



## BYLAW

Agenda Item Number: 6.1.1

Meeting Date: 5/9/2023

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**TO:** Mayor and Council

**FROM:** Planning and Development Services

**BYLAW:** Zoning Bylaw Review Project, Zoning Bylaw No. 2400, Rescind and Re-read Second Reading

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### RECOMMENDATION:

THAT Council rescind second reading to Zoning Bylaw No. 2400; and

THAT Council give second reading to Zoning Bylaw No. 2400, as amended; and

FURTHER THAT Council direct staff to schedule a public hearing to receive community input on proposed Zoning Bylaw No. 2400.

### PURPOSE

The Zoning Bylaw Review project is one of several outcomes of the grant-funded provincial Development Approvals Process Review (DAPR), which itself is an effort to streamline application processes to facilitate new housing development. The purpose of the Zoning Bylaw Review is to improve the user-friendliness of the bylaw and ultimately to make more efficient use of staffing resources. An updated bylaw should allow more time and resources to focus on development reviews and application processing.

### COUNCIL AUTHORITY/PREVIOUS DECISIONS

The *Local Government Act* (s. 479) establishes the authority for Council to create and amend the Zoning Bylaw. Council gave the proposed Zoning Bylaw first and second readings on March 28, 2023. The Council Procedure Bylaw No. 2063 (s. 11.6) establishes the process to rescind and re-read a bylaw with amendments.

### CHIEF ADMINISTRATIVE OFFICERS COMMENTS

Approved for Council's consideration.

# REPORT

## BACKGROUND

Although Council gave the draft Zoning Bylaw No. 2400 first and second readings on March 28, 2023, a few additional changes to the bylaw have been made since then that necessitate rescission and reconsideration of second reading prior to public hearing. This report summarizes the changes that have been made to the bylaw (Attachment 1):

- Payment in lieu of parking provision amount updated (s. 6.2)
- CR2 Zone (Integrated Residential – Mixed Use) intent statement updated (s. 7.13)
- CD Zone (Comprehensive Development) intent statement for CD zone sections updated (s. 8.0)
- Additional mapping amendments included for three new parks (Schedule B – Zoning Bylaw Map)

Should Council give second reading, as amended, a public hearing will be held to provide opportunity for those whose interests are affected by the bylaw to make representations to Council.

## DISCUSSION

### Payment in Lieu of Parking

The payment in lieu of parking provision is increased to \$56,000 per parking space. The opportunity for a developer to pay instead of providing on-site parking only applies to commercial-zoned properties in the downtown core that are also located within 200 metres of a District-owned parking area (or structure). The payment in lieu provision can only be enacted through Council approval of a parking variance, which is a discretionary approval process, so the regulation functions as an option and not a developer entitlement.

Previous Council discussions suggested that the payment amount per space be adjusted to more accurately reflect the District costs to construct a parking structure. Although a detailed proforma analysis for a parking structure has not been conducted, research into general land and construction costs for a three-storey parkade indicate a cost of at least \$56,000 per space would be required to construct a parking structure in the downtown core (i.e. the area between 1<sup>st</sup> Street and 8<sup>th</sup> Street, Beach Avenue and Highway 97).

### CR2 Zone Intent Statement

The intent statement for the CR2 zone has been updated to clarify that the zone is not intended for properties with frontage on Beach Avenue. The omission of the clarifying statement was an oversight that was noted and corrected at the previous Council Meeting on March 28, 2023.

### CD Zones Intent Statement

The intent statement that applies to all of the CD (Comprehensive Development) zones has been updated for clarification purposes and to remove redundancies. The change stipulates that Parts 1 to 6 of Zoning Bylaw No. 2400 apply to all of the CD zones except where stipulated in specific CD zoning regulations.

### Sundry Mapping Amendments

Three new parks have been added to the list of mapping amendments:

1. Turner Park located at 6114 Turner Avenue
2. Future parkland located at 3990 Beach Avenue to be dedicated to the District prior to development as part of the Todd's Resort (CD11) rezoning
3. Unaddressed parkland adjacent to Trepanier Creek that was dedicated to the District as part of the rezoning of 5481 Clements Crescent (the park area is intended allow for a future path/potential connection to Trepanier Creek Linear Park and the RDCO Trepanier Creek Greenway Trail).

The following table provides details on the mapping changes. Subject property maps are also attached for further illustration (Attachment 2). The parcels highlighted in grey comprise the three new parks:

Civic Address(es)	Ownership	Zoning Change	Rationale
6114 Turner Avenue	District of Peachland	From P2 to P1	District purchased property with intent to create new park
3990 Beach Avenue	Private	From CD11 to P1	Parcel will be dedicated to District as development condition
Unaddressed	District of Peachland	From A2 to P1	Parcel dedicated as parkland through rezoning process; intended to support linear trail network
5895 Beach Avenue	District of Peachland	From C7 to P1	Former site of Duck and Pug; now part of Heritage Park
5453 Pierce Place	District of Peachland	From N/A to P2	Annexed lands for Peachland Water Treatment Plant
5145 MacKinnon Rd	Private	From A2 to A1	Previous mapping error; parcel located in ALR
5255, 5265, and 5271 Buchanan Road	Private (three separate parcels)	From RR2 to R1	Consistency with neighbourhood; parcels previously identified for consideration of zoning update; current zoning intended for large rural lots with limited services
5321 and 5371 Princeton Avenue	Private	From A2 to RM1	Previous mapping error; existing site of Pine Hills Mobile Home Park

### IMPLICATIONS/RELATED ISSUES/RISK

Part of the work undertaken to update the Zoning Bylaw has been completed within the scope of the approved UBCM Local Government Development Approvals Program funding to make amendments to improve clarity and consistency, reduce commonly requested variances, and streamline the approvals processes. Proposed additions have also been made to the Zoning Bylaw within the scope of UBCM Community Resiliency Investment (CRI) program fund to incorporate FireSmart principles under landscaping regulations for development. Further, additional housekeeping amendments have been undertaken by staff as in-kind contributions.

### SUPPORTING DOCUMENTATION

1. Draft Zoning Bylaw No. 2400, 2023
  - a. Schedule A (Zoning Bylaw Text)
  - b. Schedule B (Zoning Bylaw Map)
2. Sundry Mapping Amendments – Subject Property Maps
  - a. 5895 Beach Avenue
  - b. 5453 Pierce Place
  - c. 5145 MacKinnon Road
  - d. 5255, 5265, and 5271 Buchanan Road
  - e. 5321 and 5371 Princeton Avenue
  - f. 6114 Turner Avenue
  - g. 3990 Beach Avenue
  - h. Trepanier Creek Linear Park (unaddressed)

**REVIEWED & APPROVED BY Joe Creron, CAO**