

City of Maple Ridge

TO: His Worship Mayor Michael Morden
and Members of Council
FROM: Chief Administrative Officer
SUBJECT: Updated Maple Ridge Zoning Bylaw No. 7600-2019;
First Reading

MEETING DATE: April 9, 2019
FILE NO: 2018-394-RZ
ATTN: Council Workshop

EXECUTIVE SUMMARY:

The Planning Department is pleased to submit for Council's consideration the updated Maple Ridge Zoning Bylaw No. 7600-2019 (Schedule A). The bylaw is the result of an extensive, complicated and lengthy review and consultation process geared towards achieving a modern and user friendly update of the current Zoning Bylaw No. 3510-1985, which is over three decades old. We believe we have achieved these goals with this amended bylaw and are proud of the hard work and tenacity of all staff who have worked on the project.

In summary the bylaw applies to all lands in the City and consists of the following regulations:

- Definitions and Interpretations;
- Basic Provisions of Uses, Zones, Parking and Loading, Enforcement and Prohibitions;
- General Regulations for the Use of Lands, Buildings and Structures;
- Specific Regulations for the Use of Lands, Buildings and Structures;
- Regulations for Size, Shape and Siting of Buildings and Structures;
- Waste and Energy Regulations, Landscaping, Fencing and Screening Regulations;
- Land Use Zones (Agricultural, Residential, Commercial, Industrial, Institutional and CD zones; and Schedules.

RECOMMENDATION:

1. That Maple Ridge Zoning Bylaw No. 7600-2019 be given first reading.

BACKGROUND:

The Zoning Bylaw is, by its very nature, a complicated document being both regulatory in nature, rich in detail and extensive in length and content. The bylaw's impact is significant; influencing directly the form our community takes and the opportunities, activities and land uses permitted. The Zoning Bylaw is essentially the engine that powers and gives form to the vision outlined in the Official Community Plan. Given these characteristics, the Zoning Bylaw should be described as a living document. As a living document it must remain both relevant and flexible enough to respond to new initiatives by Council, the community and other interested parties. Therefore, a Zoning Bylaw is never truly complete or finished.

The existing Zoning Bylaw No. 3510-1985 has been amended in various ways on a regular basis. It can be expected that changes and challenges to provisions of the new Zoning Bylaw No. 7600-2019 will also occur frequently. In fact, provincial legislation envisions the need and grants the power to make such change via: bylaw amendments, Development Variance Permits; Board of Variance appeals and legal court challenges. It should also be expected that normal housekeeping amendments to the Zoning Bylaw will be required to keep the bylaw relevant. New Council initiatives are also examples of positive change that will impact the new Zoning Bylaw.

DISCUSSION

The new Zoning Bylaw is a significant piece of work and therefore, it is useful to briefly review the history, goals, and efforts in the past that have culminated in the new bylaw.

The City has had three comprehensive Zoning Bylaws since the early 1960s, each of which acted as a foundation for the next and introduced new components that were relevant at that time. Zoning Bylaws are technical and “organic” in nature (i.e. always evolving or reacting to new trends and policies) and are expected to ensure consistency for implementation. The City’s current Zoning Bylaw is no exception to this and has been amended innumerable times since 1985.

The goal of the Zoning Bylaw review has always been to achieve an updated bylaw that:

- Aligns with current regulatory language, Provincial legislation and policies in the Official Community Plan;
- Identifies and resolves issues/concerns raised by the public, the development community and City Departments;
- Responds to new market trends and the City’s sustainability goals and vision;
- Improves consistency and a format that is user-friendly, easily interpreted, enforceable and effective in regulating land use in the City; and
- Reduces the number of variance requests.

To achieve these goals the following steps have occurred:

- Council has continued to support a Zoning Bylaw modernization effort;
- Early efforts focused on important background work such as: information gathering; research of issues and problem identification; coordinating with other departments for their specific areas of concern; tracking historical bylaw revisions; looking at various alternative bylaw formats; testing other formats as examples and identifying key deficiencies and inconsistencies. This ground work was accomplished internally with existing resources to streamline the review process;
- In general, the scope of the review included the following: identification of issues, concerns and discrepancies; reformatting for ease of use and language; review of all zones (except CD Zones) and definitions for consistency and modernization; introduction of graphics and illustrations to improve ease of use and understanding; introduction of new provisions that reflect the goals and objectives of Council and the Official Community Plan;

- Countless staff meetings, formal joint departmental working group meetings, and a number of technical and workshop sessions were held with developer representatives. They provided both useful feedback and constructive input some of which has already been implemented such as the adoption of a uniform building height for single family dwellings to reduce the number of Development Variance Permits requested;
- Consultation sessions were held with the public, developer's representatives, and Council;
- A complete legal review of the bylaw has been completed to ensure its enforceability;
- Moving the bylaw forward as one entire project has proven difficult given heavy development workloads, limited staff resources and new and competing priorities. Therefore, it was decided to incrementally move elements of the new Zoning Bylaw forward as applications are received, opportunities arose and Council priorities dictated. The following provisions of the existing Zoning Bylaw have already been updated: enlarged use of secondary suites in residential zones; increased building heights for residential zones; new fence provisions, prohibition of certain uses such as payday loans, M-2 zone Auto Wrecking, shipping containers; updated Home Based Business Regulations; Farm Home Plate and numerous text amendments. These past incremental changes have reduced the scope and significance of the new changes being introduced with the new bylaw; and
- There is also work recently completed or currently underway on Council priority items such as: new duplex, triplex, four-plex and court yard housing provisions, additional secondary suite and detached garden suite regulations, and rental housing and density bonus provisions that will carry on through to the new bylaw. In addition, existing and new Council initiatives in the future will also trigger additional Zoning Bylaw amendments pertaining to the implementation of the: Housing Action Plan; Agricultural Plan; and other policy work.

It is important to note that there have been countless changes that can best be described as housekeeping and updating but there are also some significant changes. Most significant is the reorganization and rationalizing of the bylaw to be user friendly, consistent, updated and logical in organization and modern in look, format and language. There are many minute changes in the bylaw that cannot be noted in a simple staff report. Therefore, the new bylaw should be read by those interested in its entirety.

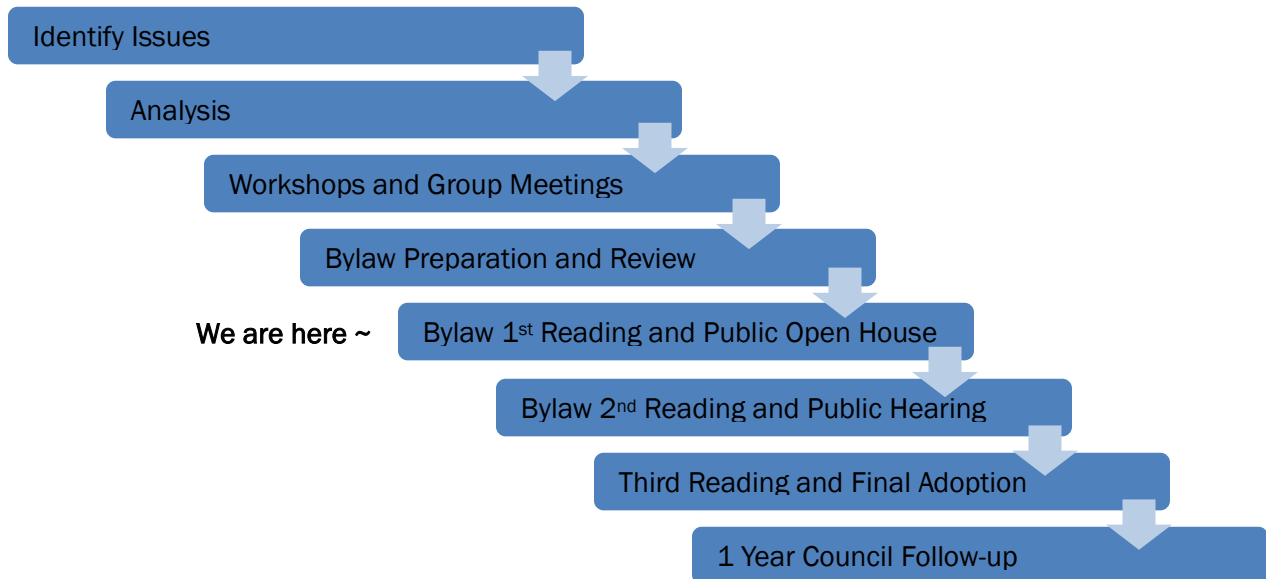
An additional housekeeping item is to correct small zoning boundary irregularities for approximately 200 properties to bring the zoning boundary in line with the property boundaries, and to rezone a few properties for which the zoning is not consistent with the existing uses. The list of properties is attached as Appendix C.

Another significant addition is the introduction of Floor Space Ratio (FSR) restrictions to the single-family residential zones to regulate the size, scale and massing of residential development. Such restrictions are a key component of all modern bylaws and very common throughout the region. In Maple Ridge this restriction previously only applied to multi-family development. Other important changes are: a table of contents of the bylaw for ease of use; a comprehensive definition section with graphic displays and links to the related bylaw section, one consistent bylaw format; consolidated landscape requirements for all zones; consolidated General Regulations section in alphabetical order; new Waste and Energy Regulations; separate zoning sheets for each zone all reproduced in the same style and format; and reorganized bylaw schedules with the resulting updated zoning map and diagrams.

Council Endorsed Process

Prior to commencing the Zoning Bylaw review, staff prepared a process report which identified the key steps and process for reviewing the bylaw. The following chart illustrates the process:

Next Steps:



Pursuant with the Council endorsed process, once first reading is granted to the Zoning Bylaw No. 7600-2019, referrals for comments should be made to the Urban Development Institute (UDI) and Canadian Home Builders Association of BC, the School District, the Agricultural Land Commission and the Ministry of Transportation and Infrastructure (MOTI). A public open house with newspaper notification will occur before second reading. Any comments received may require revisions to the bylaw. Once completed, second reading will be considered by Council and a Public Hearing date set. Third reading and final adoption could then occur at Council's discretion. Staff would then engage in some updating of documents and staff training sessions to bring employees of the various departments up to speed on the changes within Zoning Bylaw 7600-2019.

As with all zoning bylaw changes the normal notification process required by provincial legislation should be followed to adopt this new bylaw. The normal notification process of newspaper notification and a public hearing will occur. This will permit all interested parties an opportunity to review the new bylaw and to understand any possible impacts.

To remind Council, there have been a number of meetings with the development community in the past to make them aware of the new bylaw and its content. A number of stakeholder meeting or workshops were held with interested parties as shown as Appendix B. They were supportive of the bylaw update effort and its contents. Again it should be noted that many of the bylaw changes first envisioned have been already implemented incrementally over time.

Transition Process from Old to New Zoning Bylaw

The transition from an old zoning bylaw to a new zoning bylaw can be tricky due to the fact that there are many amending bylaws at various stages making their way through the bylaw approval process. Amending bylaws that reference the existing Zoning Bylaw (3510-1985) could be stranded in the approval process if no transitioning strategy is considered when the new Zoning Bylaw (7600-2019) is adopted. Making this transition even more difficult is the fact that timing is often determined by the applicant's decision to provide the necessary information, securities and legal documents to proceed.

The City always has some older zoning amendment bylaws sitting for long periods of time without being able to be approved. A zoning amendment bylaw that cannot proceed because the underlying bylaw has been repealed becomes orphaned and in limbo. Therefore, to avoid this, it is proposed that Maple Ridge Zoning Bylaw No. 3510-1985 not be rescinded immediately with the adoption of the new Maple Ridge Zoning Bylaw No. 7600-2019. This approach will leave the City with two zoning bylaws for a short period of time. This will essentially allow all existing amending bylaws amending the old Zoning Bylaw (3510-1985) to complete as normal. This will avoid a lengthy review of all the existing bylaws and the necessary work to bring them into conformity with the new Zoning Bylaw (7600-2019) or having to process many new variance applications.

The new Zoning Bylaw (7600-2019) will be used for all new rezoning applications made after the bylaw adoption, which is when it comes into legal force. Council will be asked to pass a resolution authorize this transition strategy in the final reading report for the new Zoning Bylaw (7600-2019). All existing applications will be monitored to determine, depending on where they are in the approval process, if they can be transitioned to the new Zoning Bylaw (7600-2019) or not. Typically, a bylaw that has been given third reading under the old Zoning Bylaw (3510-1985) will proceed under the old Zoning Bylaw (3510-1985), thus avoiding the need for a second Public Hearing on solely technical grounds. Applications that have only received first and second reading can still be amended to reference the New Zoning Bylaw No. 7600-2019 and proceed to Public Hearing. However, care will need to be taken by staff to ensure each proposal conforms in every way to the new Zoning Bylaw (7600-2019), if not, the old Zoning Bylaw (3510-1985) will be used.

Eventually the existing amending bylaws currently in the approval process will either complete or expire and the old Zoning Bylaw (3510-1985) will be repealed. Thus, leaving the City again with only one Zoning Bylaw (7600–2019).

CONCLUSION:

The importance of a clear, concise, legally enforceable and user-friendly Zoning Bylaw is the goal of Council and this review. The Zoning Bylaw Review is a significant piece of work that will need to be continually monitored into the future as circumstances change for the City. However, the proposed new bylaw is a significant improvement over the existing bylaw and one we can be proud of.

We are very grateful for all advice, effort and hard work of the past and present planning staff, other departments, the development community and our solicitor. Staff is very pleased to present this bylaw to Council and the community. Therefore, it is recommended that first reading be granted to Maple Ridge Zoning Bylaw No. 7600-2019.

“Original signed by Ann Edwards” for

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GM: Public Works & Development Services

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Concurrence: **Kelly Swift, MBA**
Acting Chief Administrative Officer

The following appendices are attached hereto:

Appendix A – Draft Zoning Bylaw (separate document)

Appendix B – List of Stakeholders

Appendix C – List of properties to be rezoned