climate Change Advisory Committee and Communications Committee).

#### **External**

An external stakeholder group will be created through an invitation to attend sent to the BC Builders Association, Chamber of Commerce, Vancouver Island Real Estate Board, Vancouver Island Health Authority, and the Architectural Institute of BC.

In addition to this external working group the municipality will engage the public, Community Associations and other identified stakeholders through a series of open houses. An open house will be held in each of the growth centres at the beginning of the process following Council's support of this report in order to gain insight from the community as to positive and negative elements of the current bylaw and where improvements could be made with the development of the proposed ZB. Information gathered at these open house sessions will be compiled by Staff as part of following stages of ZB development. A full detailed engagement and communication strategy will be presented to the Community Planning Advisory Committee.

### Stage 3 – Background Research/Baseline Review

Internal staff will conduct research of municipal and provincial regulations, other innovative bylaws from Municipalities throughout the Province and consider scope and impact of the Bylaw. Consideration will be given to areas of specific focus such as the University Area Plan and Crofton Local Area Plan, building on the work which is currently under way in these areas and allowing these planning initiatives to influence the zoning bylaw review rather than vice versa. Staff will review all land use bylaws and devise strategies for inclusion within the proposed ZB. Staff members will be allocated research tasks based on specific bylaws and sections of the proposed ZB and meet weekly to ensure a uniform team approach is being maintained. A rough draft will be created in order to set out the framework of the bylaw and ensure key areas are being addressed.

### Stage 4 – Possible Key issues to be addressed

A number of possible key issues have already been identified as part of the background to the project, including the following. Other issues will also be identified through consultation and engagement with key stakeholders.

#### Possible key issues:

- Create a user-friendly, transparent, easy to understand bylaw to encourage greater public involvement and improve customer service;
- Clean up known anomalies in Zoning and review Council Directives and Motions e.g. Heat Pumps, Secondary Suites;
- Use of tables where possible to reduce information searching time;
- Definitions, to ensure uses are clearly defined with no ambiguity;
- Use of visuals to illustrate goals of a particular zone e.g. streetscapes, sample elevations, transects, etc;
- Zones which clearly reflect the OCP e.g. Growth Centres and Rural areas;
- Broaden the number of permitted uses in Residential and Commercial areas to reduce barriers to property development and economic prosperity;
- Create maximum/minimum requirements for building heights and setbacks – achieves vision and retains developable land for the future;
- Create Park Zoning in order to secure park resources for residents and create transparency and accountability;
- Consider innovative housing approaches – carriage houses, secondary suites, live/work within mixed-use buildings, density bonusing to encourage sustainable development and building technologies;
- Consolidate and rescind a number of related land-use bylaws into one Land Use Zoning Bylaw e.g. Campground Bylaw;
- Differentiate between Home Based Business in both the rural vs urban areas and consider scale, and ancillary uses;
- Consider appropriate uses within the Agricultural areas in accordance with Agricultural Land Commission and intend of farm land;
- Reduce the number of agricultural zones to create true agricultural zones – helps to limit rural sprawl and redefines rural vs urban agriculture;
- Create Zoning maps for each of the growth areas and a larger context zoning map of the entire municipality.

### Stage 5 – Draft Bylaw

Following identification of the key issues, staff will begin to prepare a draft bylaw, which will potentially deal with the key issues and ensure implementation of the OCP.

Staff will create a draft copy of the proposed bylaw in order to have a physical document to draw comments on rather than inviting comments on a blank page. While the format will change from the existing bylaw, the fundamentals of zoning will remain essentially the same and it will be easier to make changes to a working document and easier to visualize for all involved in the process.

During the draft stage of the Bylaw, staff will create preliminary zoning maps that will reflect the direction of ZB. Some areas, particularly those within the Growth Areas may benefit from pre-zoning in order to reduce barriers to achieve growth. The specific areas upon which to do so requires further consideration as pre-zoning eliminates the ability to achieve community amenity contributions and takes away the potential lift in value from potential developers on sites with significant potential. Based on this, changes to zoning which achieve increased density will be considered carefully based on a cost/benefit analysis and where capital investment in infrastructure warrants easier development. It is anticipated that changes in zoning may result in non-conforming uses and siting. In some respects this will be necessary to move the region towards goals and optimize growth potential but it is anticipated that zoning changes in some cases may result in greater flexibility, particularly in the Growth Centres.

#### Stage 6 – Proposed Bylaw

With the completion of the draft Bylaw and changes made based on the outcome of Open Houses and stakeholder involvement, the proposed Zoning Bylaw will be subjected to a legal review to ensure compliance with Provincial regulations. Once the review is complete and, pending further changes, the draft Bylaw will be presented to Council for support and 1<sup>st</sup> and 2<sup>nd</sup> reading. If granted, the Bylaw will proceed to a Public Hearing.

#### Stage 7 – Adoption

Following the Public Hearing, and amendments to the draft Bylaw in accordance with significant comments garnered through the process, Staff will produce a presenting copy of the Bylaw and Zoning Maps with the intent to proceed to Council for consideration of 3<sup>rd</sup> reading. After this important milestone in the adoption process, the proposed bylaw will receive a full legal evaluation to ensure the document is in accordance with Provincial and Municipal legislation. Once this review is complete, and pending any further changes, the Bylaw will be presented to Council for final adoption.

#### Conclusion

Through the above noted stages Staff intend to fully develop a new Zoning Bylaw that will reflect the vision and goals of the OCP, the needs of the community, and the desire of Council to create positive change for the Municipality of North Cowichan.

Through this comprehensive process from start to finish, the proposed Zoning Bylaw will bring together multiple departments and communities in a shared vision of managing land use and growth within North Cowichan and it is the culmination of this shared vision and the creation of a user friendly Zoning Bylaw that will serve as the cornerstone of excellent customer service.