



STAFF REPORT

Meeting of April 7, 2008

File No.: MA-LUB-2007.1

To: Mayne Island Local Trust Committee

From: Robert Kojima
Island Planner
Local Planning Services

Re: LUB Review

Preliminary Report

BACKGROUND: Review and update of the Land Use Bylaw (LUB) is the top priority project of the Mayne Island Local Trust Committee (LTC). At the December LTC meeting, staff provided a report outlining recommended technical changes to the LUB, and the LTC directed staff to proceed with preparation of a draft. At the February and March meetings, the LTC reviewed an initial draft of the LUB, gave specific direction to staff, and reviewed potential changes to C2 zoning.

A draft LUB has now been completed ('Version 2' - attached separately). This report will highlight the significant and substantive changes to the new version of the LUB. It will also provide comment and recommendations to the LTC concerning the potential changes to the current C2 zoning on one of the properties where the LTC has requested owner input (the "Bennett" property).

Changes in the draft LUB are shown by the use of strike-throughs for wording proposed to be deleted and bold for proposed new wording.

SUMMARY OF LUB REVISIONS: the substantive changes from the current LUB and from Version 1 are highlighted below.

1. Part 1 - Definitions: a number of additional definitions have been incorporated in this draft that did not appear in the first draft:
 - 'fence' – a definition is included that would serve to differentiate fences from retaining walls and seawalls.
 - 'apartment residential' – this is a proposed new use in the C1 zone.
 - 'ferry terminal' – this would create a definition for a proposed new S3 zone
 - 'floor area ratio' – revised to include reference to calculating ratio on split-zoned lots.

- 'wholesale' – a new use in the C3 zone recommended by APC
- 'licensed premises' – differentiated from 'restaurant' by reference to liquor primary license status
- 'tourist accommodation' – duration of stay revised to 90 days per year and 14 days in summer (LTC comment)

2. Part 3 – General Regulations: the substantive changes to this part from version one are:

- a. 3.1: geo-thermal heating added as a permitted use. This would permit geo-thermal heating units as a use accessory to residential uses. The NPILTC is currently considering a similar amendment to the LUB.
- b. 3.3(5) – setbacks from watercourses. The current 7.5 metre setback is continued (assuming that DPA will be used to meet RAR requirements).
- c. 3.5(2)(b): Accessory building provisions allowing for the construction of two accessory structures on a lot prior to constructing a principal building has been revised to specify that storage of materials is for use on the lot only.
- d. 3.6(1)(b) – Home Occupations – vet clinics and animal hospitals only permitted on lots 1 acre or larger in area.
- e. 3.10 – Derelict vehicles – draft wording struck-out.
- f. 3.11 – Calculation of density of split-zoned lots: new wording provided by legal counsel ties additional dwellings to subdivision potential.

3. Part 5: Zone Regulations. Changes to Settlement Residential, Agricultural, and Rural zoning were reviewed by the LTC at the February meeting, additional changes are:

- a. 5.3: Rural Residential Two (RR2): this is a new draft zone for Marisol Village. The substance of the regulations is what has been proposed by the owners; however the specifics of siting and size have not been commented upon by the owners.
- b. 5.7(12): Agricultural (A) zone: a maximum floor area for farmworker dwellings has been included, based on LTC direction.
- c. 5.8: C1 zone: new use "apartment residential" has been added along with conditions of use. The draft regulations would limit the use to second storeys of principal buildings, have a separate entrance and a minimum floor area. Personal services has also been included as a permitted use in this zone (personal services are uses such as hairdressers).

- d. 5.9: C2 zoning: addition of employee housing as a permitted use with a density limit, a provision for larger units if density is lower, a limit of retail floor area to 20 sq. m, and site specific limits on density on all three sites.
 - e. 5.10: C3 zone: addition of “wholesale and retail” to permitted uses (this is a recommendation of the APC).
 - f. 5.13: I1 zone: zone consolidates the previous I and I1 zones, with site-specific regulations for the former I1 zone. Revisions have also been made to screening requirements: parts, machinery and equipment would be required to be located with a building, materials and equipment would have to be setback from waterbodies but not located within a building (based on landowner comment).
 - g. 5.14, 5.17: new S1 and P zones would replace current REC zone. “golf courses” and “institutional and outdoor camps” would be removed as permitted uses.
 - h. 5.15: S2 zone (previously LCS), outdoor recreation use changed to passive recreation parks.
 - i. 5.16: new S3 zone for ferry terminal. The use has been defined to include accessory commercial uses and a provision for limiting floor area of accessory commercial uses has been included. No specific limit has been established in this draft.
 - j. 5.18: a new zone for National Park Reserve Lands, with provisions based on zoning of GINPR lands in NP Associated Islands LUB.
 - k. 5.20: W1 zone: zone name changed from water conservation to water protection.
 - l. 5.22 and 5.23: W3 and W4 zones: no changes have been made, pending receipt of comments from Southern Gulf Islands Harbours Commission.
 - m. 5.25: this section is reserved for the comprehensive zoning of the “Bennett” property (see discussion below).
4. Part 6: Sign Regulations: these regulations have been revised from the current provisions by:
- a. Including noise-making signs in the list of prohibited signs;
 - b. Including a list of sign categories exempt from the regulations;
 - c. Permitting signs to be sited in front and exterior side yard setbacks;
 - d. Requiring the removal of obsolete signs.

5. Part 7: the parking regulations would be revised by:
 - a. 7.1(1) and (2): Replacement of vague wording concerning off-site parking;
 - b. 7.4: Inclusion of parking requirements for cottage and apartment residential use and tennis courts (APC recommendation)
 - c. 7.4: change of parking standards from 1 per 15 sq. m of floor area to 1 per 30 sq. m of floor area for commercial and industrial uses. These draft standards were recommended by the APC and are closer to standards in other LUB.
 - d. 7.4: the requirement for ferry parking has been revised based on APC recommendations.

6. Part 8: Subdivision regulations:
 - a. 8.2 - Exemptions: the list of uses exempt from minimum lot size provisions has been revised to additional types of unattended equipment; a requirement for a covenant has been added, and such subdivisions would also be exempted from lot frontage, split-zoning, and servicing requirements.

 - b. 8.5 – Lot frontage: a minimum lot frontage of 20 metres has been included and an information note concerning 10% frontage requirements and waiver provisions has been added.

 - c. 8.6(2) – Split-zoned lots: vague wording has been removed and revised wording has been added to specify that prohibition applies to the creation of additional lots (allowing a split-zoned remainder).

 - d. 8.10 – Highway standards: replaced with information note protocol with MoT. MoT establishes the standards for new highway construction.

 - e. 8.11 – Water supply standards revised to:
 - i. Include reference to professional to a professional hydrogeologist providing certification, in addition to an engineer;
 - ii. Include potability standards meeting or exceeding guidelines for Canadian Drinking Water Quality;
 - iii. Specifying that the required volume is per 'per day/lot';
 - iv. 8.11(2): requiring s. 219 covenant be granted to LTC and CRD where standards can only partially be met;
 - v. 8.11(3): include a provision requiring a covenant where potability can be certified with the installation of a treatment system;
 - vi. remove a regulation referring to community water systems;
 - vii. remove a regulation requiring proof as a condition of building permit;

- f. 8.12 – Sewage Disposal Standards – replaced with information note. This are subject to Sewage Disposal Regulations under the Health Act and all subdivisions are referred to VIHA for review.
- g. 8.13 – Drainage standards – replaced with information note. The approving officer requires drainage reports for significant new subdivisions and will require work where recommended.
- h. 8.14 – Characteristics of Public Access to Water Bodies – revised to specify that this is an information note.
- i. Reference to pedestrian path removed: this should be in OCP if it is intended that MoT should construct it; or should a be condition of building permit from CRD if it is intended to be a requirement of development.

The LTC should review the revisions in this draft, and provide staff with any direction for additional changes, deletions or inclusions.

C2 zoning – ‘Bennett’ Property: the LTC has indicated that the current C2 zoning on this property could result in development of a significant number of tourist accommodation units (in excess of 60 units), with potential negative impacts on surrounding properties. The LTC has provided direction that other options for this property should be considered that would result in fewer tourist accommodation units, but also would permit other uses that may be of benefit to the community and to the landowner. The LTC, staff and the owners have discussed amending the zoning on the property to permit a mix of uses, including some retail and office commercial, some residential uses, and a reduced number of tourist accommodation uses.

Staff comments:

1. Zone boundary: Adjusting the current SR/C2 zone boundary to coincide with the watercourse bisecting the property would have merit. This would result in an extension of the commercially zoned area south along Village Bay Road and extending of the SR zoned area north in the western portion of the site, effectively limiting the area of commercial zoning abutting the SR zoned lots to the west and resulting in the setback from the watercourse acting as a buffer between the residential and commercial uses.
2. Uses: A mix of uses on the site is supportable from a planning perspective given the location of the site in Miners Bay Village. A recommended mix of uses are:
 - (a) Tourist accommodation;
 - (b) Residential;
 - (c) Retail sales;
 - (d) Restaurant;

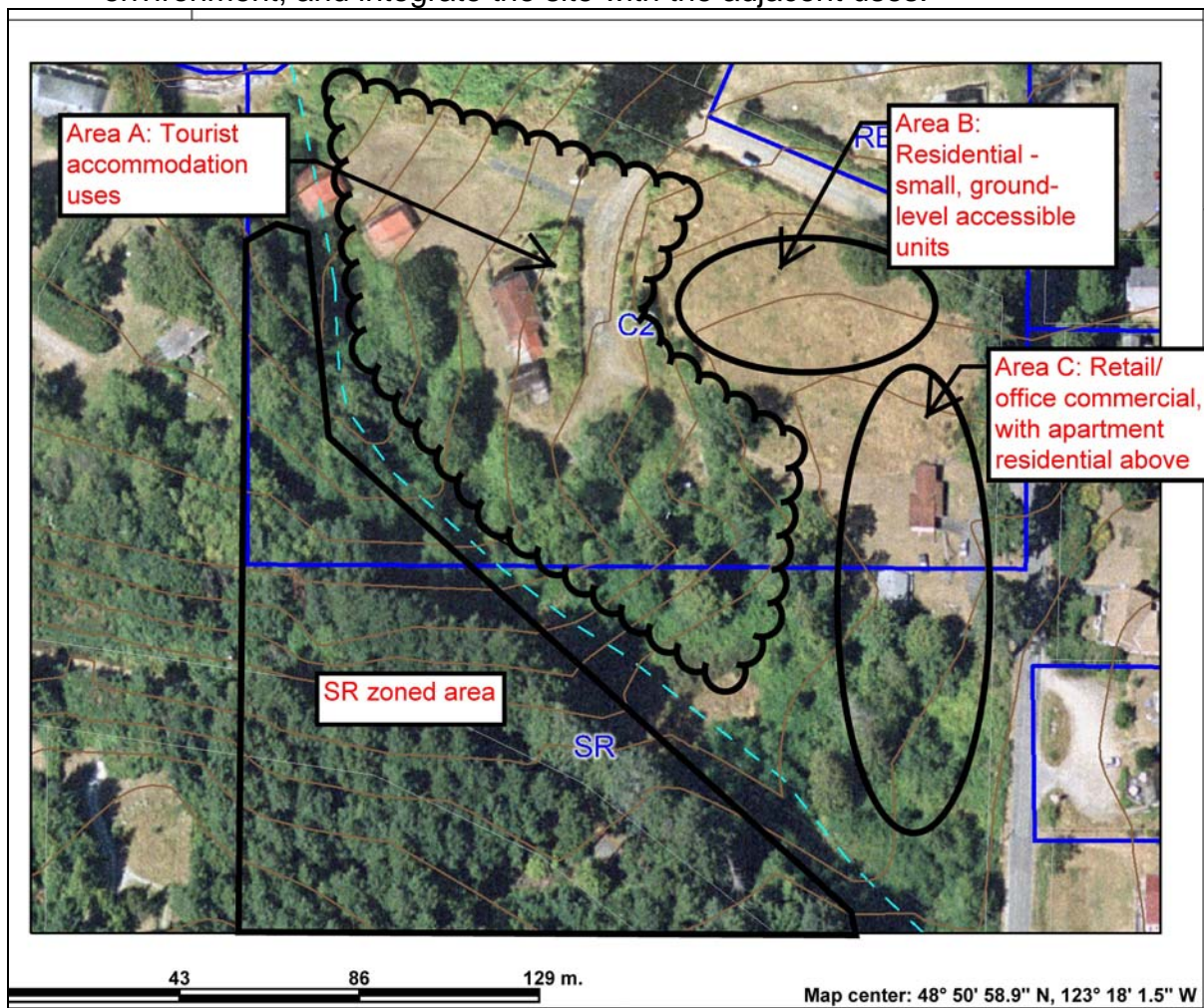
- (e) Offices, including financial services and travel agencies;
- (f) Personal services;
- (g) Medical and dental clinics;
- (h) Printers and publishers;
- (i) Appliance repair and servicing;
- (j) Apartment residential;
- (k) Employee housing;
- (l) Accessory dwelling unit for the accommodation of the owner, operator, or employee of a permitted principal use;
- (m) Accessory uses, buildings and structures;

This proposed mix of uses combines the draft C1 uses with the current tourist accommodation uses, and with residential uses. The principal uses should be limited to specific areas of the site and also regulated through density limits on maximum floor area.

3. Overall Density: the current zoning has several limits on density: an FAR of 0.25, a lot coverage of 20%, a limit on floor area of 1630 m² per hectare of lot area, and a limit on the number of tourist accommodation units to 37 per hectare for the first hectare and 27 per hectare for additional lot area. A clearer overall limit of all floor area consistent with an FAR of 0.25, or around 50,000 square feet, along with a maximum lot coverage of 20% would be recommended, with further limits on the various uses (discussed below).
4. Distribution of the density among the uses: the proposed uses should be controlled by specific density limits on maximum floor area; however the limits should provide some flexibility in how the uses are realized. In terms of proposed limits on the key uses, I would not recommend more than the following:
 - a. Tourist accommodation units: a maximum 30 units and 30,000 square feet.
 - b. Residential dwelling units: up to 10 units and a total of 10,000 square feet. These are intended to be small, accessible housing units. There may also need to be concurrent amendments to DPA designations and guidelines to control the form and character of dwelling units.
 - c. Apartment residential - 5,400 square feet (no more than 10 units above retail commercial).
 - d. Retail/office commercial - 10,000 square feet, although this is probably more than could be realistically leased.

5. Pre-designated areas: I would recommend pre-designating areas in the site within which the main uses could occur:
 - a. One area along Village Bay Road for retail/office commercial and apartment residential.
 - b. A second area off Naylor Road for residential units.
 - c. The third area encompassing the bulk of the site down to the waterfront for tourist accommodation uses.

The sketch plan below provides an example of how a mix of uses could be accommodated on the site, while also ensuring that uses are distributed in a manner that provides benefits to the community in general, an improved built environment, and integrate the site with the adjacent uses.



6. Subdivision Potential: the current zoning has a minimum lot size of 1 acre. The current C2 zoned area is subdividable and presumably the new zoning would also permit subdivision.

If the LTC is supportive of this general approach, staff should be provided with direction on any specifics and be asked to prepare draft zoning for the site for LTC review.

Next Steps:

1. LTC provides direction to make further revisions to the draft.
2. Staff complete the drafting of C2 zoning, LTC reviews proposed zoning, and zoning is incorporated into the draft LUB.
3. The LTC reviews the completed draft LUB.
4. LTC directs staff to schedule community information meetings for community consultation on draft.
5. Draft referred to APC and agencies for comment.

Recommendations

1. The LTC give staff any direction for further changes to the draft LUB.
2. The LTC provide staff with specific direction with respect to drafting zoning for the Bennett Property.

Respectfully submitted by:



Robert Kojima

March 26, 2007

Date

Attachments: Draft LUB (separate distribution)