

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9873

TO AMEND BYLAW NO. 8200,
BEING THE "ZONING BYLAW, 2003"

The Municipal Council of The Corporation of the District of Saanich enacts as follows:

1. Bylaw No. 8200, being the "Zoning Bylaw, 2003" is hereby amended as follows:
 - a. By deleting Sections 860.1 "Permitted Uses" and 860.2 "Prohibited Commercial Uses" for the C-6DE (Douglas East Highway Commercial) Zone and substituting therefore new Sections 860.1 and 860.2 attached hereto as Schedule "A";
2. This Bylaw may be cited for all purposes as the "**ZONING BYLAW, 2003, AMENDMENT BYLAW, 2023, NO. 9873**".

Read a first time this day of , 2023.

Read a second time this day of , 2023.

Read a third time this day of , 2023.

Approved under Part 4 of the Transportation Act this day of , 2023.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of The Corporation on the day of , 2023.

Municipal Clerk

Mayor



The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Lindsay Chase, Director of Planning
Date: February 13, 2023
Subject: Zoning Bylaw Amendment – Douglas East Highway Commercial (C-6DE)
File: 2310-20 • Uptown-Douglas Plan

RECOMMENDATION

1. That pursuant to Section 464(2) of the *Local Government Act*, that a Public Hearing not be held in relation to the Zoning Bylaw Amendment, and that notice of the decision not to hold a Public Hearing be given in accordance with Section 467, of the *Local Government Act* as the application satisfies the requirement to waive a Public Hearing.
2. That the proposed Zoning Bylaw Amendment to amend C-6DE (Douglas East Highway Commercial) Zone, to prohibit automobile, boat, truck and trailer sales, rentals, maintenance, repair and storage, be placed on an upcoming Council meeting agenda.

PURPOSE

The purpose of this Report is to provide Council with a Zoning Bylaw Amendment to prohibit automobile, boat, truck and trailer sales, rentals, maintenance, repair and storage in the Douglas East Highway Commercial (C-6DE) Zone.

The Zoning Bylaw Amendment aligns with the policies/guidelines for the “Urban Mixed-Use Residential” land use designation in the recently adopted Uptown-Douglas Plan (February 2022). The proposed Zoning Bylaw Amendment is an incremental step towards securing the vision of the Uptown-Douglas Plan prior to a more comprehensive pre-zoning initiative. This amendment is intended to ensure property owners do not make investments inconsistent with Uptown-Douglas Plan objectives and potentially sterilize land that is critical to realizing the future aspirations for the area.

DISCUSSION

Planning Context

The Uptown-Douglas Plan establishes a vision to transform the Douglas-Oak Hub into a mixed-use, walkable neighbourhood that serves as a heart for the District of Saanich. Oak Street is a key part of this vision, with medium to high-density residential and mixed-use buildings and an intention to operate as a ‘high street’ that prioritizes pedestrian activity, active commercial uses, and an increased residential population.

Most properties along Oak Street are designated as “Urban Mixed-Use Residential” in the Uptown-Douglas Plan, supporting a mix of residential and commercial uses with building heights

of 8-12 storeys. Oak Street is bookended by properties designated as “Core” land use designation (excluding Short Street) which support similar uses but with taller building heights of 12-18 storeys (see Map 1).

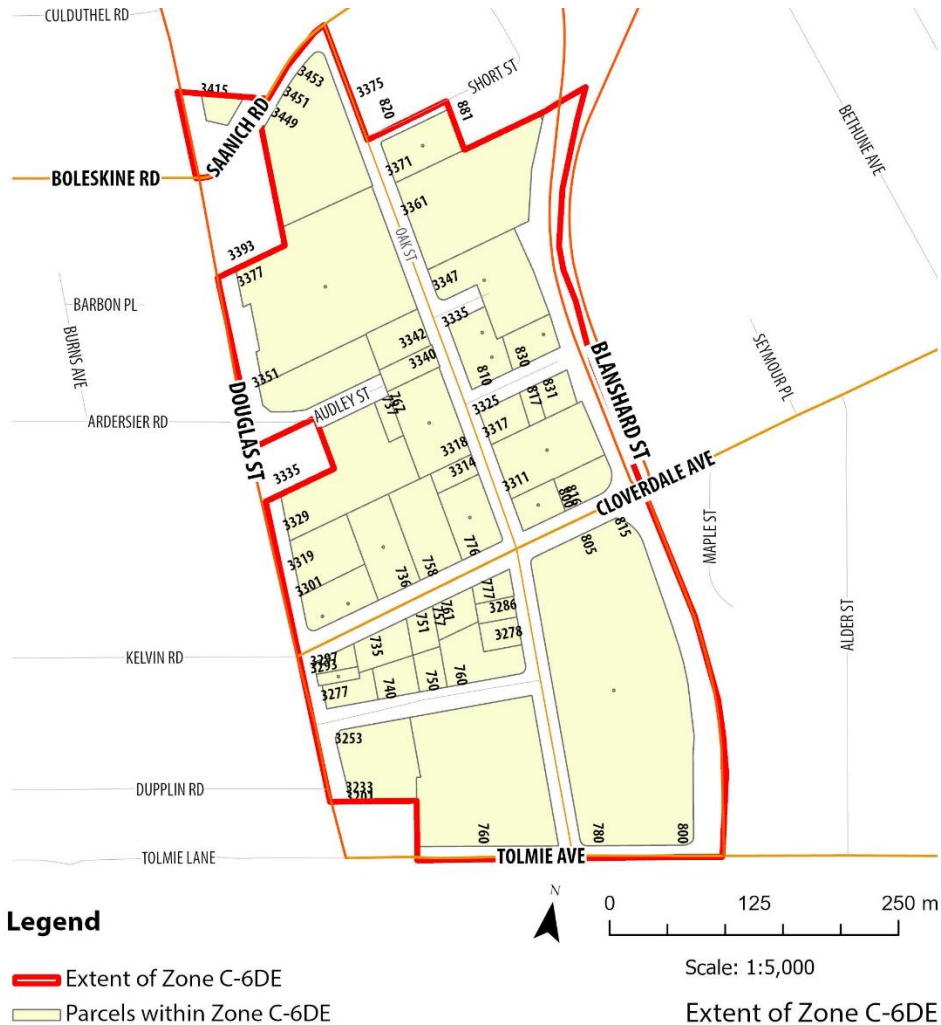


Map 1: Uptown-Douglas Plan – Douglas-Oak Hub Neighbourhood Sub-Area Land Use Designations

Existing Zoning

The primary zoning in this area is C-6DE (see Map 2) which allows commercial and/or residential uses up to five storeys. Existing properties along Oak Street are generally one to two storeys and operate primarily as service commercial with some retail. The C-6DE zoning is permissive with respect to commercial and contains some uses that are inconsistent with the long-range policy direction in the Uptown-Douglas Plan, including ‘automobile, boat, truck and trailer rentals’ and ‘facilities to maintain, wash, park, store, or repair motor vehicles’.

The intent of the Zoning Bylaw Amendment would be to remove the uses that are inconsistent with the “Urban Mixed-Use Residential” land use designation in the Uptown-Douglas Plan and to prohibit vehicle sales explicitly as a use in the C-6DE Zone. The proposed amendments seek to safeguard the Uptown-Douglas Plan’s long-term vision of the area.



Map 2: Extent of C-6DE Zoning

Uptown-Douglas Plan Implementation

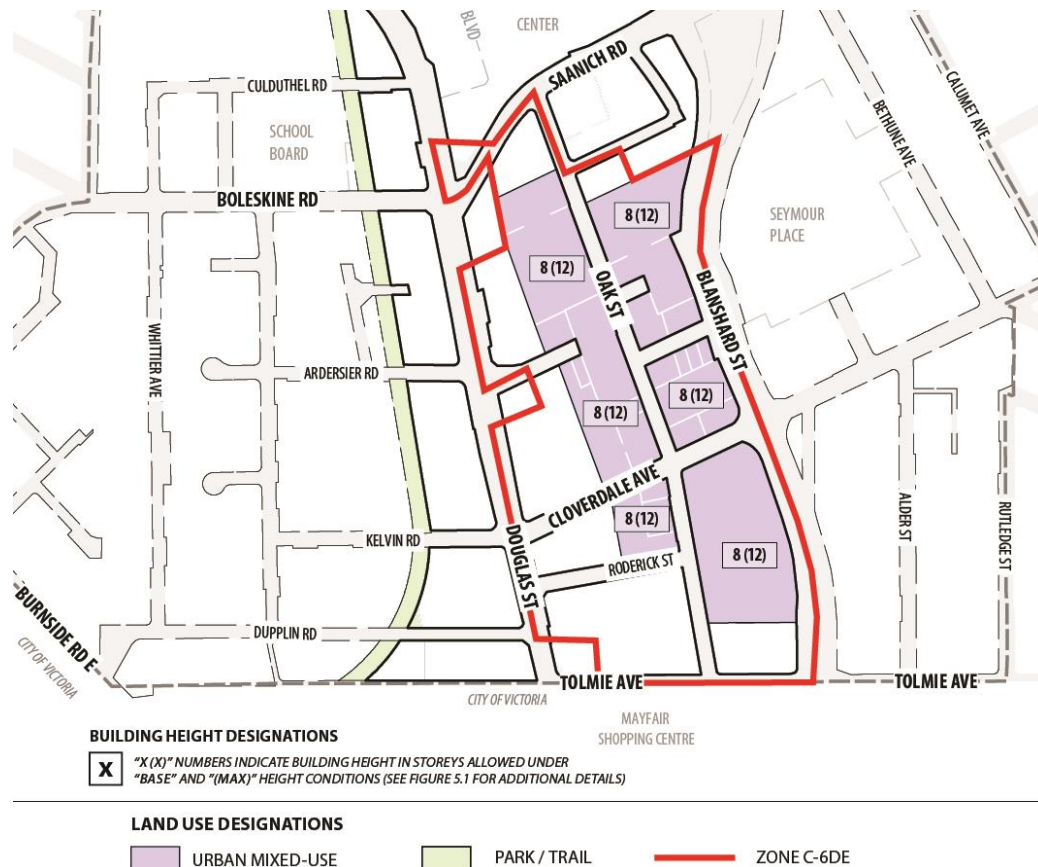
Council adopted the Uptown-Douglas Plan on February 28, 2022, to guide growth and change in the Uptown-Douglas area over the next 20 - 30 years.

Before its adoption, on August 10, 2020, Council endorsed a few key implementation items, including a pilot pre-zoning project in specific Uptown-Douglas Plan areas, with the following motion:

“That Council direct staff to undertake a pilot pre-zoning project in the “Urban Mixed-Use Residential” and “Mixed Employment” land use designations and bring back a report with recommendations on pilot pre-zoning in these areas.”

This proposed amendment identified in this report is seen as a first tactical step in executing Council’s direction around changing zoning in areas designated Urban Mixed Use Residential in the Uptown-Douglas Plan. Comprehensive work to undertake pre-zoning is anticipated to be initiated in the second half of 2023.

The areas in the Uptown-Douglas Plan that have the future land use designation of “Urban Mixed-Use Residential” are located east of Blanshard Street, south of Saanich Road, and north of Tolmie Avenue (see Map 3). There are a total of 23 properties designated as Urban Mixed-Use (4.66 ha) in this area, with an additional 5 parcels split-designated between Urban Mixed-Use (4 ha) and Core (2.34 ha). All of these properties are zoned C-6DE. Other C-6DE zoned properties are designated as “Core”, which envisions similar uses to “Urban Mixed Use Residential”, but at a higher density.



Map 3: Uptown-Douglas Plan – Urban Mixed-Use Residential Land Use Designation in Douglas-Oak Hub Sub-Area

Pre-zoning of “Urban Mixed Use Residential” Properties (Long-term solution)

Pre-zoning property is a proactive tool that can provide additional certainty for property owners and the community. Council has the authority to rezone private property for the purpose of encouraging new uses that align with the Official Community Plan (OCP). The purpose of pre-zoning is to incentivize new development in select areas and, eventually, phase-out existing uses that are contrary to the OCPs goals and objectives. Establishing new zones can also increase market certainty and reduce application review and approval timelines.

The long-term future for the Oak Street portion of the Uptown-Douglas Plan area is anticipated to be quite different from current uses and zoning allowances. A key point of contrast is that uses permitted under current zoning, such as facilities to maintain, wash, park, store, or repair motor vehicles, are not consistent with this long-term vision. To support the future development of Oak Street as a 'neighbourhood street', there are several key policies tied to the "Urban Mixed-Use Residential" designation within the Uptown-Douglas Plan. However, the existing C-6DE zone challenges the ability to achieve this long-term vision for the area. The following policies (extracted from the Uptown-Douglas Plan) highlight the future vision of the "Urban Mixed-Use Residential" land use designation that could become unachievable without the amendments to the C-6DE Zone:

- 5.3.1. Encourage commercial and mixed-use buildings to include small-scale commercial/retail uses at street level, with larger retail uses either located above or behind at fronting uses (*see also Urban Design Guideline 9.2.8 xi. and Figure 9.14*).
- 5.3.2. Support mixed-use developments on commercial streets and in high pedestrian traffic areas to promote an environment that is hospitable and encourages social interactions.
- 5.3.3. Support live/work units and co-work/worker-share spaces as part of mixed-use developments within the Tennyson Industrial Quarter, Tolmie Quarter, and the Douglas-Oak Hub neighbourhood sub-areas.
- 5.3.4. Expect developments to create small, attractive storefronts that define the building and add variation to its facade that cue visual interest at grade.
- 5.3.5. Promote a range of commercial uses that offer a variety of services for all ages and stages of life, including childcare, medical services, and professional offices.

The advantage of pre-zoning is that it would assist in upholding the policy framework of the Uptown-Douglas Plan and enable the long-term vision of the Douglas-Oak Hub Neighbourhood Sub-Area to be secured and increased certainty for future redevelopment. Drawbacks to this approach could include adverse impacts to existing landowners, loss of potential community amenities, and the creation of zoning parameters that may be too flexible to achieve the desired intents or too prescriptive to achieve developments that do not need further rezoning or variance approvals.

It is important to note that there are other District of Saanich projects, either underway or planned for, that will influence and shape pre-zoning in this area. These include: the Community Amenity Contributions and Inclusionary Housing Program, the Development Permit Area Design Guidelines, and the Update to the Zoning Bylaw Parking Standards. Given the timing of these projects, and in alignment with the previous Council direction to proceed with a comprehensive approach to pre-zoning of the "Urban Mixed-Use Residential" and "Mixed Employment" areas, staff anticipate detailed pre-zoning work will commence in 2023.

The pre-zoning of areas within the "Urban Mixed-Use Residential" land use designation would ultimately provide added certainty and protect against uses that are inconsistent with the Uptown-Douglas Plan's long-term vision. However, this would require a more comprehensive analysis to address a range of considerations. Key issues to consider through the pilot pre-zoning include:

- Integration of a community amenity contribution structure;

- Development of a zone that meets Uptown-Douglas Plan parameters while addressing the range of site conditions; and
- Potential tax and other impacts to property owners.

Zoning Bylaw Amendment to the C-6DE Zone (Interim solution)

To initiate implementation of the Uptown-Douglas Plan and take a step towards the long-term vision for Oak Street and the “Urban Mixed-Use Residential” land use designation, a Zoning Bylaw Amendment has been prepared for sections 860.1 and 860.2 of the Douglas East Commercial Highway (C-6DE) Zone (see Attachment A) to:

- Remove uses for vehicle rentals and those to facilities to maintain, wash, park, store, or repair motor vehicles; and
- Explicitly prohibit the vehicle sales.

The intent of the proposed amendments to the Zoning Bylaw is to prevent future introduction or expansion of automobile, boat, truck and trailer sales and rentals. The amendment would also place existing automobile, boat, truck and trailer sales and rental uses into a non-conforming situation.

The Uptown-Douglas Plan specifically supports the recommended bylaw amendments to the “Urban Mixed-Use Residential” area, through the following policy:

- 5.3.6. Do not support the expansion of traditional auto retail models of dealerships (with on-site vehicle storage beyond a showroom), including the expansion of established businesses.

Although not as fulsome a solution as pre-zoning to secure the future vision of the “Urban Mixed-Use Residential” land use designation, the proposed amendment will safeguard the long-term vision of the area by restricting new uses that are not compatible with the Uptown-Douglas Plan’s vision.

Given that this approach looks only to prohibit specific uses, as opposed to building a new zone consistent with policy in the Uptown-Douglas Plan, the magnitude of potential impacts would be reduced. Potential issues around the ability to negotiate Community Amenity Contributions, property value increases, and the need to develop an optimal zone or zones would not be a consideration for this recommended approach.

This approach seeks to act as an interim solution until a more comprehensive pre-zoning in the area is undertaken, as per previous Council direction provided through the endorsement of the Uptown-Douglas Plan.

Ability to Waive the Public Hearing

In accordance with Bill 26-2021, Council is not required to hold a Public Hearing on a proposed Zoning Bylaw Amendment if:

- An Official Community Plan is in effect for the area that is the subject of the Zoning Bylaw; and
- The Zoning Bylaw Amendment is consistent with the Official Community Plan.

In the District of Saanich, the Official Community Plan (OCP) comprises the General Plan (Sustainable Saanich OCP); Local Area Plans (LAP); Centre, Village and Corridor Plans; and the Development Permit Area Justification and Guidelines.

As the proposed Zoning Bylaw Amendment is consistent with the OCP and the Uptown-Douglas Plan, a Public Hearing could be waived, should Council wish to do so.

Legal Implications

The authority of a municipality to rezone an area to align it with the intentions of its Official Community Plan is without doubt.

The primary legal implication is that some uses on a property may become a lawful non-conforming use. In regard to the authority to continue to non-conforming uses, Section 528(1) of the *Local Government Act* states that at a time a land use regulations bylaw is adopted, land, or a building or other structure, to which that bylaw applies is lawfully used, and where the use does not conform to the bylaw, that the use may be continued as a non-conforming use.

If the proposed bylaw is adopted, properties that are currently operating uses for 'automobile, boat, truck and trailer rentals' and 'facilities to maintain, wash, park, store, or repair motor vehicles' would have a legal non-conforming use, and would only lose the non-conforming status should the use be discontinued for a continuous period of six months.

Based on assessment of BC Assessment and business licence data, it estimated that 14 of the 43 properties with C-6DE zoning would be placed in a legal non-conforming status. These properties will be allowed to continue their current uses until, as noted above, the use is discontinued for a continuous period of six months.

ALTERNATIVES

1. That Council approve the recommendations outlined in the Staff Report.
2. That Council give first reading to the Zoning Bylaw Amendment and forward the Bylaw to Public Hearing.

In this option, Council would give the Zoning Bylaw Amendment first reading, but would add the step of a Public Hearing to the legislative process. A Public Hearing is not required as the proposed change is consistent with the Official Community Plan Bylaw. Calling a Public Hearing would provide an additional opportunity for the members of the public to speak to the potential amendment, but would add an additional process step.

Should Council wish to hold a public hearing, the appropriate motion would be:

"That Council forward the proposed amendment to the C-6DE (Douglas East Highway Commercial) Zone to a Public Hearing."

3. That Council defer zoning changes to the more comprehensive pre-zoning pilot project identified as part of Uptown-Douglas Plan implementation.

Should Council wish, they could decide not to proceed with Zoning Bylaw changes at this time and defer any changes to the future comprehensive pre-zoning process planned for later in

2023. Should Council choose this option, applications may come forward for uses that are inconsistent with the Uptown-Douglas Plan vision, but comply with zoning. These uses may limit future development opportunities and the desire to create a pedestrian-oriented, mixed-use, mid-rise neighbourhood.

STRATEGIC PLAN IMPLICATIONS

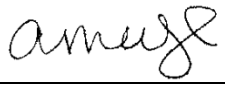
By securing the long-term vision of the Uptown-Douglas Plan, the proposed interim solution aligns with the Council Strategic Plan (2019-2023) goal of “Affordable housing, land use and infrastructure management”, specifically in that land use decisions are consistent with our community-supported plans.


CONCLUSION


The long-term future for the Oak Street portion of the Uptown-Douglas Plan area will be quite different from current uses and zoning allowances. A key point of contrast is that uses permitted under current zoning, such as ‘facilities to maintain, wash, park, store, or repair automobiles’ and ‘automobile, boat, truck and trailer sales and rentals’ are not consistent with the long-term vision.

Council has the legal authority to rezone land consistent with the Official Community Plan (OCP). Council has provided direction that pre-zoning of the “Urban Mixed Use Residential” area in the Uptown-Douglas Plan is a priority implementation action. While a comprehensive rezoning will require significant analysis and consultation, it is proposed that a more limited rezoning be undertaken at this time to prohibit new uses that are inconsistent with the Uptown-Douglas Plan’s policy direction and safeguard implementation of the Uptown-Douglas Plan.

To secure the long-term vision of the Uptown-Douglas Plan’s Douglas-Oak Hub neighbourhood around Oak Street, it is recommended that a Zoning Bylaw Amendment be implemented to remove uses for automobile sales and rentals and facilities to maintain, wash, park, store, or repair motor vehicles and to explicitly prohibit automobile, boat, truck and trailer sales and rentals in the C-6DE Zone. The Zoning Bylaw Amendment is an incremental step to secure the Plan’s long-term vision until future work to develop pilot pre-zoning in the “Urban Mixed-Use Residential” and “Mixed Employment” land use designations is undertaken, in accordance with previous direction of Council.

Prepared by: 
Alanna McDonagh
Senior Planner

Reviewed by: 
Cameron Scott
Manager of Community Planning

Approved by: 
Lindsay Chase
Director of Planning

AM/jsp

Attachments: Attachment A: Zoning Bylaw, 2003, Amendment Bylaw, 2023, No. 9873

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer

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Municipal Clerk

Mayor

860.1 Uses Permitted

Uses Permitted:

- (a) Retail sales of goods and services
- (b) Offices
- (c) Personal services
- (d) Medical services
- (e) Restaurant
- (f) Rental and Repair of household items, tools, appliances and small equipment
- (g) Assembly
- (h) Veterinary clinic and veterinary hospital
- (i) Warehousing
- (j) Wholesaling and wholesale distribution
- (k) Research
- (l) Accessory residential
- (m) Cable Hub Site
- (n) High technology manufacturing
- (o) Daycare, Adult
- (p) Daycare, Child
- (q) High density tourist accommodation
- (r) Apartment

860.2 Prohibited Commercial Uses

Prohibited Commercial Uses:

All uses not permitted by Section 860.1 and, without limiting the generality of the foregoing:

- (a) Lumber and Building Supply Yard.
- (b) Auto Wrecking or the Storage of Wrecked Vehicles except within a permitted building.
- (c) Neighbourhood Public House.
- (d) Automobile, boat, truck and trailer sales, rentals maintenance, repair and storage.

860.3 Buildings and Structures

Buildings and Structures:

- (a) Shall be sited not less than:
 - (i) 7.5 m (24.6 ft) from any lot line abutting a street except that where the area between the building and lot line is landscaped and not used for the provision of off-street parking the minimum setback

- may be reduced to 3.75 m (12.3 ft).
- (ii) 0 m from a rear lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the rear lot line, it shall be sited not less than 3.0 m (9.8 ft) from the rear lot line, and where a rear lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone, the minimum setback shall be 7.5 m (24.6 ft).
- (iii) 0 m from an interior side lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the interior lot line it shall be sited not less than 3.0 m (9.9 ft) from the interior side lot line, and, where an interior side lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone the minimum setback shall be:
 - 3.0 m (9.8 ft) in the case of a one-storey building
 - 6.0 m (19.7 ft) in the case of a building of more than one storey

- (b) Shall not exceed a height of 15.0 m (49.2 ft).

860.2 General

General:

The relevant provisions of Sections 5, 6, 7, 8 and Schedule B of this bylaw shall apply.

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Municipal Clerk

Mayor



The Corporation of the District of Saanich

Supplemental Report

To: Mayor and Council
From: Lindsay Chase, Director of Planning
Date: June 26, 2023
Subject: Zoning Bylaw Amendment – Douglas East Highway Commercial (C-6DE)
File: 2310-20 – Uptown-Douglas Plan

RECOMMENDATION

That Council receive this Report for information.

PURPOSE

The purpose of this Supplemental Report is to provide Council with an update and key takeaways from a recent Stakeholder Engagement Session with landowners, held on May 9, 2023, as per Council direction, on the proposed Zoning Bylaw Amendment to prohibit the use of “automobile, boat, truck and trailer sales, rentals, maintenance, repair and storage” in the Douglas East Highway Commercial (C-6DE) Zone.

DISCUSSION

A proposed Zoning Bylaw Amendment was brought to Council for consideration on February 27, 2023 (Attachment A), with intent to act as an interim measure that will assist in safeguarding the ability to realize the vision of the Uptown-Douglas Plan’s Urban Mixed-Use Residential land Use designation. The interim solution would be in place until such time that a more comprehensive process is undertaken to pre-zone properties in alignment with the Urban Mixed-use Residential land use designation.

Council Direction

On February 27, 2023, Council received a Report from the Director of Planning to consider a Zoning Bylaw Amendment to restrict automobile uses in the Douglas East Highway Commercial Zone (C-6DE). At this meeting the following motion was carried:

“That

1. A Public Hearing be called to further consider the amendments to the Zoning Bylaw for the Douglas East Highway Commercial Zone; and
2. Prior to the Public Hearing, Mayor, Council, and staff meeting with the affected property owners to explain the bylaw.”

The Report is included as Attachment A and frames the planning context, which includes existing zoning, the proposed Zoning Bylaw Amendment (interim solution), the planned Uptown-

Douglas Plan pre-zoning process (long-term solution) as part of implementation, and the property implications of the proposed Zoning Bylaw Amendment.

Stakeholder Engagement Session

As directed by Council, a Stakeholder Engagement Session was held on May 9, 2023, with affected property owners and tenants (“stakeholders”). The purpose of the session was to grant Staff an opportunity to provide additional context and background information on the proposed Zoning Bylaw Amendment and the Uptown-Douglas Plan’s long-term vision, as well as to enable more fulsome conversation between stakeholders and the Mayor, Councillor de Vries, and Staff in advance of holding a Public Hearing on the C-6DE Zoning Bylaw Amendment.

An additional benefit of the Stakeholder Engagement Session was that it allowed Staff to better understand localized concerns and potential impacts on immediate and longer-term business operations that may result from the proposed Zoning Bylaw Amendments and future pre-zoning in the Uptown area.

Key feedback received at the Stakeholder Engagement Session is summarized in Table 1:

Table 1: Summary of Stakeholder Engagement Session Feedback (May 9, 2023)

What We Heard – Stakeholder Engagement Summary	
General Theme	Comments and Concerns
Interim Change (C-6DE Zoning Bylaw Amendment) Process	<ul style="list-style-type: none"> • Urgency / immediacy of the proposed interim solution. • Concern with no advanced consultation on proposed Zoning Bylaw Amendment • Preference for a collaborative process (like the Uptown-Douglas Plan process). • Lacking clarity on rationale for proposed Zoning Bylaw Amendment.
Existing Business Operations	<ul style="list-style-type: none"> • Concern for inability to meet contractual / franchise obligations if zoning legal non-conforming. • Clarification needed on what could be supported with interim solution (i.e. signage, accessory building to support franchise obligations, etc.). • Unfair of District to restrict uses and limit improvements (through business expansions, contractual/franchise obligations).
Long-Term Change (Comprehensive Pre-Zoning)	<ul style="list-style-type: none"> • Support the District moving forward with the long-term vision of the Uptown-Douglas Plan. • Previous engagement during the Uptown-Douglas Plan process referenced pre-zoning and consultation. • Pre-zoning should involve public engagement. • Landowners are keen to be involved in the process.
Future Development Concerns	<ul style="list-style-type: none"> • Inability to meet parking standard regulations. • Geotechnical landscape in the Uptown area may challenge redevelopment. • Staff need to collaborate to understand industry specific challenges that could impact investments.
Economic Development Impacts	<ul style="list-style-type: none"> ▪ Consider the value of economic development support of this industry:

- Investment in the community.
- Major tax generating businesses.
- Employment base is a major economic driver.

ALTERNATIVES

Given recent stakeholder engagement, alternatives have been provided should Council wish to adjust the approach based on feedback received. Alternative 1 represents the previous direction provided by Council and the Zoning Bylaw Amendment being considered for first reading.

1. That Council give first reading to the proposed Zoning Bylaw Amendment to amend C-6DE (Douglas East Highway Commercial) Zone to prohibit “automobile, boat, truck and trailer sales, rentals, maintenance, repair, and storage” (Attachment B).

- Zoning Bylaw Amendment to Amend Zoning for all C-6DE Zoned Properties
Council previously supported this option on May 9, 2023. Should Council choose this option, the proposed Zoning Bylaw Amendment would be given First Reading and a Public Hearing would be scheduled. This option aligns with the recommendation in the previous report. The primary benefit of this option is that it safeguards against potential investments / land use changes that could be made that are contrary to the vision of the Uptown-Douglas Plan.

During the Stakeholder Engagement Session concerns were expressed about potential negative impacts of this change to existing business owners, including added risk and restrictions to financing and potential inability to meet franchise commitments as a result of the legal non-conforming status.

2. That Council direct Staff to prepare a revised Zoning Bylaw Amendment to prohibit “automobile, boat, truck and trailer sales, rentals, maintenance, repair, and storage” on sites zoned C-6DE where the aforementioned use is not currently operating.

- Site Specific Zoning Bylaw Amendment to amend Zoning on select C-6DE Zoned Properties
Should Council choose this option, a site-specific Zoning Bylaw Amendment would be prepared whereby sites currently zoned C-6DE, and that do not currently have an existing automobile, boat, truck and trailer sales, rentals, maintenance, repair, and storage use would have this use prohibited from their property. Of the 42 properties in the C-6DE zone, there are 28 sites that would see a zoning change to remove the listed uses. Fourteen properties would retain the full ability to have automobile, boat, truck and trailer sales, rentals, maintenance, repair, and storage uses.

This option seeks to reduce the unintended consequences (e.g. financial, operational, and contractual impacts) to existing business owners / operators that may otherwise be experienced through a Zoning Bylaw Amendment that makes the uses ‘legal non-conforming’ (see Alternative 1, above).

An outcome of the Stakeholder Engagement Session revealed concerns regarding potential negative impacts to existing business owners, including added risk and restrictions to financing and potential inability to meet franchise commitments because of the legal non-conforming status. As such, a more targeted approach may be considered

to enable existing uses to continue operations while prohibiting these uses from being introduced on new sites.

3. That Council rescind the motion from February 27, 2023, and defer zoning changes to the comprehensive pre-zoning project for the Urban Mixed-Use Land Use Designation, as previously endorsed by as part of the Uptown-Douglas Plan implementation.
 - Defer Zoning Changes to the Comprehensive Pre-zoning Process
Council could defer zoning changes to the Pilot Pre-Zoning process for the Uptown-Douglas Plan's Urban Mixed-Use and Mixed Employment Land Use Designations and choose to not move forward with any zoning amendments at this time. Work to develop a Terms of Reference for the comprehensive pre-zoning project would commence in Fall 2023.

Should Council choose this option, no interim changes would be undertaken at this time. While this allows time to develop comprehensive solutions and understand issues, it also presents the risk of new and / or expanded auto uses developing in the C-6DE Zone.

4. That Council provide alternative direction.

FINANCIAL IMPLICATIONS

There are no immediate financial impacts to the District of Saanich associated with any of the three alternatives.

STRATEGIC PLAN IMPLICATIONS

Potential interim amendments and the longer-term pre-zoning project look to implement the vision of the Uptown-Douglas Plan, which aligns with District of Saanich 2019-2023 Strategic Plans goals:

Organizational Excellence

- Good governance balances speed, transparency, and engagement:
 - Ensure community engagement is measured and meaningful.
- Strong internal processes support service excellence:
 - Continue commitment to update and implement our master plans and strategies.

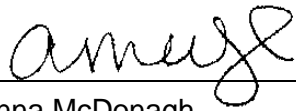
Economic diversification


- A diversified economic base is foundational to community vibrancy:
 - Foster an environment that attracts new businesses and industries that fit in Saanich and nurtures existing businesses and industries;
 - Ensure doing business with Saanich is encouraging and supportive; and,
 - Promote Saanich as an effective place for businesses and industries to invest.

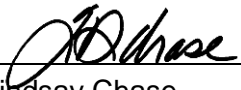
CONCLUSION

The recent Stakeholder Engagement Session held on May 9, 2023, provided Staff with an opportunity to hear concerns from landowners impacted by the proposed Zoning Bylaw Amendment to the C-6DE Zone, as considered by Council on February 27, 2023. Feedback

from that meeting highlighted concerns around potential impacts to the operation of existing businesses. Additional alternatives are presented for Council’s consideration.

Prepared by: 
Alanna McDonagh
Senior Planner, Community Planning

Reviewed by: 
Cameron Scott
Manager of Community Planning

Approved by: 
Lindsay Chase
Director of Planning

AM/es

Attachments: Attachment A: Report of the Director of Planning Dated February 13, 2023: Douglas East Highway Commercial Zone – Rezoning Application
Attachment B: Zoning Bylaw, 2008, Amendment Bylaw, 2023, NO. 9873

ADMINISTRATOR’S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer



The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Lindsay Chase, Director of Planning
Date: February 13, 2023
Subject: Zoning Bylaw Amendment – Douglas East Highway Commercial (C-6DE)
File: 2310-20 • Uptown-Douglas Plan

RECOMMENDATION

1. That pursuant to Section 464(2) of the *Local Government Act*, that a Public Hearing not be held in relation to the Zoning Bylaw Amendment, and that notice of the decision not to hold a Public Hearing be given in accordance with Section 467, of the *Local Government Act* as the application satisfies the requirement to waive a Public Hearing.
2. That the proposed Zoning Bylaw Amendment to amend C-6DE (Douglas East Highway Commercial) Zone, to prohibit automobile, boat, truck and trailer sales, rentals, maintenance, repair and storage, be placed on an upcoming Council meeting agenda.

PURPOSE

The purpose of this Report is to provide Council with a Zoning Bylaw Amendment to prohibit automobile, boat, truck and trailer sales, rentals, maintenance, repair and storage in the Douglas East Highway Commercial (C-6DE) Zone.

The Zoning Bylaw Amendment aligns with the policies/guidelines for the “Urban Mixed-Use Residential” land use designation in the recently adopted Uptown-Douglas Plan (February 2022). The proposed Zoning Bylaw Amendment is an incremental step towards securing the vision of the Uptown-Douglas Plan prior to a more comprehensive pre-zoning initiative. This amendment is intended to ensure property owners do not make investments inconsistent with Uptown-Douglas Plan objectives and potentially sterilize land that is critical to realizing the future aspirations for the area.

DISCUSSION

Planning Context

The Uptown-Douglas Plan establishes a vision to transform the Douglas-Oak Hub into a mixed-use, walkable neighbourhood that serves as a heart for the District of Saanich. Oak Street is a key part of this vision, with medium to high-density residential and mixed-use buildings and an intention to operate as a ‘high street’ that prioritizes pedestrian activity, active commercial uses, and an increased residential population.

Most properties along Oak Street are designated as “Urban Mixed-Use Residential” in the Uptown-Douglas Plan, supporting a mix of residential and commercial uses with building heights

of 8-12 storeys. Oak Street is bookended by properties designated as “Core” land use designation (excluding Short Street) which support similar uses but with taller building heights of 12-18 storeys (see Map 1).

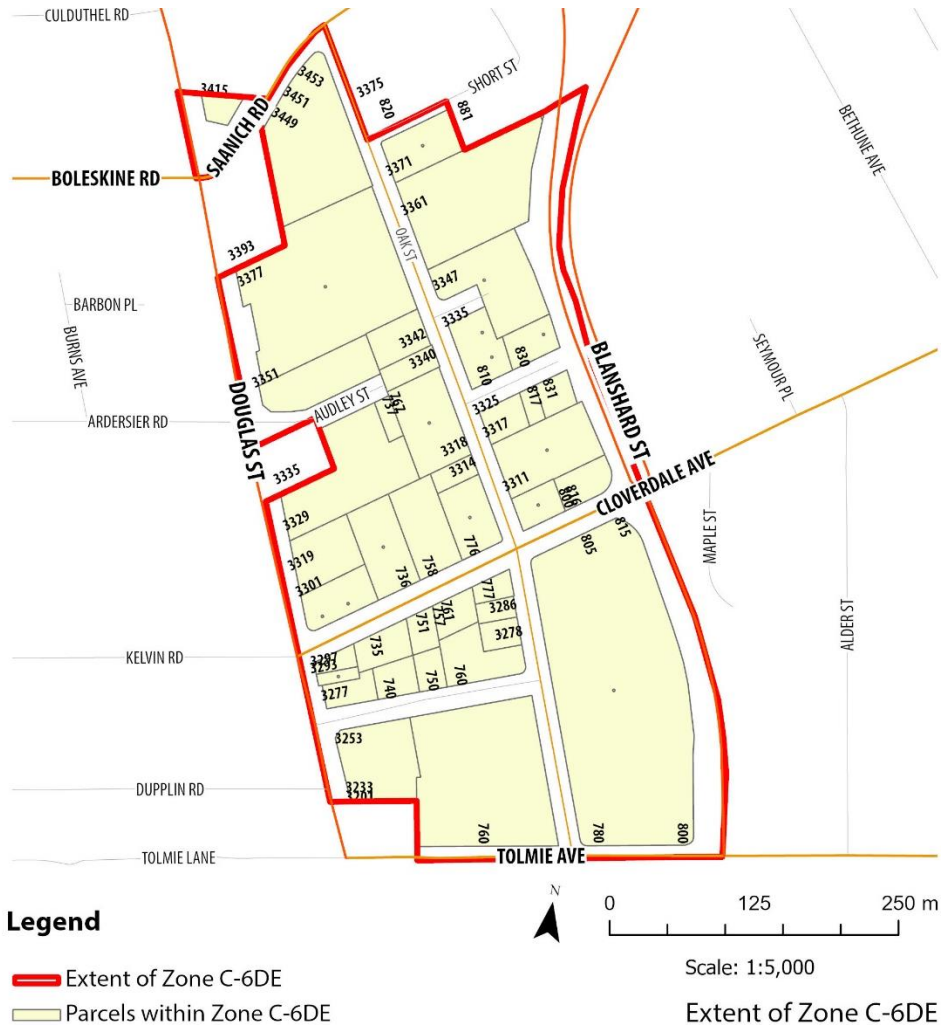


Map 1: Uptown-Douglas Plan – Douglas-Oak Hub Neighbourhood Sub-Area Land Use Designations

Existing Zoning

The primary zoning in this area is C-6DE (see Map 2) which allows commercial and/or residential uses up to five storeys. Existing properties along Oak Street are generally one to two storeys and operate primarily as service commercial with some retail. The C-6DE zoning is permissive with respect to commercial and contains some uses that are inconsistent with the long-range policy direction in the Uptown-Douglas Plan, including ‘automobile, boat, truck and trailer rentals’ and ‘facilities to maintain, wash, park, store, or repair motor vehicles’.

The intent of the Zoning Bylaw Amendment would be to remove the uses that are inconsistent with the “Urban Mixed-Use Residential” land use designation in the Uptown-Douglas Plan and to prohibit vehicle sales explicitly as a use in the C-6DE Zone. The proposed amendments seek to safeguard the Uptown-Douglas Plan’s long-term vision of the area.



Map 2: Extent of C-6DE Zoning

Uptown-Douglas Plan Implementation

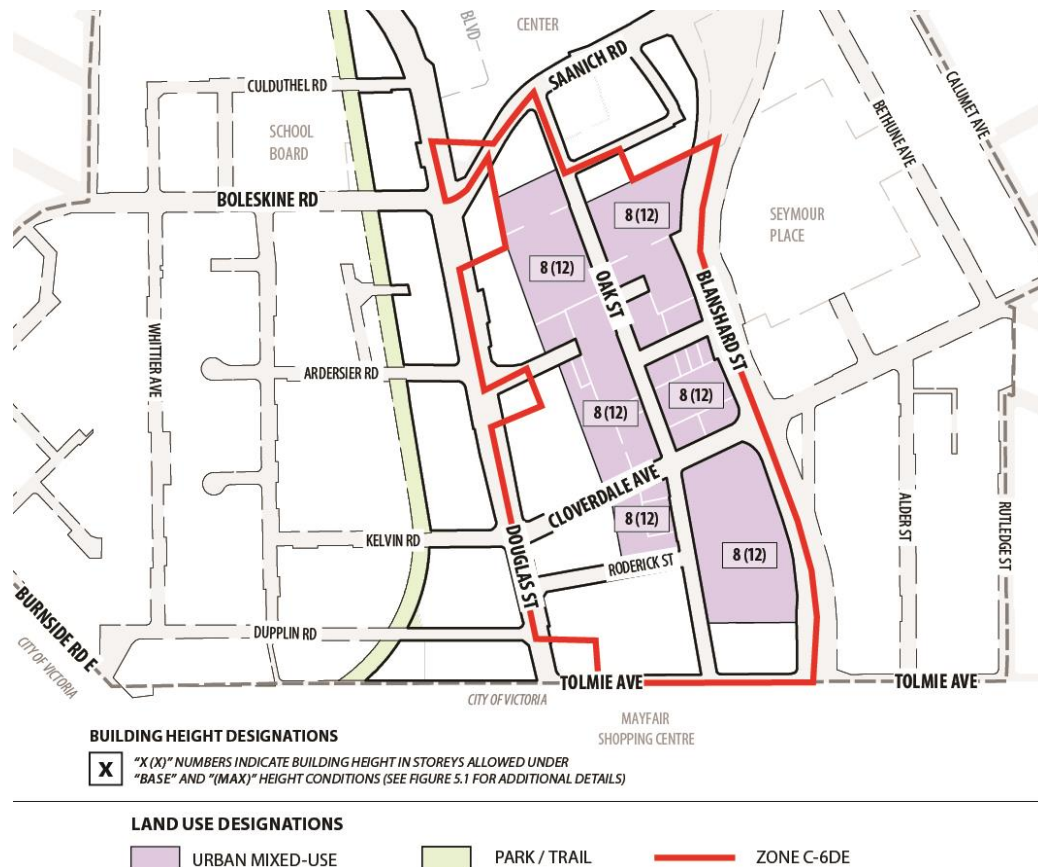
Council adopted the Uptown-Douglas Plan on February 28, 2022, to guide growth and change in the Uptown-Douglas area over the next 20 - 30 years.

Before its adoption, on August 10, 2020, Council endorsed a few key implementation items, including a pilot pre-zoning project in specific Uptown-Douglas Plan areas, with the following motion:

“That Council direct staff to undertake a pilot pre-zoning project in the “Urban Mixed-Use Residential” and “Mixed Employment” land use designations and bring back a report with recommendations on pilot pre-zoning in these areas.”

This proposed amendment identified in this report is seen as a first tactical step in executing Council’s direction around changing zoning in areas designated Urban Mixed Use Residential in the Uptown-Douglas Plan. Comprehensive work to undertake pre-zoning is anticipated to be initiated in the second half of 2023.

The areas in the Uptown-Douglas Plan that have the future land use designation of “Urban Mixed-Use Residential” are located east of Blanshard Street, south of Saanich Road, and north of Tolmie Avenue (see Map 3). There are a total of 23 properties designated as Urban Mixed-Use (4.66 ha) in this area, with an additional 5 parcels split-designated between Urban Mixed-Use (4 ha) and Core (2.34 ha). All of these properties are zoned C-6DE. Other C-6DE zoned properties are designated as “Core”, which envisions similar uses to “Urban Mixed Use Residential”, but at a higher density.



Map 3: Uptown-Douglas Plan – Urban Mixed-Use Residential Land Use Designation in Douglas-Oak Hub Sub-Area

Pre-zoning of “Urban Mixed Use Residential” Properties (Long-term solution)

Pre-zoning property is a proactive tool that can provide additional certainty for property owners and the community. Council has the authority to rezone private property for the purpose of encouraging new uses that align with the Official Community Plan (OCP). The purpose of pre-zoning is to incentivize new development in select areas and, eventually, phase-out existing uses that are contrary to the OCPs goals and objectives. Establishing new zones can also increase market certainty and reduce application review and approval timelines.

The long-term future for the Oak Street portion of the Uptown-Douglas Plan area is anticipated to be quite different from current uses and zoning allowances. A key point of contrast is that uses permitted under current zoning, such as facilities to maintain, wash, park, store, or repair motor vehicles, are not consistent with this long-term vision. To support the future development of Oak Street as a 'neighbourhood street', there are several key policies tied to the "Urban Mixed-Use Residential" designation within the Uptown-Douglas Plan. However, the existing C-6DE zone challenges the ability to achieve this long-term vision for the area. The following policies (extracted from the Uptown-Douglas Plan) highlight the future vision of the "Urban Mixed-Use Residential" land use designation that could become unachievable without the amendments to the C-6DE Zone:

- 5.3.1. Encourage commercial and mixed-use buildings to include small-scale commercial/retail uses at street level, with larger retail uses either located above or behind at fronting uses (*see also Urban Design Guideline 9.2.8 xi. and Figure 9.14*).
- 5.3.2. Support mixed-use developments on commercial streets and in high pedestrian traffic areas to promote an environment that is hospitable and encourages social interactions.
- 5.3.3. Support live/work units and co-work/worker-share spaces as part of mixed-use developments within the Tennyson Industrial Quarter, Tolmie Quarter, and the Douglas-Oak Hub neighbourhood sub-areas.
- 5.3.4. Expect developments to create small, attractive storefronts that define the building and add variation to its facade that cue visual interest at grade.
- 5.3.5. Promote a range of commercial uses that offer a variety of services for all ages and stages of life, including childcare, medical services, and professional offices.

The advantage of pre-zoning is that it would assist in upholding the policy framework of the Uptown-Douglas Plan and enable the long-term vision of the Douglas-Oak Hub Neighbourhood Sub-Area to be secured and increased certainty for future redevelopment. Drawbacks to this approach could include adverse impacts to existing landowners, loss of potential community amenities, and the creation of zoning parameters that may be too flexible to achieve the desired intents or too prescriptive to achieve developments that do not need further rezoning or variance approvals.

It is important to note that there are other District of Saanich projects, either underway or planned for, that will influence and shape pre-zoning in this area. These include: the Community Amenity Contributions and Inclusionary Housing Program, the Development Permit Area Design Guidelines, and the Update to the Zoning Bylaw Parking Standards. Given the timing of these projects, and in alignment with the previous Council direction to proceed with a comprehensive approach to pre-zoning of the "Urban Mixed-Use Residential" and "Mixed Employment" areas, staff anticipate detailed pre-zoning work will commence in 2023.

The pre-zoning of areas within the "Urban Mixed-Use Residential" land use designation would ultimately provide added certainty and protect against uses that are inconsistent with the Uptown-Douglas Plan's long-term vision. However, this would require a more comprehensive analysis to address a range of considerations. Key issues to consider through the pilot pre-zoning include:

- Integration of a community amenity contribution structure;

- Development of a zone that meets Uptown-Douglas Plan parameters while addressing the range of site conditions; and
- Potential tax and other impacts to property owners.

Zoning Bylaw Amendment to the C-6DE Zone (Interim solution)

To initiate implementation of the Uptown-Douglas Plan and take a step towards the long-term vision for Oak Street and the “Urban Mixed-Use Residential” land use designation, a Zoning Bylaw Amendment has been prepared for sections 860.1 and 860.2 of the Douglas East Commercial Highway (C-6DE) Zone (see Attachment A) to:

- Remove uses for vehicle rentals and those to facilities to maintain, wash, park, store, or repair motor vehicles; and
- Explicitly prohibit the vehicle sales.

The intent of the proposed amendments to the Zoning Bylaw is to prevent future introduction or expansion of automobile, boat, truck and trailer sales and rentals. The amendment would also place existing automobile, boat, truck and trailer sales and rental uses into a non-conforming situation.

The Uptown-Douglas Plan specifically supports the recommended bylaw amendments to the “Urban Mixed-Use Residential” area, through the following policy:

- 5.3.6. Do not support the expansion of traditional auto retail models of dealerships (with on-site vehicle storage beyond a showroom), including the expansion of established businesses.

Although not as fulsome a solution as pre-zoning to secure the future vision of the “Urban Mixed-Use Residential” land use designation, the proposed amendment will safeguard the long-term vision of the area by restricting new uses that are not compatible with the Uptown-Douglas Plan’s vision.

Given that this approach looks only to prohibit specific uses, as opposed to building a new zone consistent with policy in the Uptown-Douglas Plan, the magnitude of potential impacts would be reduced. Potential issues around the ability to negotiate Community Amenity Contributions, property value increases, and the need to develop an optimal zone or zones would not be a consideration for this recommended approach.

This approach seeks to act as an interim solution until a more comprehensive pre-zoning in the area is undertaken, as per previous Council direction provided through the endorsement of the Uptown-Douglas Plan.

Ability to Waive the Public Hearing

In accordance with Bill 26-2021, Council is not required to hold a Public Hearing on a proposed Zoning Bylaw Amendment if:

- An Official Community Plan is in effect for the area that is the subject of the Zoning Bylaw; and
- The Zoning Bylaw Amendment is consistent with the Official Community Plan.

In the District of Saanich, the Official Community Plan (OCP) comprises the General Plan (Sustainable Saanich OCP); Local Area Plans (LAP); Centre, Village and Corridor Plans; and the Development Permit Area Justification and Guidelines.

As the proposed Zoning Bylaw Amendment is consistent with the OCP and the Uptown-Douglas Plan, a Public Hearing could be waived, should Council wish to do so.

Legal Implications

The authority of a municipality to rezone an area to align it with the intentions of its Official Community Plan is without doubt.

The primary legal implication is that some uses on a property may become a lawful non-conforming use. In regard to the authority to continue to non-conforming uses, Section 528(1) of the *Local Government Act* states that at a time a land use regulations bylaw is adopted, land, or a building or other structure, to which that bylaw applies is lawfully used, and where the use does not conform to the bylaw, that the use may be continued as a non-conforming use.

If the proposed bylaw is adopted, properties that are currently operating uses for 'automobile, boat, truck and trailer rentals' and 'facilities to maintain, wash, park, store, or repair motor vehicles' would have a legal non-conforming use, and would only lose the non-conforming status should the use be discontinued for a continuous period of six months.

Based on assessment of BC Assessment and business licence data, it estimated that 14 of the 43 properties with C-6DE zoning would be placed in a legal non-conforming status. These properties will be allowed to continue their current uses until, as noted above, the use is discontinued for a continuous period of six months.

ALTERNATIVES

1. That Council approve the recommendations outlined in the Staff Report.
2. That Council give first reading to the Zoning Bylaw Amendment and forward the Bylaw to Public Hearing.

In this option, Council would give the Zoning Bylaw Amendment first reading, but would add the step of a Public Hearing to the legislative process. A Public Hearing is not required as the proposed change is consistent with the Official Community Plan Bylaw. Calling a Public Hearing would provide an additional opportunity for the members of the public to speak to the potential amendment, but would add an additional process step.

Should Council wish to hold a public hearing, the appropriate motion would be:

"That Council forward the proposed amendment to the C-6DE (Douglas East Highway Commercial) Zone to a Public Hearing."

3. That Council defer zoning changes to the more comprehensive pre-zoning pilot project identified as part of Uptown-Douglas Plan implementation.

Should Council wish, they could decide not to proceed with Zoning Bylaw changes at this time and defer any changes to the future comprehensive pre-zoning process planned for later in

2023. Should Council choose this option, applications may come forward for uses that are inconsistent with the Uptown-Douglas Plan vision, but comply with zoning. These uses may limit future development opportunities and the desire to create a pedestrian-oriented, mixed-use, mid-rise neighbourhood.

STRATEGIC PLAN IMPLICATIONS

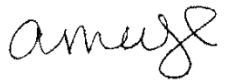
By securing the long-term vision of the Uptown-Douglas Plan, the proposed interim solution aligns with the Council Strategic Plan (2019-2023) goal of “Affordable housing, land use and infrastructure management”, specifically in that land use decisions are consistent with our community-supported plans.


CONCLUSION


The long-term future for the Oak Street portion of the Uptown-Douglas Plan area will be quite different from current uses and zoning allowances. A key point of contrast is that uses permitted under current zoning, such as ‘facilities to maintain, wash, park, store, or repair automobiles’ and ‘automobile, boat, truck and trailer sales and rentals’ are not consistent with the long-term vision.

Council has the legal authority to rezone land consistent with the Official Community Plan (OCP). Council has provided direction that pre-zoning of the “Urban Mixed Use Residential” area in the Uptown-Douglas Plan is a priority implementation action. While a comprehensive rezoning will require significant analysis and consultation, it is proposed that a more limited rezoning be undertaken at this time to prohibit new uses that are inconsistent with the Uptown-Douglas Plan’s policy direction and safeguard implementation of the Uptown-Douglas Plan.

To secure the long-term vision of the Uptown-Douglas Plan’s Douglas-Oak Hub neighbourhood around Oak Street, it is recommended that a Zoning Bylaw Amendment be implemented to remove uses for automobile sales and rentals and facilities to maintain, wash, park, store, or repair motor vehicles and to explicitly prohibit automobile, boat, truck and trailer sales and rentals in the C-6DE Zone. The Zoning Bylaw Amendment is an incremental step to secure the Plan’s long-term vision until future work to develop pilot pre-zoning in the “Urban Mixed-Use Residential” and “Mixed Employment” land use designations is undertaken, in accordance with previous direction of Council.

Prepared by: 
Alanna McDonagh
Senior Planner

Reviewed by: 
Cameron Scott
Manager of Community Planning

Approved by: 
Lindsay Chase
Director of Planning

AM/jsp

Attachments: Attachment A: Zoning Bylaw, 2003, Amendment Bylaw, 2023, No. 9873

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9873

TO AMEND BYLAW NO. 8200,
BEING THE "ZONING BYLAW, 2003"

The Municipal Council of The Corporation of the District of Saanich enacts as follows:

1. Bylaw No. 8200, being the "Zoning Bylaw, 2003" is hereby amended as follows:
 - a. By deleting Sections 860.1 "Permitted Uses" and 860.2 "Prohibited Commercial Uses" for the C-6DE (Douglas East Highway Commercial) Zone and substituting therefore new Sections 860.1 and 860.2 attached hereto as Schedule "A";
2. This Bylaw may be cited for all purposes as the "**ZONING BYLAW, 2003, AMENDMENT BYLAW, 2023, NO. 9873**".

Read a first time this day of , 2023.

Read a second time this day of , 2023.

Read a third time this day of , 2023.

Approved under Part 4 of the Transportation Act this day of , 2023.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of The Corporation on the day of , 2023.

Municipal Clerk

Mayor

860.1 Uses Permitted

Uses Permitted:

- (a) Retail sales of goods and services
- (b) Offices
- (c) Personal services
- (d) Medical services
- (e) Restaurant
- (f) Rental and Repair of household items, tools, appliances and small equipment
- (g) Assembly
- (h) Veterinary clinic and veterinary hospital
- (i) Warehousing
- (j) Wholesaling and wholesale distribution
- (k) Research
- (l) Accessory residential
- (m) Cable Hub Site
- (n) High technology manufacturing
- (o) Daycare, Adult
- (p) Daycare, Child
- (q) High density tourist accommodation
- (r) Apartment

860.2 Prohibited Commercial Uses

Prohibited Commercial Uses:

All uses not permitted by Section 860.1 and, without limiting the generality of the foregoing:

- (a) Lumber and Building Supply Yard.
- (b) Auto Wrecking or the Storage of Wrecked Vehicles except within a permitted building.
- (c) Neighbourhood Public House.
- (d) Automobile, boat, truck and trailer sales, rentals maintenance, repair and storage.

860.3 Buildings and Structures

Buildings and Structures:

- (a) Shall be sited not less than:
 - (i) 7.5 m (24.6 ft) from any lot line abutting a street except that where the area between the building and lot line is landscaped and not used for the provision of off-street parking the minimum setback

- may be reduced to 3.75 m (12.3 ft).
- (ii) 0 m from a rear lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the rear lot line, it shall be sited not less than 3.0 m (9.8 ft) from the rear lot line, and where a rear lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone, the minimum setback shall be 7.5 m (24.6 ft).
- (iii) 0 m from an interior side lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the interior lot line it shall be sited not less than 3.0 m (9.9 ft) from the interior side lot line, and, where an interior side lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone the minimum setback shall be:
 - 3.0 m (9.8 ft) in the case of a one-storey building
 - 6.0 m (19.7 ft) in the case of a building of more than one storey

- (b) Shall not exceed a height of 15.0 m (49.2 ft).

860.2 General

General:

The relevant provisions of Sections 5, 6, 7, 8 and Schedule B of this bylaw shall apply.

THE CORPORATION OF THE DISTRICT OF SAANICH

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Municipal Clerk

Mayor



The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Lindsay Chase, Director of Planning
Date: February 13, 2023
Subject: Zoning Bylaw Amendment – Douglas East Highway Commercial (C-6DE)
File: 2310-20 • Uptown-Douglas Plan

RECOMMENDATION

1. That pursuant to Section 464(2) of the *Local Government Act*, that a Public Hearing not be held in relation to the Zoning Bylaw Amendment, and that notice of the decision not to hold a Public Hearing be given in accordance with Section 467, of the *Local Government Act* as the application satisfies the requirement to waive a Public Hearing.
2. That the proposed Zoning Bylaw Amendment to amend C-6DE (Douglas East Highway Commercial) Zone, to prohibit automobile, boat, truck and trailer sales, rentals, maintenance, repair and storage, be placed on an upcoming Council meeting agenda.

PURPOSE

The purpose of this Report is to provide Council with a Zoning Bylaw Amendment to prohibit automobile, boat, truck and trailer sales, rentals, maintenance, repair and storage in the Douglas East Highway Commercial (C-6DE) Zone.

The Zoning Bylaw Amendment aligns with the policies/guidelines for the “Urban Mixed-Use Residential” land use designation in the recently adopted Uptown-Douglas Plan (February 2022). The proposed Zoning Bylaw Amendment is an incremental step towards securing the vision of the Uptown-Douglas Plan prior to a more comprehensive pre-zoning initiative. This amendment is intended to ensure property owners do not make investments inconsistent with Uptown-Douglas Plan objectives and potentially sterilize land that is critical to realizing the future aspirations for the area.

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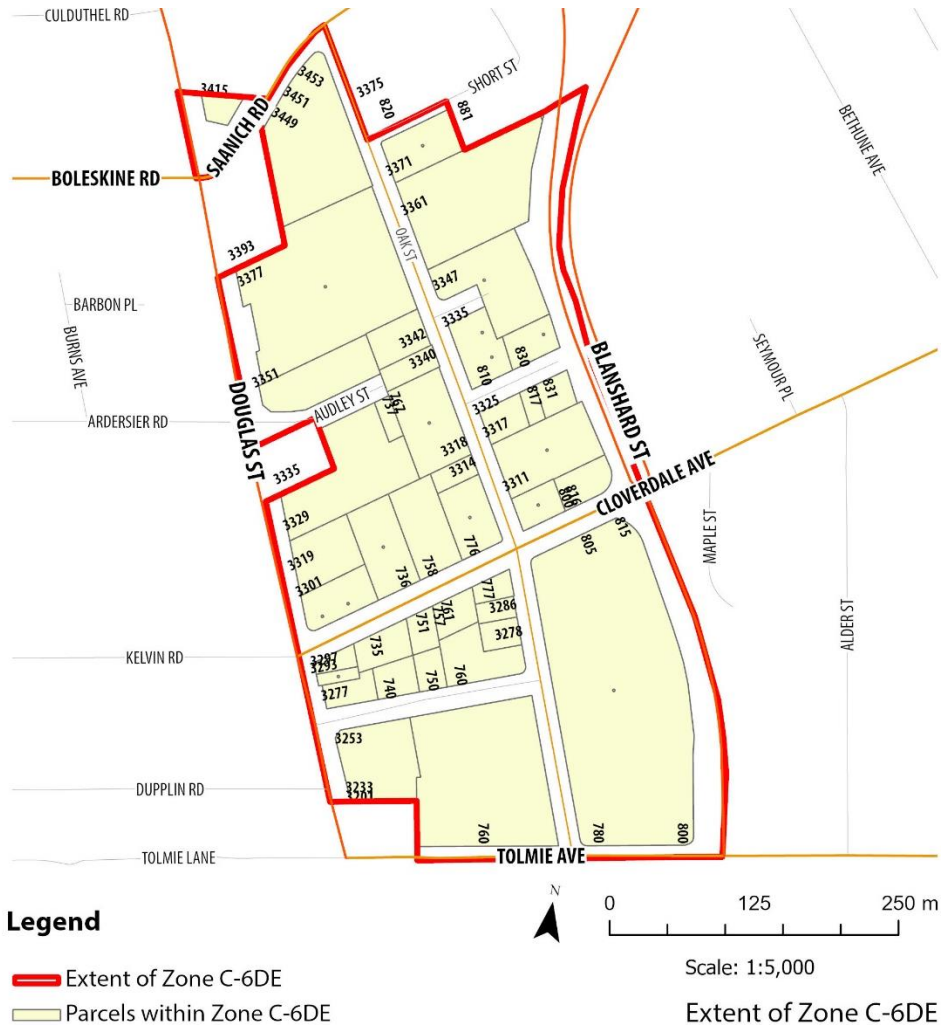


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The intent of the Zoning Bylaw Amendment would be to remove the uses that are inconsistent with the “Urban Mixed-Use Residential” land use designation in the Uptown-Douglas Plan and to prohibit vehicle sales explicitly as a use in the C-6DE Zone. The proposed amendments seek to safeguard the Uptown-Douglas Plan’s long-term vision of the area.



Map 2: Extent of C-6DE Zoning

Uptown-Douglas Plan Implementation

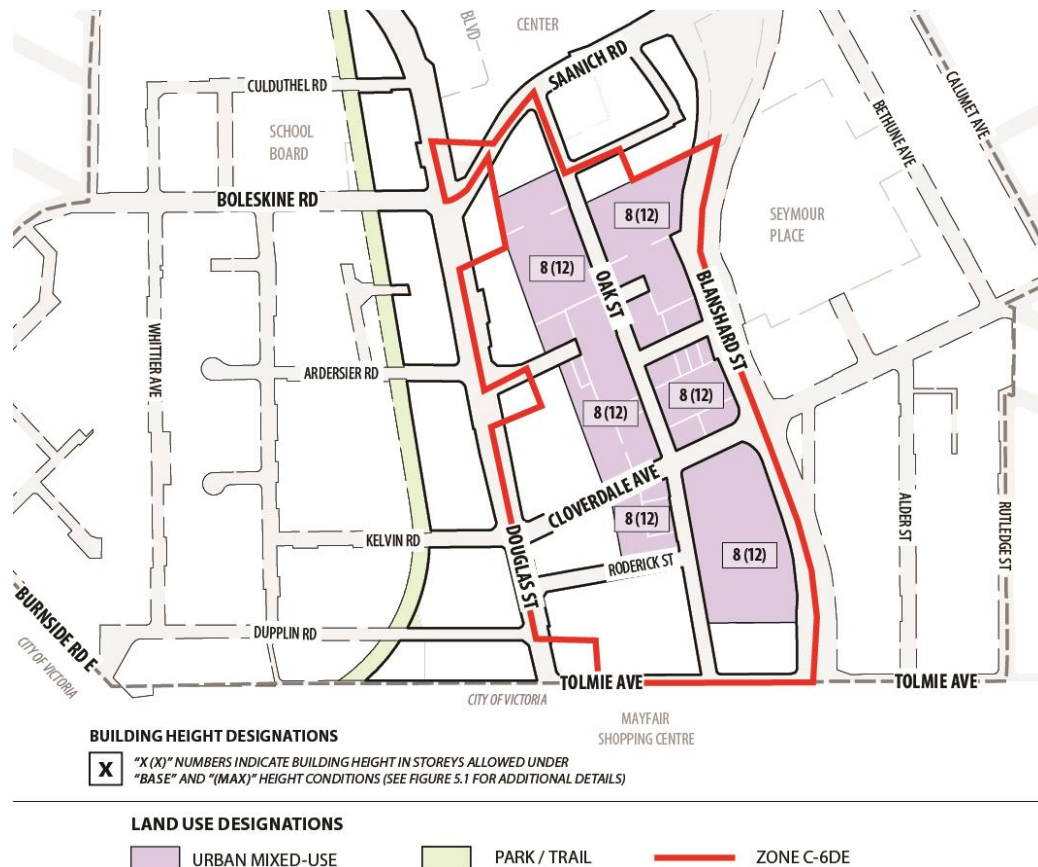
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“That Council direct staff to undertake a pilot pre-zoning project in the “Urban Mixed-Use Residential” and “Mixed Employment” land use designations and bring back a report with recommendations on pilot pre-zoning in these areas.”

This proposed amendment identified in this report is seen as a first tactical step in executing Council’s direction around changing zoning in areas designated Urban Mixed Use Residential in the Uptown-Douglas Plan. Comprehensive work to undertake pre-zoning is anticipated to be initiated in the second half of 2023.

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Map 3: Uptown-Douglas Plan – Urban Mixed-Use Residential Land Use Designation in Douglas-Oak Hub Sub-Area

Pre-zoning of “Urban Mixed Use Residential” Properties (Long-term solution)

Pre-zoning property is a proactive tool that can provide additional certainty for property owners and the community. Council has the authority to rezone private property for the purpose of encouraging new uses that align with the Official Community Plan (OCP). The purpose of pre-zoning is to incentivize new development in select areas and, eventually, phase-out existing uses that are contrary to the OCPs goals and objectives. Establishing new zones can also increase market certainty and reduce application review and approval timelines.

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- 5.3.5. Promote a range of commercial uses that offer a variety of services for all ages and stages of life, including childcare, medical services, and professional offices.

The advantage of pre-zoning is that it would assist in upholding the policy framework of the Uptown-Douglas Plan and enable the long-term vision of the Douglas-Oak Hub Neighbourhood Sub-Area to be secured and increased certainty for future redevelopment. Drawbacks to this approach could include adverse impacts to existing landowners, loss of potential community amenities, and the creation of zoning parameters that may be too flexible to achieve the desired intents or too prescriptive to achieve developments that do not need further rezoning or variance approvals.

It is important to note that there are other District of Saanich projects, either underway or planned for, that will influence and shape pre-zoning in this area. These include: the Community Amenity Contributions and Inclusionary Housing Program, the Development Permit Area Design Guidelines, and the Update to the Zoning Bylaw Parking Standards. Given the timing of these projects, and in alignment with the previous Council direction to proceed with a comprehensive approach to pre-zoning of the "Urban Mixed-Use Residential" and "Mixed Employment" areas, staff anticipate detailed pre-zoning work will commence in 2023.

The pre-zoning of areas within the "Urban Mixed-Use Residential" land use designation would ultimately provide added certainty and protect against uses that are inconsistent with the Uptown-Douglas Plan's long-term vision. However, this would require a more comprehensive analysis to address a range of considerations. Key issues to consider through the pilot pre-zoning include:

- Integration of a community amenity contribution structure;

- Development of a zone that meets Uptown-Douglas Plan parameters while addressing the range of site conditions; and
- Potential tax and other impacts to property owners.

Zoning Bylaw Amendment to the C-6DE Zone (Interim solution)

To initiate implementation of the Uptown-Douglas Plan and take a step towards the long-term vision for Oak Street and the “Urban Mixed-Use Residential” land use designation, a Zoning Bylaw Amendment has been prepared for sections 860.1 and 860.2 of the Douglas East Commercial Highway (C-6DE) Zone (see Attachment A) to:

- Remove uses for vehicle rentals and those to facilities to maintain, wash, park, store, or repair motor vehicles; and
- Explicitly prohibit the vehicle sales.

The intent of the proposed amendments to the Zoning Bylaw is to prevent future introduction or expansion of automobile, boat, truck and trailer sales and rentals. The amendment would also place existing automobile, boat, truck and trailer sales and rental uses into a non-conforming situation.

The Uptown-Douglas Plan specifically supports the recommended bylaw amendments to the “Urban Mixed-Use Residential” area, through the following policy:

- 5.3.6. Do not support the expansion of traditional auto retail models of dealerships (with on-site vehicle storage beyond a showroom), including the expansion of established businesses.

Although not as fulsome a solution as pre-zoning to secure the future vision of the “Urban Mixed-Use Residential” land use designation, the proposed amendment will safeguard the long-term vision of the area by restricting new uses that are not compatible with the Uptown-Douglas Plan’s vision.

Given that this approach looks only to prohibit specific uses, as opposed to building a new zone consistent with policy in the Uptown-Douglas Plan, the magnitude of potential impacts would be reduced. Potential issues around the ability to negotiate Community Amenity Contributions, property value increases, and the need to develop an optimal zone or zones would not be a consideration for this recommended approach.

This approach seeks to act as an interim solution until a more comprehensive pre-zoning in the area is undertaken, as per previous Council direction provided through the endorsement of the Uptown-Douglas Plan.

Ability to Waive the Public Hearing

In accordance with Bill 26-2021, Council is not required to hold a Public Hearing on a proposed Zoning Bylaw Amendment if:

- An Official Community Plan is in effect for the area that is the subject of the Zoning Bylaw; and
- The Zoning Bylaw Amendment is consistent with the Official Community Plan.

In the District of Saanich, the Official Community Plan (OCP) comprises the General Plan (Sustainable Saanich OCP); Local Area Plans (LAP); Centre, Village and Corridor Plans; and the Development Permit Area Justification and Guidelines.

As the proposed Zoning Bylaw Amendment is consistent with the OCP and the Uptown-Douglas Plan, a Public Hearing could be waived, should Council wish to do so.

Legal Implications

The authority of a municipality to rezone an area to align it with the intentions of its Official Community Plan is without doubt.

The primary legal implication is that some uses on a property may become a lawful non-conforming use. In regard to the authority to continue to non-conforming uses, Section 528(1) of the *Local Government Act* states that at a time a land use regulations bylaw is adopted, land, or a building or other structure, to which that bylaw applies is lawfully used, and where the use does not conform to the bylaw, that the use may be continued as a non-conforming use.

If the proposed bylaw is adopted, properties that are currently operating uses for 'automobile, boat, truck and trailer rentals' and 'facilities to maintain, wash, park, store, or repair motor vehicles' would have a legal non-conforming use, and would only lose the non-conforming status should the use be discontinued for a continuous period of six months.

Based on assessment of BC Assessment and business licence data, it estimated that 14 of the 43 properties with C-6DE zoning would be placed in a legal non-conforming status. These properties will be allowed to continue their current uses until, as noted above, the use is discontinued for a continuous period of six months.

ALTERNATIVES

1. That Council approve the recommendations outlined in the Staff Report.
2. That Council give first reading to the Zoning Bylaw Amendment and forward the Bylaw to Public Hearing.

In this option, Council would give the Zoning Bylaw Amendment first reading, but would add the step of a Public Hearing to the legislative process. A Public Hearing is not required as the proposed change is consistent with the Official Community Plan Bylaw. Calling a Public Hearing would provide an additional opportunity for the members of the public to speak to the potential amendment, but would add an additional process step.

Should Council wish to hold a public hearing, the appropriate motion would be:

"That Council forward the proposed amendment to the C-6DE (Douglas East Highway Commercial) Zone to a Public Hearing."

3. That Council defer zoning changes to the more comprehensive pre-zoning pilot project identified as part of Uptown-Douglas Plan implementation.

Should Council wish, they could decide not to proceed with Zoning Bylaw changes at this time and defer any changes to the future comprehensive pre-zoning process planned for later in

2023. Should Council choose this option, applications may come forward for uses that are inconsistent with the Uptown-Douglas Plan vision, but comply with zoning. These uses may limit future development opportunities and the desire to create a pedestrian-oriented, mixed-use, mid-rise neighbourhood.

STRATEGIC PLAN IMPLICATIONS

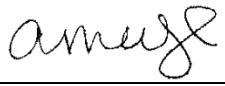
By securing the long-term vision of the Uptown-Douglas Plan, the proposed interim solution aligns with the Council Strategic Plan (2019-2023) goal of “Affordable housing, land use and infrastructure management”, specifically in that land use decisions are consistent with our community-supported plans.


CONCLUSION


The long-term future for the Oak Street portion of the Uptown-Douglas Plan area will be quite different from current uses and zoning allowances. A key point of contrast is that uses permitted under current zoning, such as ‘facilities to maintain, wash, park, store, or repair automobiles’ and ‘automobile, boat, truck and trailer sales and rentals’ are not consistent with the long-term vision.

Council has the legal authority to rezone land consistent with the Official Community Plan (OCP). Council has provided direction that pre-zoning of the “Urban Mixed Use Residential” area in the Uptown-Douglas Plan is a priority implementation action. While a comprehensive rezoning will require significant analysis and consultation, it is proposed that a more limited rezoning be undertaken at this time to prohibit new uses that are inconsistent with the Uptown-Douglas Plan’s policy direction and safeguard implementation of the Uptown-Douglas Plan.

To secure the long-term vision of the Uptown-Douglas Plan’s Douglas-Oak Hub neighbourhood around Oak Street, it is recommended that a Zoning Bylaw Amendment be implemented to remove uses for automobile sales and rentals and facilities to maintain, wash, park, store, or repair motor vehicles and to explicitly prohibit automobile, boat, truck and trailer sales and rentals in the C-6DE Zone. The Zoning Bylaw Amendment is an incremental step to secure the Plan’s long-term vision until future work to develop pilot pre-zoning in the “Urban Mixed-Use Residential” and “Mixed Employment” land use designations is undertaken, in accordance with previous direction of Council.

Prepared by: 
Alanna McDonagh
Senior Planner

Reviewed by: 
Cameron Scott
Manager of Community Planning

Approved by: 
Lindsay Chase
Director of Planning

AM/jsp

Attachments: Attachment A: Zoning Bylaw, 2003, Amendment Bylaw, 2023, No. 9873

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9873

TO AMEND BYLAW NO. 8200,
BEING THE "ZONING BYLAW, 2003"

The Municipal Council of The Corporation of the District of Saanich enacts as follows:

1. Bylaw No. 8200, being the "Zoning Bylaw, 2003" is hereby amended as follows:
 - a. By deleting Sections 860.1 "Permitted Uses" and 860.2 "Prohibited Commercial Uses" for the C-6DE (Douglas East Highway Commercial) Zone and substituting therefore new Sections 860.1 and 860.2 attached hereto as Schedule "A";
2. This Bylaw may be cited for all purposes as the "**ZONING BYLAW, 2003, AMENDMENT BYLAW, 2023, NO. 9873**".

Read a first time this day of , 2023.

Read a second time this day of , 2023.

Read a third time this day of , 2023.

Approved under Part 4 of the Transportation Act this day of , 2023.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of The Corporation on the day of , 2023.

Municipal Clerk

Mayor

860.1 Uses Permitted

Uses Permitted:

- (a) Retail sales of goods and services
- (b) Offices
- (c) Personal services
- (d) Medical services
- (e) Restaurant
- (f) Rental and Repair of household items, tools, appliances and small equipment
- (g) Assembly
- (h) Veterinary clinic and veterinary hospital
- (i) Warehousing
- (j) Wholesaling and wholesale distribution
- (k) Research
- (l) Accessory residential
- (m) Cable Hub Site
- (n) High technology manufacturing
- (o) Daycare, Adult
- (p) Daycare, Child
- (q) High density tourist accommodation
- (r) Apartment

860.2 Prohibited Commercial Uses

Prohibited Commercial Uses:

All uses not permitted by Section 860.1 and, without limiting the generality of the foregoing:

- (a) Lumber and Building Supply Yard.
- (b) Auto Wrecking or the Storage of Wrecked Vehicles except within a permitted building.
- (c) Neighbourhood Public House.
- (d) Automobile, boat, truck and trailer sales, rentals maintenance, repair and storage.

860.3 Buildings and Structures

Buildings and Structures:

- (a) Shall be sited not less than:
 - (i) 7.5 m (24.6 ft) from any lot line abutting a street except that where the area between the building and lot line is landscaped and not used for the provision of off-street parking the minimum setback

- may be reduced to 3.75 m (12.3 ft).
- (ii) 0 m from a rear lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the rear lot line, it shall be sited not less than 3.0 m (9.8 ft) from the rear lot line, and where a rear lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone, the minimum setback shall be 7.5 m (24.6 ft).
- (iii) 0 m from an interior side lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the interior lot line it shall be sited not less than 3.0 m (9.9 ft) from the interior side lot line, and, where an interior side lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone the minimum setback shall be:
 - 3.0 m (9.8 ft) in the case of a one-storey building
 - 6.0 m (19.7 ft) in the case of a building of more than one storey

- (b) Shall not exceed a height of 15.0 m (49.2 ft).

860.2 General

General:

The relevant provisions of Sections 5, 6, 7, 8 and Schedule B of this bylaw shall apply.

860.1 Uses Permitted

Uses Permitted:

- (a) Retail sales of goods and services
- (b) Offices
- (c) Personal services
- (d) Medical services
- (e) Restaurant
- (f) Rental and Repair of household items, tools, appliances and small equipment
- (g) Assembly
- (h) Veterinary clinic and veterinary hospital
- (i) Warehousing
- (j) Wholesaling and wholesale distribution
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 - 6.0 m (19.7 ft) in the case of a building of more than one storey

- (b) Shall not exceed a height of 15.0 m (49.2 ft).

860.2 General

General:

The relevant provisions of Sections 5, 6, 7, 8 and Schedule B of this bylaw shall apply.