

AGENDA ITEM NO: 7.5

MEETING DATE: March 21, 2023

STAFF REPORT – COVER SHEET

SUBJECT: City of Chilliwack / Text Amendments DATE: March 13, 2023

DEPARTMENT: Planning Department
RZ001700 PREPARED BY: Erin Leary / tr


1. SUMMARY OF ISSUE:

The City has recently initiated a review of the 2040 Official Community Plan Design Guidelines in relation to the provision of pedestrian pathways within multi-unit developments, amongst other design considerations. To support the OCP amendments, a concurrent text amendment to the Zoning Bylaw in regards to said pathways is proposed to create consistency amongst standards and bylaws. In addition, amendments to expand permitted uses within specific industrial zones to include Tradespersons as a separate principal use are included within this application. Minor amendments in relation to parking standards and restriction on Cannabis Consumption Spaces are also proposed.

Once the Bylaw has been to Public Hearing, staff recommend that Council hold the Bylaw at Third Reading pending approval by the Ministry of Transportation and Infrastructure.

2. RECOMMENDATION:

Recommendation that "Zoning Bylaw Amendment Bylaw 2023, No. 5288", which proposes to complete text amendments related to pedestrian pathways, Tradespersons, parking standards and Cannabis Consumption Spaces, be given first and second reading; and further, that a Public Hearing be called for April 4, 2023. (RZ001700)



Gillian Villeneuve
Director of Planning

**3. CHIEF ADMINISTRATIVE OFFICER'S
RECOMMENDATION/COMMENTS:**

Supports recommendation.



Chris Crosman
Chief Administrative Officer

STAFF REPORT ON REZONING APPLICATION RZ001700

PREPARED BY:	<u>Erin Leary</u>	DATE:	<u>March 13, 2023</u>
POSITION:	<u>Manager of Development Planning</u>	DEPARTMENT:	<u>Planning Department</u>

1. DEFINITION OF ISSUE:

The City has recently initiated a review of the 2040 Official Community Plan Design Guidelines in relation to the provision of pedestrian pathways within multi-unit developments, amongst other design considerations. To support the OCP amendments, a concurrent text amendment to the Zoning Bylaw in regards to said pathways is proposed to create consistency amongst standards and bylaws. In addition, amendments to expand permitted uses within specific industrial zones to include Tradespersons as a separate principal use are included within this application. Minor amendments in relation to parking standards and restriction on Cannabis Consumption Spaces are also proposed.

Once the Bylaw has been to Public Hearing, staff recommend that Council hold the Bylaw at Third Reading pending approval by the Ministry of Transportation and Infrastructure.

2. PROPOSAL:

2.1 Text Amendments Regarding Pedestrian Pathways

Currently, the Zoning Bylaw includes specific standards which require a residential development of 3 or more units to provide a pedestrian pathway connecting each unit to the street, separated from any roadways, driveways, parking lots, maneuvering aisle or parking spaces by a curb. In order to allow greater flexibility in design and location of the pedestrian pathways throughout multi-unit developments, a concurrent proposal to relocate these standards into the 2040 OCP Design Guidelines for multi-unit developments is underway. As such, staff recommend removing these requirements from the Zoning Bylaw. All other provisions for pedestrian pathways (i.e., in association with commercial or industrial development) will remain in the Zoning Bylaw. A copy of the proposed text amendments is attached in the draft Bylaw for information.

2.2 Text Amendments Regarding Tradespersons & Parking

Currently, a Tradesperson (i.e., contractor, electrician, plumber, etc.) is permitted as an office use within the "General Commercial" definition in the Zoning Bylaw as the operation of these businesses generally includes an office space for employees and a storage area for construction materials associated with the operation. As manufacturing and/or production do not take place on site, but rather services are provided on a mobile basis, these businesses are not considered to be industrial uses under the current Zoning Bylaw use descriptions. As Tradespersons are generally ancillary to or associated with industrial operations and these businesses are suited to industrial business park locations, staff recommend text amendments to create a tradesperson definition as well as incorporate this use as being permitted within the M1 (Light Industrial), M2 (Service

Industrial), CD-10 (Comprehensive Development 10) and CD-12 (Comprehensive Development 12) Zones as well as under the “General Commercial” use description. This amendment will allow for Tradespersons to continue operating within existing commercial areas while offering other locations within the less impactful industrial zones. In addition, by excluding Tradespersons as a permitted use within heavy industrial zones (i.e., the M3 – M6 Zones), these lands will be preserved for higher intensity and larger scale industrial operations. The definition of Tradesperson, which is consistent with the current definition found within the Intermunicipal Business Licence Bylaw for mobile contractors, is below for information:

TRADESPERSON

Means a trades contractor or other professional (related to the construction industry) or a contractor who performs maintenance and/or repair of land and buildings from other than their premises.

In addition to the amendments regarding Tradespersons, a minor amendment to alter the parking standard for “Service Industrial” uses from 1/60m² to 1/100m² is proposed. This reduction to the parking requirement is considered appropriate as “Service Industrial” uses generally do not generate a significant parking demand on site, similar to “Light Manufacturing” uses.

2.3 Text Amendments Regarding Cannabis Consumption Spaces

The Provincial Ministry of Public Safety and Solicitor General is currently considering whether cannabis consumption spaces should be permitted and regulated. While the Ministry has not yet made any decisions on consumption spaces and is continuing their review, amendments to the Zoning Bylaw are proposed in order to provide clarity and direction to the public in regards to the operation of cannabis consumption sites within the City. Smoking and vaping of any substance can create a nuisance, significant fire risk, and enforcement challenges. Provincial priorities are to protect children and youth, promote public health and safety, reduce the illegal cannabis market, and keep roads safe. Allowing cannabis consumption spaces is contrary to those goals and is not recommended until such time as challenges concerning drug-affected driving, co-use of cannabis and alcohol, increased rates of cannabis use and nuisance issues arising from smoking and vaping can be adequately addressed without placing further burden on municipalities with respect to regulation and enforcement.

Proactively enacting a prohibition of cannabis consumption spaces within the Zoning Bylaw in advance of Provincial authorization would preclude lawful non-conforming use. Should the above-noted concerns regarding cannabis consumption spaces be adequately addressed by the Province, Council could review the prohibition and direct staff to amend the Zoning Bylaw to regulate the use.

The definition of Cannabis Consumption Spaces is provided below for information:

CANNABIS CONSUMPTION SPACES

Means a business, special event, or other establishment providing cannabis for sale and use onsite.

3. RECOMMENDATION & SUBSTANTIATION:**Recommendation:**

Recommendation that “Zoning Bylaw Amendment Bylaw 2023, No. 5288”, which proposes to complete text amendments related to pedestrian pathways, Tradespersons, parking standards and Cannabis Consumption Spaces, be given first and second reading; and further, that a Public Hearing be called for April 4, 2023. (RZ001700)

Substantiation:

The proposed amendments will allow for greater flexibility in design and location for pedestrian pathways, address off-street parking requirements for “Service Industrial” uses, and allow flexibility for Tradespersons to locate their businesses within the community. In addition, the creation of a definition of Cannabis Consumption Spaces and confirmation that this use is prohibited in all zones will give clarity to the public as to the restrictions on cannabis consumption within the City.

4. SOURCES OF INFORMATION:

- Rezoning Application (RZ001700) – February 22, 2023