



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

TUESDAY, June 15, 2021 @ 4:00 P.M.

VIA ZOOM

A G E N D A

1) ADOPTION OF AGENDA

2) ADOPTION OF MINUTES

April 27, 2021 (attached)

3) NEW BUSINESS:

- a) **DVP00501** – Development Variance Permit Application for 8555 Harbour Heights Rd
- b) **LUC00018** – Land Use Contract Variance Application for 9240 Chinook Rd

4) INFORMATION ITEMS:

The Staff Liaison will provide an update of APC related items discussed at the most recent Council meeting.

5) DATE OF NEXT MEETING:

The next meeting is tentatively scheduled for **Tuesday, June 29, 2021.**

6) ADJOURNMENT



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON TUESDAY, APRIL 27, 2021 VIA ZOOM

PRESENT: VOTING

Mark Longworth, Chair
Phyllis Kereliuk
Monique Hubbs-Michiel
Jamie Paterson
Don Schuster
Doug Neden
Lisa Briggs
Bill Tarr
Harpreet Nahal

NON-VOTING

Councillor Mund (Appointed Member)

ABSENT: Mayor Cumming (Alternate Appointed Member)

Joshua Lunn
Larry Lundgren

STAFF: Craig Broderick, Manager, Current Planning/Staff Liaison
Jade Adams-Longworth, Records/Committee Clerk

ORDER

The Chair called the meeting to order at 4:01 p.m.

**ADOPTION OF
AGENDA**

Moved by Don Schuster, seconded by Monique Hubbs-Michiel:

THAT the Advisory Planning Committee agenda for April 27, 2021 be adopted.

CARRIED.

**ADOPTION OF
MINUTES**

Moved by Phyllis Kereliuk, seconded by Jamie Paterson:

THAT the minutes for the Advisory Planning Committee meeting of March 23, 2021 be adopted.

CARRIED.

NEW BUSINESS:

**DEVELOPMENT
VARIANCE PERMIT
APPLICATION FOR
702 BRASSEY
CRESCENT
(DVP00505)**

The Manager, Current Planning reviewed the Official Community Plan Amendment and Zoning Amendment in the Predator Ridge Neighbourhood for 702 Brassey Crescent. The Committee noted the following:

- Clarification on the size, depth and type of the pool – it will be a lap and or dunk pool.
- Concerns were raised about the fencing required surrounding the pool. Fencing in a front yard is commonly restricted to 4ft. Applicant will have to achieve the safety standard in the Bylaw.
- It was noted that the landscaping details were mentioned but not provided.

Moved by Bill Tarr, seconded by Doug Neden:

THAT Council support Development Variance Permit Application DVP00505 to vary Section 4.2.1 of Zoning Bylaw #5000 in order to allow an at grade swimming pool to be constructed within the front and exterior side yard on Lot 25, Plan KAS3344, Section 2, Township 13, ODYD (702 Brassey Crescent);

AND FURTHER, that Council support of DVP00505 is subject to the following:

- a) The site plan and elevations intended to illustrate the proposed variance, as shown on Attachments 1 and 3 in the report titled “Development Variance Permit Application for 702 Brassey Crescent” dated April 20, 2021, respectfully submitted by the Manager, Current Planning, be attached to and form part of DVP00505 as Schedule ‘A’.

CARRIED.

INFORMATION ITEMS:

The Manager, Current Planning reviewed the following APC related applications discussed at the April 12, 2021 and at the April 26, 2021 Council meetings:

April 12, 2021

- **DVP00475** – 6820 Foothills Drive

- **DVP00494** – 198 Diamond Way
- **DVP00506** – 624 Hart Place
- **Secondary Suites Bylaw #5852 Amendment** – Removal of the requirement for a license for a secondary suite was adopted.
- **Rezoning Amendment Bylaw #5821** – Received First and Second Readings, Bylaw is to rezone the property (2109 32nd Ave) from ‘R2: Large Lot Residential’ to ‘R3: Medium Lot Residential.’

April 26, 2021

- **Secondary Suites Bylaw Amendment** – Zoning Bylaw Amendment and height clarification
- **Zoning Text (Secondary Suites) Amendment Bylaw #5851** – Received First and Second reading.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for Tuesday, May 11, 2021.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 4:09 p.m.

CERTIFIED CORRECT:

Chair



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Matt Faucher
Current Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 19, 2021
REPORT DATE: June 15, 2021
FILE: 3090-20 (DVP00501)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 8555 HARBOUR HEIGHTS ROAD

PURPOSE:

To review the Development Variance Permit Application (DVP00501) to vary sections of Zoning Bylaw #5000 in order to construct a detached garage and carport addition at 8555 Harbour Heights Road.

RECOMMENDATION:

THAT Council support Development Variance Permit Application (DVP00501) to vary the following sections of Zoning Bylaw #5000 to permit the construction of a detached garage and carport addition on LT 3 PL 14930 SEC 14 TWP 13 ODYD (8555 Harbour Heights Road):

- a) Section 9.2.5 minimum setback requirement from a flanking street from 7.5 m to 3.65 m;

AND FURTHER, that Council's support of DVP00501 is subject to the following:

- a) the site plan illustrating the general siting, layout, form and character of the proposed development, be attached to and form part of DVP00501; and
- b) the applicant providing a survey plan that verifies the proposed structure(s) will not encroach into any Rights of Way or easements registered on title, including but not limited to Plan A10559 (AC watermain).

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support Development Variance Permit Application (DVP00501) to vary the following sections of Zoning Bylaw #5000 to permit the construction of a detached garage and carport addition on LT 3 PL 14930 SEC 14 TWP 13 ODYD (8555 Harbour Heights Road):

- a) Section 9.2.5 minimum setback requirement from a flanking street from 7.5 m to 3.65 m;

AND FURTHER, that Council support of DVP00501 is subject to the following:

- a) the site plan illustrating the general siting, layout, form and character of the proposed development, be attached to and form part of DVP00501; and
- b) the applicant providing a survey plan that verifies the proposed structure(s) will not encroach into any Rights of Way or easements registered on title, including but not limited to Plan A10559 (AC watermain); and

- c) *any conditions that may be cited by Council.*

Note: This alternative supports the Development Variance Permit Application and provides for additional conditions as may be cited by Council.

2. THAT Council not support Development Variance Permit Application (DVP00501) to vary the following sections of Zoning Bylaw #5000 to permit the construction of a detached garage and carport addition on LT 3 PL 14930 SEC 14 TWP 13 ODYD (8555 Harbour Heights Road):

- a) Section 9.2.5 minimum setback from a flanking street from 7.5 m to 3.65 m.

Note: Denial of the Development Variance Permit Application would restrict the siting of any proposed structure to meet the existing provisions of Zoning Bylaw #5000. The applicant would be required to revise the proposal and future development on the subject property to meet the prevailing zoning provisions.

ANALYSIS:

A. Committee Recommendations:

At its meeting of June 15, 2021, the Advisory Planning Committee passed the following resolution:

“

B. Rationale:

1. The subject property is located at 8555 Harbour Heights Road as shown on Figures 1 and 2. The property is approximately 1,288 m² in size and is within a residential area in the Okanagan Landing Neighbourhood.
2. The subject property is zoned R1 – Estate Lot Residential and the subject application pertains to development regulations within Section 9.2.5 of Zoning Bylaw #5000.
3. The applicant proposal is to construct a detached garage and addition to the carport on the subject property.

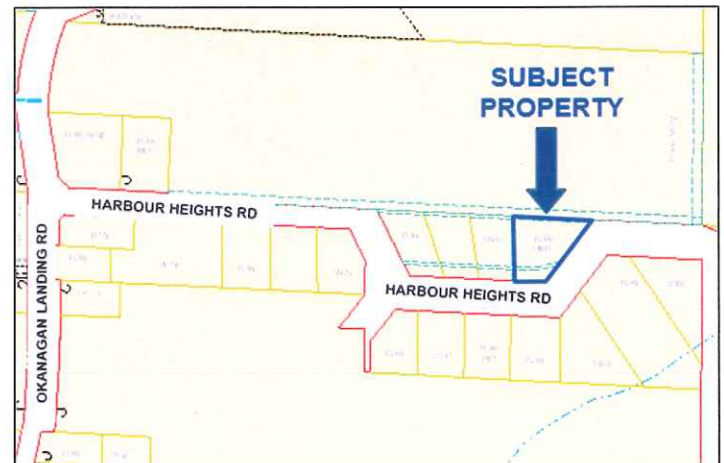


Figure 1 - Property Location Map

4. The subject application proposes to vary the following sections of Zoning Bylaw #5000 in order to permit the construction of a detached garage:

- a) Section 9.2.5 minimum setback from a flanking street from 7.5 m to 3.65 m.

The site plan and elevations for the proposed garage are illustrated in Attachment 1. The proposed location of the garage and carport addition are illustrated in Attachment 2.

5. The proposed structure is approximately 9.75 m x 6.1 m with a total area of 195 m². If Council approves the issuance of the Development Variance Permit a Building Permit will be required to construct the structure.

Administration and the applicant's professional engineer have reviewed the access for the proposed structure, which included a sightline analysis report prepared at the applicant's expense, and determined the proposal meets the Transportation Association of Canada's sightline requirements, as well as City of Vernon bylaw requirements.

6. Administration supports the requested variances for the following reasons:



Figure 2: Aerial Photo of Property

- a) The subject property is adjacent to Agricultural land within the Agricultural Land Reserve (ALR) and the siting of the proposed structure is abutting the ALR property mitigating potential impacts on neighbouring residential properties.
 - b) The applicant has been proactive in consulting their neighbours in regards to their proposal and has obtained signatures in support from the owner(s)/occupant(s) of 8558 and 8570 Harbour Heights Road.
 - c) Given the slope of the site and encumbrances on the title of the subject property (Rights of Way / easements), as well as the sightlines from Harbour Heights Road, the area of the property that could support the construction of a detached garage is limited. The proposed location of the structure is the most suitable placement on the lot.
7. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input for development variance permit applications in written form only, until physical distancing requirements have been lifted by the PHO.

Only those written submissions (or emails to phearings@vernon.ca) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, XX letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, XX written submissions had been received. As input is received, it is placed on the City of Vernon website Development Variance Permits – Public Input as well as in a binder at the front counter of the Community Services Building.

C. Attachments

Attachment 1 – Proposed Site Plan and Elevations
Attachment 2 – Site Survey Plan

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Review and streamline residential development process.

E. Relevant Policy/Bylaws/Resolutions:

1. The following provisions of Zoning Bylaw #5000 R1 – Estate Lot Residential Zone are relevant to the subject application:

- Zoning Bylaw #5000:

Section 9.2.5 Minimum side yard is 2.5 m, except it is 7.5 m from a flanking street.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1

Craig Broderick
Manager, Current Planning

Will Pearce, CAO

Date: _____

X

Signer 2

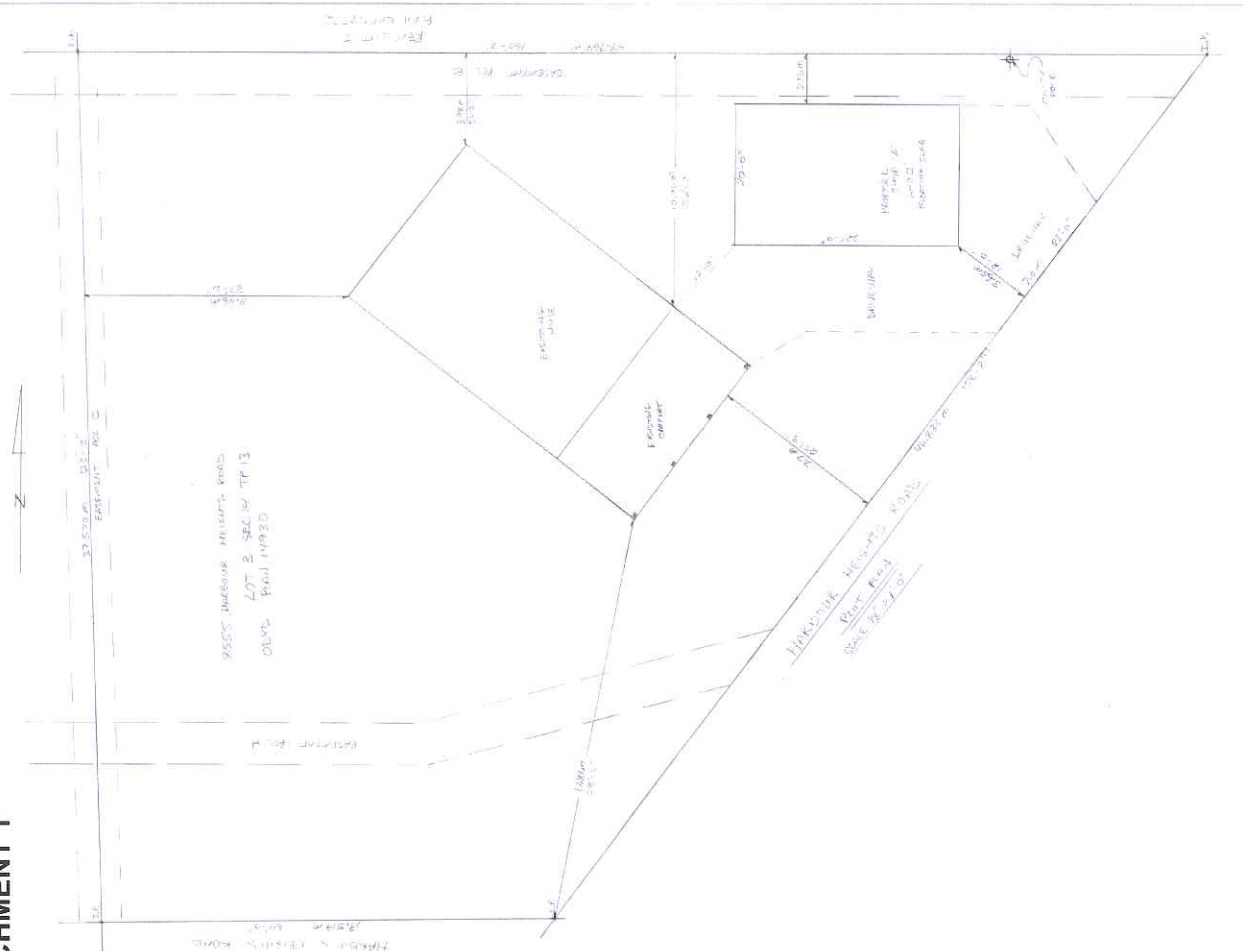
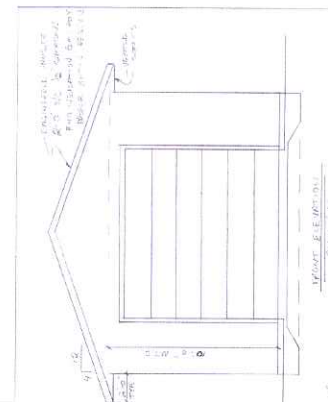
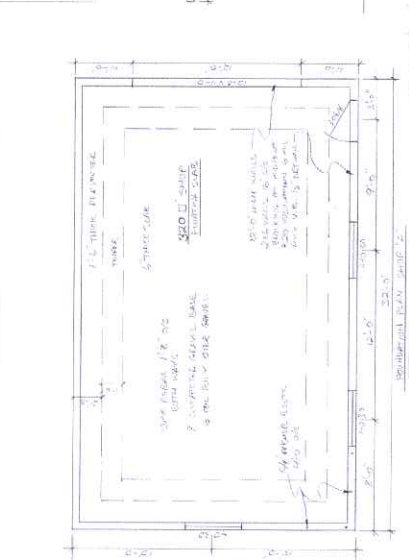
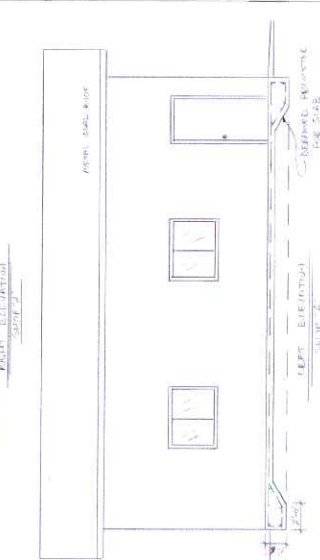
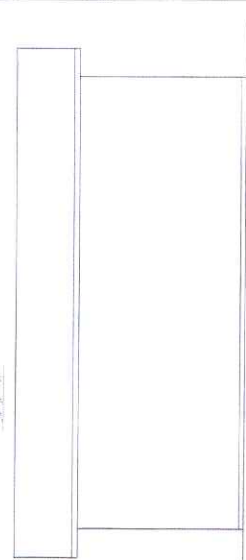
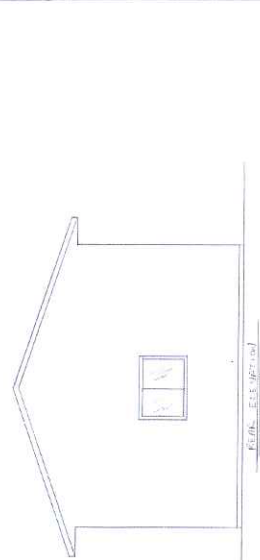
Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|---|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (June 15/21) | | |
| <input type="checkbox"/> OTHER: | | |

'ATTACHMENT 1'

1000 S. HAWKWOOD STREET
 9555 MADISON HEIGHTS ROAD
 MADISON, MD



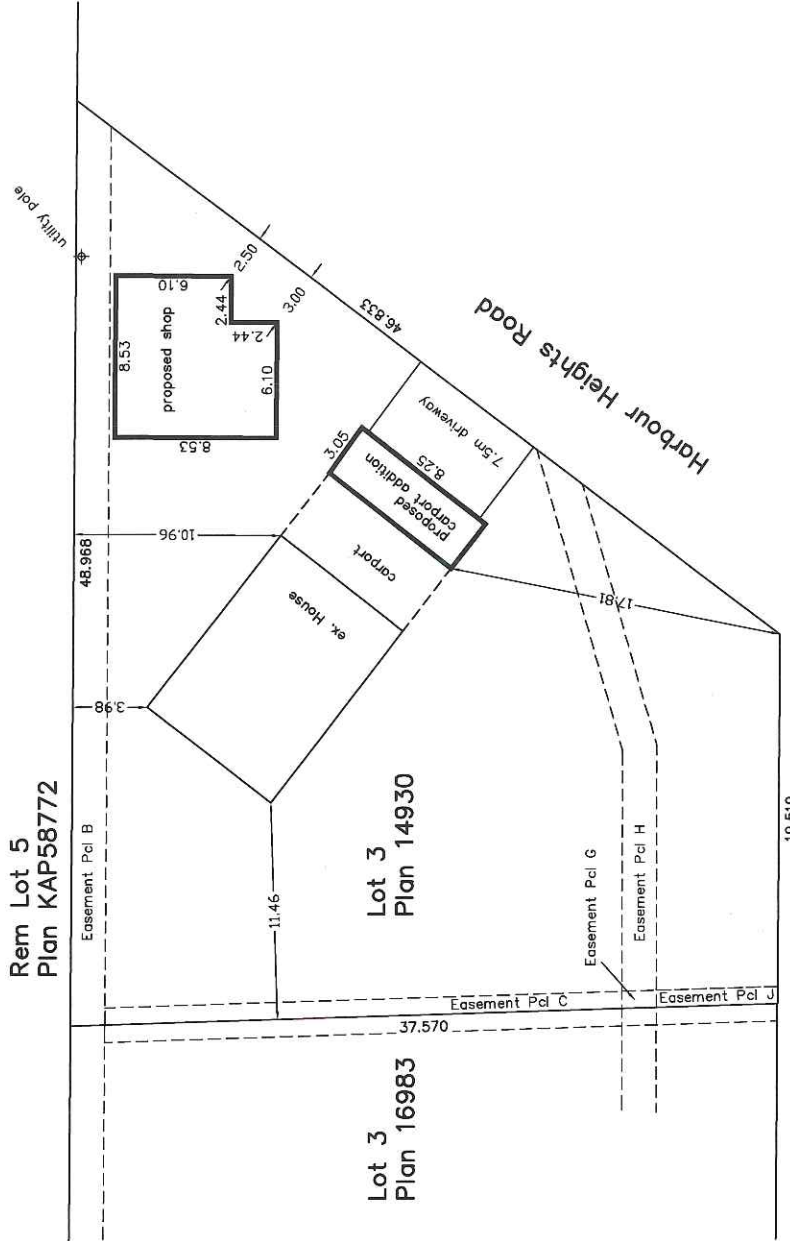
DATE: 08/15/2011

'ATTACHMENT 2'

Rem Lot 5
Plan KAP58772

Lot 3
Plan 14930

Lot 3
Plan 16983



**Site plan of proposed addition on
Lot 3, Sec 14, Tp 13, ODYD, Plan 14930.**

8555 Harbour Heights Road
PID 008-926-352

SCALE 1:250 (all distances in metres)



Distances are shown in metres and decimals thereof unless otherwise noted.

Title is subject to the following non-financial charges:
Statutory Rights of Way - 115329E, 115327E
Easements - 115326E, B4029

This plan has been prepared based on Land Title and Survey Authority records and a field survey completed on the 14th day of July, 2020. Unregistered interests have not been included or considered.

Parcel boundary dimensions are derived from Plan(s) 14930

This plan shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above.

This plan has been prepared for _____ Staals

Russell Shortt Land Surveyors and the signatory accept no responsibility for and hereby disclaim all obligations and liabilities for damages including, but not limited to, direct, indirect, special, and consequential damages arising out of or in connection with any direct or indirect use or reliance upon the plan beyond its intended use.

May 3, 2021

russell shortt
land SURVEYORS

2801-32nd Street, Vernon, B.C. V1T 5L8
Phone: (250)545-0511 Email: jasons@rshortt.ca
FILE: 29596 F.B. 1320 Pg. 72

© JASON R SHORTT, BCLS, 2020. ALL RIGHTS RESERVED.
No person may copy, reproduce, republish, transmit or alter this document, in whole or part without the express written consent of Jason R. Shortt.



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michelle Austin
Planner, Current Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 19, 2021
REPORT DATE: June 10, 2021
FILE: 3360-40 (LUC00018)

SUBJECT: LAND USE CONTRACT VARIANCE APPLICATION FOR 9240 CHINOOK ROAD

PURPOSE:

To review an application to vary the floor area, height and side yard setback of Land Use Contract Bylaw No. 291, 1978 for an accessory residential building at 9240 Chinook Road.

RECOMMENDATION:

THAT Council support Application No. LUC00018 to vary Land Use Contract Bylaw No. 291, 1978 for Lot 18, Sec. 11, TP 13, ODYD, Plan 31060 (9240 Chinook Road) to vary:

- a) Schedule A - Section 4. (b) Floor Area for an accessory residential building from a maximum 55 m² to 69.2 m² and a maximum horizontal dimension from 9 m to 9.9 m;
- b) Schedule A - Section 5. (a) Height for an accessory residential building from a maximum of 5 m to 5.2 m; and
- c) Schedule A - Section 8. (d) Side Yard Setback for an accessory residential building from a minimum of 8 m to 3.7 m.

subject to the following:

- i) That the Certificate of Location of Accessory Building and building elevation plans generally match those shown as Attachment 1 in the report titled "Land Use Contract Variance Application for 9240 Chinook Road" dated June 10, 2021 by the Planner, Current Planning, be attached to and form part of the Land Use Contract Variance (LUC00018) as Schedule 'A'.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Application No. LUC00018 to vary Land Use Contract Bylaw No. 291, 1978 for Lot 18, Sec. 11, TP 13, ODYD, Plan 31060 (9240 Chinook Road) to vary the floor area, height and side yard setback for an accessory residential building.

Note: The subject accessory building (i.e. carport) has already been partially constructed. This alternative does not support the request to vary the LUC, thereby prohibiting the dimensions, height and siting of the carport. If this alternative is approved, a building permit could not be issued for the building and the building would have to be removed.

ANALYSIS:

A. Committee Recommendations:

At its meeting of June 15, 2021, the Advisory Planning Committee adopted the following resolution:

“ “

B. Rationale:

1. The subject property is located at 9240 Chinook Road, as shown on Figures 1, 2 and 3. It is located in Sunset Properties, an established rural subdivision created by a Land Use Contract (LUC) in the 1970s. The property is located in the southwestern area of the city, outside of a designated neighbourhood planning area. At the time of development of Sunset Properties, the area and the rest of the Okanagan Landing (i.e. Electoral Area A) was part of the North Okanagan Regional District. The Official Community Plan designation for this property is Residential Low Density, and the underlying zoning is R1: Estate Lot Residential.

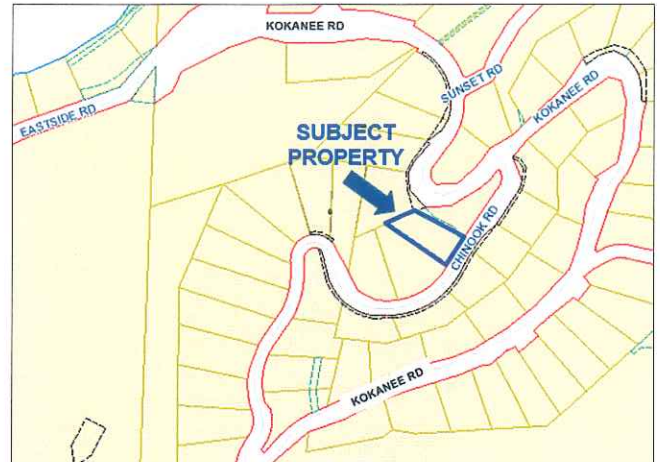


Figure 1: Property Location Map

2. The intent of this application is to request that Council sanction the dimensions, height and siting of a carport that was recently constructed on the property.

3. The subject accessory building (i.e. carport) has already been partially constructed prior to applying for and receiving a building permit. The proposed variance to the LUC would sanction the dimensions, height and siting of the carport. If the recommendation is supported, a building permit would be reviewed and, if compliant with the building regulations, be issued.



Figure 2: Aerial Photo of Property

4. The proposed use, accessory residential, is a permitted use within the LUC. Up to two accessory residential buildings are allowed. The proposed carport is the only accessory building on the property. However, the carport was constructed larger and taller than allowed and too close to the side property line. Table 1, on the following page, shows how the proposed variances compare to the LUC and R1 regulations. Upon expiration of the LUC in three years (on June 30, 2024), the building would comply with the underlying R1 (Estate Lot Residential) zoning and other provisions of Zoning Bylaw #5000.



Figure 3: LIDAR Imagery of Property

	Proposed Carport	LUC Regs	R1 Regs
Floor Area	69.2 m ²	55 m ²	90 m ²
Horizontal Dimension	9.9 m	9 m	N/A
Height	4.4 m (measured as per R1 Regs)	5.2 m (measured as per LUC & associated RDNO Zoning Bylaw No. 229)	4.5 m
Interior Side Yard Setback	3.7 m	8 m	1 m

Table 1: Proposed Variances and Regs

5. LUCs were widely used in B.C. from 1971 to 1977. They essentially formed site specific zoning and development regulations. The use of LUCs was discontinued in 1977.

Under Bill 17, the Miscellaneous Statutes Amendment Act 2014, all LUCs in the province will be automatically terminated and deemed to be discharged from title as of June 30, 2024. There are numerous LUCs in place within the City of Vernon. Administration has been working with applicants to amend (i.e. modify, vary or discharge) LUCs as property owners come forward for redevelopment or improvements, such as the subject application.

6. The Local Government Act Section 546 outlines the processes to be followed for amending (i.e. modifying, varying or discharging) a LUC. Section 546 (2) (b) allows for a LUC to be amended by a Development Variance Permit (DVP), unless the permitted use or density is affected. The proposed carport does not vary use or density, therefore the DVP route can be pursued.
7. Administration supports the variances to the LUC for the following reasons:
 - a) The carport is generally in keeping with the character of the neighbourhood; and
 - b) Provincial legislation will terminate all LUCs in the Province on June 30, 2024. Zoning for the property will default to the R1 Zone, which the proposal complies with.
8. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input for variance applications in written form only, until physical distancing requirements have been lifted by the PHO.

Only those written submissions (or emails to phearings@vernon.ca) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, __ letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, __written submissions had been received. As input is received, it is placed on the City of Vernon website (LUC Variance – Public Input) as well as in a binder at the front counter of the Community Services Building.

C. Attachments:

- Attachment 1 – Certificate of Location and Building Elevations
- Attachment 2 – Land Use Contract Bylaw No. 291, 1978 – Schedule A
- Attachment 3 – Zoning Bylaw #5000 Sections 4.5.4 – 4.5.9 Secondary Buildings in Residential Zones and Section 9.2 R1 – Estate Lot Residential Zone

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Review and streamline the residential development approval process.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1

Will Pearce, CAO

Date: _____

Michelle Austin
Planner, Current Planning

X

Signer 2

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|---|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC Jun. 15/2021 | | |
| <input type="checkbox"/> OTHER: | | |

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF ACCESSORY BUILDING ON

LOT 18, SECTION 11, TOWNSHIP 13, ODYD, PLAN 31060



Address: 9240 Chinook Road, Vernon, BC
PID: 003-818-331

This document shows the relative location of the surveyed structure with respect to the boundaries of the described parcel. This document is prepared for building inspection or mortgage purposes only and is for the exclusive use of our client. This document shall not be used to define property lines or property corners.

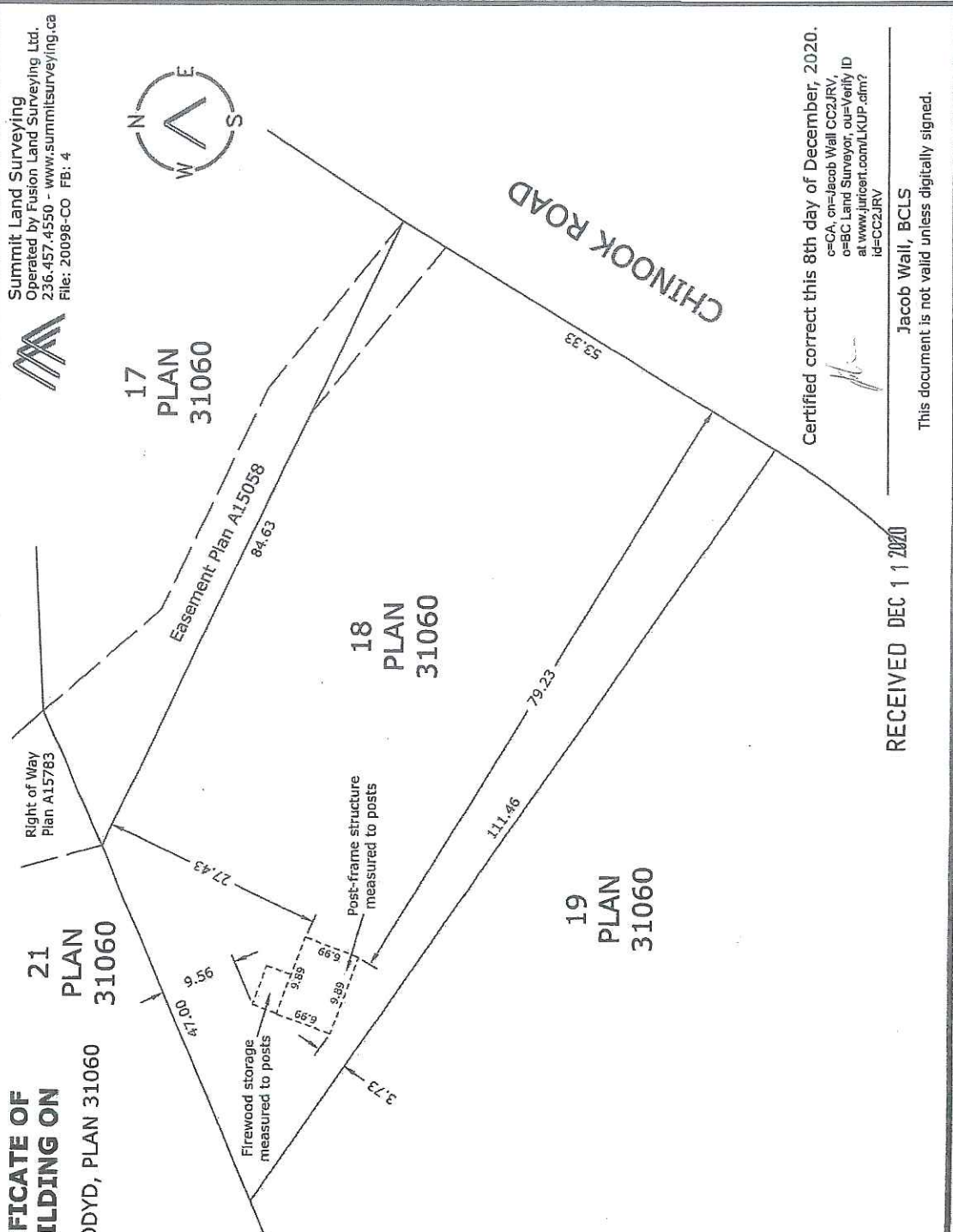
Field survey dated December 8, 2020.

NOTES:

- A comprehensive legal survey may reveal lot dimensions and offsets to boundaries that differ from those shown.
- Unregistered interests have not been included or considered.

The parcel is subject to charges:

- Easement R38939
- Statutory Building Scheme R38941
- Statutory Right of Way T2846



Summit Land Surveying
Operated by Fusion Land Surveying Ltd.
236.457.4550 - www.summitsurveying.ca
File: 20098-CO FB: 4

Certified correct this 8th day of December, 2020.
e=CA, o=Jacob Wall CC2JRV,
e=BC Land Surveyor, ou=Verify ID
at www.juricert.com/LKUP.dfm?
id=CC2JRV

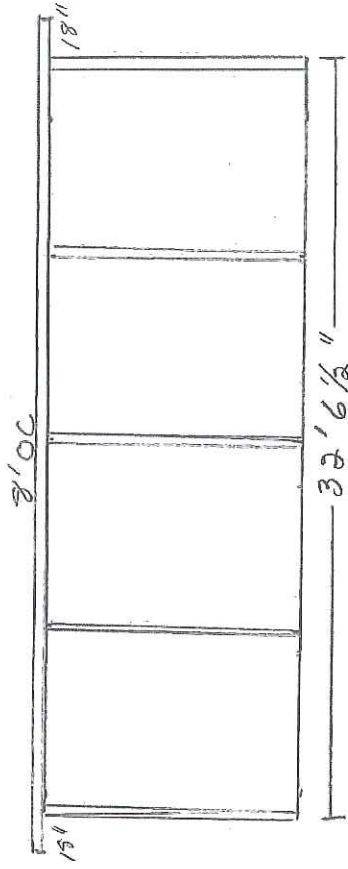
Jacob Wall, BCLS
This document is not valid unless digitally signed.

RECEIVED DEC 11 2020

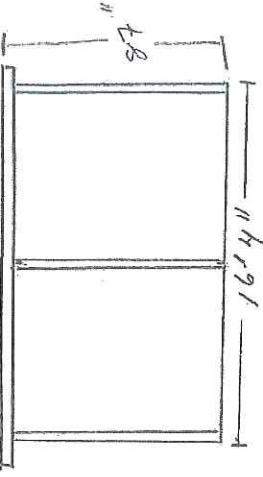
BPM/SL

6" X 6" Posts

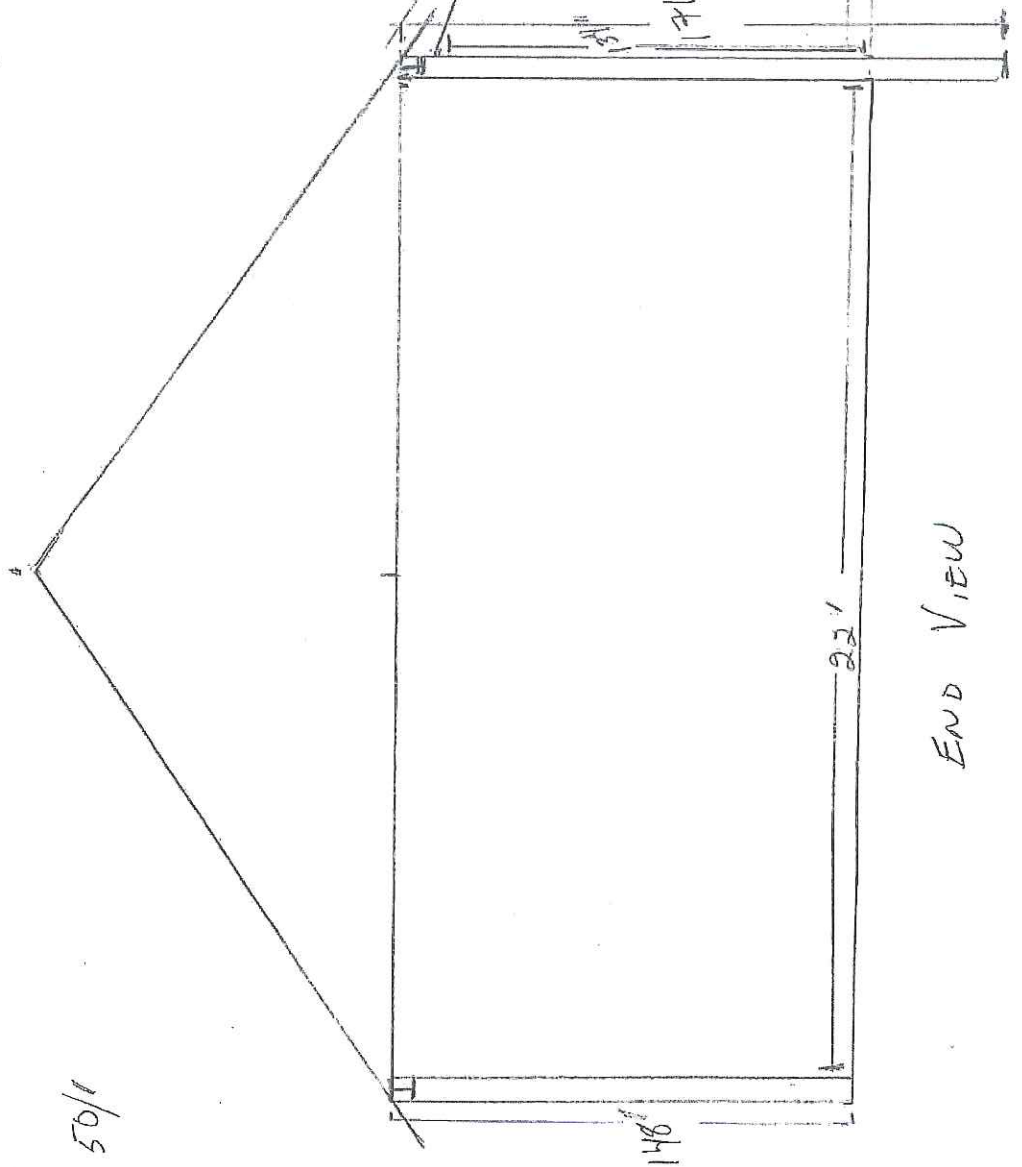
100/1



SIDE VIEW MAIN BUILDING



SIDE VIEW KEANTO

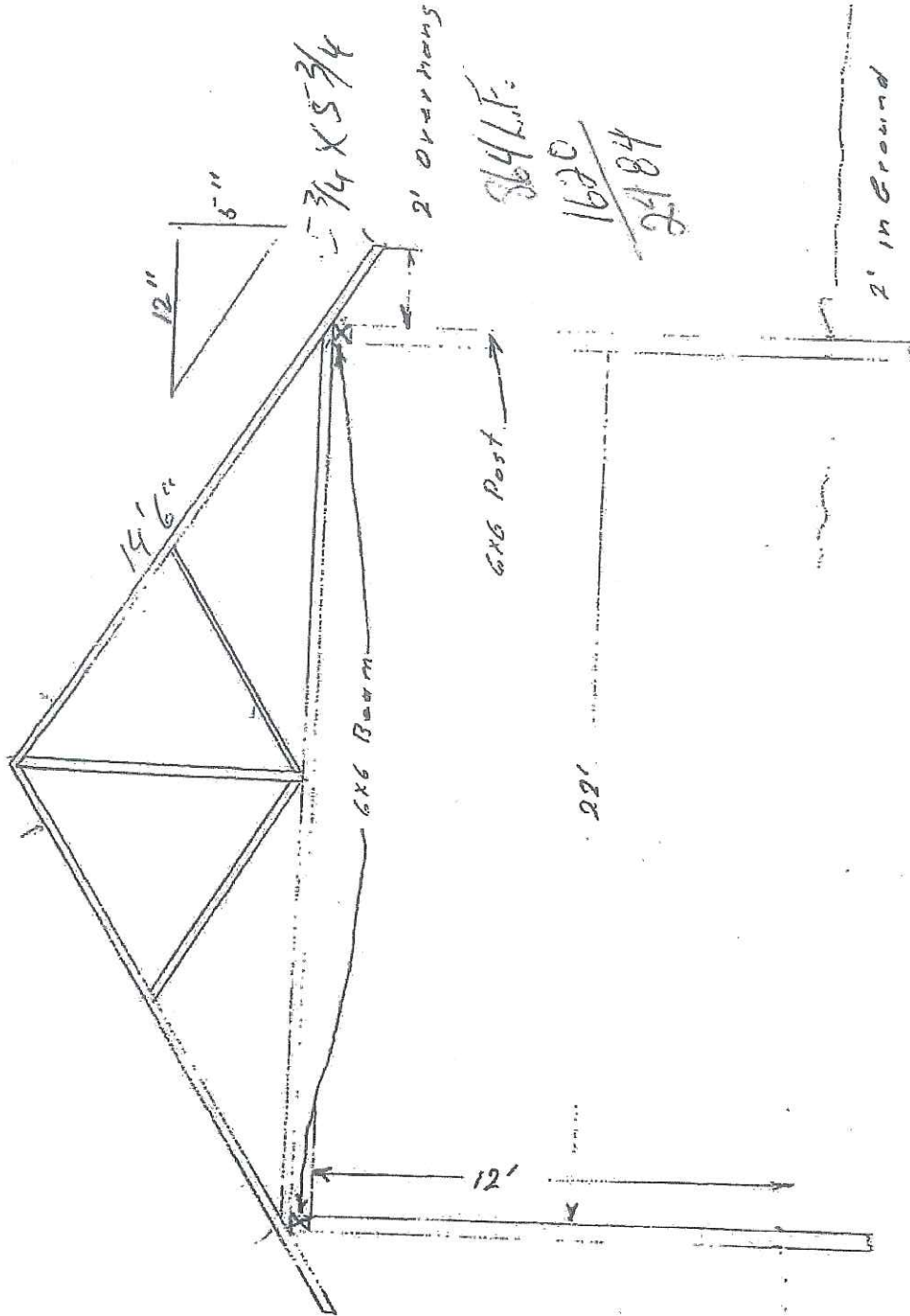


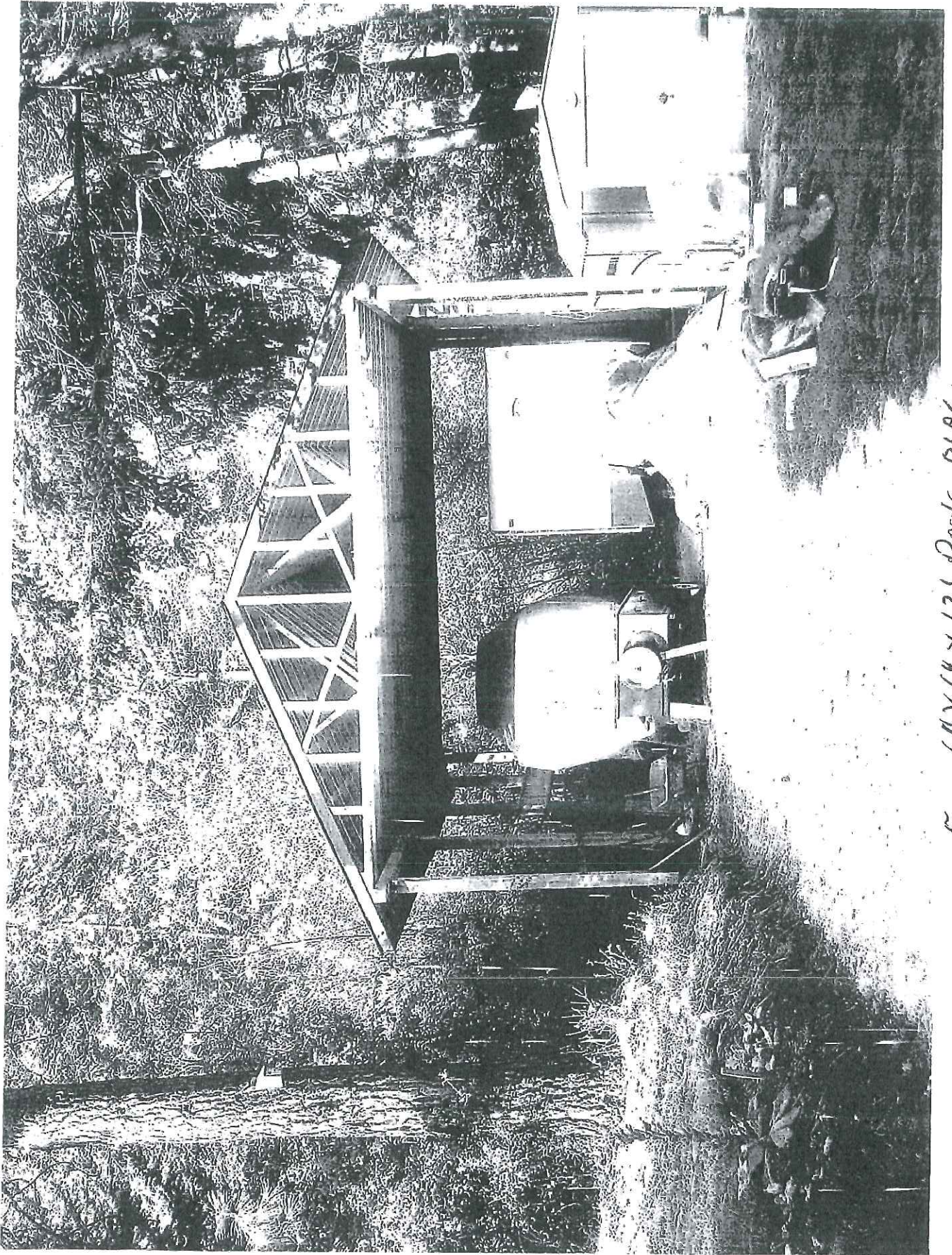
END VIEW

50/1

FRIED & RENATE von SCHELLWITZ
9240 Chinook Rd.
Vernon, BC V1H 1K3
CANADA

1100.00
130.00 screws
1230.00





5 - 6" x 6" x 12' Posts 810C
Building is 32'6" in Length

SCHEDULE "A"

To Land Use Contract No.: 14 - 76

Subdivision

1. No lot or parcel in the lands created by the subdivision referred to in paragraph 2.2 and Schedule "B" (hereinafter called the "Lot") shall be subdivided or partitioned into two or more Lots or any Lots or any Lots consolidated into one or more Lots.

Permitted uses

2. The following uses, as defined by the by-laws of the District and no others shall be permitted;

- (a) Single family dwelling;
- (b) Accessory residential;
- (c) Restricted agricultural.

Buildings per Lot

3. The number of buildings allowed per Lot for each of the above mentioned permitted uses shall be not more than:

- (a) One (1) single family dwelling;
- (b) Two (2) accessory residential buildings;
- (c) Two (2) restricted agricultural buildings.

Floor Area

4. The floor areas shall be as follows:

- (a) The floor area for a single family dwelling shall be not less than 60 m^2 (645.6 square feet).
- (b) The floor area for an accessory residential building shall not be greater than 55 m^2 (591.8 square feet) with no horizontal dimension exceeding 9 m (29.53 feet);

Height of Buildings and Structures

5. The height of buildings and structures shall not exceed:

- (a) 5 m (16.40 feet) for accessory residential use;
- (b) 8 m (26.25 feet) for residential use;
- (c) 10 m (32.81 feet) for restricted agricultural use.

Lot Coverage

6. Lot coverage shall be not greater than thirty percent (30%) of the Lot area.

Off-Street Parking

7. Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of By-law 801 of the By-laws of the District and the number of parking spaces required to be provided on a Lot or Lots, shall be determined by the use or uses being carried on on such Lot or Lots from time to time.

Setbacks

8. (Subject to the special building line setback provisions of Section 407 of the By-laws of the District)

(a) Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than:

(i) 12 m (39.37 feet) for single family dwellings, and accessory residential use;

(ii) 15 m (49.21 feet) for restricted agricultural use;

(iii) 30 m (98.43 feet) for restricted agricultural use involving buildings used for the keeping of animals.

(b) Other Buildings:

Buildings shall not be sited within 3 m (9.843 feet) of any other building, except that buildings for restricted agricultural use involving the keeping of animals shall not be sited within 30 m (98.43 feet) of any residential dwelling not sited on the same Lot.

(c) Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet), except that rear yards free of all buildings and structures used for keeping of animals shall be provided with a depth of not less than 30 m (98.43 feet) where the use abuts a Residential Zone.

(d) Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 8 m (26.25 feet), except that side yards free of buildings and structures used for keeping animals shall be provided with a width of not less than 30m (98.43 feet) where the use abuts a Residential zone.

Exterior side yards free of buildings and structures shall be provided with a width of not less than:

- (i) 12 m (39.37 feet) for single family dwellings, two family dwellings, mobile homes, and accessory residential use;
- (ii) 15 m (49.21 feet) for restricted agricultural use;
- (iii) 30 m (98.43 feet) for restricted agricultural use involving buildings used for the keeping of animals.

(e) Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 406 of this By-law.

Restricted Agricultural Use

9. A restricted agricultural use shall be restricted to the cultivation of land and the keeping of animals for the personal use of the owner only, provided that this does not create a nuisance by reason of sound, sight, or smell and shall not include feed lots, mushroom growing, boarding and breeding kennels, or the keeping of swine or fur bearing animals.

Tree Cutting

10. No trees now standing on the Lands shall be cut or removed from the Lands unless the person desiring to cut any tree or trees makes written application to the District Planning Director for a tree cutting permit and states therein the following:

- (a) The reason for the proposed tree cutting;
- (b) The number, species and location of the tree or trees to be cut; and,
- (c) A tree survey if a building permit is being applied for.

Secondary buildings in Non-Residential Zones

- 4.5.2 A **secondary building** or **structure** in any non-residential **zone** is subject to the **development** regulations for that **zone**.
- 4.5.3 Notwithstanding Section 4.5.2, a **secondary building** or **structure**, excluding **fences**, on a **lot** in a non-residential **zone**, which **abuts** a **lot** in a residential **zone**, shall not be less than 1.0 m from the boundary of the **lot** in a residential **zone**.

Secondary buildings in Residential Zones

- 4.5.4 **Secondary buildings** or **structures**, excluding **fences**, are not permitted in a **front yard**.
- 4.5.5 A **secondary building** or **structure** shall not be used as a **dwelling** unless it is a permitted **secondary suite**.
- 4.5.6 A **secondary building** or **structure** shall not exceed 4.5m or one **storey** in **height**, whichever is the lesser, unless specified otherwise in the **development** regulations of a particular **zone**.
- 4.5.7 **Lot** coverage of **secondary buildings** or **structures** shall not exceed 14% or a maximum area of 90m² for **secondary buildings** in the residential **zones**.
- 4.5.8 There shall be at least 2.0 m spatial separation between a **secondary building** and a primary **building**.
- 4.5.9 **Secondary buildings** and **structures** shall be located on an **interior lot** as follows:
- a **secondary building** shall not be located closer than 18.0m to the **front lot line** unless it complies with the **side yard** requirements for a primary **building**;
 - a **secondary building** shall be located not less than 1.0m from the **side lot line** or shall be unrestricted where the **secondary building** does not exceed the permitted **fence height**,
 - a **secondary building** housing a **secondary suite** shall have the same **side yard** requirements as for the primary **building** in that **zone**.
 - mechanical equipment shall be located to comply with the **side yard** for the primary **building**.

9.2 R1 : Estate Lot Residential

9.2.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on larger urban serviced **lots**. The R1c sub-zoning district allows for **care centre, major** as an additional use. The R1h sub-zoning district allows for **home based business, major** as an additional use. (Bylaw 5467)

9.2.2 Primary Uses

- **care centre, major** (*use is only permitted with the R1c sub-zoning district*)
- **single detached housing**

9.2.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R1h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

9.2.4 Subdivision Regulations

- Minimum **lot width** is 24.0m.
- Minimum **lot area** is 740m², or 10,000m² if not serviced by a **community sewer system**.
- Maximum **density** is 30.0 units per gross hectare (12.0 units/gross acre).

9.2.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 2.5m, except it is 7.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 1.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.2.6 Other Regulations

- There shall be no more than one **single detached house** per lot.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.

- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)