



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

JANUARY 10, 2023 AT 4:00 PM

OKANAGAN ROOM (COUNCIL CHAMBERS) CITY HALL

A G E N D A

1) **ORDER**

2) **LAND ACKNOWLEDGEMENT**

As chair of the City of Vernon's Advisory Planning Committee (APC), and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan nation.

3) **ELECTIONS & APPOINTMENTS**

4) **ORIENTATION**

5) **ADOPTION OF AGENDA**

6) **ADOPTION OF MINUTES**

a) December 13, 2022 (Attached)

7) **NEW BUSINESS**

a) Zoning Text Amendment – Unit Width

b) DVP00592 (4000 29th Street)

8) **INFORMATION ITEMS**

a) Staff Liaison to provide verbal update of APC related items discussed at the last Council meeting.

9) **NEXT MEETING**

The next meeting is tentatively scheduled for **January 24, 2023**

10) **ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE
ADVISORY PLANNING COMMITTEE MEETING
HELD TUESDAY, DECEMBER 13, 2022
OKANAGAN ROOM (COUNCIL CHAMBER) CITY HALL**

PRESENT: Don Schuster
Doug Neden
Harpreet Nahal
Jamie Paterson
Joshua Lunn
Lisa Briggs
Mark Longworth
Mayor Cumming
Phyllis Kereliuk

ABSENT: Margaret Jarman
Monique Hubbs-Michiel
Claire Ishoy

STAFF: Barbara Everdene, Long Range Planner
Craig Broderick, Manager, Current Planning
Jennifer Pounder, Committee Clerk
Michelle Austin, Planner
Roy Nuriel, Planner, Economic Development

ORDER The meeting was called to order at 4:02 p.m.

**LAND
ACKNOWLEDGEMENT** *As Chair of the City of Vernon's Advisory Planning Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.*

Before adoption of the agenda, staff noted an on-table page replacement (Attachment 1 of the report for DVP00604 was replaced).

ADOPTION OF THE AGENDA

Moved by **D. Neden**, seconded by **D. Schuster**:

THAT the agenda of the December 13, 2022 meeting for Advisory Planning Committee be adopted as amended.

CARRIED

ADOPTION OF THE MINUTES

Moved by **D. Schuster**, seconded by **P. Kereliuk**:

THAT the minutes for the November 15, 2022 meeting of Advisory Planning Committee be adopted.

CARRIED

NEW BUSINESS:

ZON00387 / DVP00595 (5101 TURTLE POND PLACE)

Roy Nuriel, Planner, Economic Development, provided an overview of the application as follows:

- The application before the Committee is to rezone the property in order to develop a 77 lot subdivision in the Turtle Mountain neighborhood.
- The applicant is also looking to vary Section 4.16.1 and Section 9.5.5 of Zoning Bylaw 5000 to allow the construction of buildings, structures and swimming pools on slopes greater than 30% and to vary the maximum building height in R4: Small Lot Residential zoning district from the lesser of 10.0m or 2.5 storeys to the lesser of 10.0m or 3.0 storeys.
- The rezoning application is in accordance with the Neighborhood Plan and the Official Community Plan.

The following questions / comments were posed by members of the Committee:

- The Committee expressed concern regarding accessibility for emergency services. Staff stated that roads will likely continue north of this property in the future. The property to the west of this lot has recently been rezoned and there will be an emergency access connection available in the future to connect to Davison Road.

- The Committee commented the corner around lot one is tight and maybe consider widening that entrance.

Moved by **D. Neden**, seconded by **J. Paterson**:

THAT Council support rezoning application 00387 (ZON00387) to rezone Lot 1, Sec 4, Twp 8, Plan EPP124187, ODYD (5101 Turtle Pond Place) from 'R2 – Large Lot Residential', 'R5 – Four-plex Housing Residential' and 'P4 – Utilities' to 'R4 – Small Lot Residential' and 'R5 – Four-plex Housing Residential', as shown in Attachment 6 and outlined in the report titled "Rezoning And Development Variance Permit Applications for 5101 Turtle Pond Place" dated December 8, 2022 and respectfully submitted by the Economic Development Planner;

AND FURTHER, that prior to final adoption of the rezoning amendment bylaw, the subdivision application is approved and its conditions are registered on all property titles;

AND FURTHER, that Council support Development Variance Permit Application 00595 (DVP00595) to vary the following sections of Zoning Bylaw 5000 to develop a 77 lot subdivision on Lot 1, Sec 4, Twp 8, Plan EPP124187, ODYD (5101 Turtle Pond Place):

- a) to allow the construction of buildings, structures and swimming pools on slopes greater than 30% (Section 4.16.1); and
- b) to vary the maximum building height in 'R4 – Small Lot Residential' zoning district from the lesser of 10.0m or 2.5 storeys to the lesser of 10.0m or 3.0 storeys (Section 9.5.5);

AND FURTHER, that Council's support of DVP00595 is subject to the following:

that the slope analysis plan generally noted as Attachment 9 be attached to and form part of DVP00595.

CARRIED

**DVP00604 (7371
TRONSON ROAD)**

Michelle Austin, Current Planner, provided an overview of the application as follows:

- The application before the Committee is for a development variance permit to vary minimum setbacks of Zoning Bylaw 5000, R5 – Four-plex Housing Residential zone for 3 units within a 24-unit semi-detached housing development.
- The variance request is to decrease the minimum flanking street and rear yard setbacks for proposed for Units 15, 22 and 24.
- The proposed variances are anticipated to have minimal impact on the surrounding properties.

The following comments / questions were posed by members of the Committee:

- The Committee asked when the property was originally zoned R5. Staff believe that the R5 zoning has been in place since at least 2004 when the existing zoning bylaw was adopted.
- Staff confirmed that adjacent landowners would be notified of the application and given an opportunity to provide input to Council.
- The Committee expressed concern regarding access off Ogata Way and suggested installing a mirror at the hairpin corner. Staff confirmed that a traffic impact study is being completed by the applicant. The current access is proposed to be moved slightly south.
- The Committee inquired if there has been any discussion regarding parks or trails in the area. Staff confirmed there has not been any discussion about parks specifically; however, a trail connection from the upper portion of the property to Tronson Road has been requested. As the desired zoning is already in place, staff are only able to require parks and trails in accordance with municipal bylaws.
- The Committee recommended a sidewalk be installed on Tronson Road for residents to get to the southside of Tronson Road and local parks. Staff noted that road servicing standards are more rural in nature without a requirement for sidewalks.

- Staff confirmed there will be two parking stalls within each garage for each unit; however, there is insufficient depth for parking on some of the driveways.
- The Committee inquired about moving the access to Bella Vista Rd by Unit 15 due to safety concerns. Staff noted that accesses may be moved if it is deemed unsafe by the traffic impact study.

Moved by **D. Schuster**, seconded by **J. Paterson**:

THAT Council support Development Variance Permit Application 00604 (DVP00604) to vary Zoning Bylaw 5000 for Lot A, DL 56, ODYD, Plan EPP31445 (7371 Tronson Road) as outlined in the report titled "Development Variance Permit Application for 7371 Tronson Road" dated December 7, 2022 and respectfully submitted by the Current Planner, to:

- a) decrease (Section 9.6.6) flanking street setbacks (Bella Vista Road), from 4m to 2m for Unit 15;
- b) decrease (Section 9.6.6) rear yard setbacks (Ogata Way), from 6m to 3.2m for the 1 or 1.5 storey portion of Unit 22;
- c) decrease (Section 9.6.6) rear yard setbacks (Ogata Way), from 7.5m to 3.2m for the 2 or 2.5 storey portion of Unit 22;
- d) decrease (Section 9.6.6) rear yard setbacks (Ogata Way), from 6m to 2.5m for the 1 or 1.5 storey portion of Unit 24; and
- e) decrease (Section 9.6.6) rear yard setbacks (Ogata Way), from 7.5m to 2.5m for the 2 or 2.5 storey portion of Unit 24.

CARRIED
with H. Nahal and J. Lunn opposed

**REZONING CIVIC
MEMORIAL PARK
(3003 37TH AVENUE)**

Barbara Everdene, Long Range Planner, provided an overview of the application as follows:

- The application before the Committee is to align the zoning of Civic Memorial Park to reflect its primary use as a public park.
- This application is to change the property from its current C4 ‘Street Oriented Commercial’ and P2 ‘Public Institutional’ zoning to P1 ‘Parks and Open Space’ to complete the Civic Memorial Park project.
- Half of the current City building on this property will be allotted for park use offering a community room for rentals and also public bathrooms.

There were no questions / comments posed by members of the Committee.

Moved by **J. Paterson**, seconded by **L. Briggs**:

THAT Council support in principle the rezoning of LOT 1 SECTION 3 TOWNSHIP 8 OSOYOOS DIVISION YALE DISTRICT PLAN EPP114413 (3003 37th Avenue) from ‘C4: Street Oriented Commercial’ and ‘P2: Public Institutional’ to ‘P1: Parks and Open Space’ to complete the Civic Memorial Park project as outlined in the report titled “Rezoning of Civic Memorial Park (3003 37th Avenue) dated December 7, 2022 and respectfully submitted by the Long Range Planner and Parks Planner.

CARRIED

STAFF UPDATE

INFORMATION ITEMS:

C. Broderick, Manager, Current Planning/Approving Officer, provided a brief overview regarding some of the projects discussed at the last two Council meetings, as follows:

- **DVP00571 (1608 43 Ave / 4211 17 St)** – Approved
- **DVP00561 (1606 38 Ave)** – Approved
- **DVP00576 (3708 25 Ave)** – Approved

- **DVP00581 (4803 Pleasant Valley Rd)** – Approved
- **DVP00588 (4816, 4960 and 5000 Silver Star Rd)** – Approved
- **Agricultural Land Reserve Regulations** – Text amendment in Zoning Bylaw 5000 – Approved. Going to Public Hearing.
- **City Centre drive-through amendments to Zoning Bylaw 5000** – Coming to Advisory Planning meeting in January, 2023 for review and comment.
- **Zoning Text Amendment Bylaw 5934, 2022 (C10A)** – Approved
- **Bylaw 5927 Rezoning (1609 43rd Ave)** – Final Bylaw reading January 9, 2023 subject to completion of outstanding conditions.

NEXT MEETING

The next meeting for the Advisory Planning Committee is set for January 10, 2023 at 4:00 PM.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 4:45 p.m. by call of the Chair

CERTIFIED CORRECT:

_____ Chair



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michelle Austin
Current Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: January 23, 2023
REPORT DATE: January 4, 2023
FILE: 6450 (Projects/Unit Width)

SUBJECT: ZONING BYLAW 5000 TEXT AMENDMENTS FOR UNIT WIDTH

PURPOSE:

To review proposed text amendments to Zoning Bylaw 5000 to remove minimum unit width regulations from all residential zones.

RECOMMENDATION:

THAT Council support removing minimum unit width regulations from Zoning Bylaw 5000 as outlined in the report titled "Zoning Bylaw 5000 Text Amendments for Unit Width" dated January 4, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council direct Administration to prepare public notice of initial readings for "Zoning Text (Minimum Unit Width) Amendment Bylaw 5933, 2022" to remove unit width restrictions from Zoning Bylaw 5000;

AND FURTHER, that Council not hold a public hearing on "Zoning Text (Minimum Unit Width) Amendment Bylaw 5933, 2022".

ALTERNATIVES & IMPLICATIONS:

1. THAT Council receive, for information, the report titled "Zoning Bylaw 5000 Text Amendments for Unit Width" dated January 4, 2022 and respectfully submitted by the Current Planner.

Note: If Council endorses this alternative, Zoning Bylaw 5000 would remain unchanged. Minimum building width requirements would continue to be enforced. Administration anticipates that variances for unit width would continue to be applied for and considered by Council.

ANALYSIS:

A. Committee Recommendations:

At its meeting of January 10, 2023, the Advisory Planning Committee passed the following resolution:

"(to be cited by the Advisory Planning Committee)."

B. Rationale:

1. At its Regular Meeting of September 14, 2020, as part of a rezoning/development variance application, Council directed Administration to bring forward a zoning text amendment bylaw to address unit width restrictions in Zoning Bylaw 5000.

2. Current regulations for minimum unit width are found within Zoning Bylaw 5000, Section 4.14 Minimum Building Width and within single-detached housing zones and medium density residential zones (Attachment 1). Generally, minimum building width requirements within the bylaw range from:

- 7m to 5m for single detached housing including mobile homes;
- 7.5m to 5m for semi-detached and duplex housing; and
- 6.5m for townhomes (three-plex housing, four-plex housing, row housing, etc.).

3. Historically, minimum building widths were established to prevent owners from placing mobile homes in areas not zoned for that use. Since 2006, the City has received approximately 25 development variance permit applications to decrease minimum building width, equating to 1.5 applications per year of this type (Attachment 2). Requests to decrease unit width vary and depend on the applicable zoning, the desired building size/type and the property width and area. None of these requests have been to vary minimum unit width in order to install a mobile home. Applications were to reduce unit width for a variety of housing types from single detached housing to row housing. Photos 1 to 4 provide recent (2017 to 2022) examples of unit width variances approved by Council and subsequently built.



Photo 1: 2000 33rd St
(2021/semi-detached/unit width variance from 7.5m to 5.5m)

4. As directed by Council, Administration has prepared draft “Zoning Text (Minimum Unit Width) Amendment Bylaw 5933, 2022” for consideration (Attachment 3). The bylaw proposes to remove unit width restrictions from all residential zones. Because the definition of “Single Detached Housing” does not exclude mobile homes, a mobile home could be established in any zone that allows single detached housing. A text amendment to the Single Detached Housing definition is proposed as follows (red text added):

SINGLE DETACHED HOUSING means a detached building containing only one dwelling unit, designed exclusively for occupancy by one household, and a



Photo 2: 1999 15th Ave
(2018/12 four-plexes/unit width variance from 6.5m to 6.1m)

secondary suite where permitted. **Single detached housing does not include a mobile home built to CSA Z240 certified standards.**

Zoning Bylaw 5000 currently allows mobile homes in the A1 – Agriculture within the ALR, A2 – Rural Large Holdings, A3 – Rural Small Holdings and R7 – Mobile Home Residential zones. The intent of the proposed amended definition is to prohibit mobile homes in all residential zones, except the R7 – Mobile Home Residential zone, and continue to allow them in agricultural zones.

5. Administration supports removing unit width restrictions from the zoning bylaw for the following reasons:

- a) Removing unit width restrictions will help to shorten development timeframes by virtue of not requiring variances and help get housing to market quicker.
- b) Unit widths are regulated indirectly through other development controls, such as site coverage and setbacks, as well as market demand. Removing the unit width restriction allows for greater creativity and flexibility in building design, particularly for narrow lots, and may also enable density maximums to be realized.
- c) Building width restrictions conflict with unit width restrictions throughout the bylaw. For example, Section 4.14.1 restricts detached primary building width to a minimum 7m, while some residential zones allow six dwelling units per building, each with a minimum unit width of 6.5m, for a total building width of 39m.



**Photo 3: 1601 33rd St
(2017/2 SDH & suites/unit width variance from 7m to 5.4m)**



**Photo 4: 3405 16th Ave
(2017/two four-plexes/unit width variance 6.5m to 4.9m)**

- d) Unit width is not regulated with consistency throughout the zoning bylaw. There is a wide range of minimum lot widths, however minimum unit widths do not necessarily correspond with lot width. For example, the minimum unit width is 5m in both the RST1 and RST2 zone; however, the minimum lot width for the RST1 zone is 7.6m and 14m for the RST2 zone.
- e) Similarly, minimum unit widths do not necessarily correspond appropriately with the combination of minimum lot widths and side yard setbacks. For example, the R5 zone has a minimum lot width of 20m and minimum side yard setback of 2m, resulting in a 16m wide building envelope. A maximum of 4 dwelling units are allowed per building with each unit being at least 6.5m wide

for a total width of 26m. For a ~20m wide parcel, a maximum of two side by side units could be constructed without a unit width variance. For example, a three-plex row housing project would require a variance for the width of each unit from 6.5m to 5.33m thereby increasing the time to receive a building permit. Physical arrangements, other than side by side, would be possible however.

f) Zoning Bylaws for the following Okanagan communities were reviewed for unit width restrictions. None of the following communities have unit width regulations within their bylaws.

- District of Coldstream
- City of Salmon Arm
- City of Kelowna
- City of Penticton
- District of Lake Country
- City of West Kelowna

C. Attachments:

Attachment 1: Zoning Bylaw 5000 – Minimum Unit Width Regulations

Attachment 2: Units Width Variance Requests from 2006 to 2022

Attachment 3: Proposed Zoning Text (Minimum Unit Width) Amendment Bylaw 5933, 2022

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

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

- Streamline the residential development approval process
- Streamline red tape to facilitate more development
- Improve the process time for a single family building permits and multi family development permits

E. Relevant Policy/Bylaws/Resolutions:

1. At its Regular Meeting of September 14, 2020, Council endorsed the following resolution:

THAT Council support the rezoning application (ZON00357) to rezone Blk 10, PI 225, DL 73, ODYD (1800 32nd Street) from R2: Large Lot Residential to RM2: Multiple Housing Residential to develop four residential rental units at 1800 32nd Street;

AND FURTHER, that Council support the development variance permit (DVP00493) to reduce the minimum unit width from 6.5m to 4.72m;

AND FURTHER, that Council direct Administration to bring forward a zoning text amendment bylaw to address unit width restrictions in Zoning Bylaw 5000.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1
Michelle Austin
Planner, Current Planning

Patricia Bridal, 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 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 (Jan. 10/22) | | |
| <input type="checkbox"/> OTHER: | | |

G:\6400-6999 PLANNING AND DEVELOPMENT\6450 COMMUNITY PLANNING - ZONING BYLAW REVIEW\PROJECTS\Unit Width\220103_ma_APC Rpt_Unit Width.docx

Zoning Bylaw 5000 – Minimum Unit Width Regulations	
Section 4.14 Minimum Building Width	Section 4.14.1 The minimum horizontal width of any detached primary building shall be 7.0m in all residential zones, except in the R7 Mobile Home Residential zone and RST1 Residential Single and Two Family Zone which may have a minimum building unit width of 5.0m on single family lots up to 9.4m wide and two family lots up to 16.4 m wide.
R5 – Four-plex Housing Residential	Maximum four dwelling units located in a building, with each unit having a minimum width of 6.5m.
RTR – Resort Residential	Maximum six dwelling units located in a building, with each unit having a minimum width of 6.5m , except it is twelve dwelling units for buildings greater than 2.5 storeys, with each unit having a minimum width of 6.5m.
RM1 – Row Home Residential	Maximum six dwelling units located in a building, with each row housing unit having a minimum width of 6.5m and 7.5m for semi-detached housing units.
RM2 – Multiple Housing Residential	Maximum six dwelling units located in a building, with each unit having a minimum width of 6.5m.
HR1 – Hillside Residential Single and Two Family	Each dwelling unit shall have a minimum width of 6.0m.
HR2 – Hillside Residential Multi-Family	Minimum building width of each unit is 6.0m.
RST1 – Residential Single and Two Family	Minimum width of each residential unit is 5.0m.
RST2 – Residential Single and Two Family	Minimum width of each residential unit is 5.0m.
C3 – Mixed Use Commercial	Maximum 6 dwelling units located in a building, with each unit having a minimum width of 6.5m.

7.5m min unit width	7m (Sec. 4.14) Detached Primary Building Only (Single or Semi)	6.5m min unit width	6m min unit width	5m min unit width
RM1 – Row Home Residential (<i>for semi-detached only</i>)	RR – Rural Residential R1 – Estate Lot Residential R2 – Large Lot Residential R3 – Medium Lot Residential R4 – Small Lot Residential R5A – Semi-detached Residential R6 – Lakeshore Residential	R5 – Four-plex Housing Residential RTR – Resort Residential RM1 – Row Home Residential (for row housing only) RM2 – Multiple Housing Residential C3 – Mixed Use Commercial	HR1 – Hillside Residential Single and Two Family HR2 – Hillside Residential Multi-Family	RST1 – Residential Single and Two Family RST2 – Residential Single and Two Family R7 – Mobile Home Residential (Sec. 4.14)

Unit Width Variance Requests (2006 – 2022)		
File Number	From	To
DVP00077	7m	5.5m
DVP-05-1045	7m	5.8m
DVP00080	7m	5.5m
DVP00132	6.5m	4.9m
DVP00151	6.5m	5m
DVP00160	6.5m	5.1m
DVP00169	7m	5m
DVP00180	6m	5.5m
DVP00181	6.5m	6m
DVP00272	6.5m	5.9m
DVP00312	7m	5.4m
DVP00326	6.5m	5m
DVP00363	6.5m	6m
DVP00382	6.5m	4.8m
DVP00396	7m	5.4m
DVP00417	6.5m	4.9m
DVP00435	6.5m	4.8m
DVP00441	6.5m	6.1m
DVP00476	6.5m	4.8m
DVP00493	6.5m	4.7m
DVP00496	7.5m	5.5m
DVP00508	6.5m	4.8m
DVP00516	6.5m	5.5m
DVP00542	7.5m	5.5m
DVP00548	6.5m	TBD

THE CORPORATION OF THE CITY OF VERNON

BYLAW 5933

A bylaw to amend the City of Vernon
Zoning Bylaw 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw 5000 to remove provisions for minimum unit width in residential zones within the City of Vernon;

AND WHEREAS Section 464 of the *Local Government Act* does not require a local government to hold a public hearing on a proposed zoning bylaw if an official community plan is in effect for the area that is the subject of the zoning bylaw and the bylaw is consistent with the official community plan;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "**Zoning Text (Minimum Unit Width) Amendment Bylaw 5933, 2022**".
2. The City of Vernon Zoning Bylaw 5000 be, and is hereby amended, as follows:
 - (i) **AMENDING Section 2.0 Interpretation, 2.3 General Definitions, 2.3.3** as shown in **red** on attached Schedule 'A', attached to and forming part of this bylaw;
 - (ii) **AMENDING Section 4.0 Development Regulations** by deleting 4.14 Minimum Building Width, 4.14.1 as shown in **red** on attached Schedule 'A', attached to and forming part of this bylaw;
 - (iii) **AMENDING Section 9.6 R5: Four-plex Housing Residential, 9.6.6 Development Regulations**, as shown in **red** on attached Schedule 'A', attached to and forming part of this bylaw;
 - (iv) **AMENDING Section 9.9 RTR: Resort Residential, 9.9.6 Development Regulations**, as shown in **red** on attached Schedule 'A', attached to and forming part of this bylaw;
 - (v) **AMENDING Section 9.10 RM1: Row Housing Residential, 9.10.6 Development Regulations**, as shown in **red** on attached Schedule 'A',

attached to and forming part of this bylaw;

- (vi) **AMENDING Section 9.11 RM2: Multiple Housing Residential, 9.11.6 Development Regulations**, as shown in **red** on attached Schedule 'A', attached to and forming part of this bylaw;
- (vii) **AMENDING Section 9.15 HR1: Hillside Residential Single and Two Family, 9.15.5 Development Regulations**, as shown in **red** on attached Schedule 'B', attached to and forming part of this bylaw;
- (viii) **AMENDING Section 9.16 HR2: Hillside Residential Multi-Family, 9.16.6 Development Regulations**, as shown in **red** on attached Schedule 'B', attached to and forming part of this bylaw;
- (ix) **AMENDING Section 9.18 RST1: Residential Single and Two Family, 9.18.6 Other Regulations**, as shown in **red** on attached Schedule 'B', attached to and forming part of this bylaw;
- (x) **AMENDING Section 9.19 RST2: Residential Single and Two Family, 9.19.6 Other Regulations**, as shown in **red** on attached Schedule 'B', attached to and forming part of this bylaw;
- (xi) **AMENDING Section 10.3 C3: Mixed-Use Commercial, 10.3.5 Party Wall Subdivision Regulations**, as shown in **red** on attached Schedule 'B', attached to and forming part of this bylaw;

3. Zoning Bylaw 5000 is hereby ratified and confirmed in every other respect.

BYLAW 5933

PAGE 3

READ A FIRST TIME this day of , 2023.

READ A SECOND TIME this day of , 2023.

Public Hearing not required as per section 464(2) of the *Local Government Act*.

READ A THIRD TIME this day of , 2023.

Approved pursuant to section 52(3)(a) of the *Transportation Act* this _____ day of _____,
20____

for Minister of Transportation & Infrastructure
BYLAW 5933

ADOPTED this day of , 2023.

Mayor

Corporate Officer

2.0 Interpretation

2.3 General Definitions

SINGLE DETACHED HOUSING means a detached **building** containing only one **dwelling** unit, designed exclusively for occupancy by one **household**, and a **secondary suite** where permitted. ~~Single detached housing does not include a mobile home built to CSA Z240 certified standards.~~

4.0 Development Regulations

~~4.14 — Minimum Building Width~~

~~4.14.1 The minimum horizontal width of any detached primary **building** shall be 7.0m in all residential zones, except in the R7 Mobile Home Residential zone and RST1 Residential Single and Two Family Zone which may have a minimum building unit width of 5.0m on single family lots up to 9.4m wide and two family lots up to 16.4 m wide. (Bylaw 5397)~~

9.6 R5 : Four-plex Housing Residential

9.6.6 Development Regulations

- Maximum four **dwelling** units located in a **building**, ~~with each unit having a minimum width of 6.5m.~~ (Bylaw 5339)

9.9 RTR : Resort Residential

9.9.6 Development Regulations

- Maximum six **dwelling** units located in a **building**, ~~with each unit having a minimum width of 6.5m~~, except it is twelve dwelling units for buildings greater than 2.5 storeys, ~~with each unit having a minimum width of 6.5m.~~ (Bylaw 5723)

9.10 RM1 : Row Housing Residential

9.10.6 Development Regulations

- Maximum six **dwelling** units located in a **building**, ~~with each row housing unit having a minimum width of 6.5m and 7.5m for semi-detached housing units.~~

9.11 RM2 : Multiple Housing Residential

9.11.6 Development Regulations

- Maximum six **dwelling** units located in a **building**, ~~with each unit having a minimum width of 6.5m.~~

**9.15 HR1 : Hillside Residential
Single and Two Family**

9.15.5.1 Development Regulations

- ~~Each dwelling unit shall have a minimum width of 6.0m.~~

**9.16 HR2 : Hillside Residential
Multi-Family**

9.16.6 Development Regulations

- ~~Minimum building width of each unit is 6.0m.~~

9.17 RST1: Residential Single and Two Family

9.18.6 Other Regulations

- ~~Minimum width of each residential unit is 5.0m.~~

9.19 RST2: Residential Single and Two Family

9.19.6 Other Regulations

- ~~Minimum width of each residential unit is 5.0m.~~

10.3 C3 : Mixed-Use Commercial

10.3.5 Party Wall Subdivision Regulations

- Maximum 6 **dwelling** units located in a **building**, ~~with each unit having a minimum width of 6.5m.~~



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michael Olubiyi
Current Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: February 13, 2023
REPORT DATE: January 4, 2023
FILE: 3090-20 (DVP00592)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 4000 29TH STREET

PURPOSE:

To review Development Variance Permit application 00592 (DVP00592) to vary Zoning Bylaw 5000 to reduce the side yard setbacks and decrease the number of required parking spaces at 4000 29th Street as part of a proposed four unit stacked row housing project.

RECOMMENDATION:

THAT Council support Development Variance Permit Application 00592 (DVP00592) to vary Zoning Bylaw 5000 on LT 6, SEC 3, TWP 8, ODYD, PL 3618 (4000 29th Street) as follows:

- a) Section 9.12.5(b) to reduce both side yard setbacks from 4.5m to 1.5m; and
- b) Section 7.1.2 to decrease the number of required parking spaces from 7 stalls to 6 stalls;

AND FURTHER, that Council's support of DVP00592 is subject to the following:

- a) That the site plan, floor plan, building elevations and renderings illustrating the general siting, layout and dimensions of the proposed development (Attachment 1) in the report titled "Development Variance Permit Application for 4000 29th Street" dated January 4, 2023 and respectfully submitted by the Current Planner, be attached to and form part of DVP00592 as Schedule 'A'; and
- b) That issuance of DVP00592 be withheld until a Development Permit for the subject property is authorized to be issued.

ALTERNATIVES & IMPLICATIONS:

THAT Council not support Development Variance Permit Application 00592 (DVP00592) as outlined in the report titled "Development Variance Permit Application for 4000 29th Street" dated January 4, 2023 and respectfully submitted by the Current Planner to vary Zoning Bylaw 5000 on LT 6, SEC 3, TWP 8, ODYD, PL 3618 (4000 29th Street) as follows:

- a) Section 9.12.5(b) to reduce the side yard setbacks from 4.5m to 1.5m; and
- b) Section 7.1.2 to decrease the number of required parking spaces from 7 stalls to 6 stalls.

Note: This alternative does not support the development variance permit application and would require the applicant and owner to develop the site in compliance with Zoning Bylaw 5000.

ANALYSIS:

A. Committee Recommendations:

At its meeting of January 10, 2023, the Advisory Planning Committee passed the following resolution:

“As cited by the Committee.”

B. Rationale:

1. The subject property is located at 4000 29th Street (Figures 1 and 2). The property is approximately 487.68m² (0.1205ac) in size.
2. The purpose of the application is to vary two provisions of Zoning Bylaw 5000 in order to construct a stacked row housing (four-plex) building (Attachment 1). The proposed residential units will add to the long-term rental supply.
3. The subject property is designated Residential Small Lot – Single and Two Family Dwelling (RSL) within the Official Community Plan (OCP) and is located in the Macdonald Neighbourhood, City Centre Development District. The property is zoned Low-Rise Apartment Residential (RH1) (Attachment 2).
4. The subject property has functioned as an access to the trucking operations that was formally located to the west of the property. That use has been moved and that site is expected to be redeveloped in the near future. The four lots to the north of the subject property are owned by different owners. As such, a land assembly of all five lots is not considered to be practically possible in the near future.
5. The application proposes to vary Sections 9.12.5(b) and 7.1.2 of Zoning Bylaw 5000 to allow the proposed building to be constructed within the required side yard setbacks up to 1.5m from the property line and to decrease the minimum parking requirements from 7 to 6 parking stalls respectively (Attachment 3).

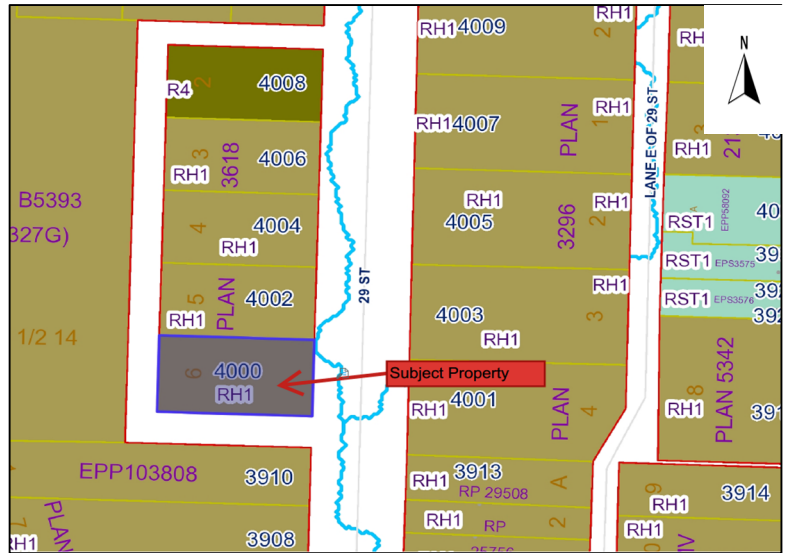


Figure 1 - Property Location Map



Figure 2: Aerial Photo of Property

6. The applicant proposed 7 parking stalls in their initial application; however, following staff review, the applicant was advised to review the design and make changes to the amenity layout and garbage collection space. In order to allow for an increase to the amenity space as well as a secured area for garbage, the applicant proposes to decrease the parking stalls from 7 to 6 stalls. The proposed variance

for one parking stall is appropriate to improve the lower units' liveability and the usability of the amenity space. The bottom two units would not have to look through garbage cages and a row of cars to get light.

7. The applicant proposes to increase the required amount of bicycle parking from 2 spaces to 4 spaces (1 per unit) secured inside the units. Given the central location of this property (located on 29th Street, about 70m from the nearest Route 9 stop, and walking distance [800m] to the 31st Avenue bus loop), the increase in bicycle parking will encourage active transportation. The subject property fronts onto the 29th Street Transportation Corridor which offers a multiuse transit service and side walk.
8. Although the subject property is zoned RH1, the existing vacant lot does not meet the minimum lot size requirements of the zone. RH1 requires a minimum width of 30m and a minimum lot area of 1,400m², whereas the subject property has a width of ~16m and a lot area of ~488m². The subject property is located in an area with similar sized lots with the RH1 zoning (Attachment 4).
9. Administration supports the development of the subject property to create additional dwelling units within the city. Due to the lot size constraints, requiring the development to meet the setback provisions (4.5 m minimum) would limit the number of dwelling units created on the subject property. As such, Administration is supportive of the requested setback variances to facilitate the development of the proposed units.
10. Administration supports the requested variances because it is consistent with the general intent and purpose of the Zoning Bylaw 5000 for the following reasons:
 - a) The subject vacant lot is zoned for medium density residential use (RH1 – Low-Rise Apartment Residential);
 - b) The lot dimensions make it impractical to develop in strict conformity with the bylaw standards. Without approval of the variances, the lot would need to be developed to a significantly lower density than what the zoning designation (RH1 zone) anticipated for the area;
 - c) The ownership pattern of the four lots to the north makes it unlikely that a land assembly for a larger project will occur in the near future;
 - d) The proposed variance would not impact unduly on the enjoyment of adjacent properties (north and south), or on the essential character of the surrounding neighbourhood;
 - e) The application is proposing to create four purpose-built rental units within proximity to existing amenities and services; and
 - f) Policy 48 of the City Centre Neighbourhood Plan indicates: *“Support medium density residential development to increase the diversity of the housing opportunities while enhancing the low-rise neighbourhood character”*.

C. Attachments:

Attachment 1 – Site Plan and Elevations

Attachment 2 – RH1 – Low-Rise Apartment Residential Zone - Section 9.12.5(b)

Attachment 3 – Section 7.1.2 (Parking and Loading) of Zoning Bylaw 5000

Attachment 4 – Surrounding Area Zoning Map

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:

- Support the creation of affordable and attainable housing within the City.

E. Relevant Policy/Bylaws/Resolutions:

1. The following provisions of Zoning Bylaw 5000 are relevant to the subject application:

Section 9.12.5(b) Minimum side yard is 4.5m.

Section 7.1.2 The minimum number of on-site vehicle parking spaces required for each use is specified in the Parking Schedule (Table 7.1) except where additional parking is required by the Ministry of Transportation and Infrastructure if the site has direct access to a provincial highway. Where the total number of parking spaces on a property exceeds 15 parking spaces, the maximum number of parking spaces for each use class may be up to 125% of the minimum number of required parking spaces.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1
Michael Olubiyi
Planner

Patricia Bridal, 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 checked="" 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 (Jan.10/23)		
<input type="checkbox"/> OTHER:		