

## CITY OF FORT SASKATCHEWAN

### Bylaw C4-16 to Amend Land Use Bylaw C10-13

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#### Motions:

1. That Council amend Bylaw C4-16 by removing the most southeasterly portion of Lot 1A, Block 37, Plan 6067KS from the downtown specific regulations within the entire bylaw, and that the general definition under Part 13 for “Downtown” be amended to exclude the southeasterly portion of Lot 1A, Block 37, Plan 6067KS, and further that Appendix A – Land Use Map be updated accordingly.
2. That Council give second reading to Bylaw C4-16 to amend Land Use Bylaw C10-13 for the purpose of creating downtown specific regulations, as amended.
3. That Council give third reading to Bylaw C4-16 to amend Land Use Bylaw C10-13 for the purpose of creating downtown specific regulations.

#### Purpose:

The purpose of this report is to present Council with information on Bylaw C4-16, and to request consideration of second and third readings following the Public Hearing. This Bylaw will replace the Central Business District (C4) with eight new districts that align with the Downtown Area Redevelopment Plan (DARP) precincts.

#### 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.

Bylaw C4-16 creates a new section within the existing Land Use Bylaw that includes land use districts 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, as outlined in the chart below:

LUB District	DARP Precinct	Description
Core Commercial (CC-D)	Core Commercial	Provide mixed use commercial developments in the heart of downtown and enhance its role as a key commercial and business centre within the city.
Mall Precinct (MP-D)	Mall Redevelopment	Allow for new medium to high density residential, commercial, office, institutional, and mixed use developments. Highest buildings (potentially 15 storeys) allowed in this district.
Mixed Use (MU-D)	Live Work	Allow for a variety of developments including residential apartments, commercial buildings, and mixed-use residential/commercial buildings. Live work lifestyle promoted in this area.
Medium Density Multiple (RMM-D)	<i>Unique Pockets</i>	Accommodate medium density apartment style buildings with some commercial uses.

Transitional Residential (TR-D)	Northeast Transition	Allow for low to medium residential development and small scale commercial developments. Intended as a transition area between the downtown and the nearby lower density neighbourhoods.
99 Commercial (99C-D)	99 Commercial	Allow for a variety of commercial developments with a strong emphasis on pedestrian friendly spaces. Some opportunity for mixed use development.
Public Service (PS-D)	<i>Unique Pockets</i>	Accommodate institutional uses that serve the social needs of the community within a downtown setting.
Historic Precinct (HP-D)	Old Fort/Open Space	Regulations for development in Fort Saskatchewan's Historic Precinct. New developments shall preserve, rehabilitate and reuse existing historical resources.

Any sites with site specific zoning in place were excluded from the Downtown Land Use Bylaw. This include the Fort Station, which is regulated by the Fort Mall Redevelopment District (C5) and the Civic Precinct, which is regulated as a Direct Control – Administration (DC(A)) districting.

### Public Engagement

Extensive public engagement has been conducted throughout this project. This includes initial engagement at the start of the project in 2013, and public review of the draft version in early 2016. Public engagement opportunities included:

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

A summary of stakeholder consultation is available as Attachment A.

During the March 22 regular Council Meeting, Council was asked to provide direction on specific items regarding the Downtown Land Use Bylaw. The direction provided by Council has been incorporated into Bylaw C4-16. Bylaw C4-16 received first reading during the April 12 regular Council meeting.

During first reading, concerns were raised regarding the impacts of designating an existing use legal non-conforming (a.k.a. grandfathering). Designating a use legal non-conforming is a common practice as it allows an existing business to continue operations while setting future direction. Under Section 643 of the *Municipal Government Act*, a site that is designated legal non-conforming is granted certain rights. The use may continue to operate, ownership can be transferred, structural maintenance can be conducted, and minor alterations can be completed where deemed to not unduly interfere with the amenities of the neighbourhood or affect the use, enjoyment or value of neighbouring properties. Should the use discontinue for six months or longer, the use could not be reinstated. However, as long as the use continues its current operations the impacts are minimal.

Following first reading of Bylaw C4-16, Administration met with a resident who owns a residential property east of 108A Street and north of 98 Avenue, adjacent to Ross Creek Park. The infill potential for the site is great as the site is large but contains only one single detached dwelling. The resident and his homebuilder advised of plans to subdivide the site to allow for multi-attached dwellings but retain a small site for a single detached dwelling. The plan increases the density for the area, provides infill housing, and accommodates different housing types, aligning with the vision of the DARP. However, the proposed RMM-D district does not allow single detached dwellings while the current Medium Lot Residential district (R2) does not allow multi-attached dwellings. To accommodate the resident's plan and achieve the vision of the DARP, it was determined the best solution would be to leave a portion of the site with the current zoning and redistrict the remainder. As such, an amending motion has been prepared for Council.

**Plans/Standards/Legislation:**

The Downtown Land Use Bylaw implements the vision and direction provided by the Downtown Area Redevelopment Plan. Completion of this project also aligns with the *Municipal Development Plan* and the *Community Sustainability Plan*. Many planning documents identify implementation of the Downtown Area Redevelopment Plan as a priority, as evident by such policies as:

*Community Sustainability Plan*

Implement the Downtown Area Redevelopment Plan and Design Guidelines

Create a downtown land use designation with specific regulations to ensure the Downtown Area Redevelopment Plan can be implemented

*Municipal Development Plan*

Implement the Downtown Area Redevelopment Plan and Design Guidelines document, which sets the main policy direction for the development of the Downtown, and support the ongoing initiatives identified in this Plan

Promote downtown revitalization by implementing the Downtown Area Redevelopment Plan and Design Guidelines.

*Downtown Area Redevelopment Plan*

Amendments to Land Use Bylaw, other planning documents to reflect ARP policies

Adoption of the Downtown Land Use Bylaw directly completes five policy items from multiple planning documents, and aligns with countless policies that encourage densification, providing multiple housing type, economic diversification, infill, and accommodating multiple modes of transportation. A summary of relevant policies has been provided as Attachment B.

**Financial Implications:**

None.

**Recommendations:**

1. That Council amend Bylaw C4-16 by removing the most southeasterly portion of Lot 1A, Block 37, Plan 6067KS from the downtown specific regulations within the entire bylaw, and that the general definition under Part 13 for “Downtown” be amended to exclude the southeasterly portion of Lot 1A, Block 37, Plan 6067KS, and further that Appendix A – Land Use Map be updated accordingly.
2. That Council give second reading to Bylaw C4-16 to amend Land Use Bylaw C10-13 for the purpose of creating downtown specific regulations, as amended.
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**Attachments:**

1. Bylaw C4-16
2. Map Amendment to Appendix A- Land Use Map Bylaw C10-13
3. New Appendix E – Land Use Bylaw C10-13
4. Attachment A – Summary of Stakeholder Consultation
5. Attachment B – Relevant Policies

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Approved by:	Troy Fleming General Manager, Infrastructure & Community Services	Date: April 20, 2016
Reviewed by:	Kelly Kloss City Manager	Date: April 20, 2016
Submitted to:	City Council	Date: April 26, 2016