

TO: Lorraine Hilton
Chief Administrative Officer

Date: February 28, 2018
File: RZ-01-17

FROM: Laura Beckett
Planner

To Council
March 5, 2018

RE: APPLICATION RZ-01-17 – ZONING BYLAW 402

PURPOSE

The purpose of this report is to provide Council with a draft Zoning Bylaw Amendment in response to rezoning application RZ-01-17 for a daycare at 1927 Millstream Road.

STRATEGIC PRIORITIES

Rezoning applications are an operational item.

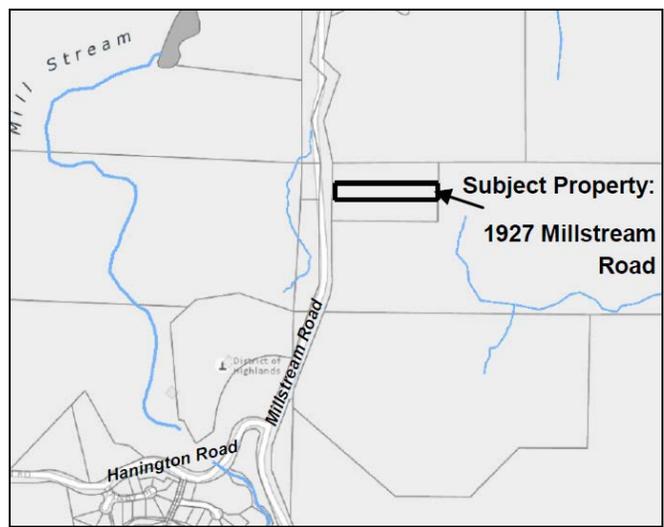
BACKGROUND

At their February 19, 2018 Council Meeting, Council directed staff to draft a zoning bylaw amendment to accomplish the proposal. Staff provides draft Bylaw 402 that would amend the Highlands Zoning Bylaw.

Council also requested further input into the tax implications of the application. BC Assessment Authority controls property classification and the assessed value of a property. Municipalities set tax rates for each class. If tax rates stay the same, taxes on a property will change with an increase to “improvements,” such as renovations or additions as shown through Building Permits.

Land and/or improvements for all daycares (includes group daycares, special needs daycares, family daycares, out of school care and child minding), preschools, residential care, and emergency care are included within the “residential” class. This means that if the zoning on the property changes to allow for daycare use, the class of the property is not affected. It would remain the same as it is now, and the same as all residential properties. This is the case across BC. The taxes may change depending on the improvements made to the building as shown on Building Permits.

LOCATION MAP



PROPOSAL	Add “daycare” as principle use
Owner/Applicant:	Lexie Biegun
Location:	1927 Millstream Road
Parcel Size:	0.57 hectares (1.41 acres)
Current	
Current Zone:	Rural 3 (R3)
Current OCP Designation:	<ul style="list-style-type: none"> • Rural • Within Highlands Servicing Area
Development Permit Areas:	<i>Over entire site, if building permit or other DP application(s):</i> <ul style="list-style-type: none"> • Promotion of Energy and Water Conservation and the Reduction of Greenhouse Gases <i>At the east end of the site:</i> <ul style="list-style-type: none"> • Water and Riparian Areas
Permitted Uses:	<ul style="list-style-type: none"> • Residential • Agriculture • Home-based Business • Accessory uses, buildings and structures
Permitted Density:	<ul style="list-style-type: none"> • Residential – One Dwelling unit per lot
Proposed	
Proposed Zone:	New site specific zone
Proposed OCP Designation:	No change proposed
Proposed Uses:	Daycare
Proposed Density:	<ul style="list-style-type: none"> • No change for residential • Applicant wishes to use majority of existing house for daycare use.
Adjacent Land Use/Zoning	
...to North and West:	<ul style="list-style-type: none"> • Rural 3 – Single family homes
...to East:	<ul style="list-style-type: none"> • Greenbelt 2 – Tervita property
...to South	<ul style="list-style-type: none"> • Rural 3 D – Lexie’s Little Bears Child Care
Title Restrictions/Permits/Other	
	Of relevance to this application: <ul style="list-style-type: none"> • Regulation of daycare is through Island Health and Province. • Adjacent property to south is licensed daycare with same owner and operator as subject property

OPTIONS

1. Council may wish to give Highlands Zoning Bylaw No. 100, 1998, Amendment No. 39, (R8-1927 Millstream Road) Bylaw No. 402, 2018 First and Second Readings, and schedule a public hearing for Tuesday, April 3, 2018, at 7PM at the School House, 1589 Millstream Road.
2. Council may wish to request more information.
3. Council may wish to deny the application.

DISCUSSION

Legal/Bylaw/Regulatory

Draft Bylaw 402

Please see attached draft Bylaw 402 that would amend the Highlands Zoning Bylaw by:

1. Creating a new zone Rural 8 (R8). A unique zone had to be created to accommodate the existing structure and lot size. It was based off the existing daycare's zoning. Unique details of this new zone include:
 - a. Section 7.8.1 (1): The principle use of daycare is added in addition to the existing principle uses of residential and agriculture. The new zoning would allow all three of these uses to co-exist, or exist in any combination including exclusively only one of them. This allows the land owner flexibility. Public safety is assured through the BC Building Code and Island Health licensing of daycares (through the *Community Care and Assisted Living Act* and related regulations). Staff's experience from previous applications is to not overlap regulatory jurisdictions.
 - b. Section 7.8.3 (4): Provides for a side yard setback of 3.5m. The existing structure received a variance in 2002, and it is appropriate to carry it over to the new zone.
 - c. Section 7.8.3 (7): Similar to the current R3D Zone, the appropriate way for the municipality to control the scale of the daycare is through limiting the building size. This section limits the total size of all buildings on the property to their current size, which is 477m² (5,127 square feet). This means neither expansion to the structure nor any outbuildings would be permitted without a further rezoning. (There is currently a small shed that is smaller than what the Building Code regulates (less than 10m² or 100 square feet) and is not captured for the purposes of floor area.) The land owner has the ability to choose what uses go in what space, as limited by section 7.8.1. The BC Building Code and Island Health licensing dictate building and other requirements depending on actual occupancy, for example daycare or residential.
 - d. Section 7.8.4: Identical to the existing R3D zone is the Landscaping and Screening requirements to allow for visual continuity along Millstream Road. This requirement is acceptable by the applicant.
 - e. Section 7.8.5: This section states the minimum lot size for subdivision purposes. The size stated is the size of the property, meaning it has no subdivision potential.

Public Hearing

The *Local Government Act* sets out requirements for public hearings as part of amendments to zoning bylaws. Staff suggests that a public hearing be scheduled for Tuesday, April 3, 2018. This scheduling will give staff adequate time to meet notification requirements.

Should Council wish to proceed with the recommendation, Bylaw 402 would return to Council's regularly scheduled meeting of April 3, 2018 immediately following the suggested public hearing for third reading and adoption.

CONCLUSION

Draft bylaw 402 would amend the Highlands Zoning Bylaw to accomplish application RZ-01-17.

RECOMMENDATION(S)

That Council give Highlands Zoning Bylaw No. 100, 1998, Amendment No. 39, (R8-1927 Millstream Road) Bylaw NO. 402, 2018 First and Second Readings, and That Council schedule a public hearing for Bylaw No. 402 for Tuesday, April 3, 2018 at 7PM in the School House, 1589 Millstream Road.

Respectfully submitted,



Laura Beckett, MCIP, RPP
Municipal Planner

Concurrence



Lorraine Hilton
CAO

Attachments:

- Draft Bylaw No. 402



DISTRICT OF HIGHLANDS BYLAW NO. 402

A BYLAW TO AMEND THE “HIGHLANDS ZONING BYLAW NO. 100, 1998”

The Council of the District of Highlands in open meeting assembled enacts as follows:

1. The “Highlands Zoning Bylaw, Bylaw No. 100, 1998” is hereby amended as follows:

- (a) In **Section 5 Establishment and Designation of Zones:**
- (i) Under the column labeled, “Short Form,” under R7 **add**, “R8;”
 - (ii) Under the column labeled, “Zone,” under Rural 7 **add**, “Rural 8;”
- (b) After Section 7.7 **add** the following:

SECTION 7.8 **RURAL 8 (R8) ZONE**

7.8.1 Permitted Uses

(1) In addition to the uses permitted in Section 3.0 of this Bylaw, the following uses and no others shall be permitted in the Rural 8 (R8) Zone:

- (a) *Residential*
- (b) *Day Care as regulated by the Community Care and Assisted Living Act*
- (c) *Agricultural*
- (d) *Accessory uses, buildings and structures*

7.8.2 Residential Density

(1) There shall be no more than one (1) *dwelling unit* on each *lot*.

7.8.3 Siting and Dimensions of Buildings and Structures

- (1) The *height* of a *dwelling unit* and/or any *building* or *structure* used for day care shall not exceed 10.5 metres.
- (2) The *height* of an *accessory building* or *structure* shall not exceed 6 metres and the *height* of a *building* used for *Agriculture* shall not exceed 12 metres.
- (3) No *building* or *structure* shall be sited within 7.5 metres of a *front lot line* and no *building* used for *Agriculture* shall be sited within 30 metres of a *front lot line*.
- (4) No *building* or *structure* shall be sited within 3.5 metres of a *side lot line* and no *building* used for *Agriculture* shall be sited within 15 metres of a *side lot line*.
- (5) No *building* or *structure* shall be sited within 10 metres of a *side lot line* that abuts a *highway*.

- (6) No *building* or *structure* shall be sited within 10 metres of a *rear lot line* and no *building* use for *Agriculture* shall be sited within 15 metres of a *rear lot line*.
- (7) The total floor area of all buildings on a lot shall not exceed 477 square metres.

7.8.4 Landscaping and Screening

- (1) Native vegetative screening of a height of not less than 2.0 metres (6.56 feet), a depth of not less than 1.5 metres (4.9 feet), and a mature height of not less than 6.0 metres (19.69 feet), shall be provided and maintained continuously along Millstream Road. If the native vegetative screening is hedging and is within 5m of a BC Hydro utility pole, the mature height of the hedge shall be not less than 4.0 metres (13.12 feet).

7.8.5 Subdivision Density and Lot Area Requirements

- (1) No *lot* having an area less than 0.57 hectare (1.41 acres) may be created by subdivision.
2. “Highlands Zoning Bylaw No. 100, 1998,” is further amended by changing Schedule A, Zoning Map, to designate LOT 2, SECTION 15, HIGHLAND DISTRICT, PLAN 7599 shown outlined in bold on Schedule A to Bylaw 402 from Rural 3 (R3) Zone to Rural 8 (R8) Zone.
 3. This Bylaw may be cited for all purposes as “Highlands Zoning Bylaw No. 100, 1998, Amendment No. 39, (R8 – 1927 Millstream Road) Bylaw No. 402, 2018.”

READ A FIRST TIME THIS	DAY OF
READ A SECOND TIME THIS	DAY OF
PUBLIC HEARING HELD THIS	DAY OF
READ A THIRD TIME THIS	DAY OF
ADOPTED THIS	DAY OF

MAYOR

CORPORATE OFFICER

Schedule A to Bylaw 402

