

MINUTES OF THE PLANNING AND DEVELOPMENT STANDING COMMITTEE MEETING
HELD IN CONFERENCE ROOM 1, CITY HALL ANNEX,
ON THURSDAY, 2001-NOV-22, COMMENCING AT 4:15 P.M.

PRESENT: Councillor L. J. Sherry, Chair

Members: Councillor L. D. McNabb

Absent: Councillor W. J. Holdom

Staff: B. N. Mehaffey
S. E. Fletcher

S. J. Hvozanski
J. T. Bowden

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2001-NOV-15 Meeting of the Planning and Development Standing Committee held in Conference Room 1, City Hall Annex at 2:05 p.m.

Moved by Councillor McNabb, seconded by Councillor Sherry that the Minutes be adopted as circulated. The motion carried.

2. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PLANNING:

(1) Council Policy on the Rezoning of Legal, Non-Conforming Duplexes

Recently, it has come to Staff and Council's attention that a legally constructed duplex at 3222 Crystal Place is incorrectly zoned Single Family Residential, rather than the appropriate RM-1 (Duplex) Zone. Since the adoption of Zoning Bylaw 4000 in 1993, it has been Staff's position that in order to remedy an error of this nature, a rezoning application, along with the appropriate fees, be submitted by the applicant. Given the considerable period of time since the adoption of the new Zoning Bylaw, and given the limited number of legal non-conforming duplexes which have come forward in recent years, Staff believe it appropriate for Council to provide formal direction on this matter.

Zoning Bylaw No. 4000 was adopted by Council at its regular meeting held 1993-JUL-26. Under the previous Zoning Bylaw, duplexes were permitted on any single family lot, provided the lot on which the duplex was located was at least 10,000 square feet in size and at least 600 feet from the nearest duplex property on the same side of the street. For legal and administrative reasons, Bylaw 4000 eliminated this allowance and created a Duplex Zone in its place (RM-1). Lawful duplex properties were assigned the new zone category with the adoption of the

zoning. In order to receive the Duplex Zone classification, proof of a building permit application for construction of a two-family dwelling was necessary.

The adoption of Bylaw 4000 included several public notices and opportunity for existing legal duplexes to be recognized. The majority of the legal duplexes were given RM-1 zoning; however, a number of duplexes which met the required criteria did not get included in the zoning changes. In the year and a half following the adoption of Bylaw 4000, two Amendment Bylaws were introduced in an attempt to bring into conformity all duplexes which were legally constructed prior to the adoption of Bylaw 4000 which had been missed in the original bylaw introduction. Following the adoption of Bylaw 4000.075 in January of 1995, Staff felt that all reasonable efforts had been made to include all legal duplexes within the RM-1 Zone and, as such, adopted the position that any application to rezone legal non-conforming duplexes would require the applicant to submit a full application along with associated application fees. Since the adoption of this position, eight property owners (including 3222 Crystal Place) have come forward to identify legal non-conforming duplexes which were not zoned RM-1 in 1993. Council's direction is sought on how 3222 Crystal Place and any subsequent rezoning for legal non-conforming duplexes should be handled.

Option #1

Status Quo - Continue to require applicants requesting rezoning for legal non-conforming duplexes to submit a complete application, including required application fees.

Option #2

The City proceed with a rezoning of these legal non-conforming duplexes as it is made aware of them, including the City absorbing the costs associated with the public hearing notification and signage (approximately \$1,000).

Option #3

Defer the rezoning of the legal non-conforming duplexes to the next round of housekeeping amendments. Map amendments are done regularly and are typically introduced bi-annually for Council's consideration. Staff are currently working on a Map Amendment Bylaw for introduction to Council this fall/winter. With Council's direction, the legal non-conforming duplex at 3222 Crystal Place, as well as the other known legal non-conforming duplexes could be included in this Bylaw for consideration.

It should be noted that, unless Council directs Staff otherwise, this option would not include on-site notification signage or notification to adjacent property owners. The *Local Government Act* does not require public notification where more than ten properties are being rezoned in a bylaw. If Council does want the notification to proceed as per any typical rezoning, the costs to be absorbed by the City would be approximately \$1,000 per property. The standard newspaper notification must be done which would identify each property and the proposed purpose of the rezoning.

Staff recommend that Council indicate support for forwarding all legal non-conforming duplex applications resulting from mapping errors to the next round of map amendments (Option #3). If the applicants are not prepared to wait for the upcoming housekeeping bylaw, they may proceed with a separate application including all applicable fees.

Recommendation: That Council direct Staff to defer the rezoning of the legal non-conforming duplexes to the next round of housekeeping amendments (Option #3), and that no signage or notification be provided to adjacent property owners

Moved by Councillor McNabb, seconded by Councillor Sherry that Council direct Staff to defer the rezoning of the legal non-conforming duplexes to the next round of housekeeping amendments (Option #3), and that no signage or notification be provided to adjacent property owners. The motion carried.

3. RECEIVING OF INFORMATION ONLY REPORTS:

- (a) Report from Ms. S. J. Hvozanski, Community Development Planner, Community Planning, Development Services, regarding Official Community Plan Mandatory 5-Year Review Phase One Report.

Sharon Hvozanski provided the Committee with a presentation regarding the first phase of the OCP review.

Moved by Councillor McNabb, seconded by Councillor Sherry that the presentation be received. The motion carried.

4. ADJOURNMENT:

Moved by Councillor McNabb, seconded by Councillor Sherry at 4:55 p.m. that the meeting terminate.

CHAIR

CERTIFIED CORRECT:

CITY CLERK