

Bayshores Land Use Contract Termination (LUC000003)

Public Open House

November 25, 2019

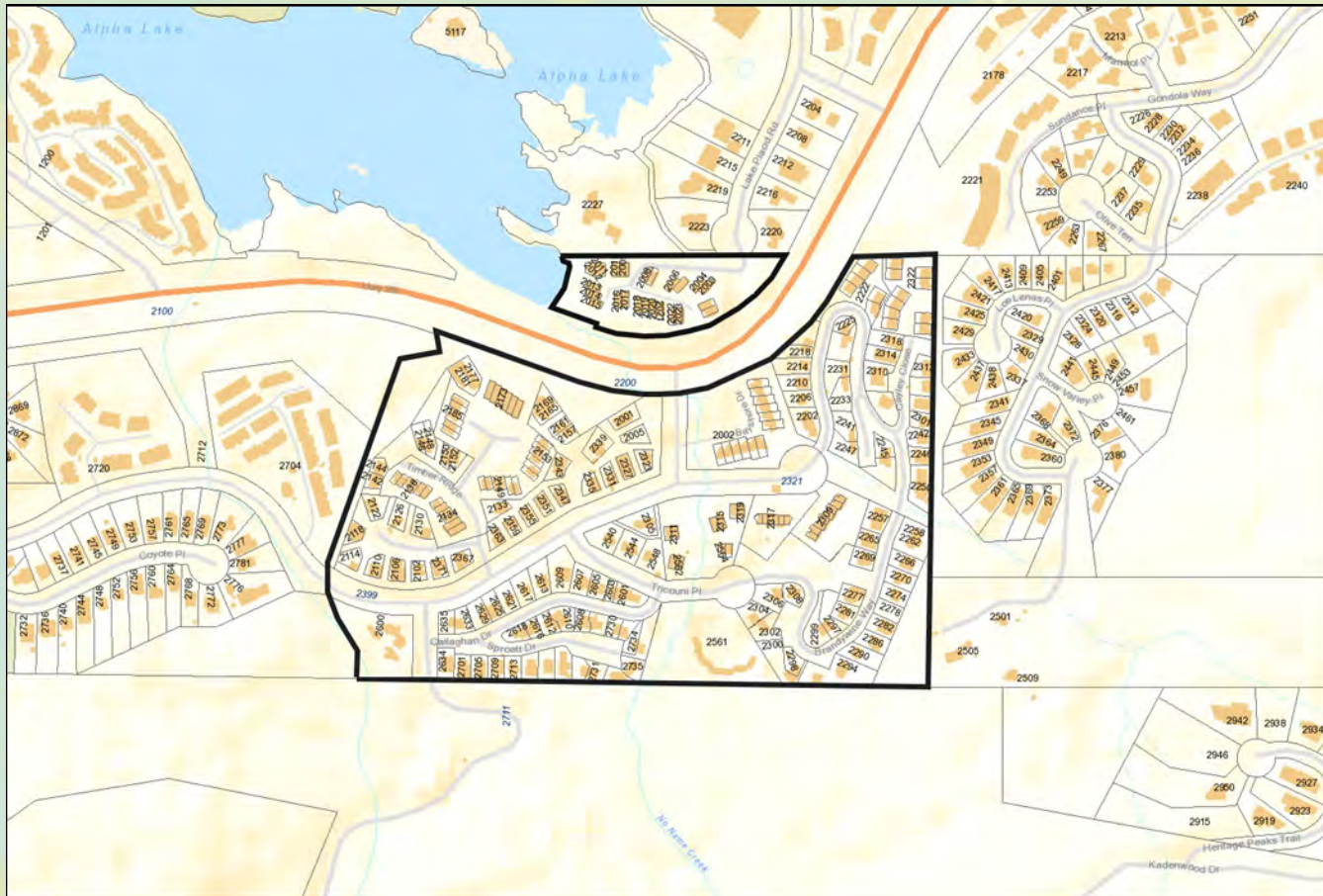
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Subject Lands



North

Background – Land Use Contracts (LUCs)

- LUCs existed as a regulatory tool from 1970-1980
- LUCs were used in place of zoning
 - ✓ Contract between Municipality and property owner:
 - Regulate land use, siting, infrastructure, amenities, form and character, etc.
 - Lock in regulations – changes required Municipality and land owner to agree to amendment or termination
- May 2014: *Local Government Act* amended
 - ✓ All LUCs in BC automatically terminate on June 30, 2024
 - ✓ Local governments must have zoning in place by June 30, 2022
 - ✓ Local government initiated termination of LUCs is now possible
- May 3, 2016: RMOW Council Report
 - ✓ Recommended an approach for early termination of Whistler LUCs

Background – *Local Government Act (LGA)*

- Summary of applicable sections:

LGA Subsection	Summary Comment
546	<ul style="list-style-type: none">Allows for LUC amendments by way of Development Permit and/or Development Variance Permit
547	<ul style="list-style-type: none">Requires that all LUCs are terminated by June 30, 2024Requires local governments to adopt zoning by June 30, 2022
548	<ul style="list-style-type: none">Allows for termination of LUCs prior to June 30, 2022 provided that the amending bylaw comes into force one year after adoption
549	<ul style="list-style-type: none">Requires local government to give property owners written notice of LUC termination
550	<ul style="list-style-type: none">States that all LUCs are hereby terminated as of June 30, 2024

Bayshores LUC

- Enacted in April 1978
- Registered on affected property titles as F80566
- Clause IV refers to Zoning Bylaw 9 (in effect at the time) for development standards (e.g. setbacks, height)
- Laid out servicing, subdivision and density provisions to:
 - ✓ Divide the eastern portion of District Lot 3556 into 12 parcels
 - ✓ Accommodate 250 single family, duplex and multiple residential units
- The 12 parcels were later stratified and developed through the historically applicable development permit and building permit processes into 10 separate strata plans
- RMOW intends to terminate Bayshores LUC in 2020; zoning will apply in 2021

Proposed RMB Zone

- New comprehensive zone: RMB Zone – Residential Multiple Bayshores
 - ✓ Intended to mirror the regulations established by the LUC, applicable permits, and covenants for each lot
- Considerations:
 - ✓ Auxiliary residential dwelling units (ARDUs) are not considered under the LUC
 - Proposed RMB Zone would allow for ARDUs in detached dwellings
 - Consistent with other existing residential zones in the current Zoning Bylaw
 - Provides additional housing opportunities
 - Associated ARDU density must be within the existing permitted maximum density for the parcel
 - ✓ In consideration of potential historical inconsistencies, the new zone contains language that recognizes existing density or setbacks with proof of a building permit

Proposed RMB Zone – Additional Considerations

- Applicability of the General Regulations in the current Zoning Bylaw:
 - ✓ Excluded Gross Floor Area:
 - Adoption of the proposed zoning will result in detached and duplex dwellings in Bayshores becoming eligible for gross floor area exclusions as per the current Zoning Bylaw
 - This is consistent with all other properties within RMOW boundaries that are regulated by the current Zoning Bylaw
 - ✓ Calculation of Height:
 - Method of calculation of height will change to be consistent with other zoned residential properties within RMOW boundaries

Project Principles

- Four principles were presented to Council on May 3, 2016
- This table shows how these principles have been applied to the Bayshores LUC termination

Principles	Comments
Adherence to legislation	<ul style="list-style-type: none">• The new regulations have been drafted in accordance with the requirements of the applicable legislation.
Public engagement	<ul style="list-style-type: none">• RMOW is conducting this public open house and accepting written comments before bringing the Land Use Contract Termination Bylaw forward for first and second readings.• A Public Hearing will be held on the Land Use Contract Termination Bylaw before Council's final consideration of the bylaw.
Alignment of regulations	<ul style="list-style-type: none">• The proposed zoning mirrors the rules in the Bayshores LUC, permits and covenants.• The proposed zoning aligns with existing development in the neighbourhood.
Consistent and equitable approach	<ul style="list-style-type: none">• No RMOW fees will be charged to property owners for this termination.• This is the third LUC to be terminated and similar processes have and will be followed.

Next Steps

- Opportunity for written comments on the draft RMB Zone
 - ✓ Must be received by 4 p.m. on December 15, 2019
- Staff will provide the public comments to Council prior to further consideration of the Land Use Contract Termination Bylaw
- A Public Hearing on the Land Use Contract Termination Bylaw will be held before Council's final consideration
 - ✓ Notification of the Public Hearing will include notice in the local newspaper and a further mail out to property owners
 - ✓ As part of the Public Hearing process, affected members of the public may make oral and written representations to Council
- Should Council adopt the bylaw, written notification will be sent to property owners
 - ✓ This notice must state the date of LUC termination and advise the owner of their right to apply to the Board of Variance for a delay of early termination
 - ✓ The LUC will be terminated and the zoning will take effect one year after the adoption of the Land Use Contract Termination Bylaw



THANK YOU