

CITY OF FORT SASKATCHEWAN

Downtown Land Use Bylaw – Request for Direction

Motion:

That Council directs Administration to include single detached dwellings as a listed use under the Transitional Residential – Downtown (TR-D) district.

Purpose:

To request direction from Council regarding components of the Downtown Land Use Bylaw prior to first reading.

Background:

Council adopted the Downtown Area Redevelopment Plan (DARP) in 2009. The DARP is a statutory plan which was created to guide future growth in the downtown area. Since the DARP's adoption, the City of Fort Saskatchewan has invested substantial resources to implement components of the Plan. To ensure further investment aligns with the vision and goals of the DARP, the Downtown Land Use Bylaw project was initiated.

The Downtown Land Use Bylaw creates a new section within the existing Land Use Bylaw that includes land use districts (zones) specific to the downtown. The DARP consists of seven precincts which provide specific policy and design direction for each subarea. To implement this direction, eight new districts have been created:

| DARP Precinct | New District |
|-----------------------------|-------------------------------------|
| Core Commercial | Core Commercial (CC-D) |
| Live/Work | Mixed Use (MU-D) |
| Mall Redevelopment | Mall Precinct (MP-D) |
| Northeast Transition | Transitional Residential (TR-D) |
| Civic | <i>Remain DC(A)</i> |
| Old Fort/Open Space | Historic Precinct (HP-D) |
| 99 th Commercial | 99 th Commercial (99C-D) |
| <i>Unique Pockets</i> | Medium Density Multiple (RMM-D) |
| <i>Unique Pockets</i> | Public Service (PS-D) |

Extensive public engagement has been conducted in respect to this project. Efforts included:

- Two public open houses
- Online survey
- Stakeholder workshop
- One-on-one interviews
- Director's forum

A summary of stakeholder consultation is available as Appendix A.

Originally, the Downtown Land Use Bylaw was scheduled to come before Council for first reading on March 22, 2015. However, following the feedback received through public

engagement, Administration determined direction from Council for certain aspects of the bylaw was needed prior to proceeding. Therefore, we are seeking Council's direction on the following items.

1. Transitional Residential – Downtown (TR-D) district: inclusion of Single Detached Dwellings

The current draft of the Transitional Residential – Downtown (TR-D) district lists semi-detached dwellings and multi-attached dwellings as residential uses. This is reflective of policy within the Northeast Transition Precinct of the DARP, which states:

"Infill redevelopment for residential uses north of the lane that is north of 100 Avenue will be limited to semi-detached dwellings, duplexes, and townhouses (up to four dwellings), to a maximum height of 2 ½ storeys (10.0 m)... Infill residential uses must be sensitive to the existing character of the surrounding low density area."

Details around the Northeast Transition precinct within the DARP further states:

"The community has expressed a desire to retain the residential character of the area..."

Through the public engagement process of this project, this was found to remain consistent today. Residents raised concerns with not including single detached dwellings as a listed use within the district, particularly in regards to the inability to rebuild their current home if significantly damaged.

The TR-D encompasses a small amount of residential properties. Including single detached dwellings within the district will have minimal impact on achieving the intent of the DARP, but based on feedback received from residents this will have a substantial impact on way of life. Densification and reinvestment within this area should be encouraged, but this can be achieved by listing single detached dwellings as a discretionary use.

Administration is recommending single detached dwellings be included as a discretionary use in the TR-D district. Should Council agree with Administration's recommendation the following motion could be put forward:

That Council directs Administration to include single detached dwellings as a discretionary use under the Transitional Residential – Downtown (TR-D) district.

2. Awnings and Weather Protection

The Downtown Area Redevelopment Plan addresses that non-residential buildings provide weather protection for pedestrians through awnings, canopies, recesses, and arcades. Awnings and canopies are strongly endorsed as a simple and affordable way to provide weather protection on new and existing buildings:

Continuous weather protection is required for commercial frontages on 99 Avenue and 100 Avenue, in the form of awnings or canopies. These are to be of

sufficient depth (minimum 1.5m) to shelter outdoor display and seating, as well as to protect walking space on the adjacent sidewalk.

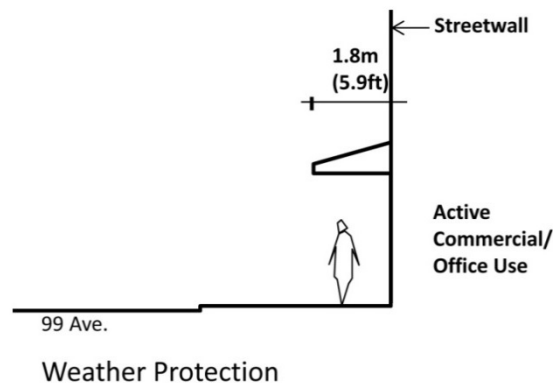
Currently within the Downtown Land Use Bylaw, regulations in the Core Commercial (CC-D), Mall Precinct (MP-D), 99 Commercial (99C-D), and the Public Services (PS-D) districts require canopies and weather protection at the discretion of the Development Authority:

Canopies and Weather Protection

The following regulation is intended to ensure building facades provide appropriate weathering protection to positively contribute to the public realm.

- (a) A continuous weather protection of minimum 1.8 m (5.9ft) width or other means of weather protection at the discretion of the Development Authority shall be provided at the ground floor of all building facades fronting 99 Avenue and 100 Avenue, as per Figure 13.10g.*

Weather Protection along 99 Avenue



Awnings contribute to creating a pedestrian friendly environment in the downtown by providing weather protection, varied signage, urban design and historical character. Awnings create a comfortable environment for pedestrians by sheltering them from wind, rain, and hot sun. This allows shoppers to visit the downtown unimpeded in different seasons and weather conditions and provides a pleasant environment.

Furthermore, awnings are important for urban design as they provide visual interest. In combination, awnings, signage, display windows and street furniture can be used in the design of the building to provide character and accentuate front entrances, achieving another objective of the DARP.

Finally, awnings contribute to the historical aura of the downtown. Historically, awnings were used for weather protection and to control internal building temperatures before

modern heating and air-conditioning. Municipalities undertaking downtown redevelopment initiatives, such as St. Albert, Lacombe, Leduc, Canmore, and Banff have incorporated awnings requirements within their regulations, as well.

As the DARP strongly encourages awnings and incorporating the requirement will assist in achieving the vision of the DARP. Therefore, Administration is recommending the regulations remain as presented. Should Council wish to provide alternative direction, the following motion could be put forward:

That Council directs Administration to amend the regulations within the Downtown Land Use Bylaw to encourage, as opposed to require, canopies and awnings throughout the downtown.

3. Parking

Parking requirements were analyzed to assess if the existing requirements will meet the needs of the downtown in the future. Throughout public consultation, shortage of parking was identified as a major concern. Furthermore, it was recognized that not requiring sufficient parking today could create issues tomorrow for which the City would inherit the cost.

Currently, a *Downtown Parking Overlay* is applied to approximately 25 acres in the downtown. This area does not encompass the entire downtown but applies to a small area within the Downtown. As the regulation currently exists, the parking requirement must be reduced by 80%. For example, if 10 stalls were required and the property was located within the *Downtown Parking Overlay*, the parking requirement would be reduced to 2 stalls.

Parking Requirement: 1000 square feet / 1 stall per 100 square feet = 10 Stalls

10 Stalls x 80% = 2 Stalls

The regulation is written as a 'shall', meaning the reduction is mandatory and the Development Authority has no ability to consider impact to neighbours, surrounding land uses, site characteristics, and so forth.

The Downtown Overlay has existed since 1980 and there is no record of the reasoning behind the 80% reduction. As part of preparing the Downtown Land Use Bylaw, Bunt & Associates Engineering were hired to assess the existing regulation. Bunt's work determined that the current regulation will result in an absorption of the finite supply of on-street parking stalls by employees. If continued, the regulation as it exists will potentially create long term on-street parking impacts which will require City involvement.

Considering Fort Saskatchewan's context, Bunt proposed a smaller parking reduction be applied to a larger area. The 80% downtown parking overlay, currently applied through the *Downtown Parking Overlay* (which applies to 25 acres) would be replaced by a 20% reduction applied to all of downtown (which would apply to approximately 90 acres).

Parking Requirement: 1000 square feet / 1 stall per 100 square feet = 10 Stalls

10 Stalls x 20% = 8 Stalls

For areas previously included in the *Downtown Parking Overlay*, this would result in an increased parking requirement. For areas within the downtown that are not included in the *Downtown Parking Overlay*, this would result in a decreased parking requirement.

As the current regulations will potentially result in the City inheriting a long term development cost, Administration is recommending that the *Downtown Parking Overlay* be removed from the Land Use Bylaw. Should Council wish to provide alternative direction, the following motion could be put forward:

That Council directs Administration to amend the regulations within the Downtown Land Use Bylaw to maintain the Downtown Parking Overlay, with a relaxation of ____ percent.

4. Specific Land Uses

Concerns were raised by the Downtown Business Council regarding classifications of specific land uses (as outlined in Appendix B):

- Banning blacksmith shops or printing shops;
- Listing funeral homes as a discretionary use instead of permitted; and
- Banning auto-repair shops or auto-related businesses from any part of the downtown;

The uses listed within the Core Commercial (CC-D) district are very similar to the existing Core Commercial (C4) district. Depending on the intensity of the operation, blacksmith shops and printing shops could be classified as Custom Manufacturing Establishment and Business Support Service. Funeral homes are currently listed as a discretionary use because of the potential impacts associated with large gatherings or people. Auto-repair shops and auto-related business continue to be a use allowed, but will now be concentrated to along 99 Avenue. These businesses do not provide a draw for future residential infill development in the downtown, which is critical for achieving the vision of the DARP and future targets for Fort Saskatchewan. However, Administration recognizes the roll the services provide and believe 99 Avenue is an appropriate location to concentrate new auto-related businesses. Existing auto-related businesses not located along 99 Avenue may continue to operate as a legal non-conforming use until the business closes or substantial reinvestment is required.

As many of the uses remain consistent with what exists today, Administration is recommending that no changes be made to the listed uses within the Core Commercial-Downtown (CC-D) district. Should Council wish to provide alternative direction, the following motion could be put forward:

That Council directs Administration to amend the Core Commercial – Downtown (CC-D) district to include _____ as a ____ (permitted or discretionary) use.

Internal Impacts:

Upon receipt of direction from Council, Administration will proceed with first reading. First reading has been tentatively scheduled for April 12, 2016. A Public Hearing and final readings will follow on April 26, 2016.

Plans/Standards/Legislation:

The Downtown Land Use Bylaw aligns with the overarching document, the Downtown Area Redevelopment Plan. The DARP is a statutory document which was adopted by Council in 2009.

Attachments:

1. Appendix A – Summary of stakeholder consultation
2. Appendix B – Letter from Downtown Business Council
3. Appendix C – Distinction between housing forms
4. Appendix D – Existing Downtown Parking Overlay Area
5. Appendix E – Proposed Downtown Parking Reduction Area

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| Prepared by: | Janel Smith-Duguid Director, Planning & Development | Date: March 15, 2016 |
| Approved by: | Troy Fleming General Manager, Infrastructure & Community Services | Date: March 16, 2016 |
| Reviewed by: | Kelly Kloss City Manager | Date: March 16, 2016 |
| Submitted to: | City Council | Date: March 22, 2016 |