



The Corporation of the Village of Slocan

MTG DATE: DEC 13/21
ITEM: REZONE -
FILE: ZONING/OCP
AMENDMENTS

DATE: December 13, 2021

TO: Village of Slocan

FROM: M. Gordon, CAO

SUBJECT: Zoning Amendment Application – 705 Delany Avenue

BACKGROUND:

A proposal has been received from the owner of 705 Delany Avenue; Lots 1-4, Block 8, DL 292, Plan 496. This property is located within the Mill Industrial Zone. The applicant would like to rezone the property from M1-Mill Industrial to Commercial, to accommodate business use:

"The property is currently zoned as Mill Industrial. This categorization greatly reduces the ability to operate in a current and broader form on the property and building. Also to be considered, there is no longer a mill in the town, therefore, this term "Mill Industrial" seems to be obsolete.

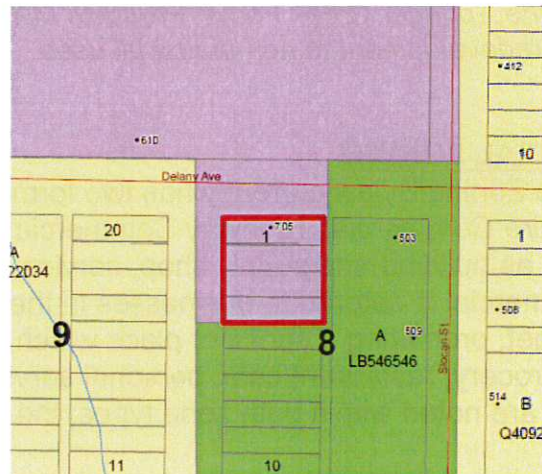
The future intended use of the property and building is to be Commercial use. This will allow to accommodate small suites and offices to be rented to entrepreneurs, as well as established business people. It will provide office space and/or small design spaces, create spaces, and educational spaces for rent.

These options will benefit the community financially, as well as educationally, and adding cleanliness and tidiness to an area that has gone unmaintained for some time. I hope to create a vibrant hub for local business as well as youth and adult education . . . to encourage like-minded businesses that can benefit one another collectively, to add strength and likelihood of success to one another within the location."

705 Delany Ave – Ortho



705 Delany Ave – Zoning



STAFF REVIEW

In 2017, Council proceeded with an amendment to the Zoning Bylaw, limiting the permitted uses within the Mill Industrial Zone, for the purpose of encouraging redevelopment to non-industrial land uses, subject to a public process and rezone application; a policy statement included in the Village's OCP.

ZONING:

The Slocan Zoning Bylaw, 2013 lists permissible uses under the (M-1) Mill Industrial Zone:

5.9.1 Permitted Uses

Land, buildings and structures in the Mill Industrial zone shall be used for the following purposes only:

- (a) Accessory Buildings and Structures;
- (b) Sawmill, Wood Product Manufacture. (Amendment Bylaw 657, 2017)

The current Zoning Bylaw does not allow for Commercial use in the M1-Mill Industrial Zone; a rezone is required for the desired use listed in the application.

OCP:

- Sections 5.2.6 and 8.0 of the Village Official Community Plan list policies and objectives related to the Mill Industrial Zone and future desired uses. Currently, the OCP recognizes the M1 Zone as an area that supports future redevelopment to a combination of residential, park, commercial and/or non-industrial land uses, subject to a public planning process and rezoning application.
- Section 2.1 of the Official Community Plan states: "Future changes in circumstance, attitude, technology or legislation may prompt the desire to consider amendments or revisions to the Plan. This can take the form of applications for plan amendments initiated by an application from a private property owner or through an initiative of the Village Council".

An application to rezone the former Mill Office property from Mill Industrial to Commercial meets the overall intent of the OCP and specifically meets/agrees with the following policies:

5.2.6 – *In the event the mill is closed permanently, allow for re-development of the mill site to non-industrial land uses subject to a public planning process and rezoning application.*

8.1.2 – *As the Springer Creek Forest Products Mill has been closed permanently, support the long-term site redevelopment to non-industrial uses.*

COMMERCIAL ZONING

The Village Zoning Bylaw currently has two forms of commercial zoning: C1: *Highway Commercial*, and C2: *Core Commercial*. Highway Commercial allows particular uses that relate to off-highway uses, such as building and supply shop, service station, campground, and other off-highway uses. Core Commercial is catered to businesses in the downtown core, in the areas on and adjacent to Harold Street, promoting a sense of place which utilizes a variety of uses including professional services, grocery, restaurant/café, personal services, retail, and assembly. Though permitted use similarities are noted within both zone types, the overall intent differs.

Comparison of the two zones is as follows:

		PERMITTED USES	
		C1: HIGHWAY COMMERCIAL	C2: CORE COMMERCIAL
Differing Uses	Building Supply Shop		Business, Professional, Administrative Office
	Campground		Entertainment Facility
	Service Station		Financial Service
			Grocery, Food Service
Parallel Uses	Accessory Buildings & Structures		Accessory Buildings & Structures
	Accessory Residential		Accessory Residential
	Health, Fitness, Recreation Facility		Health, Fitness, Recreation Facility
	Hotel, Motel, Tourist Accommodation		Hotel, Motel, Tourist Accommodation
	Licensed Establishment		Licensed Establishment
	Personal Service Establishment		Personal Service Establishment
	Restaurant, Coffee Shop		Restaurant, Coffee Shop
	Retail, General Specialty Shop		Retail, General Specialty Shop

As the subject property is not located within the Core Commercial area, and Highway Commercial uses are not recommended for the location of the applicant property, staff are proposing creation of a "C3: *General Commercial*" zone. The zone would be applicable to general commercial uses outside the Highway Commercial and Core Commercial Zones, and would permit the following recommended uses, including the applicant's intended use, "*Business, Professional, Administrative Office*".

C3: GENERAL COMMERCIAL
Business, Professional, Administrative Office
Entertainment Facility
Financial Service
Accessory Buildings & Structures
Accessory Residential
Health, Fitness, Recreation Facility
Hotel, Motel, Tourist Accommodation
Licensed Establishment
Personal Service Establishment
Restaurant, Coffee Shop
Retail, General Specialty Shop

By implementing a new C3: General Commercial Zone, the following sections of the Zoning Bylaw are updated:

SECTION	CURRENT	AMENDMENT
4.8(1)(a)	The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to: a) Zero for lots zoned R1, R2, R3, C2, and P1. b) One for lots zoned C1, M1 and M2.	The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to: a) Zero for lots zoned R1, R2, R3, C2, C3 , and P1. b) One for lots zoned C1, M1 and M2.
4.11(2)	Fences and Landscape Screens (1) Landscape screens or fences may be sited on any portion of a lot. (2) Landscape screens or fences shall	Fences and Landscape Screens (1) Landscape screens or fences may be sited on any portion of a lot. (2) Landscape screens or fences shall

	<p>not exceed a height of 2.0 metres within the R-1, R-2, R-3 and C-2 zones.</p> <p>(3) In the M-1, M-2 and C-1 zones, all shipping containers, outdoor industrial activity and outdoor industrial storage areas shall be enclosed by a landscape screen or tight board fence with a height not less than 2.0 metres.</p>	<p>not exceed a height of 2.0 metres within the R-1, R-2, R-3, C-2 and C3 zones.</p> <p>In the M-1, M-2 and C-1 zones, all shipping containers, outdoor industrial activity and outdoor industrial storage areas shall be enclosed by a landscape screen or tight board fence with a height not less than 2.0 metres.</p>
4.18(e)	<p>Accessory Residential</p> <p>(1) An accessory residential unit, where permitted within this Bylaw, shall be subject to the following conditions:</p> <ul style="list-style-type: none"> a) In the C-1, M-2, and P-1 Zones, a maximum of one (1) accessory residential unit permitted per site; b) An accessory residential unit must have a separate entrance and separate living, sleeping, sanitary and kitchen facilities from the principal use; c) The minimum width of an accessory residential unit shall be 5.5 metres, and the minimum depth of an accessory residential unit shall be 5.5 metres; d) An accessory residential unit shall be located in the same building above or behind the principal use and shall have a separate entrance from the outside; and e) In the Core Commercial C-2 Zone, a maximum of two (2) accessory residential units permitted per 13,200 ft² (1,226m²) minimum build site. 	<p>Accessory Residential</p> <p>(1) An accessory residential unit, where permitted within this Bylaw, shall be subject to the following conditions:</p> <ul style="list-style-type: none"> a) In the C-1, M-2, and P-1 Zones, a maximum of one (1) accessory residential unit permitted per site; b) An accessory residential unit must have a separate entrance and separate living, sleeping, sanitary and kitchen facilities from the principal use; c) The minimum width of an accessory residential unit shall be 5.5 metres, and the minimum depth of an accessory residential unit shall be 5.5 metres; d) An accessory residential unit shall be located in the same building above or behind the principal use and shall have a separate entrance from the outside; and e) In the Core Commercial C-2 Zone and the General Commercial C-3 Zone, a maximum of two (2) accessory residential units permitted per 13,200 ft² (1,226m²) minimum build site.
4.22(1)	<p>Off Street Loading Requirements</p> <p>(1) One off-street loading space shall be provided in the C-1, C-2, M-1 and M-2 Zones for every 300 square metres of floor area.</p> <p>(2) Each loading space shall have a minimum length of 12 metres, a minimum width of 3.5 metres and a minimum height of 4 metres.</p> <p>(3) Each loading space shall have convenient vehicular access to a street or lane by means other than through an area designated for off-street parking.</p>	<p>Off Street Loading Requirements</p> <p>(1) One off-street loading space shall be provided in the C-1, C-2, C-3, M-1 and M-2 Zones for every 300 square metres of floor area.</p> <p>(2) Each loading space shall have a minimum length of 12 metres, a minimum width of 3.5 metres and a minimum height of 4 metres.</p> <p>(3) Each loading space shall have convenient vehicular access to a street or lane by means other than through an area designated for off-street parking.</p>
5.1	<p>Zone Designations</p> <p>(1) For the purpose of this bylaw, the</p>	<p>Zone Designations</p> <p>(1) For the purpose of this bylaw, the</p>

	<p>Village of Slocan is divided into the following zones:</p> <table><tr><td>R-1</td><td>Single and Two Family Residential</td></tr><tr><td>R-2</td><td>Special Residential</td></tr><tr><td>R-3</td><td>Multi-Family Residential</td></tr><tr><td>C-1</td><td>Highway Commercial</td></tr><tr><td>C-2</td><td>Core Commercial</td></tr><tr><td>M-1</td><td>Mill Industrial</td></tr><tr><td>M-2</td><td>Light Industrial</td></tr><tr><td>P-1</td><td>Parks, Open Space and Institutional</td></tr></table>	R-1	Single and Two Family Residential	R-2	Special Residential	R-3	Multi-Family Residential	C-1	Highway Commercial	C-2	Core Commercial	M-1	Mill Industrial	M-2	Light Industrial	P-1	Parks, Open Space and Institutional	<p>Village of Slocan is divided into the following zones:</p> <table><tr><td>R-1</td><td>Single and Two Family Residential</td></tr><tr><td>R-2</td><td>Special Residential</td></tr><tr><td>R-3</td><td>Multi-Family Residential</td></tr><tr><td>C-1</td><td>Highway Commercial</td></tr><tr><td>C-2</td><td>Core Commercial</td></tr><tr><td>C-3</td><td>General Commercial</td></tr><tr><td>M-1</td><td>Mill Industrial</td></tr><tr><td>M-2</td><td>Light Industrial</td></tr><tr><td>P-1</td><td>Parks, Open Space and Institutional</td></tr></table>	R-1	Single and Two Family Residential	R-2	Special Residential	R-3	Multi-Family Residential	C-1	Highway Commercial	C-2	Core Commercial	C-3	General Commercial	M-1	Mill Industrial	M-2	Light Industrial	P-1	Parks, Open Space and Institutional
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5.12.1		<p>Permitted Uses</p> <p>Land, buildings and structures in the Core Commercial zone shall be used for the following purposes only:</p> <ul style="list-style-type: none">(a) Accessory Buildings and Structures;(b) Accessory Residential;(c) Business, Professional, Administration Office;(d) Entertainment Facility(e) Financial Service;(f) Health, Fitness, Recreation Facility;(g) Hotel, Motel, Tourist Accommodation;(h) Licensed Establishment;(i) Personal Service Establishment;(j) Restaurant, Coffee Shop;(k) Retail, General Specialty Shop.																																		
5.12.2	Consistent with the Core Commercial Zone	<p>Minimum Site Area</p> <p>The site area shall not be less than 614 square metres (2 lots).</p>																																		
5.12.3	<ul style="list-style-type: none">(a) Consistent with the Core Commercial and Highway Commercial Zones.(b) Consistent with the Core Commercial Zone.(c) Consistent with the Highway Commercial Zone.(d) Consistent with the Core Commercial Zone.	<p>Setbacks</p> <ul style="list-style-type: none">(a) No building or structure shall be located within 4.5 metres of the front lot line.(b) No building or structure shall be located within 4.5 metres of the interior lot line when the C-3 lot abuts a residential zone.(c) When a C-3 lot abuts a non-residential zone, no building or structure shall be located within 3 metres of the interior lot line.(d) No building or structure shall be located within 4.5 metres of the rear lot line.																																		

5.12.4	Consistent with the Highway Commercial Zone.	Height (a) No building or structure shall exceed 10 metres in height.
5.12.5	Consistent with the Highway Commercial Zone.	Site Coverage (a) Buildings and structures shall not cover more than 50 per cent of the site in total.
Schedule 'B'	Land Use Designation Map	Land Use Designation Map Updated

By implementing a new C3: General Commercial Zone, the following sections of the OCP Bylaw are updated:

SECTION	CURRENT	AMENDMENT
4.0	The future use and development of land within the Village of Slocan shall be consistent with the overall pattern of land use depicted on Schedule 'B' – Land Use Designation Map, based on the following land use designations: R-1 Single and Two-Family Residential R-2 Special Residential R-3 Multi-Family Residential C-1 Highway Commercial C-2 Core Commercial SD Special Development M Industrial P Parks, Open Space and Institutional	The future use and development of land within the Village of Slocan shall be consistent with the overall pattern of land use depicted on Schedule 'B' – Land Use Designation Map, based on the following land use designations: R-1 Single and Two-Family Residential R-2 Special Residential R-3 Multi-Family Residential C-1 Highway Commercial C-2 Core Commercial C-3 General Commercial SD Special Development M Industrial P Parks, Open Space and Institutional
7.2.1	Commercial uses, including general commercial and highway commercial, shall locate in the appropriate "C-1" Highway Commercial or "C-2" Core Commercial Designations Schedule 'B' – Land Use Designation Map.	Commercial uses, including general commercial and highway commercial, shall locate in the appropriate "C-1" Highway Commercial, "C-2" Core Commercial, or "C-3" General Commercial Designations Schedule 'B' – Land Use Designation Map.
Schedule 'B'	Land Use Designation Map	Land Use Designation Map Updated

PUBLIC HEARING:

Public Hearings are required before adopting any OCP or Zoning bylaw or bylaw amendment. This is to provide ample opportunity for community review of the proposal. However, if the proposal is consistent with the OCP, the public hearing requirement may be waived and notice posted, pursuant to section 464(2) and 467 of the *Local Government Act*. This application is in line with the OCP; therefore, Council may choose to waive the Public Hearing if so desired. To maintain transparency, and to allow an opportunity for the public to comment, staff recommend proceeding with the Public Hearing.

COSTS AND BUDGET IMPACT - REVENUE GENERATION:

- The joint Zoning/OCP Amendment Application Fee of \$500 has been processed.
 - New development promotes increase to taxation and utility revenue.
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RECOMMENDATIONS:

1. That the "Village of Slocan Zoning Amendment Bylaw No. ____, 2021" and "Village of Slocan OCP Amendment Bylaw No. ____, 2021" be read a first and second time by title only.
2. That Council schedule a Public Hearing concerning the Zoning and OCP Amendment Bylaws on Monday, January 10th at 6pm p.m.

JP, BUB ✓

JP, BUB ✓



Michelle Gordon
Chief Administrative Officer

705 Delaney Avenue proposal summary

6.1

The land discussed in this rezoning application is currently registered as "Mill Industrial". This categorization greatly reduces the ability to operate in a current and broader form on the property and in the building. Also to be considered in rezoning, there is no longer a mill in the town therefore this term "Mill Industrial" seems to be obsolete.

6.2

The future intended use of the property and building that I am applying for is to be "Commercial Use".

This will allow to accommodate small suites and offices to be rented to entrepreneurs as well as established business people. It will provide office space and or small design spaces, create spaces, educational spaces for rent. It will also provide some office space to future plan development in the Slocan area.

These options will in my opinion benefit the community financially, as well as educationally and adding cleanliness and tidiness to an area that has gone un-maintained for some time (the site mentioned in application). I hope to create a vibrant hub for local business as well as youth and adult education and continued learning outside of the ordinary realms of standardized education through a vetted rental process. I intend to encourage like minded businesses that can benefit one another collectively to add strength and likelihood of success to one another within the location.

THE CORPORATION OF THE VILLAGE OF SLOCAN

BYLAW NO. ___, 2021

BEING A BYLAW TO AMEND ZONING BYLAW NO. 633

WHEREAS the Council of the Village of Slocan deems it desirable to amend the “Village of Slocan Zoning Bylaw No. 633, 2013” to implement a new zone, “C-3: General Commercial”, and to re-zone a portion of Village-owned land from M1: Mill Industrial Zone to C-3: General Commercial Zone, within the Village of Slocan.

NOW THEREFORE, the Council of the Village of Slocan in open meeting assembled hereby ENACTS AS FOLLOWS:

1. That a new section, Section 5.12, be added to the bylaw, to include regulations for a C-3: General Commercial Zone, as appended hereto and marked as Schedule ‘A’ to this Bylaw.
2. That Section 4.8(1) of the Bylaw be deleted in its entirety, and replaced with:

*“The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to:
a) Zero for lots zoned R1, R2, R3, C2, C3, and P1.
b) One for lots zoned C1, M1 and M2.”*
3. That Section 4.11(2) of the Bylaw be deleted in its entirety, and replaced with:

“Landscape screens or fences shall not exceed a height of 2.0 metres within the R-1, R-2, R-3, C-2 and C3 zones.”
4. That Section 4.18(e) of the Bylaw be deleted in its entirety, and replaced with:

“In the Core Commercial C-2 Zone and the General Commercial C-3 Zone, a maximum of two (2) accessory residential units permitted per 13,200 ft² (1,226m²) minimum build site.”
5. That Section 4.22(1) of the Bylaw be deleted in its entirety, and replaced with:

“One off-street loading space shall be provided in the C-1, C-2, C-3, M-1 and M-2 Zones for every 300 square metres of floor area.”
6. That Section 5.1 of the Bylaw be deleted in its entirety, and replaced with:

“For the purpose of this bylaw, the Village of Slocan is divided into the following zones:

R-1	Single and Two Family Residential
R-2	Special Residential
R-3	Multi-Family Residential
C-1	Highway Commercial

C-2	Core Commercial
C-3	General Commercial
M-1	Mill Industrial
M-2	Light Industrial
P-1	Parks, Open Space and Institutional

7. That the property legally described as Lots 1-4, Block 8, DL 292, Plan 496, Kootenay Land District, 705 Delany Avenue, be rezoned from "M1: Mill Industrial Zone" to "C3: General Commercial Zone".
8. That Schedule "B" Zoning Map of Zoning Bylaw No. 633, 2013 be redrawn to change Zoning Designation of the property situated at Lots 1-4, Block 8, DL 292, Plan 496, Kootenay Land District, 705 Delany Avenue, to "C3: General Commercial Zone".
9. This Bylaw may be cited as the **"VILLAGE OF SLOCAN ZONING AMENDMENT BYLAW No. ___, 2021."**

READ A FIRST TIME the ____ day of _____;

READ A SECOND TIME the ____ day of _____;

PUBLIC HEARING held on the ____ day of _____;

READ A THIRD TIME the ____ day of _____;

FINALLY PASSED AND ADOPTED the ____ day of _____.

Mayor

Chief Administrative Officer

SCHEDULE 'A'

5.12 General Commercial Zone (C-3)

5.12.1 Permitted Uses

Land, buildings and structures in the General Commercial zone shall be used for the following purposes only:

- (a) Accessory Buildings and Structures;
- (b) Accessory Residential;
- (c) Business, Professional, Administration Office;
- (d) Entertainment Facility
- (e) Financial Service;
- (f) Health, Fitness, Recreation Facility;
- (g) Hotel, Motel, Tourist Accommodation;
- (h) Licensed Establishment;
- (i) Personal Service Establishment;
- (j) Restaurant, Coffee Shop;
- (k) Retail, General Specialty Shop.

5.12.2 Minimum Site Area

- (a) The site area shall not be less than 614 square metres.

5.12.3 Setbacks

- (a) No building or structure shall be located within 4.5 metres of the front lot line.
- (b) No building or structure shall be located within 4.5 metres of the interior lot line when the C-3 lot abuts a residential zone.
- (c) When a C-3 lot abuts a non-residential zone, no building or structure shall be located within 3 metres of the interior lot line.
- (d) No building or structure shall be located within 4.5 metres of the rear lot line.

5.12.4 Height

- (a) No building or structure shall exceed 10 metres in height.

5.12.5 Site Coverage

- (a) Buildings and structures shall not cover more than 50 per cent of the site in total.

THE CORPORATION OF THE VILLAGE OF SLOCAN

BYLAW NO. ___, 2021

BEING A BYLAW TO AMEND OFFICIAL COMMUNITY PLAN BYLAW NO. 616

WHEREAS the Council of the Village of Slocan deems it desirable to amend the "*Village of Slocan Official Community Plan Bylaw No. 616, 2011*";

NOW THEREFORE, the Council of the Village of Slocan in open meeting assembled hereby ENACTS AS FOLLOWS:

1. That the Village of Slocan Official Community Plan Bylaw No. 616, 2011, section 4.0:

The future use and development of land within the Village of Slocan shall be consistent with the overall pattern of land use depicted on Schedule 'B' – Land Use Designation Map, based on the following land use designations:

R-1	Single and Two-Family Residential
R-2	Special Residential
R-3	Multi-Family Residential
C-1	Highway Commercial
C-2	Core Commercial
SD	Special Development
M	Industrial
P	Parks, Open Space and Institutional

Be deleted in its entirety, and replaced with:

The future use and development of land within the Village of Slocan shall be consistent with the overall pattern of land use depicted on Schedule 'B' – Land Use Designation Map, based on the following land use designations:

R-1	Single and Two-Family Residential
R-2	Special Residential
R-3	Multi-Family Residential
C-1	Highway Commercial
C-2	Core Commercial
C-3	General Commercial
SD	Special Development
M	Industrial
P	Parks, Open Space and Institutional

2. That the Village of Slocan Official Community Plan Bylaw No. 616, 2011, section 7.2.1:

Commercial uses, including general commercial and highway commercial, shall locate in the appropriate "C-1" Highway Commercial or "C-2" Core Commercial Designations Schedule 'B' – Land Use Designation Map.

Be deleted in its entirety, and replaced with:

Commercial uses, including general commercial and highway commercial, shall locate in the appropriate "C-1" Highway Commercial, "C-2" Core Commercial, or "C-3" General Commercial Designations Schedule 'B' – Land Use Designation Map.

3. That the Village of Slocan Official Community Plan Bylaw No. 616, 2011 Schedule 'B' Land Use Designation Map be redrawn to change designation of the property legally described as Lots 1-4, Block 8, DL 292, Plan 496, Kootenay Land District, 705 Delany Avenue, from "M1: Mill Industrial Zone" to "C-3: General Commercial Zone".
4. This Bylaw may be cited as **"VILLAGE OF SLOCAN OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. ___, 2021"**.

READ A FIRST TIME the ____ day of _____;

READ A SECOND TIME the ____ day of _____;

PUBLIC HEARING held on the ____ day of _____;

READ A THIRD TIME the ____ day of _____;

FINALLY PASSED AND ADOPTED the ____ day of _____;

Mayor

Chief Administrative Officer