



**CORPORATION OF THE CITY OF VERNON**

**ADVISORY PLANNING COMMITTEE**

TUESDAY, JULY 24, 2018

4:00 pm – OKANAGAN LAKE ROOM

**A G E N D A**

1. **ADOPTION OF AGENDA**

2. **ADOPTION OF MINUTES**

July 10, 2018 (attached)

3. **NEW BUSINESS**

- a) **DVP00434** – Development Variance Permit Application for 1100 30 Avenue
- b) **ZON00299/DVP00427** – Rezoning Application for 3607 27 Street
- c) **LUC00014** – Land Use Discharge Application for 8000 Bench Row Road
- d) **Zoning Text Amendment** – Proposed Text Amendments (A3 – Rural Small Holdings and R4 – Small Lot Residential)

4. **INFORMATION ITEMS**

- a) An update of APC related items discussed at the July 23, 2018 Council meeting will be provided.

5. **NEXT MEETING**

The next meeting is tentatively scheduled for Tuesday, August 14, 2018.

6. **ADJOURNMENT**





## THE CORPORATION OF THE CITY OF VERNON

### MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

TUESDAY, JULY 10, 2018

**PRESENT:** VOTING

Mark Longworth, Chair  
Doug Neden, Vice-Chair  
Jamie Paterson  
Joanne Georgeson  
Phyllis Kereliuk  
Ian Murphy  
Don Schuster  
Monique Hubbs-Michiel  
Vicki Topping  
Lisa Briggs

NON VOTING

Councillor Cunningham

**ABSENT:** Corbin Kelley, Youth Member

**GUESTS:** Five members of the public

**STAFF:** Craig Broderick, Manager, Current Planning  
Cleo Corbett, Acting Manager, Long Range Planning &  
Sustainability  
Brett Bandy, Real Estate Manager  
Ed Stranks, Manager, Engineering Development  
Ellen Morrison, Transportation Planner  
Keltie Chamberlain, Planning Assistant  
Janice Nicol, Legislative Committee Clerk

**ORDER**

The Chair called the meeting to order at 4:00 p.m.

**ADOPTION OF  
AGENDA**

Moved by Joanne Georgeson, seconded by Jamie Paterson;

THAT the agenda of the Advisory Planning Committee meeting for Tuesday, July 10, 2018 be adopted.

**CARRIED.**

**ADOPTION OF MINUTES**

Moved by Monique Hubbs-Michiel, seconded by Joanne Georgeson;

THAT the minutes for the Advisory Planning Committee meeting of Tuesday, June 26, 2018 be adopted.

**CARRIED.**

**NEW BUSINESS:**

**DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 216 SILVERSAGE RIDGE LANE**

The Advisory Planning Committee reviewed Development Variance Permit application #00432 for a development at 216 Silversage Ridge Lane. The Planning Assistant reviewed the application and noted that the height of the wall was not caught at Building Permit stage. The Committee provided the following feedback:

- Committee members attempted to view property – no access as there was a locked strata gate. **ACTION ITEM:** In the future, if there is no entry to a development, can staff please provide detailed photos for Committee to view in lieu.
- Suggestion to provide photos when presenting to Council
- Height and construction of wall is not acceptable unless certified by a Geotechnical Engineer. Staff noted that a Geotechnical Engineer was required for the construction of the swimming pool and had certified the fill on which the wall was constructed.
- The Committee requested an opportunity to review the geotechnical report and requested that it be provided for Council.

Moved by Vicki Topping, seconded by Ian Murphy;

THAT the Advisory Planning Committee recommends that Council support the Development Variance Permit Application #DVP00432 to vary the following sections of Zoning Bylaw #5000 in order to permit a two-tiered, stacked rock walls over 1.2m in height on the property located on Lot 21, Plan KAS3178, Sec 31, Twp9, ODYD (216 Silversage Ridge Lane):

- a) To vary Section 6.5.11, from a maximum retaining wall height of 1.2m to permit two stacked rock walls of 2.4m and 1.8m in height, **conditional** on final approval on wall construction being granted by the Building Department.

**CARRIED, with Lisa Briggs, Don Schuster and Joanne Georgeson opposed.**

**OFFICIAL COMMUNITY  
PLAN AND REZONING  
APPLICATIONS FOR  
901 39 AVENUE  
(HIGHLANDS OF EAST  
HILL)**

The Advisory Planning Committee reviewed the Official Community Plan amendment application #OCP00077 and Rezoning application #00294. The Acting Manager, Long Range Planning and Sustainability provided an overview and noted the following:

- OCP Land Use Designation and Text amendment
- Zoning Amendment
- Phased Development Agreement
- Development Variance Permit
- Housing Agreement
- Public Participation

The Committee had the following feedback:

**Zoning Amendment:**

- How will the design guidelines deal with maintenance to avoid piecemeal situations (i.e. one half of a roof replaced, etc)? These will be separated by a firewall and be fee simple. Concern that there may be no continuity with maintenance schedules.
- Concern that there will be no party-wall agreement (problems getting insurance).
- Difficult to replace one roof on a duplex without the other.
- Clarification requested on stacked row housing concept.
- Was any consideration given to provision for disabled individuals – would like Council to take a look at providing this as part of the development.
- Current proposal involves one developer providing all housing types although design guidelines and proposed Bylaws are comprehensive enough to allow for different builders should that happen.
- Many of the concern alleviated through proposed construction method.

**Phased Development Agreement**

- Concern that there is only one bathroom provided in some units.
- Clarification of the Land Trust – it was started in 2008, work with partners to provide perpetual affordable housing, currently own and manage 81 units. They do provide accessible units and have plans to establish more in Vernon
- Clarification of the proximity to the Uplands development – 6m setback proposed.

- Changes are proposed to the Subdivision Servicing Bylaw in the near future that will align with the variances proposed for this site and are similar to those occurring for hillside developments.
- Clarification requested on 'contribution to intersection improvement at Pleasant Valley Road and 39th Avenue'.
- Suggestion to apply SAFERhome standards to some of the units. It was noted that this may impact parking.
- Affordable housing units proposed to be throughout Phases 2 to 7.
- There will be some component of on-street parking.
- Concern that there will be a wall of garage doors that might be unsightly.
- Zero lot line properties are being requested to be treated with different materials and varying rooflines.
- Secondary suites are dependent on building type.

Moved by Vicki Topping, seconded by Monique Hubbs-Michiel;

THAT the Advisory Planning Committee recommends that Council support the preparation of an Official Community Plan Amendment Bylaw for a portion of the land legally described as LOT A SECTION 2 TOWNSHIP 8 OSOYOOS DIVISION YALE DISTRICT PLAN 23439 EXCEPT PLANS KAP46541 AND KAP47921 (901 39<sup>th</sup> Avenue) as outlined in the report titled "Highlands of East Hill Comprehensive Development Review Process", and dated July 6, 2018 from the Long Range Planner.

**CARRIED, with Jamie Paterson opposed.**

Moved by Ian Murphy, seconded by Vicki Topping;

THAT the Advisory Planning Committee recommends that Council support the preparation of Zoning Amendment Bylaw for a portion of the land legally described as LOT A SECTION 2 TOWNSHIP 8 OSOYOOS DIVISION YALE DISTRICT PLAN 23439 EXCEPT PLANS KAP46541 AND KAP47921 (901 39<sup>th</sup> Avenue) as outlined in the report titled "Highlands of East Hill Comprehensive Development Review Process", and dated July 6, 2018 from the Long Range Planner.

**CARRIED, with Jamie Paterson opposed.**

Moved by Vicki Topping, seconded by Ian Murphy;

THAT the Advisory Planning Committee recommends that Council support the preparation of a Phased Development Agreement Bylaw for a portion of the land legally described as LOT A SECTION 2 TOWNSHIP 8 OSOYOOS DIVISION YALE DISTRICT PLAN 23439 EXCEPT PLANS KAP46541 AND KAP47921 (901 39<sup>th</sup> Avenue) as outlined in the report titled "Highlands of East Hill Comprehensive Development Review Process", and dated July 6, 2018 from the Long Range Planner.

**CARRIED.**

Moved by Vicki Topping, seconded by Monique Hubbs-Michiel;

THAT the Advisory Planning Committee recommends that Council specify a land grant in the amount of \$\_\_\_\_\_ (*to be cited by Council*) to support the proposed Attainable Housing program for a portion of the land legally described as LOT A SECTION 2 TOWNSHIP 8 OSOYOOS DIVISION YALE DISTRICT PLAN 23439 EXCEPT PLANS KAP46541 AND KAP47921 (901 39<sup>th</sup> Avenue) as outlined in the report titled "Highlands of East Hill Comprehensive Development Review Process", and dated July 6, 2018 from the Long Range Planner;

AND FURTHER that the financial implications of the proposed land grant and Development Cost Charge waiver are better reflected in the report.

**CARRIED.**

**INFORMATION ITEMS:**

The Committee reviewed the information for APC related items discussed at the July 9 Council meeting as follows:

- OCP00077/ZON00304 for City Parks – received first and second readings, Public Hearing schedule for August 13
- Public Hearing for rezoning at PH for 5770 Pleasant Valley Road, third reading granted.

**NEXT MEETING**

The next regular meeting of the Advisory Planning Committee is scheduled for Tuesday, July 24, 2018.

**ADJOURNMENT**

The meeting of the Advisory Planning Committee adjourned at 5:17 p.m.

**CERTIFIED CORRECT:**

\_\_\_\_\_ Chair



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Keltie Chamberlain,  
Planning Assistant

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 10, 2018  
**REPORT DATE:** July 18, 2018  
**FILE:** DVP00434

**SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 1100 30<sup>th</sup> AVENUE**

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## **PURPOSE:**

To review the Development Variance Permit application #00434 to vary sections of Zoning Bylaw #5000 to increase the maximum height of a secondary building from 4.5m or one storey in height, whichever is the lesser, to 6.1m in height for a two-storey building containing a secondary suite on the property located at 1100 30<sup>th</sup> Avenue.

## **RECOMMENDATION:**

THAT Council support the Development Variance Permit Application #DVP00434 to vary the following sections of Zoning Bylaw #5000 to increase the maximum height of a secondary building from 4.5m or one storey in height, to 6.1m in height for a two-storey building containing a secondary suite on the property located on Lot 7, Plan 23011, Sec 35, Twp9, ODYD (1100 30<sup>th</sup> Avenue):

- a) To vary Section 4.5.6, to increase the maximum height of a secondary building from 4.5m or one storey in height, to 6.1m in height for a two-storey building containing a secondary suite; and
- b) To vary Section 9.2.5, to increase the maximum height of a secondary building from 4.5m to 6.1m.

AND FURTHER, that Council's support of DVP00434 is subject to the following:

- a) That the survey plan, site plan, elevation plan, and building renderings intended to illustrate the height of the proposed structure and noted as Attachment 1, 2, 3, and 4 in the report titled "Development Variance Permit Application for 1100 30<sup>th</sup> Avenue" and dated July 18, 2018 by the Planning Assistant be attached to and form part of DVP00434 as Schedule 'A'.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council support the Development Variance Permit Application #DVP00434 to vary the following sections of Zoning Bylaw #5000 to increase the maximum height of a secondary building from 4.5m or one storey in height, to 6.1m in height for a two-storey building containing a secondary suite on the property located on Lot 7, Plan 23011, Sec 35, Twp9, ODYD (1100 30<sup>th</sup> Avenue):

- a) To vary Section 4.5.6, to increase the maximum height of a secondary building from 4.5m or one storey in height, to 6.1m in height for a two-storey building containing a secondary suite; and
- b) To vary Section 9.2.5, to increase the maximum height of a secondary building from 4.5m to 6.1m

AND FURTHER, that Council's support of DVP00434 is subject to the following:

- a) That the survey plan, site plan, elevation plan, and building renderings intended to illustrate the height of the proposed structure and noted as Attachment 1, 2, 3, and 4 in the report titled "Development Variance Permit Application for 1100 30<sup>th</sup> Avenue" and dated July 18, 2018 by the Planning Assistant be attached to and form part of DVP00434 as Schedule 'A'.

AND FURTHER, that *(to be cited by Council)*.

*Note: This alternative supports the development variance application as requested by the applicant, subject to any other conditions cited by Council.*

- 2. THAT Council not support the Development Variance Permit Application #DVP00432 to vary the following sections of Zoning Bylaw #5000 to increase the maximum height of a secondary building from 4.5m or one storey in height, to 6.1m in height for a two-storey building containing a secondary suite on the property located on Lot 7, Plan 23011, Sec 35, Twp9, ODYD (1100 30<sup>th</sup> Avenue):
  - a) To vary Section 4.5.6, to increase the maximum height of a secondary building from 4.5m or one storey in height, to 6.1m in height for a two-storey building containing a secondary suite; and
  - b) To vary Section 9.2.5, to increase the maximum height of a secondary building from 4.5m to 6.1m

*Note: This alternative does not support the requested variance and therefore the rock retaining wall could not be constructed as proposed.*

**ANALYSIS:**

**A. Committee Recommendations:**

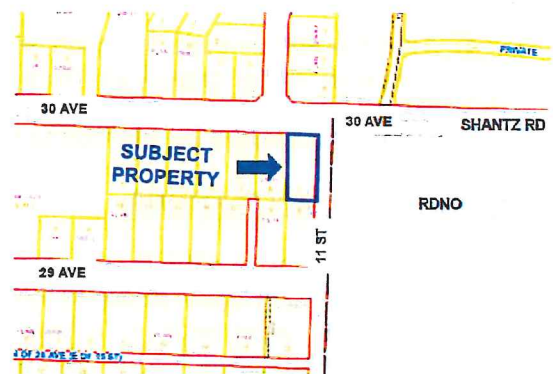
At its meeting of Aug 10, 2018, the Advisory Planning Committee passed the following resolution:

" "

**B. Rationale:**

- 1. The subject property is located at 1100 30<sup>th</sup> Avenue, as shown on Figures 1 and 2. The land is designated as RLD – Residential Low Density within the Official Community Plan (OCP) and is in the R2 – Large Lot Residential zoning district of Zoning Bylaw #5000. The lot is currently developed with a Single Family Dwelling.
- 2. The applicant is proposing to construct a two-storey secondary building containing a suite located on the south side of the property as shown in Figure 2 and Attachment 1 and 2. The structure would contain a secondary suite on the upper floor with parking on the first floor. The zoning bylaw provisions that would need to be varied include:

- a. Section 4.5.6 – vary the maximum height of a secondary building from 4.5m or one storey to a maximum height of 6.1m and two storeys; and



**Figure 1 – Property Location Map**

- b. Section 9.3.5 – vary the maximum height of 4.5m for secondary buildings to a maximum height of 6.1m.

3. The existing primary dwelling is located on the north portion of the property on a corner lot adjacent to a residential neighbourhood, the RDNO boundary and agricultural uses within the ALR. There is existing parking and access from 30<sup>th</sup> Avenue and a second access on 11<sup>th</sup> Street to an unused garage which forms part of the existing single family dwelling. The applicant plans to convert the garage into habitable space in the future, and would remove the existing driveway. A new access is proposed with a two-strip concrete drive for the proposed secondary building.



Figure 2 – Aerial Location Map

4. The upper floor of the proposed building, which necessitates the requested height variance, would be for a secondary suite. The R2 – Large Lot Residential zoning district (Section 9.3) permits a secondary suite to be located within a secondary building but limits secondary buildings to a maximum of 4.5m or one storey in height. The secondary suite provisions (Section 5.5.6) allow a secondary building containing a secondary suite to have a maximum height of 7.5m. Therefore, the applicant has requested that the R2 height provisions for a secondary building be varied in order to allow the secondary suite provisions to prevail (to a maximum height of 6.1m). The requested height increase would not impact the views of adjacent properties as the building siting allows the existing trees on the site to remain in place to provide screening (Attachment 2).
5. Administration supports the subject development variance permit application for the following reasons:
  - a) The development provides for a more efficient use of a large lot;
  - b) The proposed building design provides an attractive street presence, compatible with existing neighbourhood development;
  - c) The proposed lot layout provides additional parking spaces, meeting zoning bylaw requirements; and
  - a) The requested height variance would not negatively impact adjacent properties in terms of views because of the large lot size and the retention of existing trees.

**C. Attachments:**

- Attachment 1 – Survey Plan
- Attachment 2 – Site Plan sketch
- Attachment 3 – Building elevations
- Attachment 4 – Rendering, including elevations and floor plan
- Attachment 5 – Zoning Bylaw #5000 Section 4.5 Secondary Development regulations; Section 5.5 Secondary Suite regulations, and the R2 - Large Lot Residential zoning district

**D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:**

The subject application involves the following objectives in Council's Strategic Plan 2015 – 2018:

- Deliver efficient, effective and proactive municipal services.

**E. Relevant Policy/Bylaws/Resolutions:**

- 1. The Official Community Plan (OCP) designates the property as Residential Low Density. The proposal is within the R2 – Large Lot Residential zoning district, which conforms to the OCP. Supporting policies within the OCP include:

- Goal 18: Support and encourage a variety of housing options to meet the diverse needs of all residents in the region.

- Policy 7.8 Continue efforts to accommodate secondary suites.

- 2. The following sections of Zoning Bylaw #5000 apply to the subject DVP application:

- Section 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.

- Section 5.5.6: A secondary building or structure containing a secondary suite shall not exceed 7.5m in height, unless specified otherwise in the development regulations of a particular zone.

- Section 9.3.5: Maximum height is the lesser of 10.0m or 2.5 storeys, except it is 4.5m for secondary buildings and secondary structures.

- 3. The Local Government Act provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set precedence within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

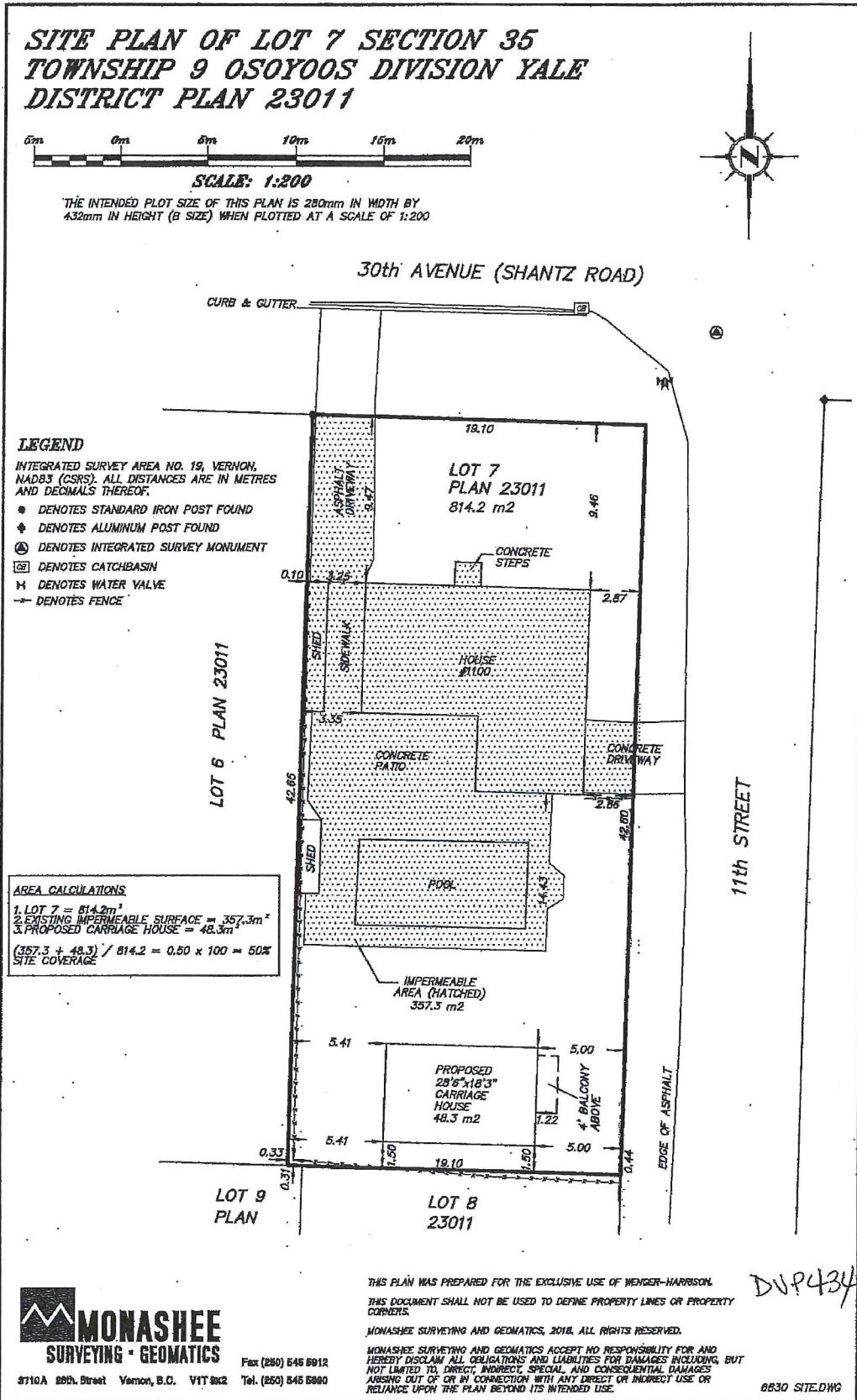
Keltie Chamberlain  
Planning Assistant

Right-click to sign  
with **DocuSign**

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 |
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| <input type="checkbox"/> Human Resources                          | <input checked="" type="checkbox"/> Parks     | <input checked="" type="checkbox"/> Transportation                       |
| <input type="checkbox"/> Financial Services                       |   | <input checked="" type="checkbox"/> Economic Development & Tourism       |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Aug 13, 2018) |   |  |
| <input type="checkbox"/> OTHER:                                   |   |  |



**MONASHEE**  
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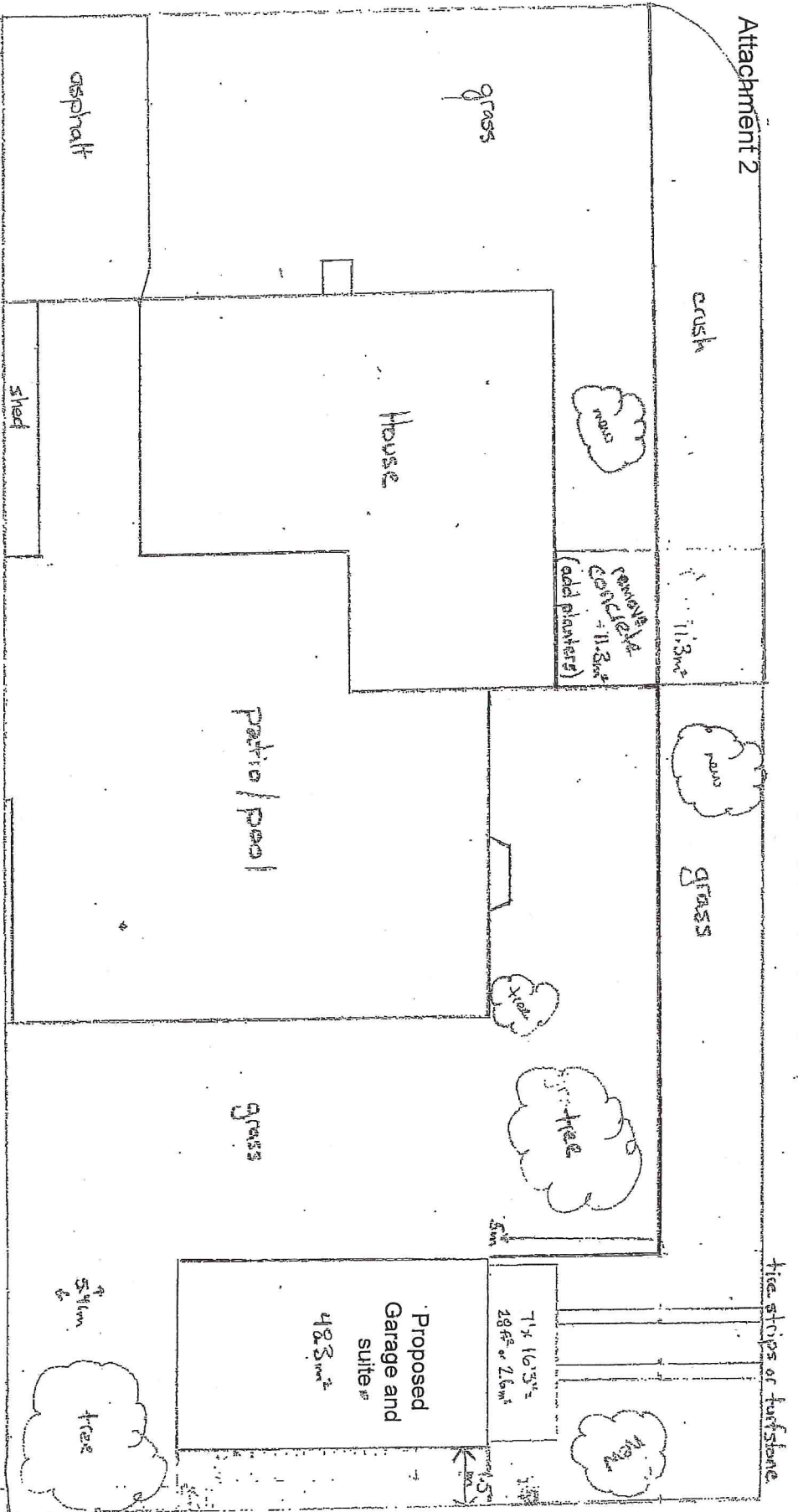
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DUP434

6830 SITE.DWG

Attachment 2

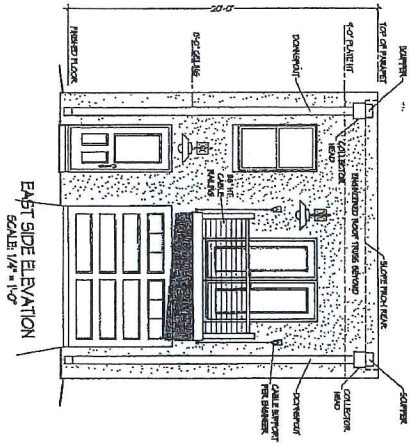
11' Street 1:0m minimum



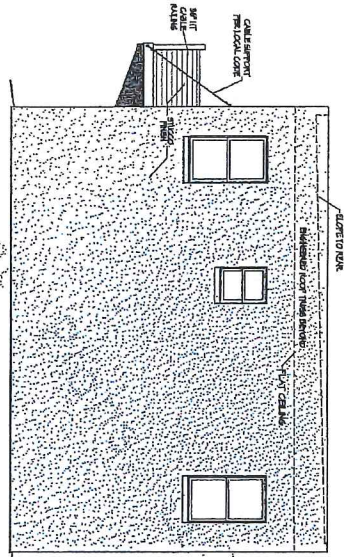
(New) Impermeable area (once driveway removed): 346 m<sup>2</sup> + balcony (2.6m) = 348.6 m<sup>2</sup>

lot size - imp area = 485.6 m<sup>2</sup> of permeable (57%)  
 814.2 (proposed)  
 348.6

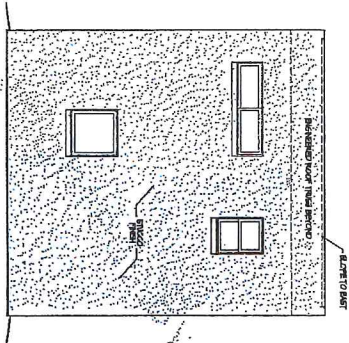
Scale 1:1/4



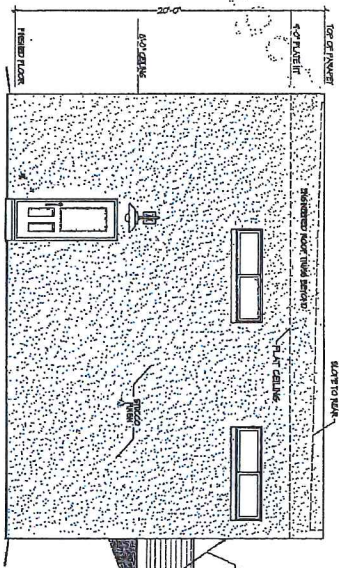
EAST SIDE ELEVATION  
SCALE 1/4" = 1'-0"



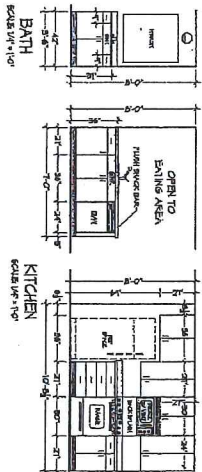
NORTH SIDE ELEVATION  
SCALE 1/4" = 1'-0"



WEST SIDE ELEVATION  
SCALE 1/4" = 1'-0"



SOUTH SIDE ELEVATION  
SCALE 1/4" = 1'-0"



BATH  
SCALE 1/4" = 1'-0"

KITCHEN  
SCALE 1/4" = 1'-0"



**Legacy HOME PLANS**  
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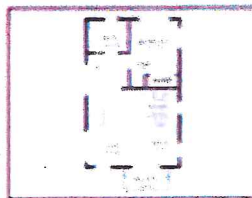
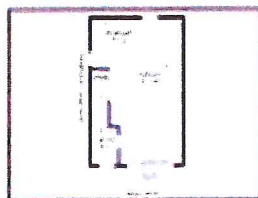
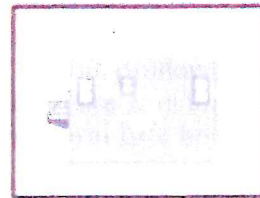
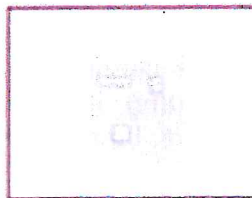
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BY	DRAWN BY	DATE	REVISED
STEV E	STEV E		
SHEET NO. <b>0052-540-500-M Garage</b>			2 OF 2



## Modern Garage Apartment Plan, 062G-0083

# Plan 062G-0083

*Click to enlarge. Views may vary slightly from working drawings. Refer to floor plan for actual layout.*



## ATTACHMENT 5.

- 5.4.2 No more than two persons, other than residents of the primary residence, shall be engaged in the **rural home based business**.
- 5.4.3 The **rural home based business** shall not occupy more than 25% of the floor area of the **dwelling** unit or **secondary building** or **structure**, and in no case shall the combined area of the residence used for the **business** and a **secondary building** or **structure** used for the **business** exceed 100m<sup>2</sup>.
- 5.4.4 The display and retail sales of goods not produced on the **premises** shall not be permitted in a **rural home based business**, with the exception of
- products that are associated with the goods produced on the site,
  - agricultural products only in the A1, A2 and A3 Agricultural zones,
  - mail order sales,
  - telephone sales,
  - goods where the customer does not enter the **premises** to inspect or pick up the goods, and
  - products incidental to the service provided,
- subject to Section 5.4.7.
- 5.4.5 A **rural home based businesses** shall not occupy a required **parking space**.
- 5.4.6 A **rural home based business** sign is permitted according to the provisions of the *City of Vernon Sign Bylaw No. 4489*, as amended.
- 5.4.7 The following **uses** are prohibited as **home based businesses**: automotive repair, welding, **care centres**, cutting & wrapping of meat, including wild game, escort services, and gun shops.

### 5.5 Secondary Suites

- 5.5.1 **Secondary suites** where permitted, are to be located only in **single detached housing** or a **secondary building**. No **structural alterations** or additions shall be undertaken that alters the existing low-density residential character and form of the neighbourhood.
- 5.5.2 No more than one **secondary suite** shall be permitted per primary **dwelling** unit. It may be permitted within the primary **dwelling** unit or within a **secondary building**. It shall not be allowed in conjunction with **bed and breakfast homes, boarding rooms** or a **rooming house**.
- 5.5.3 No **secondary suite** will be allowed without connection to a **community sewer system** unless the **lot** is at least 830m<sup>2</sup> in area and meets the

requirements of the **City** and the *Medical Health Officer* for septic disposal capacity and related regulations.

- 5.5.4 The property owner must reside in either the primary **dwelling** unit or the **secondary suite**.
- 5.5.5 The maximum floor area of a **secondary suite** shall not exceed the lesser of 90m<sup>2</sup> or 40% of the total floor area of the primary **building**. Where a **secondary suite** is located in a **secondary building**, the maximum floor area of the **secondary suite** shall not exceed the lesser of 90m<sup>2</sup> or 60% of the total floor area of the primary **building**. (*Bylaw 5467*)
- 5.5.6 A **secondary building** or **structure** containing a **secondary suite** shall not exceed 7.5m in **height**, unless specified otherwise in the **development** regulations of a particular **zone**. Where the width of the dormer or dormers exceeds 50% of the width of the roof on which they are located, the **height** of the building will be measured to the top of the dormer or to the top of the main roof, whichever is greater.
- 5.5.7 All dormers on a **secondary building** containing a suite shall be enclosed within and by the roof **structure**.
- 5.5.8 Parking shall be in conformance with the regulations of this Bylaw.
- 5.5.9 **Secondary suites** shall comply with all relevant *City Bylaws*, and the *B.C. Building Code*.
- 5.5.10 A **secondary suite** shall be located on the same lot as the primary building. No strata titling shall be permitted.
- 5.5.11 Where a **secondary suite** is located in a **secondary building**, the **secondary building** must include a garage or **carport** for a minimum of one **vehicle**.

## 5.6 Bed and Breakfast Homes

- 5.6.1 **Bed and breakfast homes** are only permitted in **single detached housing** or **semi-detached housing** or **duplex housing** and shall comply with the following regulations: (*Bylaw 5498*)
- the **bed and breakfast home use** shall be operated as a **secondary use** only within the primary **building**, with a maximum 4 sleeping units with accommodation for a maximum of two guests per sleeping unit, of a minimum area of 11m<sup>2</sup> each; and,
  - the **bed and breakfast home use** shall not change the residential character or external appearance of the **dwelling** involved.

## 9.3 R2 : Large Lot Residential

### 9.3.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible **secondary uses**, on large sized urban serviced **lots**. The R2c sub-zoning district allows for **care centre, major** as an additional use. The R2h sub-zoning district allows for **home based business, major** as an additional use. *(Bylaw 5467)*

### 9.3.2 Primary Uses

- **care centre, major** *(use is only permitted with the R2c sub-zoning district)*
- **single detached housing**

### 9.3.3 Secondary Use

- **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 R2h sub-zoning district)*
- **secondary suites**
- **seniors supportive housing**

### 9.3.4 Subdivision Regulations

- Minimum **lot width** is 18.0m.
- Minimum **lot area** is 557m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.

### 9.3.5 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 5.0m.
- Minimum **side yard** is 1.5m, except it is 5.0m 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 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

### 9.3.6 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**.

- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- 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.
- 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)*





## THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Roy Nuriel,  
Economic Development Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 13, 2018  
**REPORT DATE:** July 17, 2018  
**FILE:** ZON00299 / DVP00427

**SUBJECT:** REZONING AND DEVELOPMENT VARIANCE PERMIT APPLICATIONS FOR 3607 –  
27<sup>TH</sup> STREET

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### PURPOSE:

To review the applications to rezone the subject property from R1 – Estate Lot Residential to C4 – Street Oriented Commercial and to vary sections of Zoning Bylaw #5000 and Subdivision and Development Servicing Bylaw #3843 in order to construct a two storey commercial development (4,575ft<sup>2</sup>) at 3607 – 27<sup>th</sup> Street.

### RECOMMENDATION:

THAT Council support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, subject to the following conditions:

- a) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27<sup>th</sup> Street that would guarantee access to 3603 – 27<sup>th</sup> Street by way of a 6.0m wide private access easement if direct access onto 27<sup>th</sup> Street is not granted in conjunction with a commercial rezoning application for 3603 – 27<sup>th</sup> Street; and
- b) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27<sup>th</sup> Street to prohibit food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands;

AND FURTHER, that Council support Development Variance Permit application #DVP00427 to vary the following sections of Zoning Bylaw #5000 to allow for a two storey commercial development to be constructed on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street):

- a) to vary the minimum front yard setback from 3.0m to 2.13m (Section 10.4.5);
- b) to vary the minimum south side yard setback from 3.0m to 2.97m (Section 10.4.5);
- c) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.0m to 1.0m (Section 6.6.2, Table 6.1);and
- d) to vary the minimum number of required off-street parking spaces from 21 spaces to 16 spaces (Section 7, Table 7.1);

AND FURTHER, that Council support Development Variance Permit Application #DVP00427 to vary the following section of Subdivision and Development Servicing Bylaw #3843 on the property described as Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street):

- a) to vary the off-site works along 37<sup>th</sup> Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service;

AND FURTHER, that Council support of DVP00427 is subject to the following:

- a) the owner is to dedicate road right-of-way widening of approximately 0.31m adjacent to 27<sup>th</sup> Street and approximately 0.105m adjacent to 37<sup>th</sup> Avenue on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street);
- b) the owner is to dedicate a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37<sup>th</sup> Avenue and 27<sup>th</sup> Street;
- c) the owner is to enter into a Works Contribution Agreement for off-site works along 27<sup>th</sup> Street and 37<sup>th</sup> Avenue adjacent to the subject property;
- d) that Lots 1 and 2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD be consolidated prior to the issuance of the occupancy permit;
- e) the owner is to sign a License Agreement for proposed improvement to the right-of-way adjacent to the subject property; and
- f) that the site, floor, elevation and landscaping plans, generally shown as Attachments 1 to 6 inclusive in the report titled “Rezoning and Development Variance Permit Applications For 3607 – 27<sup>th</sup> Street” and dated July 17, 2018 by the Economic Development Planner be attached to and form part of DVP00427 as Schedule ‘A’.

#### **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, subject to the following conditions: *(to be cited by Council)*;

AND FURTHER, that Council support the following variance(s): *(to be cited by Council)*;

AND FURTHER, that Council support of DVP00427 is subject to the following:

- a) the owner is to dedicate road right-of-way widening of approximately 0.31m adjacent to 27<sup>th</sup> Street and approximately 0.105m adjacent to 37<sup>th</sup> Avenue on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street);
- b) the owner is to dedicate a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37<sup>th</sup> Avenue and 27<sup>th</sup> Street;
- c) the owner is to enter into a Works Contribution Agreement for off-site works along 27<sup>th</sup> Street and 37<sup>th</sup> Avenue adjacent to the subject property;
- d) that Lots 1 and 2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD be consolidated prior to the issuance of the occupancy permit;
- e) the owner is to sign a License Agreement for proposed improvement to the right-of-way adjacent to the subject property; and

f) that the site, floor, elevation and landscaping plans, generally shown as Attachments 1 to 6 inclusive in the report titled "Rezoning and Development Variance Permit Applications For 3607 – 27<sup>th</sup> Street" and dated July 17, 2018 by the Economic Development Planner be attached to and form part of DVP00427 as Schedule 'A'; and

g) *(to be cited by Council).*

*Note: This alternative supports the rezoning and development variance permit applications subject to the conditions cited by Council.*

2. THAT Council support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, subject to the following conditions:

- a) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27<sup>th</sup> Street that would guarantee access to 3603 – 27<sup>th</sup> Street by way of a 6.0m wide private access easement if direct access onto 27<sup>th</sup> Street is not granted in conjunction with a commercial rezoning application for 3603 – 27<sup>th</sup> Street; and
- b) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27<sup>th</sup> Street to prohibit food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands;

AND FURTHER, that Council not support Development Variance Permit application #DVP00427 to vary the following sections of Zoning Bylaw #5000 to allow for a two storey commercial development to be constructed on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street):

- a) to vary the minimum front yard setback from 3.0m to 2.13m (Section 10.4.5);
- b) to vary the minimum south side yard setback from 3.0m to 2.97m (Section 10.4.5);
- c) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.00m to 1.00m (Section 6.6.2, Table 6.1);and
- d) to vary the minimum number of required off-street parking spaces from 21 spaces to 16 spaces (Section 7, Table 7.1);

AND FURTHER, that Council not support Development Variance Permit Application #DVP00427 to vary the following section of Subdivision and Development Servicing Bylaw #3843 on the property described as Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street):

- a) to vary the off-site works along 37<sup>th</sup> Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service.

*Note: This alternative has Council supporting the rezoning application but not supporting the development variance permit applications, which would result in development on the property needing to comply with the development regulations of the C4 – Street Oriented Commercial zoning district. The applicant would need to redesign the proposal to comply with the C4 zoning district as well as Subdivision and Development Service Bylaw #3843.*

3. THAT Council not support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial;

AND FURTHER, that Council not support Development Variance Permit application #DVP00427 to vary the following sections of Zoning Bylaw #5000 to allow for a two storey commercial development to be constructed on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the minimum front yard setback from 3.0m to 2.13m (Section 10.4.5);
- b) to vary the minimum south side yard setback from 3.0m to 2.97m (Section 10.4.5);
- c) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.00m to 1.00m (Section 6.6.2, Table 6.1); and
- d) to vary the minimum number of required off-street parking spaces from 21 spaces to 16 spaces (Section 7, Table 7.1);

AND FURTHER, that Council not support Development Variance Permit Application #DVP00427 to vary the following section of Subdivision and Development Servicing Bylaw #3843 on the property described as Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the off-site works along 37<sup>th</sup> Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service.

*Note: This alternative does not support the rezoning and development variance applications. The owner would have to develop the property in accordance with the current R1 zoning.*

**ANALYSIS:**

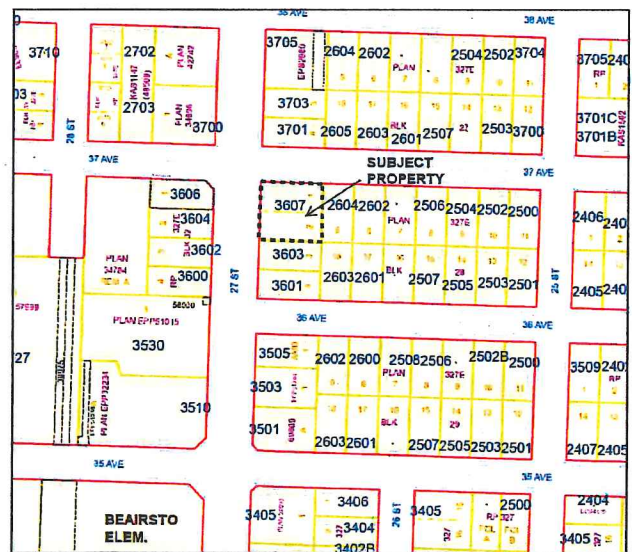
**A. Committee Recommendations:**

At its meeting of July 24, 2018, the Advisory Planning Committee adopted the following resolution:

“ ”

**B. Rationale:**

- 1. The subject property at 3607 27<sup>th</sup> Street, as shown on Figures 1 and 2, is located in the East Hill neighbourhood, at the southeast corner of 27<sup>th</sup> Street and 37<sup>th</sup> Avenue and is 0.097 hectare (0.24 ac) in area.
- 2. The applicant has submitted a rezoning and development variance permit application to redevelop 3607 – 27<sup>th</sup> Street into a two storey commercial development. The intent is to demolish the existing home and construct a 425m<sup>2</sup> (4,575ft<sup>2</sup>) two-storey dental clinic (Attachments 1-6). In their letter (Attachment 7), the applicant has outlined the proposed project and provided rationale in support of the requested rezoning and each variances.
- 3. The property is designated as “Mixed Use – Medium Density Commercial and Residential” in the Official Community Plan (OCP) (Attachment 8).



**Figure 1: Property Location Map**

The City Centre Neighbourhood Plan designates the site as being within the 27<sup>th</sup> Street Corridor Character Area. The current zoning is R1 – Estate Lot Residential and reflects the historical residential uses along 27<sup>th</sup> Street (Attachments 9 and 10). The proposed amendment to rezone to C4 – Street Oriented Commercial (Attachment 11) complies with the land use direction set out in the OCP and the City Centre Neighbourhood Plan.

Other commercial uses along 27<sup>th</sup> Street, south of 43<sup>rd</sup> Avenue, have been rezoned over time from residential zones to commercial zones (i.e. C2, C4 and C6). These rezonings have been consistent with the policy direction in the OCP and the City Centre Neighbourhood Plan. The planning vision for the 27<sup>th</sup> Street Corridor, as set out in the City Centre Neighbourhood Plan, is that “commercial development will include a mixture of professional offices, retail and commercial establishments, but will be compatible with adjacent residential areas and improve the relationship between vehicles and pedestrians. Streetscape enhancements will occur as buildings will be closer to the street and surface parking is located behind buildings.” As such, the proposed rezoning and project design is in keeping with the City Centre Neighbourhood Plan.



Figure 2: Aerial Photo of Property

4. The subject property is located along the east side of 27<sup>th</sup> Street and is adjacent to the lower East Hill residential area. In the past, as a condition of approval to rezone a property along the east side of 27<sup>th</sup> Street, between 28<sup>th</sup> Avenue and 42<sup>nd</sup> Avenue, a covenant has been required to be registered on the property title to prohibit uses that may conflict with the quality of life for the adjacent and nearby residences. It is recommended that as a condition of rezoning approval, a covenant be registered to prohibit development of food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands to be rezoned for commercial uses.
5. The property located south of the subject property currently has access only onto 27<sup>th</sup> Street (Figures 1 and 2). If that site were to be redeveloped for commercial purposes, the preferable access would be through the subject property rather than from 27<sup>th</sup> Street. As such, it is recommended as a condition of this rezoning, that the owner guarantee future access to 3603 – 27<sup>th</sup> Street (PID 012-362-883) through the subject property if it is to be developed for commercial purposes. A Section 219 covenant would need to be registered on title prior to Final Reading and Adoption of the rezoning bylaw. The covenant would need to guarantee access to 3603 – 27<sup>th</sup> Street by way of a 6m wide private access easement if direct access onto 27<sup>th</sup> Street is not granted in conjunction with a commercial rezoning application for 3603 – 27<sup>th</sup> Street.
6. Concurrently with the rezoning application, the applicant has applied to vary the following sections of Zoning Bylaw #5000 and Subdivision and Development Servicing Bylaw #3843, as follows:

**Zoning Bylaw #5000**

**Setback Variance (Section 10.4.5):**

- a) to vary the minimum front yard setback from 3.0m to 2.13m; and

- b) to vary the minimum south side yard setback from 3.0m to 2.97m.

**Landscape Buffer Variance (Sec.6.6.2, Table 6.1):**

- a) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.0m to 1.0m.

**Parking Variance (Sec.7, Table 7.1):**

- a) to vary the minimum number of required off-street parking spaces from 21 spaces to 16 spaces.

**Subdivision and Development Servicing Bylaw #3843**

- a) to vary the off-site works along 37<sup>th</sup> Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service.

7. The proposed design of the building (Attachments 1 – 5) meets the City Centre Neighbourhood Plan design guidelines for 27<sup>th</sup> Street corridor and is complementary to the residential buildings and the heritage character of lower East Hill Neighbourhood. The proposed low rise commercial building is oriented to the street frontage and includes many architectural elements such as a pitched roof, variety of materials, elements of colour, large display of windows, canopies and articulated façades. The proposed landscape design (Attachment 6) enhances the attractiveness of the building and includes ornamental paving stone and a variety of trees, shrubs and perennials in the buffer area, as well as in the City right-of-way along 27<sup>th</sup> Street and 37<sup>th</sup> Avenue. The improvement to the right-of-way would require the owner to sign on a License Agreement which is a recommended condition of approval of the development variance permit.
8. With respect to the request to reduce the minimum front yard and south side yard setbacks, such variances, given the size of the lot, allow for the building to have a better street presence and allows the parking to be located at the rear (Attachment 1). This design is supported by the policy direction established in the City Centre Neighbourhood Plan. The proposed building location allows for a 2.0m wide landscape area at the road frontages. As illustrated in Attachment 6, the loss of setback has been addressed through landscape design, plant material, planters, paving and ground cover. The setback reduction is supported by Administration as it improves the function and appearance of the development.
9. The applicant has also proposed to reduce the landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.00m to 1.00m (Attachments 1 and 6). The variance provides more area and improves functionality of the parking lot. The proposed buffer would include a 1.8m high solid wood fence along the property line combined with enhanced vegetation. The fence would provide visual privacy to the adjacent residential properties and would be designed so that a panel or panels could be removed in the future to allow for the vehicle statutory right-of-way to be constructed. Administration supports the request to reduce the landscape buffer along the south side yard and rear yard as it improves the parking area while providing privacy fencing and vegetation.
10. The proposed parking variance is to reduce the required parking from 21 to 16 (Attachment 1). The size of the lot, relative to the size of the proposed project, limits the ability to provide parking on-site to meet bylaw requirements. The proposed dental clinic building is to be two stories, the main floor is to be approximately 294m<sup>2</sup> (3,165ft<sup>2</sup>) in area and the upper floor is to be approximately 131m<sup>2</sup> (1,410ft<sup>2</sup>) in area (Attachments 2-3). The parking requirement rate in Zoning Bylaw #5000 for “health services” use is five parking spaces per 100m<sup>2</sup>. As such, the required parking is a total of 21 spaces for the development (about 15 spaces for the first floor and six spaces for the upper floor). As illustrated in Attachments 2-3 and in the applicant’s letter (Attachment 7), the upper floor of the building would only be used by the clinic staff. This floor would include two private offices, staff lounge, kitchen and lunch

area, washrooms with showers and roof terraces. Leaving that area out of the parking calculation would result in the actively used main floor area requiring 15 parking spaces.

The site is centrally located, near transit service (several bus stops within 500 metres), and on-site bicycle parking and end-of-trip facilities for staff (i.e. change facilities and showers) are being provided. The patient used space is the main floor only, as the upper floor is dedicated for staff. Based on these considerations, the parking reduction is supportable by Administration.

11. The applicant has requested to vary requirements of Subdivision and Development Servicing Bylaw (SDSB) #3843, Schedule A to reduce the pavement width of the portion of 37<sup>th</sup> Avenue from 12.0m to the existing 8.5m and not to require asphalt width widening of 1.75m. Other than the road widening, SDSB #3834 standards for 37<sup>th</sup> Avenue require concrete curb and gutter and widening of the sidewalk by 0.3m. Administration supports the requested variance and recommends that as conditions of variance approval, the owner is to dedicate approximately 0.105m for road right-of-way and enter into a Works Contribution Agreement for off-site works along 37<sup>th</sup> Avenue adjacent to the property.
12. 27<sup>th</sup> Street adjacent to the property is fully built, however, SDSB #3834 standards require a concrete curb and gutter and sidewalk widening from 1.5m to 2.0m. Administration recommends that as conditions of variance approval, the owner is to dedicate approximately 0.31m for road right-of-way and a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37<sup>th</sup> Avenue and 27<sup>th</sup> Street and enter into a Works Contribution Agreement for off-site works along 27<sup>th</sup> Street adjacent to the property.
13. Should Council support DVP00427, Administration recommends that the following conditions be required as part of DVP approval:
  - a) the owner is to dedicate road right-of-way widening of approximately 0.31m adjacent to 27<sup>th</sup> Street and approximately 0.105m adjacent to 37<sup>th</sup> Avenue on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27<sup>th</sup> Street);
  - b) The owner is to dedicate a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37<sup>th</sup> Avenue and 27<sup>th</sup> Street;
  - c) the owner is to enter into a Works Contribution Agreement for off-site works along 27<sup>th</sup> Street and 37<sup>th</sup> Avenue adjacent to the subject property;
  - d) that Lots 1 and 2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD be consolidated prior to the issuance of the occupancy permit;
  - e) the owner is to sign on a License Agreement for proposed improvement to the right-of-way adjacent to the subject property; and
  - f) that the site, floor, elevation and landscaping plans, generally shown as Attachments 1 to 6 inclusive in the report titled "Rezoning and Development Variance Permit Applications For 3607 – 27th Street" and dated July 13, 2018 by the Economic Development Planner be attached to and form part of DVP00427 as Schedule 'A'.

**C. Attachments:**

- Attachment 1 – Proposed site plan
- Attachment 2 – Main floor plan
- Attachment 3 – Upper floor plan
- Attachment 4 – Building elevations

- Attachment 5 – Renderings
- Attachment 6 – Landscape development plan
- Attachment 7 – Applicant letter dated June 22, 2018
- Attachment 8 – OCP map
- Attachment 9 – Zoning map
- Attachment 10 – R1: Estate Lot Residential zoning district
- Attachment 11 – C4: Street Oriented Commercial zoning district

**D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:**

The subject involves the following deliverables in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP.
- Support sustainable urban development by reducing off site costs and reviewing parking requirements for infill development.

**E. Relevant Policy/Bylaws/Resolutions:**

1. The subject property is designated Mixed Use – Medium Density Commercial and Residential in the Official Community Plan and located within the 27<sup>th</sup> Street Corridor Character Area in the City Centre Neighbourhood Plan.
2. The property is zoned R1 – Estate Lot Residential as per Zoning Bylaw #5000.
3. The Local Government Act provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set a precedent within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

**BUDGET/RESOURCE IMPLICATIONS:**

The applicant has reviewed the revitalization tax exemption program for the City Centre ( "City of Vernon Revitalization Tax Exemption Bylaw (City Centre District) Bylaw Number 5362, 2012"). If approved, the project would be qualified for up to ten years tax exemption under this bylaw following receiving an occupancy permit.

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Prepared by:

Approved for submission to Council:

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with **DocuSign**

\_\_\_\_\_  
Will Pearce, CAO

Roy Nuriel  
Economic Development Planner

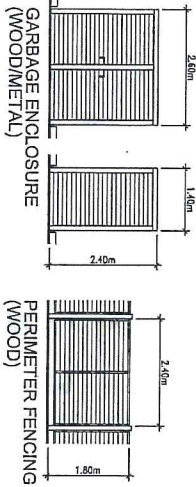
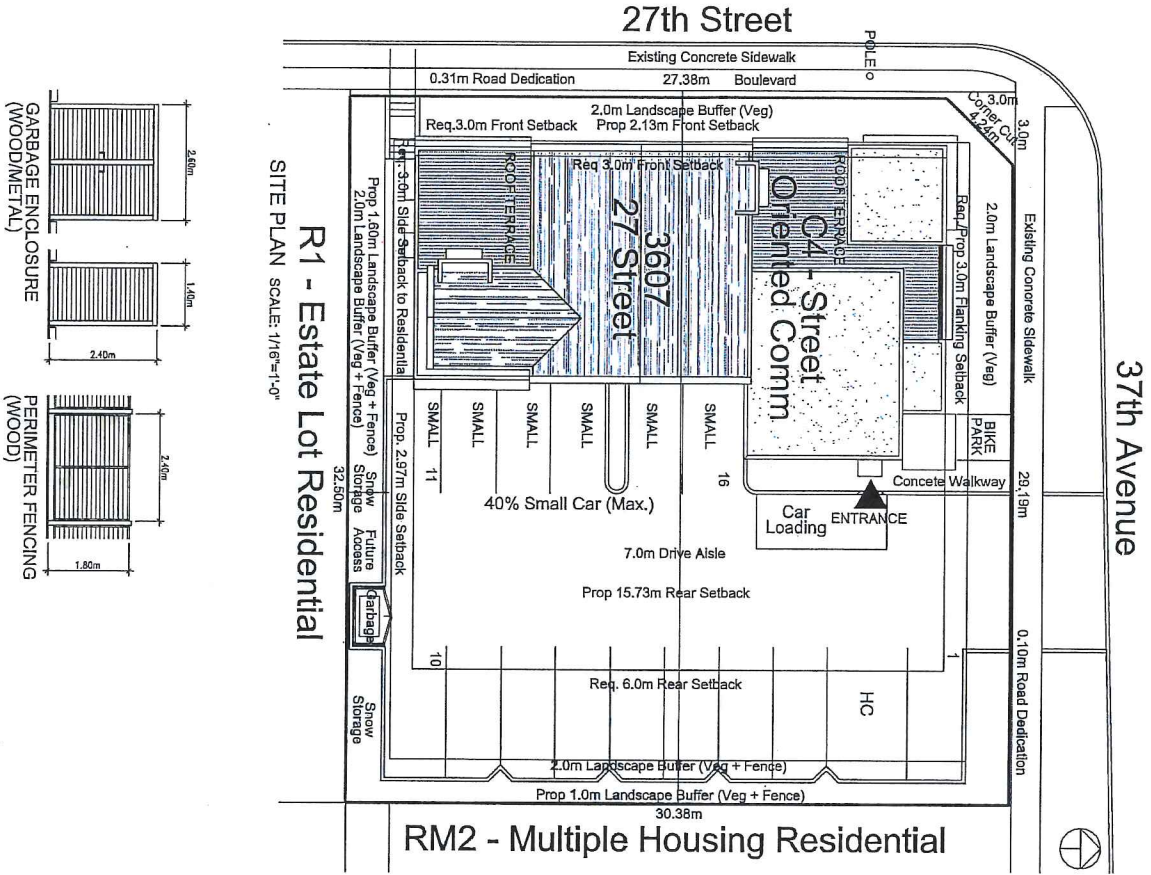
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Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

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| <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 type="checkbox"/> Building & Licensing                            |
| <input type="checkbox"/> RCMP                                  | <input type="checkbox"/> Utilities            | <input checked="" type="checkbox"/> Engineering & Development            |
| <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 checked="" type="checkbox"/> Economic Development & Tourism       |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Jul.24/18) |   |  |
| <input type="checkbox"/> OTHER:                                |   |  |



RM2 - Multiple Housing Residential

LEGAL DESCRIPTION		
Lot 12, Block 26, Plan 202, sec 3, TWP 4, CSD 10		
CIVIC ADDRESSES		
3607 27th Street, Vernon, B.C.		
ZONING		
Existing Zoning: R1 - Estate Lot Residential		
Proposed Zoning: RM2 - Multiple Housing Residential		
Existing Official Designation: Medium Density - Commercial and Residential		
PRIMARY USES		
Proposed Use: Health Services, Office, Personal Services, Retail Store, etc.		
Approved Use: Health Services		
TYPE	PERMITTED	PROVIDED
HEIGHT	12.0m or 3.0 Storeys	8.0m (2.0 Storeys)
LOT AREA (sqm)	4,890(1,100sqm Min (Subdivision))	9,000sqm
LOT FRONTAGE (m)	30.0(17.0m Min (Subdivision))	37.2m
FLOOR AREA RATIO (F.A.R.)	1.6 (Commercial)	0.2m
SETBACKS	50%	50%
REAR YARD (E)	2.0m (Vegetative + Fenced)	1.5m (Vegetative + Fenced)
REAR YARD (W)	3.0m	2.1m
FRONT YARD (W)	3.0m (Main Part)	2.0m
FRONT YARD (E)	3.0m (Main Part)	2.0m
FRONT YARD (S)	3.0m	2.0m
LANDSCAPE BUFFERS	2.0m (Vegetative + Fenced)	2.0m (Vegetative + Fenced)
FRONT YARD (N)	2.0m (Vegetative + Fenced)	2.0m (Vegetative + Fenced)
REAR YARD (S)	2.0m (Vegetative + Fenced)	1.5m (Vegetative + Fenced)
REAR YARD (E)	2.0m (Vegetative + Fenced)	1.5m (Vegetative + Fenced)
FLOOR AREA RATIO		
FLOOR AREA (Less main and upper storeys)		1,025sqm
LOT AREA (sqm)	(4,890sqm)	0.21
FLOOR AREA RATIO	(4,890sqm)	0.21
SITE COVERAGE		
TOTAL BUILDING COVERAGE		21%
LOT AREA (sqm)	(2,445sqm)	8.7%
LOT COVERAGE RATIO	(2,445sqm)	0.30
PARKING		
TYPE OF UNIT	STALLS REQUIRED	STALLS PROVIDED
HEALTH SERVICES (42sm)	810sm = 21 stalls	18 stalls (65% Small)
HEALTH SERVICES (42sm)	21 stalls	18 stalls (100% Small)
LOADING		
TYPE OF UNIT	STALLS REQUIRED	STALLS PROVIDED
HEALTH SERVICES (42sm)	150sm = 10 stalls	10 stalls (100% Small)
HEALTH SERVICES (42sm)	10 stalls	10 stalls (100% Small)

**DWELL DESIGN STUDIO**  
 2380/718  
 4 Kingsway  
 Vancouver, BC V6H 1H6

DATE: 09/24/2016  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

PROJECT TITLE:  
**Proposed Commercial Development (Dental)**  
 3607 27th Street  
 Vernon, BC

SHEET TITLE:  
**Site Plan Option 1**

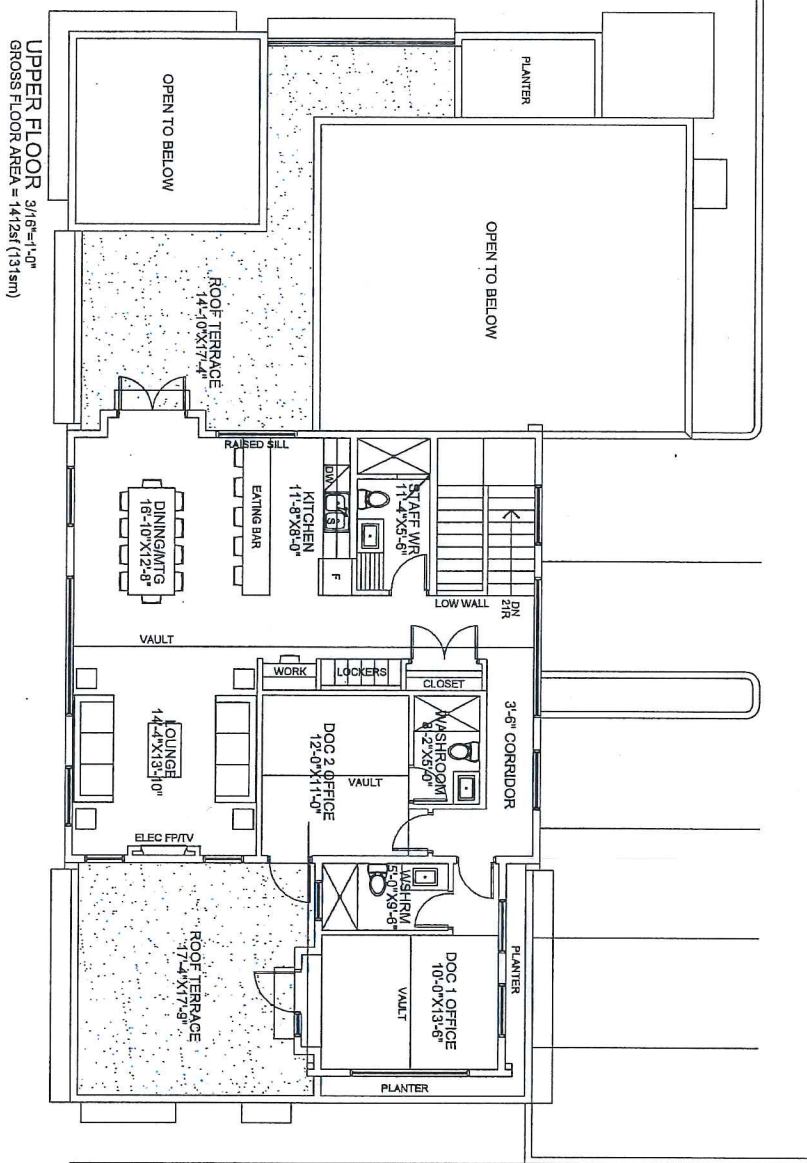
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 DRAWN BY: [Name]  
 CHECKED BY: [Name]

PROJECT TITLE:  
**Proposed Commercial Development (Dental)**  
 3607 27th Street  
 Vernon, BC

SHEET TITLE:  
**Site Plan Option 1**

**A-101**  
 OF





UPPER FLOOR 3/16\"/>

GROSS FLOOR AREA = 1412sf (131sm)

**DWELL DESIGNSTUDIO**

4000 Columbia Blvd  
 4820 Green Blvd  
 Newell, CO, 81118

Project: **Proposed Commercial Development (Dental)**

Location: **3807 87 Street, Vernal, CO**

DATE: **Issued 1/18**

By: **JK** (Lead Architect)

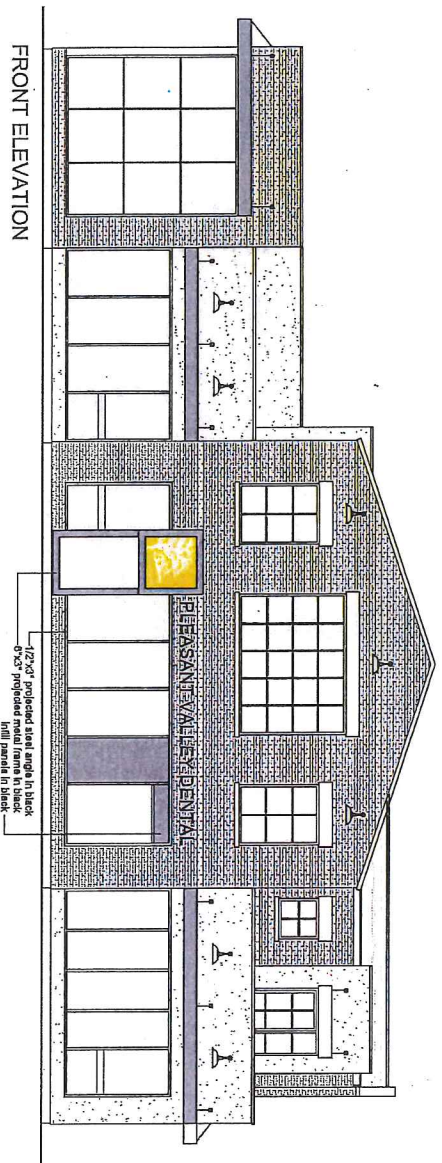
For: **JK** (Lead Architect)

Scale: **1/4\"/>**

**UPPER FLOOR PLAN**

**A-103**

OF



FRONT ELEVATION

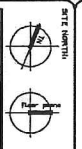


SIDE ELEVATION

**DWELL**  
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1-214-221-7176  
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1200 Cedar Street  
Austin, TX 78701



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DATE	ISSUED FOR
07-21-2011	Issued for Architect Review
08-01-2011	Revised for RFP/RFI

REVISION	DATE	DESCRIPTION

**PROJECT TITLE:**  
Proposed Commercial Development (Dental)

3802 27 Street  
Vernon, MO

**SHEET TITLE:**  
Building Elevations

**A-104**  
OF

**NOTES:**  
1. All notes reference all sheet numbers.  
2. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities.  
3. The drawings are the property of DWELL DESIGN STUDIO and shall remain the property of DWELL DESIGN STUDIO.  
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120. No. 2011-114  
Date: Feb 21, 2012  
Scale: 1/4"=1'-0"  
Drawn: DC  
Checked: DC



R-2020-0119  
 6/20/2020  
 DWELL DESIGN STUDIO  
 4001 Center Pike  
 Vienna, VA 22180

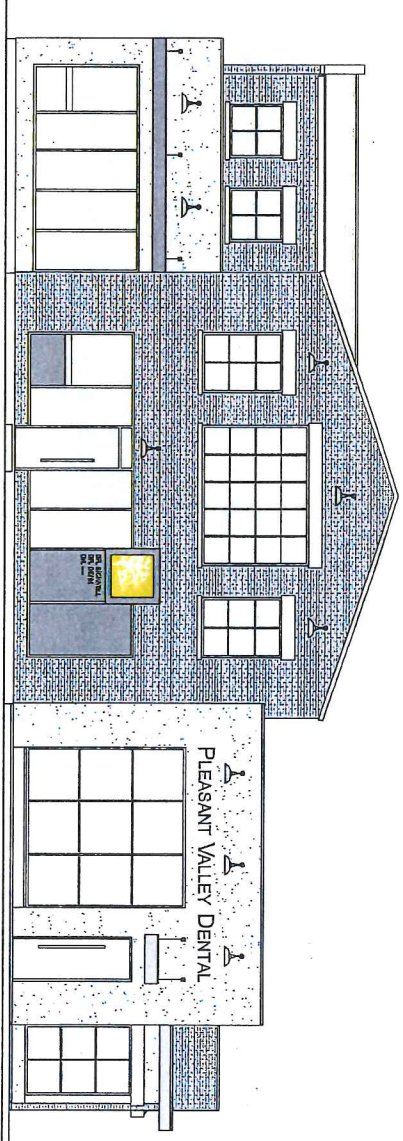


DWELL DESIGN STUDIO  
 4001 Center Pike  
 Vienna, VA 22180  
 TEL: 703.241.1111  
 WWW.DWELLDDESIGNSTUDIO.COM

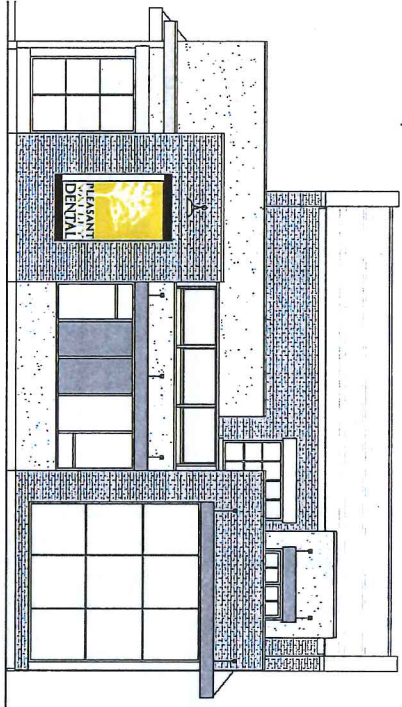
DATE: 1/20/20  
 DESIGNED FOR: Pleasant Valley Dental  
 DATE: 1/21/2020  
 DRAWN BY: DWELL

SHEET NO.: 1  
 OF 2

REAR ELEVATION



FLANKING ELEVATION



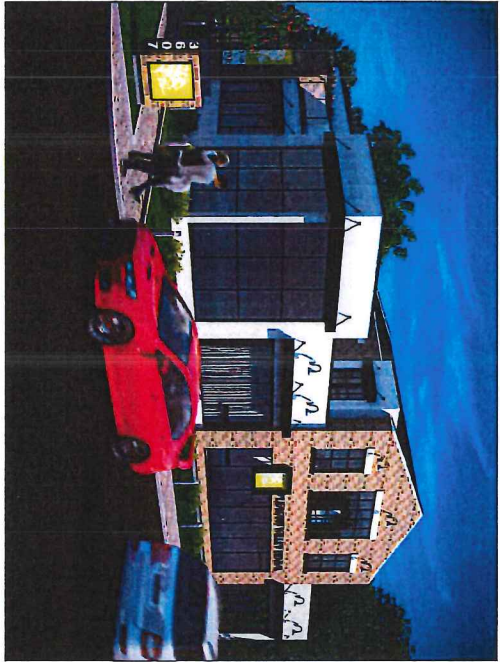
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 Proposed  
 Commercial  
 Development  
 (Dental)  
 3807 8th Street  
 Virginia, VA

**Building Elevations**

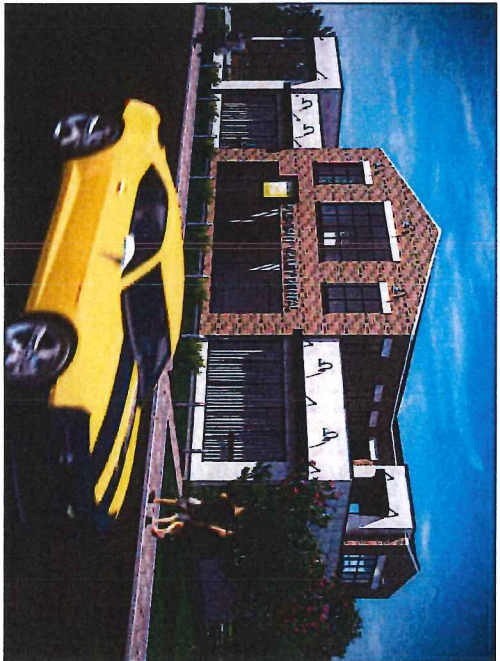
SHEET NO.: 1  
 OF 2

**A-105**  
 OF

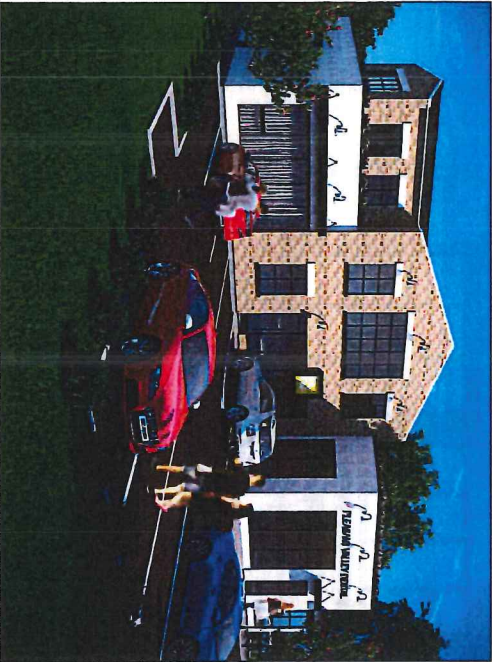




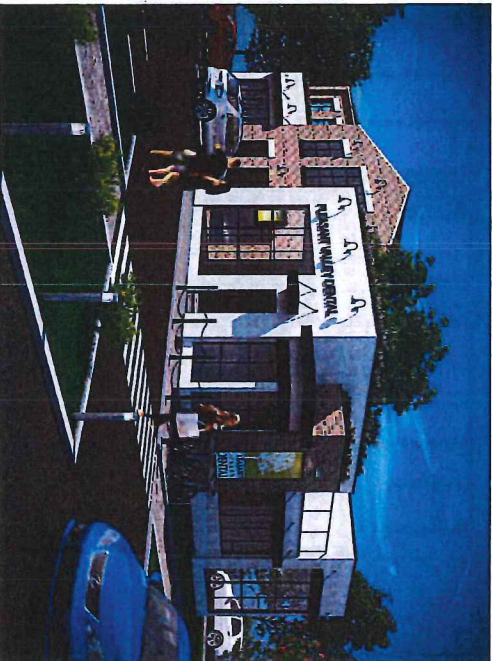
NORTH WEST CORNER



SOUTH WEST CORNER



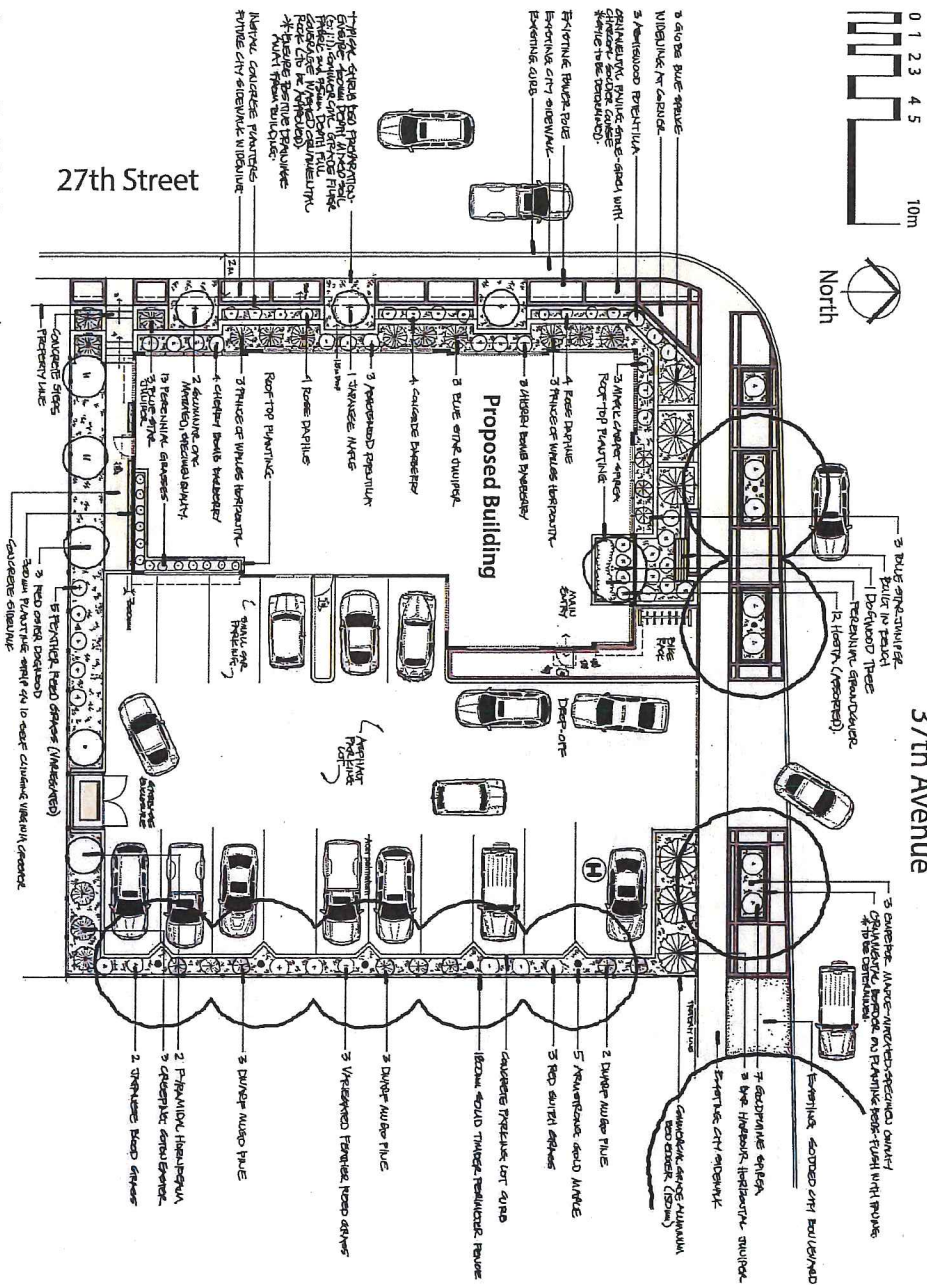
SOUTH EAST CORNER



NORTH EAST CORNER

P: 301.303.2176 www.dwellstudio.com 4000 Wisconsin Avenue, NW, Suite 100 Washington, DC 20007	
<p><b>GENERAL COMMENTS:</b>                  This architectural rendering is a conceptual illustration of the proposed project. It is not intended to be used for construction or as a contract document. The design is subject to change without notice. The client acknowledges that the rendering is not a representation of the actual project and is not to be used for any purpose other than for informational purposes only.</p>	
<p><b>DATE:</b> 10/15/2024  <b>PROJECT:</b> 21-101  <b>SCALE:</b> 1/4" = 1'-0"</p>	<p><b>ISSUED FOR:</b> 10/15/2024  <b>REVISIONS:</b> 10/15/2024</p>
<p><b>PRODUCT TITLE:</b>                  Proposed Commercial Development (Detail)                  SHEET 106 OF 106</p>	
<p><b>SHEET TITLE:</b>                  Renderings</p>	
<p>© 2024 Dwell Design Studio. All rights reserved. 106 of 106 sheets.</p>	
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<p>Job No.: 2024-106                  Date: 10/15/2024                  Drawn: JLD                  Checked: DC</p>	<p>Sheet Number:  <b>A-106</b>                  OF</p>

June 5, 2018  
**PLEASANT VALLEY DENTAL**  
 3607-27 Street, Vernon, BC  
**Proposed Landscape Development Plan**



37th Avenue

27th Street

**Proposed Building**

- Notes:**
- Work performed shall comply with the following:
  - Report any plant substitutions to Owner's representative
  - Report any plant substitutions immediately to the Owner's representative.
  - Contact local landscape utility services for utility location and identification, prior to commencing work.
  - Perform excavation in the vicinity of underground utilities with care and by hand. If necessary, the contractor shall be responsible for this work and restoration of damage to utilities shall be repaired immediately and to the satisfaction of the owner.
  - Exact locations of plant materials to be approved by Owner's representative prior to installation. Space planting groups evenly as per drawing.
  - Trees shall have forms and sizes for plant materials within each species and size designated on the drawings.
  - Prune newly planted trees and shrubs to remove poor or broken branches.
  - Fertilizer plant material as required at time of installation. Use root booster to lessen transplant shock.
  - Align and evenly space in all directions trees and shrubs so designated per these notes and drawings.
  - Finish grades of planting areas shall be 50mm below adjacent paving or top of wall unless otherwise noted.
  - Provide specified edging as indicated between planting beds.
  - Plant material to be approved by Owner's representative on site prior to installation.

**Plant List**

**TREES**

- 2- Columnar Oak / Quercus robur 'Fastigiate' (5mm cal, Matched)
- 2- Pyramidal Hornbeam / Carpinus betulus 'Fastigiate' (5mm cal, Matched)
- 3- Emperor Maple / Acer palmatum 'Emperor' (5mm cal, Matched)
- 5- Armstrong Gold Maple / Acer rubrum 'Armstrong Gold' (5mm cal, Matched)
- 1- Kousa Dogwood Tree / Cornus kousa (15 gal pot)

**Shrubs**

- 1- Japanese Maple / Acer palmatum (15 gal pot)
- 4- Concord Barberrry / Barbaris thunbergii 'Concord' (2 gal pot)
- 7- Cherry Bomb Shrub / Cornus stolonifera 'Cherry Bomb' (2 gal pot)
- 3- Red Osier Dogwood / Cornus stolonifera (2 gal pot)
- 3- Magic Carpet Spirea / Spirea japonica 'Goldflame' (2 gal pot)
- 7- Goldflame Spirea / Spirea x bumalda 'Goldflame' (2 gal pot)
- 6- Abotewood Potentilla / Potentilla fruticosa (2 gal pot)
- 3- Creeping Colonnaster / Polentastr Adpressus (2 gal pot)
- 8- Dwarf Mugo Pine / Pinus mugo Pumilo (5 gal pot)
- 3- Globe Blue Spruce / Picea pungens Globosa (3 gal pot)
- 8- Rose Dahlgren / Daphne Canotum (2 gal pot)
- 3- Bar Harbour Juniper / Juniperus Horizontalis (5 gal pot)
- 6- Prince of Wales Juniper / Juniperus Horizontalis (5 gal pot)
- 12- Blue Star Juniper / Juniperus squamata Blue Star (2 gal pot)

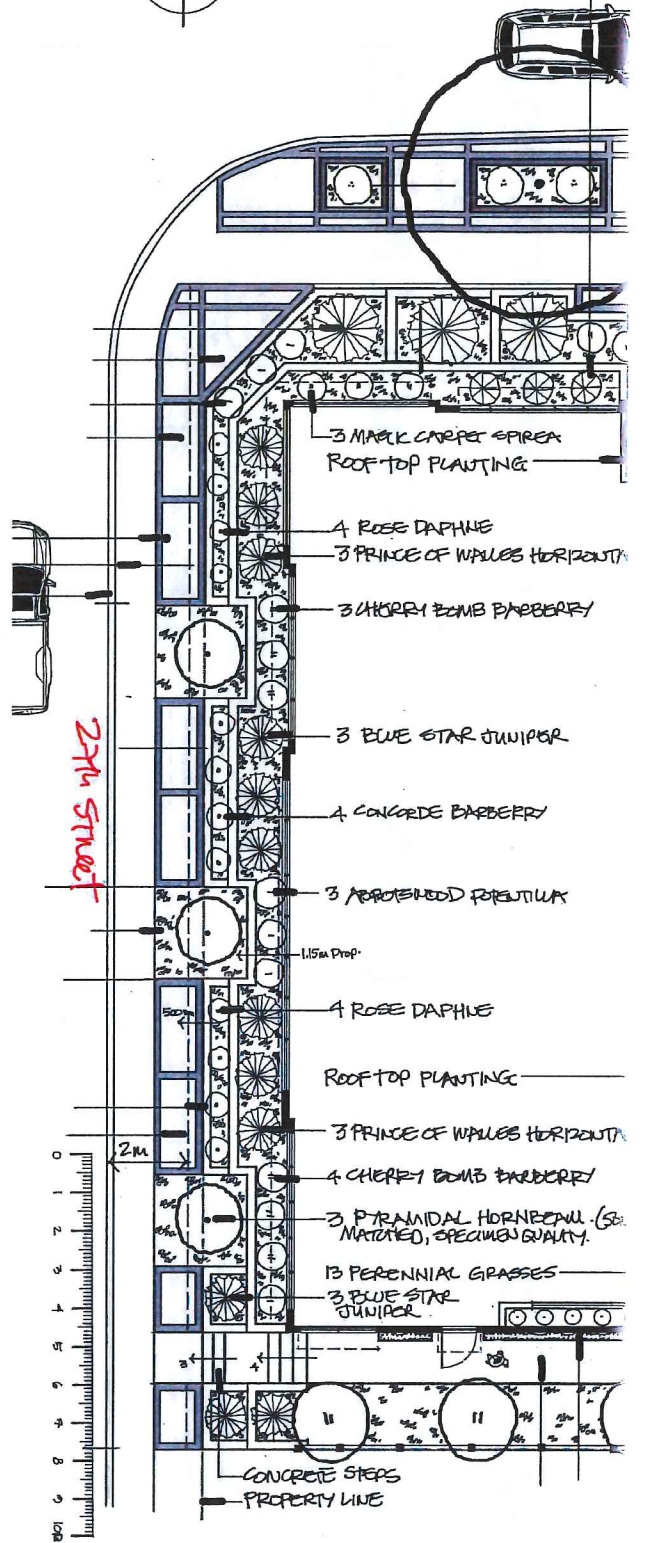
**Perennials**

- 12- Assorted Hosts / Hosta Sp. (3 year / Container)
- 2- Japanese Blood Grass / Imperata cylindrica 'Red Baron' (1 gal)
- 6- Feather Reed Grass / Calamagrostis x Acutidora (1 gal)
- 3- Red Switch Grass / Panicum Virgatum (1 gal)
- 13- Virginia Creeper / Parthenocarpus quinquefolia 'Englemant' (2 yr)

Prepared by:  
  
 KILLINO www.killino.com  
 250-307-8938

Prepared for:  
  
 HEARTWOOD HOMES LTD

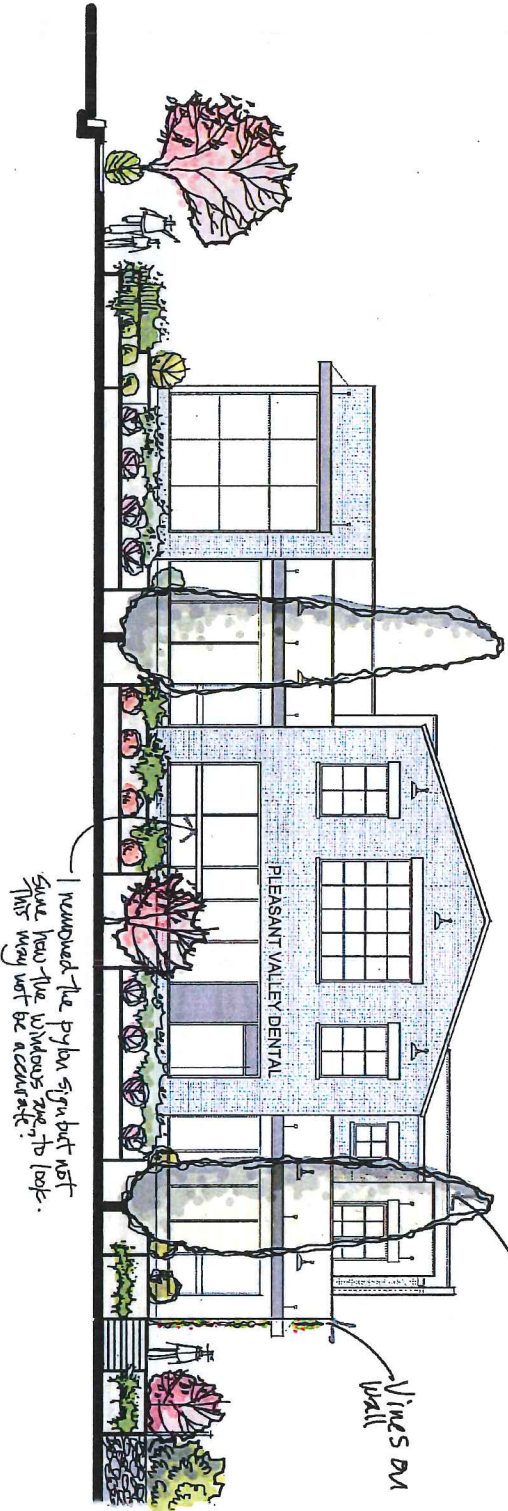
37th Ave



# Pleasant Valley Dental

BARBARA FLEMING

June 5, 2018



Columnar Oak

Vines on wall

Prepared by:





June 22, 2018

City of Vernon  
Development Services – Planning Department  
3507 33<sup>rd</sup> Street, Vernon, BC

**Attn.:** Mr. Roy Nuriel, Economic Development Planner

**Re.:** Design Rationale for the Proposed Commercial Development at 3607 27<sup>th</sup> Street, Vernon, B.C.

Design Rationale:

The purpose of the Design Rationale is to give background on the history of the proposal and the context in an effort to provide justification for the variances requested and depicted in the Development Permit/Development Variance Permit drawing package attached.

Background:

Dr. Sean Bicknell is a local Dentist who has been living and working in Vernon since 2005. His practice is based on General Dentistry with specialty in the areas of Cosmetic and Implant Dentistry. The Practice has outgrown its current location at 2301 32 Avenue in Vernon and he wishes to establish a new state-of-the-art clinic in a prominent location in Downtown Vernon. The proposed development is to include office/clinic space as well as indoor and outdoor staff areas.

Context:

The subject site is located at 3607 27<sup>th</sup> Street within the City Centre Plan area denoted as the 27<sup>th</sup> Street Corridor. The subject site fronts onto both 27<sup>th</sup> Street and 37<sup>th</sup> Avenue. The area is eclectic in nature and ranges from the established Neo-Heritage homes of lower East Hill to the flat-roof industrial/commercial buildings along 27<sup>th</sup> Street. The area has developed over time and is in transition from residential uses to commercial or mixed-use commercial/residential uses.

The subject site is bordered; to the north by a vacant site Zoned C<sub>4</sub>-Street-Oriented Commercial site, to the south by an existing heritage style home (Zoned R<sub>1</sub>-Estate Lot Residential), to the west by 27<sup>th</sup> Street and to the east by the existing heritage style homes (Zoned RM<sub>2</sub>-Multiple Housing Residential) of lower East Hill.

Rationale for Design:

A review of the City Centre Plan has been undertaken as part of the submission. The purpose is to establish that the proposed commercial building design meets the objectives of the City Centre Plan with respect to the general Design Guidelines and the Character Area guidelines.

The proposed building meets the following objectives of the City Centre Plan:

- New development complements the existing character of the neighbourhood while being true to the era in which it was built.

- .....building designs complement the streetscape and enhance the overall appeal of the City Centre.
- .....architectural elements to complement existing development through windows spacing, materials, textures, patterns/motifs, massing, form, scale of building or elements or colour. Visual interest, generally through the articulation and composition of facades, contributes to how people feel in a place and is fundamental to a highly pedestrian environment.
- Buildings are oriented to the street frontage and accessible from the sidewalk.
- Ground floor commercial is required and/or encouraged according to Character Areas.....
- Development proposals should incorporate Crime Prevention Through Environmental Design (CPTED) principles into site design.
- The impact of new development on existing view corridors should be minimized.....
- Where possible, buildings should be located parallel to the street or along the edge of an open space with a consistent front yard setback.
- Parking should be accommodated in the rear yard, the side yard or provided discreetly within the building envelope.
- Development will retain the pitched roof character of existing buildings in the area.
- Proposed development should relate to adjacent buildings in terms of scale, height and general configuration. To create appropriate transitions, new buildings should consider several of the following features of adjacent buildings; building height, building orientation, massing....., setback....., materials....., window treatment.....
- The transition between different land uses and Character Areas should be respectful and make reference in scale, massing, and/or style, where appropriate, in order to minimize negative impacts of abrupt contrasts in neighbouring buildings.
- Buildings should provide multiple points of visual interaction through doorways, large display windows and other pedestrian oriented features that promote activity and transparency.
- The building facade shall use architectural solutions to create varied and articulated building facades. Window placement and groupings, material palette and surface relief through massing or elements, among other techniques, may be explored to avoid a monolithic form.
- Entrances should be emphasized with architectural forms....projections.....canopies...to define and distinguish an entrance.
- Building materials should be chosen for their durability as well as their functional and aesthetic quality.....Materials should be compatible with adjacent buildings, either as primary or accent materials.
- Materials used for the front facade must be carried around the building where any facades are within view of a public street.
- .....Historic practice has been to encourage earth tones in the City Centre.....
- Commercial signage should be limited to the street level and add diversity and interest.....
- Signs should be integrated into the design of building facades but must not obscure windows.....
- .....Streetscape enhancements will occur as buildings will be closer to the street and surface parking is located behind the buildings.
- Support redevelopment of vacant and underutilized lands.
- .....All development must include commercial uses at street level

The proposed commercial development is residential in scale and massing and embodies the heritage character of the adjacent lower East Hill neighbourhood yet adds to the eclectic feel of the 27<sup>th</sup> Street Corridor. The materials and colours have been selected to reinforce the desired residential character for the development.

The design incorporates clean lines and strong repetition of elements to give the building a more modern and commercial interpretation of the Industrial/Restoration/Modern style.

Variations and Rationale:

There are 3 requested variations for the proposed commercial development:

1. Vary the required parking stalls from 21 stalls to 16 stalls based on gross floor area for the proposed medical use

Justification:

- The parking required for the proposed commercial development is based on gross floor area. There are a number of ancillary areas that are part of the gross floor area that do not generate a need for parking. The areas above the main floor are dedicated to staff only and do not contribute to the occupant load of the building. If we look at the gross floor area of the proposed main floor (2945m) there is a requirement for 14.7 stalls (5 stalls/1005m for Health Services Use). The staff areas on the upper floor (1315m) require an additional 6.6 stalls based on the requirements for parking. The proposal development will provide 16 parking stalls and meets the need of the practice for 5 staff and patients.
- The proposed development is located adjacent to transit, bike lanes and pedestrian routes within the downtown area and encourages alternative forms of transportation to traditional automobile access to the subject site.

2. Vary the landscape buffer along the east property line from 2.0m to 1.0m.

Justification:

- The commercial development needs to have the foot-print proposed to make it economically viable and meet the program for its intended use. When the dimensional constraints of the building, site depth and drive aisle and parking stall depth are combined there is less area available for the landscape buffer on the east property line.
- The buffer is to consist of vegetation and a fence. The fence will be constructed of solid wood panels at 1.8m high to create visual privacy for the adjoining residential neighbour. The landscape plan has addressed the enhanced planting in this buffer area and tree wells have been created with a triangular projection into the parking stall area to achieve the larger planting requirements.

3. Vary the landscape buffer along the south property line from 2.0m to 1.6m.

Justification:

- The commercial development needs to have the proposed number of parking stalls to meet the needs of patients and staff. When the dimensional constraints of the site width and parking stall widths are combined there is less area available for the landscape buffer on the south property line.
- The buffer is to consist of vegetation and a fence. The fence will be constructed of solid wood panels at 1.8m high to create visual privacy for the adjoining residential neighbour.
- There will only be two vehicles parked parallel to the south property line at any time.
- An access agreement is required through the site to the adjacent property to the south. The reduction of the landscape buffer and landscape material in this area will require less removal later as the adjacent property develops.

4. Vary the front yard setback from 3.0m to 2.13m.
  - The variance request is consistent with the adjacent project to the North with the setback reduction and will create continuity in the streetscape along this portion of 27<sup>th</sup> Street.
  - The building is raised approximately 1.2m above the level of the sidewalk on 27<sup>th</sup> Street. The loss of setback has been addressed through enhanced landscape design; plant material, planters, paving and ground cover
  - The building has been pulled closer to 27<sup>th</sup> Street to further reinforce the Downtown Neighbourhood Plan requirements of form and character with visual connection to the street from the main floor and upper floor/roof terraces.
  
5. Vary the side yard setback from 3.0m to 2.97m.
  - The variance request is consistent with the adjacent project to the North with the setback reduction.
  - The current residential property to the South will be redeveloped in the future to a commercial use and thus the setback between commercial properties will be reduced. The current additional setback requirement is driven by the adjacency of commercial to residential use.
  - The buffer planting and solid wood fencing at a 1.8m height will create visual and sound buffering from the proposed commercial development. The proposed clinic has been laid out to direct most of the internal view away from the internal side yard and create less intrusion to the residential property to the South.

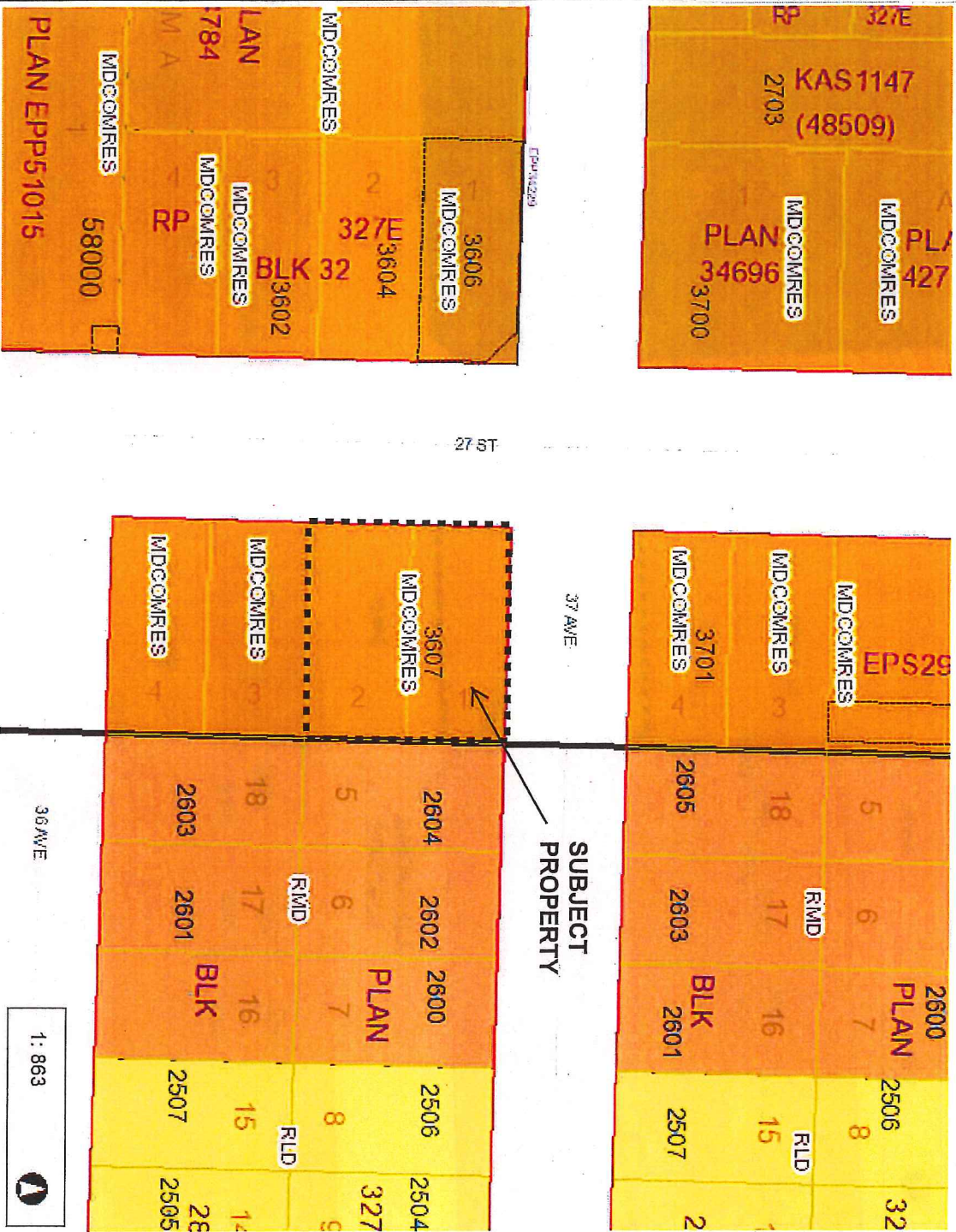
Regards,  
Darrin Collie  
Dwell Design Studio

encl.

Attachment 8

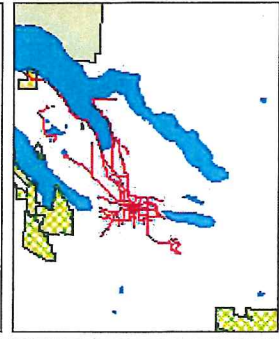


ZON00299 / DP000752 / DVP00427: 3607 27 St. OCP Map



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1: 863



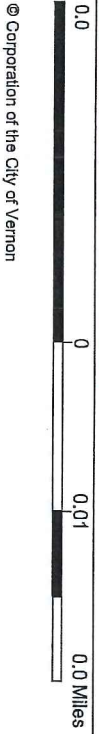
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  - RESIDENTIAL - MEDIUM DENSITY
  - MIXED USE - MEDIUM DENSITY COMMERCIAL AND RESIDENTIAL

Notes

# Attachment 9

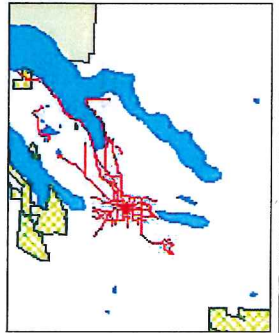


## ZON00299 / DP000752 / DVP00427: 3607 27 St. Zoning Map



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1: 863



**Legend**

R1	ESTATE LOT RESIDENTIAL
RM2	MULTIPLE HOUSING RESIDENTIAL
C2	TRANSITIONAL COMMERCIAL
C4	STREET-ORIENTED COMMERCIAL
C11	SERVICE COMMERCIAL

Notes

## 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 740m<sup>2</sup>, or 10,000m<sup>2</sup> 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)*

## 10.4 C4 : Street-Oriented Commercial

### 10.4.1 Purpose

The purpose is to provide a **zone** for neighbourhood scale, pedestrian-oriented commercial **development** along major **streets**.

### 10.4.2 Primary Uses

- apartment housing
- artist studios
- brewing and distilling, class A
- care centres, major
- commercial schools
- community recreation centre
- cultural exhibits, private
- emergency protective services
- financial services
- food primary establishments
- gas bars, where in active use prior to January 1, 2004
- group home, major
- health services
- offices
- personal services
- parks, public
- retail stores, convenience
- retail stores, general
- row housing
- seniors assisted housing
- seniors residential care
- seniors supportive housing
- temporary shelter services
- used goods stores

### 10.4.3 Secondary Uses

- care centres, minor
- home based businesses, minor

### 10.4.4 Subdivision Regulations

- Minimum **lot width** is 13.0m, except it is 22.0m if there is no **abutting lane**.
- Minimum **lot area** is 450m<sup>2</sup>, except it is 1300m<sup>2</sup> if there is no **abutting lane**.

### 10.4.5 Development Regulations

- Maximum commercial **floor space ratio** is 1.5. In addition, a residential **floor space ratio** of 0.3 is permitted for a total **floor space ratio** of 1.8.
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the **parking spaces** are screened from view, an additional **floor space ratio** of 0.2 is permitted. Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the **floor space ratio** permitted shall be determined through multiplying the additional 0.2 **floor space ratio** by the percentage of parking proposed to be

provided beneath habitable space of a primary **building** or useable common amenity areas.

- Maximum **site coverage** is 50%.
- Maximum **height** is the lesser of 12.0m or 3.0 **storeys**.
- Minimum **front yard** is 3.0m.
- Minimum **side yard** is 0.0m, except it is 3.0m for a **flanking street** or where the **site abuts** a residential zone.
- Minimum **rear yard** is 6.0, except it is 1.5m for **secondary buildings**.

#### 10.4.6 Other Regulations

- **Apartment housing, major care centres, seniors assisted housing and seniors supportive housing** are only allowed above the **first storey** and require a separate at-grade access from the **commercial uses**.
- A minimum area of 5.0m<sup>2</sup> of private open space shall be provided per **bachelor dwelling, seniors assisted housing or seniors supportive housing** unit or group home **bedroom**, 10.0m<sup>2</sup> of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m<sup>2</sup> of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- While vehicular access to a **lot** is permitted from the front, parking areas shall not be constructed in the **front yard**, but on the side or rear of the **lot**.
- For **seniors assisted housing, seniors residential care and 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.
- 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)



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Hazel Christy  
Planner  
Craig Broderick  
Manager, Current Planning

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** , August 13, 2018  
**REPORT DATE:** July 17, 2018  
**FILE:** LUC00014

**SUBJECT: LAND USE CONTRACT DISCHARGE APPLICATION FOR 8000 BENCH ROW ROAD**

---

## **PURPOSE:**

To review the application to discharge LUC Bylaws #287 and #288 from the title of 8000 Bench Row Road to allow the property to be governed by Zoning Bylaw #5000 (A1 Agriculture within the ALR).

## **RECOMMENDATION:**

THAT Council support the application to discharge Bylaws #287 and #288, being Land Use Contract (LTO #P2374) from the title of Lot 1, DL 6, ODYD, Plan 6067 exc. Plan 31460 (8000 Bench Row Road), to allow the property to be governed by Zoning Bylaw #5000 (A1 Agriculture within the ALR), subject to registration of a no build, no disturb covenant intended to protect the existing vegetation on-site.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council support the application to discharge Bylaw #287 and #288, being Land Use Contract (LTO #P2374) from the title of Lot 1, DL 6, ODYD, Plan 6067 exc. Plan 31460 (8000 Bench Row Road), to allow the property to be governed by Zoning Bylaw #5000 (A1 Agriculture within the ALR), subject to the following conditions:
  - a) registration of a no build, no disturb covenant intended to protect the existing vegetation on-site; and
  - b) *(to be cited by Council).*

*Note: This alternative supports the application to discharge the Land Use Contract subject to conditions by Council.*

## **ANALYSIS:**

### **A. Committee Recommendations:**

At its meeting of July 24, 2018, the Advisory Planning Committee (APC) passed the following resolution:

“

“

**B. Rationale:**

1. The subject property is located at 8000 Bench Row Road, as shown on Figures 1 and 2, and comprises 2.7 acres (11,035 m<sup>2</sup>). The Official Community Plan designation for this property is Rural Agricultural (RAGR) and the underlying zoning is A1 (Agriculture within the ALR). If the Land Use Contract were discharged, the A1 Zoning would be in effect.

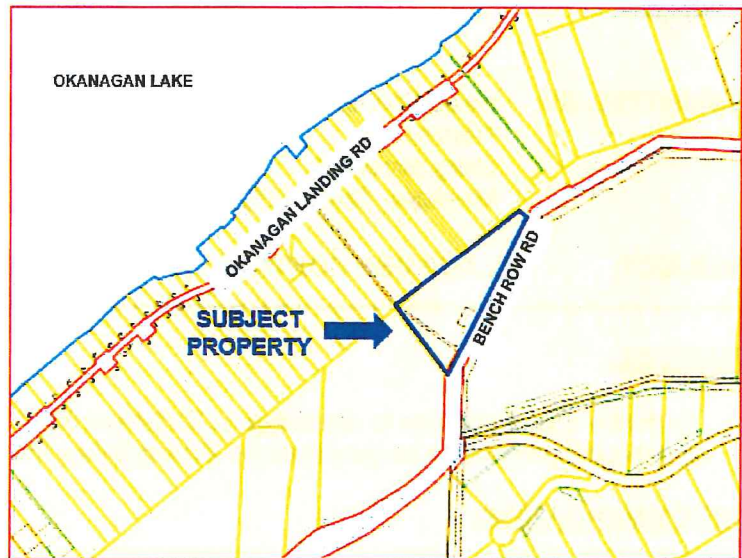
2. The property is in the ALR, however it is currently undeveloped and does not have farm status. The owner's intention is to construct a primary residence, an orchard, a secondary building, storage, and a secondary dwelling unit.

3. The Agricultural Land Commission Regulations govern permitted uses for lands within the ALR, and restrict secondary residences to a secondary suite within a single family dwelling, and either a manufactured home up to 9 m for an immediate family member, or accommodation that is constructed above an existing single level farm building (Sec. 3 (1) (b) of the ALR Regulations). The property would first have to gain farm status prior to consideration of a secondary dwelling unit.

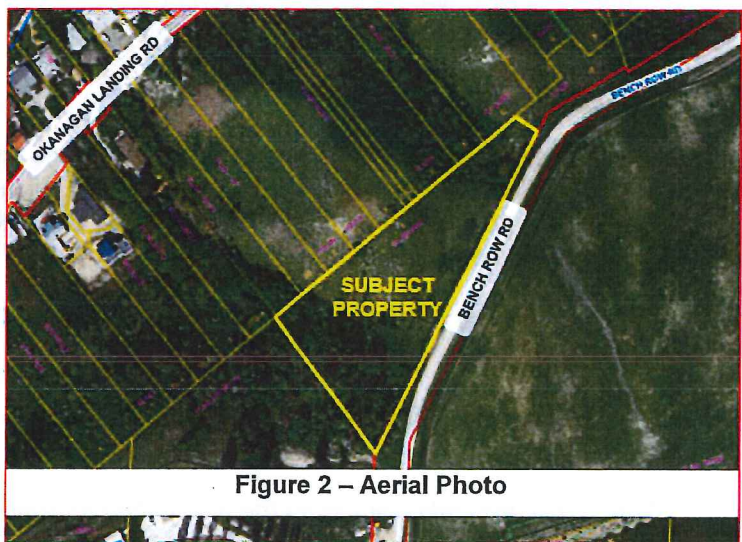
4. The parcel is located on the edge of a terrace that slopes towards Okanagan Lake. Approximately 70% of the property area consists of relatively steep slopes of between 30% and 50%. The steepest slopes present on the property lead down into two small gullies, as can be seen on Figure 2. The comparatively flat terrace near the middle of the lot is where the primary residential building is proposed to be located.

5. The applicant has submitted a geotechnical report prepared by Tetra Tech dated April 3, 2017. This report identifies evidence of minor slope instability in the steepest slopes in the area on the site. The report makes a number of recommendations, including control of storm water runoff entering the site, and on site drainage, in addition to recommending a minimum building setback of 3.0 m from the break in slope on the northern and southern sides of the terrace area. Setbacks in the A1 zone are 10.0 m (rear), 6.0 m (front), and 3.0 m (side).

6. Much of the subject property has a medium environmental rating. As such, a no build, no disturb Section 219 Covenant will be required on the forested portions of the subject property to protect the existing vegetation and drainage function prior to discharge of the Land Use Contract. The no build, no disturb



**Figure 1 - Property Location Map**



**Figure 2 - Aerial Photo**

area can be refined at the building permit stage, subject to being supported by an Environmental Impact Review.

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

Under Bill 17, the Miscellaneous Statutes Amendment Act 2014, all land use contracts in the Province will be automatically terminated and deemed to be discharged from title, and as of June 30, 2024 any remaining land use contracts on title would have no legal binding force or effect. There are numerous land use contracts in place within the City of Vernon. Administration has been working with applicants to discharge the land use contracts as those properties come forward for redevelopment or improvements, such as the subject application.

8. Administration supports the discharge of the Land Use Contract and the variance requested for the following reasons:
  - a) Provincial legislation will terminate all Land Use Contracts in the Province on June 30, 2024;
  - b) The property is currently undeveloped, and the discharge of the Land Use Contract will enable a more usable and productive land parcel; and
  - c) Further details concerning building siting and foundation construction as recommended by the geotechnical report will be addressed at the Building Permit stage.

**C. Attachments:**

Attachment 1 – Site Plan showing topography and break in slope

Attachment 2 – Conceptual Site Plan

Attachment 3 – Zoning Bylaw #5000 Section 8.1 Agriculture within the ALR Zone

Attachment 4 – Bylaws #287 and #288 to amend Zoning Bylaw #299 (Land Use Contract LTO #P2374)

**D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:**

The subject application involves the following objectives in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP

**E. Relevant Policy/Bylaws/Resolutions:**

1. The Official Community Plan (OCP) designates the property as Rural Agriculture.
2. The property is in the ALR and subject to ALR Regulation respecting farm and non-farm uses.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

Right-click to sign  
with **DocuSign**

Craig Broderick  
Manager, Current Planning

Will Pearce, CAO

Date: \_\_\_\_\_

Right-click to sign  
with **DocuSign**

Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

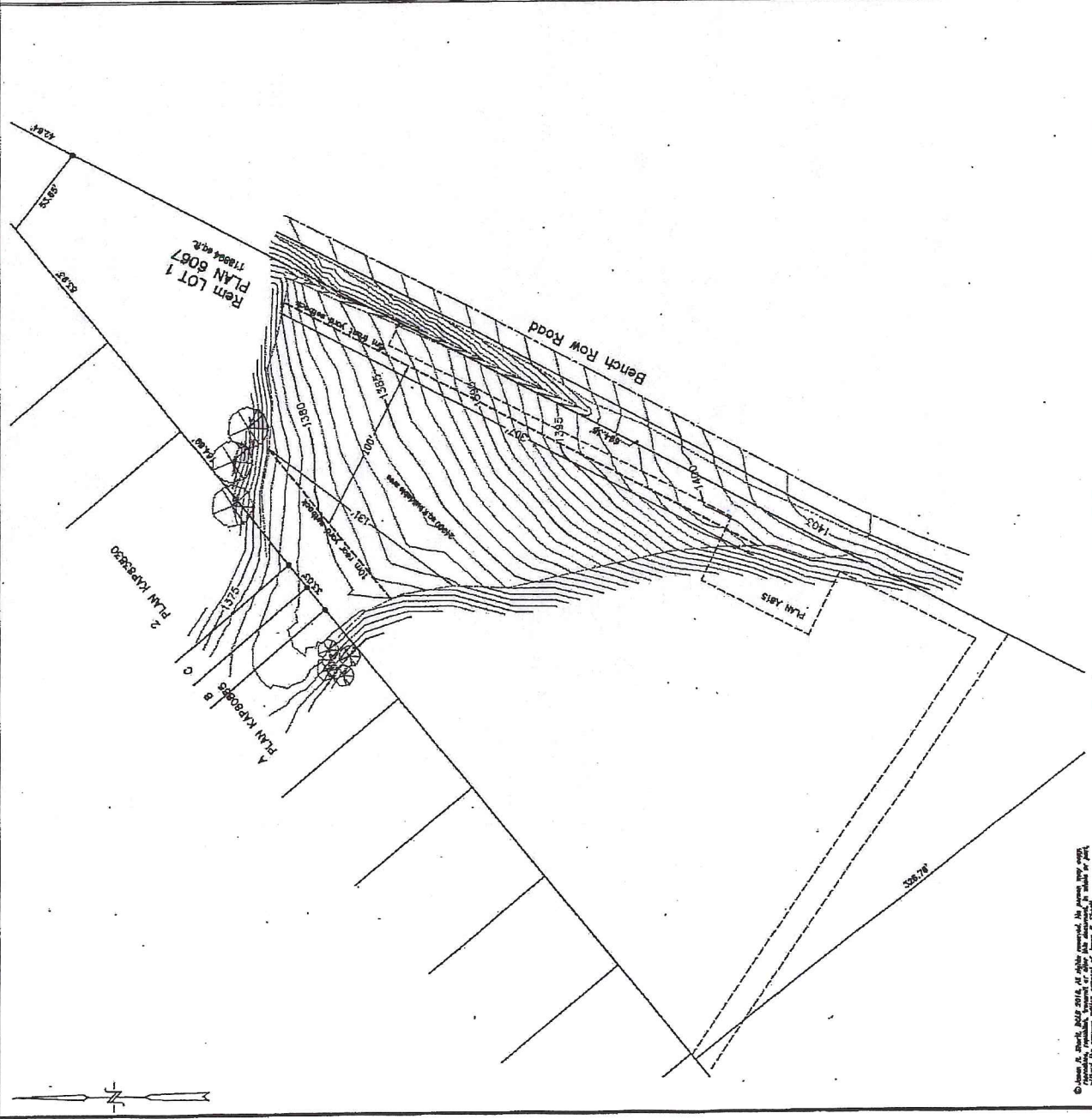
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|---|---|---|
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| <input type="checkbox"/> Bylaw Compliance                       | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                            | <input type="checkbox"/> Facilities           | <input 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 (Aug. 14/18) |   |   |
| <input type="checkbox"/> OTHER:                                 |   |   |

Site Plan of Lot 1, DL 6, ODYD,  
Plan 6067, except Plan 31460.

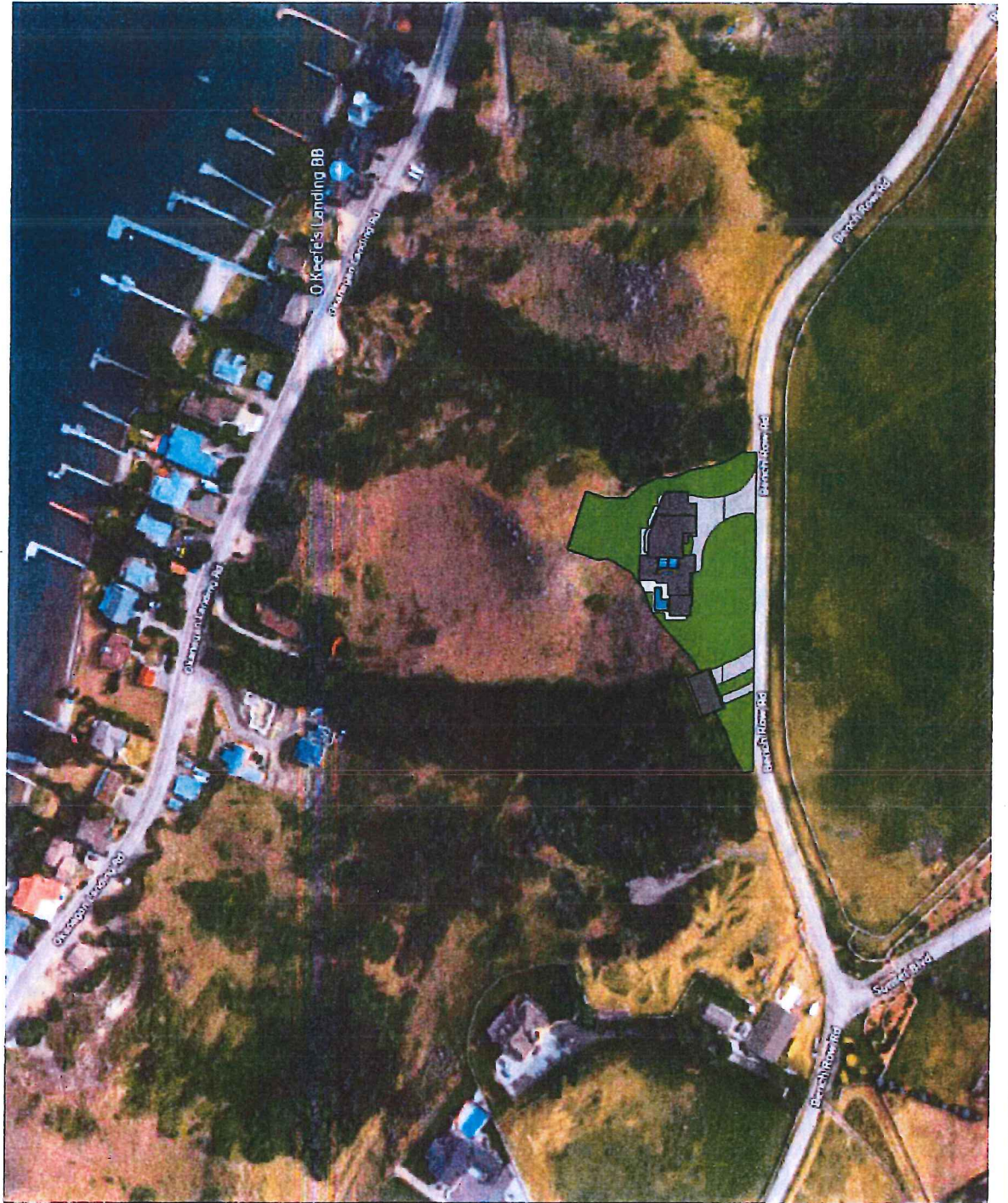
Client: Brongara  
 Civic address: 8000 Lower Bench Road  
 SCALE: 1" = 40'  
 0' 10' 20' 30' 40' 50' 60' 70' 80' 90' 100'  
 The intended plot size of this plan is 22' in width by  
 in height (961 sq ft) when plotted at a scale of 1:4000  
 Colour Interval = 1'

This plan was prepared for design purposes and is for the exclusive  
 use of Brongara.  
 No liable encroachments exist on the property from any  
 improvements situated on an adjoining property unless noted otherwise.  
 Distances are shown in metres and decimals thereof.  
 Percol dimensions are derived from Plan 6067 & 31460.  
 The plan shows horizontal ground level elevations except where  
 otherwise noted. To compute solid dimensions multiply ground level  
 distances by the combined factor of 0.999882.  
 Bearings and distances are derived from field survey observations and  
 are referred to the central meridian of UTM zone 11N, MAGD 62519  
 The plan has been prepared based on Land Title and Survey Authority  
 records and a field survey completed on Feb. 24, 2017. Unretrieved  
 fixtures have not been included or considered.  
 The Certificate of Title PD 010-229-685 was searched on Feb. 21,  
 2017.  
 This document shows the relative location of the surveyed structures  
 and features with respect to the boundaries of the parcel described  
 herein. This document shall not be used to define property lines or  
 property extent.  
 James H. Short accepts no responsibility for and hereby disclaims all  
 direct, indirect, special, and consequential damages arising out of or  
 in connection with and direct or indirect use or reliance upon the  
 Plan prepared by the licensed firm.

russell short  
 LAND SURVEYORS  
 8801-35th Street, Vernon, B.C. Phone 545-0511 F.S. 1206 (B.C.)  
 FILE: 2017



© James H. Short, 2017. All rights reserved. In preparation of this plan, the surveyor has exercised the care and skill of a professional surveyor. The surveyor's liability is limited to the amount of the fee paid for the survey.



## A1

**8.1 A1 : Agriculture within the ALR****8.1.1 Purpose**

The purpose is to provide a **zone** for all agricultural **uses**, as well as other complementary **uses** suitable in an agricultural setting.

**8.1.2 Primary Uses**

- agriculture
- agricultural, intensive impact
- apiculture
- aquaculture
- emergency protective services
- farmers' market
- greenhouses and plant nurseries
- medical marihuana production facility (*Bylaw 5492*)
- parks, private
- parks, public
- stables and riding academies
- single detached housing
- utility services, minor impact

**8.1.3 Secondary Uses**

- agricultural or garden stands
- agricultural dwellings, additional
- agri-tourist accommodation
- animal products processing
- animal clinics, minor
- animal clinics, major
- bed and breakfast homes (in single detached housing only) (*Bylaw 5498*)
- boarding rooms (*Bylaw 5440*)
- brewing or distilling, Class A
- care centres, minor
- cultural exhibit, private
- food primary establishment
- forestry
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- participant recreation services, outdoor
- second kitchens
- secondary suites
- wineries and cideries

**8.1.4 Subdivision Regulations**

- Minimum lot width is 100.0m
- Minimum lot area is 12.0ha (30 acres)

**8.1.5 Development Regulations**

- There shall be no more than one **single detached house** per lot.

- Maximum **site coverage** is 10% for residential **development**, and it is 35% for agricultural **structures** except it may be increased to 75% for **greenhouses** with closed wastewater and stormwater management systems.
- The maximum **height** is the lesser of 9.5m or 2.5 **storeys**, except it is 13.0m for **secondary buildings** and 16.0m for agricultural **structures**. The maximum **height** for grain bins is 46.0m. Silos can be up to 34.0m high and combined silo and grain storage can be up to 41.0m high.
- Minimum **front yard** is 6.0m.
- Minimum **side yard** is 3.0m, except it is 6.0m from a **flanking street**.
- Minimum **rear yard** is 10.0m, except it is 3.0m for **secondary buildings**. It is 4.5m for **greenhouses**, nurseries, crop storage, granary and **cideries**. It is 7.5m for mushroom barns and **buildings** and/or **structures** used for **apiculture**.
- **Buildings** housing more than 4 animals, used for **processing animal products** or for **agriculture** and **garden stands** shall be located no closer than 15.0m to any **lot line**, except no closer than 30.0m to a **lot** in residential **zones**. (*Bylaw 5339*)
- a **medical marijuana production facility** shall only be located in a separate detached building which contains no other uses. (*Bylaw 5492*)

#### 8.1.6 Other Regulations

- Farm and **animal products processing** is allowed provided that a minimum of 50% of the products are produced on-site.
- Single wide **mobile homes** shall not be located on **lots** smaller than 2.0ha (5 acres) and double wide **mobile homes** shall not be located on **lots** smaller than 0.8ha (2 acres).
- **Major animal clinics** or **kennels** as well as **stables** and **riding academies** shall not be located on parcels less than 2.0ha (5 acres).
- **Agricultural and garden stands** selling produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0m<sup>2</sup>. For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of **agricultural and garden sales** for produce off-site shall be lesser of 33% of the total floor area of the **agricultural or garden stand** or 50.0m<sup>2</sup>.
- Retail sales and other **uses** are subject to the *BC Agricultural Land Commission Act* and regulations.
- **Agri-tourist accommodation** shall not be located on **lots** smaller than 2.0ha (5 acres) in size and shall not exceed 10 bedrooms, campsites or recreational **vehicle pads**.
- 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. Lands within the **ALR** may also be affected by additional regulations of the *Agricultural Land Commission*.
- 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*)

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 287

A By-law for the ratification of an agreement with Gordon and Edith Ross to provide for the development of certain lands.

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

- (1) The Agreement made between the Regional District of North Okanagan and Gordon and Edith Ross to provide for the development of

Lot 28, O.D.V.D., Plan 197, and Lot 1, District Lot 6, O.D.V.D., Plan 6067

AND attached hereto as Appendix "A" is hereby ratified and the Chairman and Secretary are hereby authorized to execute same on behalf of the Regional District.

- (2) This By-law may be cited as "Land Use Contract Agreement By-law No. 287, 1978, No. 4".

READ A FIRST TIME this 25th day of October, 1978.

READ A SECOND TIME this 25th day of October, 1978.

READ A THIRD TIME this 8th day of November, 1978.

Advertised on the 31st day of October, 1978 and the 1st day of November, 1978, and a Public Hearing held pursuant to the provisions of Section 798A (3a) of the Municipal Act on the 8th day of November, 1978.

Received the approval of the Minister of Municipal Affairs and Housing this 3rd day of January, 1979.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.

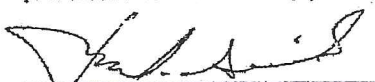
  
SECRETARY-TREASURER

  
CHAIRMAN

I hereby certify the foregoing to be a true and correct copy of By-law No. 287 cited as "Land Use Contract Agreement By-law No. 287, 1978, No. 4" as read a third time by the Regional Board on the 8th day of November, 1978.

  
SECRETARY-TREASURER ✓

I hereby certify the foregoing to be a true and correct copy of By-law No. 287 cited as "Land Use Contract Agreement By-law No. 287, 1978, No. 4" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979 upon affirmative vote in accordance with the provisions of Section 778(2) of the Municipal Act.

  
SECRETARY-TREASURER

THIS AGREEMENT made the 10 day of ~~October~~ <sup>January</sup>, A.D. 1978.

BETWEEN:

THE REGIONAL DISTRICT OF NORTH OKANAGAN, a Regional District incorporated under the laws of the Province of British Columbia, and having an office at 2903 - 35th Avenue, in the City of Vernon, Province of British Columbia,

(hereinafter called the "District")

OF THE FIRST PART

AND:

GORDON PAUL ROSS, Businessman, and EDITH MARY ROSS, His Wife, both of R. R. #6, Okanagan Landing Road, Site 16, Comp. 5, in Vernon, in the Province of British Columbia, V1T 6Y6 as JOINT TENANTS

(hereinafter called "the Developer")

OF THE SECOND PART

WHEREAS the District pursuant to Section 702A and 798A of the Municipal Act, may, with the approval of the Minister, notwithstanding any By-Law of the District or Section 712 or 713 of the Municipal Act upon the application of an owner of land within a development area designated as such by By-Law of the District, enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon and thereafter the use and development of that land shall be in accordance with such Land Use Contract;

AND WHEREAS the Municipal Act requires that the Regional Board in exercising the powers given by Section 702A shall have due regard to the considerations set out in Section 702(2) and Section 702A(1) in arriving at the use and development permitted by any land use contract and the terms, conditions and considerations thereof;

AND WHEREAS the Developer has presented to the District a scheme of use and development of the within described lands and premises and has made application to the District to enter into this Land Use Contract under the terms, conditions and for the consideration hereinafter set forth;

SUBSTITUTE FORM "C"

PARTICULARS:

APPLICANT: DAVIDSON & CO. BARRISTERS & SOLICITORS

415 FLOOR, 3205-32nd STREET, VERNON, B.C. PHONE 247-5541

SOLICITORS FOR Reg. Dist. of N. Okanga

DECLARED VALUE: \$1.00

NATURE OF DOCUMENT/CHARGE:

Land Use Contract

*Davidson*  
(ARTICLE)

OK'D  
*[Signature]*

15.1.18. SUBJECT TO CORRECTED MORTGAGE

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 288

P 2374

A By-law to amend Zoning By law No. 229

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

- (1) Pursuant to the provisions of Section 702A (2) and 798A (3) of the Municipal Act being Chapter 255 R.S.B.C. 1960, Lot 28, O.D.Y.D., Plan 197, and Lot 1, District Lot 6, O.D.Y.D., Plan 6067 is hereby designated a development area.
- (2) This By-law may be cited as "Rezoning By-law No. 288, 1978, No. 8".

READ A FIRST TIME this 25th day of October, 1978.  
 READ A SECOND TIME this 25th day of October, 1978.  
 READ A THIRD TIME this 25th day of October, 1978.

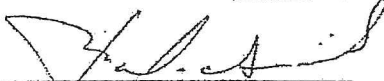
Received the approval of the Minister of Municipal Affairs and Housing this 31 day of January, 1979.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.

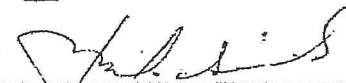
  
 SECRETARY-TREASURER

  
 CHAIRMAN

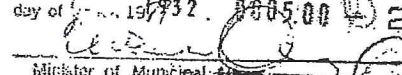
I hereby certify the foregoing to be a true and correct copy of By-law No. 288 cited as "Rezoning By-law No. 288, 1978, No. 8" as read a third time by the Regional Board on the 25th day of October, 1978.

  
 SECRETARY-TREASURER

I hereby certify the foregoing to be a true and correct copy of By-law No. 288 cited as "Rezoning By-law No. 288, 1978, No. 8" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979.

  
 SECRETARY-TREASURER

JAN 1 1979  
 Prepared the ...  
 at the ...  
 On the Application.

APPROVED pursuant to the provisions of section ... of the "Municipal Act" this 3rd day of January, 1979. \$5005.00  
  
 Minister of Municipal Affairs  
 APPROVAL No. 790014

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 288

A By-law to amend Zoning By law No. 229

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

- (1) Pursuant to the provisions of Section 702A (2) and 798A (3) of the Municipal Act being Chapter 255 R.S.B.C. 1960, Lot 28, O.D.Y.D., Plan 197, and Lot 1, District Lot 6, O.D.Y.D., Plan 6067 is hereby designated a development area.
- (2) This By-law may be cited as "Rezoning By-law No. 288, 1978, No. 8".

READ A FIRST TIME this 25th day of October, 1978.  
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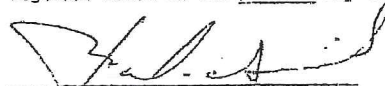
Received the approval of the Minister of Municipal Affairs and Housing this 3rd day of January, 1979.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.

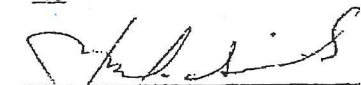
  
SECRETARY-TREASURER

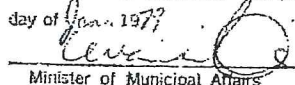
  
CHAIRMAN

I hereby certify the foregoing to be a true and correct copy of By-law No. 288 cited as "Rezoning By-law No. 288, 1978, No. 8" as read a third time by the Regional Board on the 25th day of October, 1978.

  
SECRETARY-TREASURER

I hereby certify the foregoing to be a true and correct copy of By-law No. 288 cited as "Rezoning By-law No. 288, 1978, No. 8" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979.

  
SECRETARY-TREASURER

APPROVED pursuant to the provisions of section 255 of the "Municipal Act" this 3rd day of Jan. 1979.  
  
Minister of Municipal Affairs  
APPROVAL No. 780014

AND WHEREAS a Land Use Contract is deemed to be a Zoning By-law for the purposes of the Controlled Access Highways Act and if the land is so situated that it is subject to such Act, the approval of the Minister of Highways to the use set forth in this Agreement must first be obtained before the District can enter into same;

AND WHEREAS the Developer acknowledges that he is fully aware of the provisions and limitations of Sections 702A and 798A of the Municipal Act, and the District and Developer mutually acknowledge and agree that the Regional Board of the District cannot enter into this Agreement unless and until:

- (a) the Regional Board has held a public hearing in relation to this Land Use Contract and in the manner prescribed by law and has duly considered the representations made and opinions expressed at such hearing, and
- (b) the aforesaid public hearing has been held and the proposed adopting By-law has been given at least first reading not later than the 15th day of November, 1978, and
- (c) a majority of the Directors present at the meeting at which the vote is taken and entitled to vote on the adopting By-law, vote in favour of the said adopting By-law authorizing the District to enter into this Land Use Contract, and
- (d) and the Minister has approved the By-law of the District authorizing the District to enter into this Land Use Contract.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the District and the Developer covenant and agree as follows:

1. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises

situate, lying and being in the Vernon Assessment District, in the Province of British Columbia, and being more particularly known and described as:

GT  
H  
Firstly: Lot Twenty-eight (28), Osoyoos Division Yale District, Plan 197 and ✓

G 27327  
Secondly: Lot One (1), District lot Six (6) Osoyoos Division Yale District Plan 6067 ✓

(hereinafter called "the lands")

2. In this Agreement, unless the Contract otherwise requires:

"District Engineer" shall be construed to mean and include the Regional Engineer for the District and his duly authorized assistants or such consulting or other professional Engineers as may be appointed to act for the District from time to time.

3. The Developer has obtained the consent of all persons holding any registered interest in the land as set out in the consents to the use and development set forth herein, which consents are attached hereto and incorporate agreements from such persons granting priority to this Land Use Contract over such registered interests.

4. The land, including the surface of water, and any and all buildings, structures and improvements erected thereon, thereover or therein shall be used for the purpose specified in Schedule "A" hereto and for no other purpose.

5. The Developer shall be entitled to subdivide the land to create a new parcel, the boundaries of which shall be substantially in accordance with the boundaries shown outlined in red on Schedule "B" hereto. The approval of a final plan of Subdivision of the land by the appropriate Approving Office for the Ministry of Highways shall be conclusive evidence that the boundaries of the new parcel subdivided from the lands are substantially in accordance with those boundaries shown outlined in red on Schedule "B" hereto.

6. Upon registration at the appropriate Land Registry Office of a final plan of subdivision prepared in accordance with the provisions of this Land Use Contract, the Developer shall be entitled to construct and erect or cause to be constructed and erected on the new parcel created by such plan of subdivision and shown outlined in red on Schedule "B" hereto, a single family residential dwelling house (hereinafter called the "House") provided that:

- (a) The House shall be sited on the newly created parcel in accordance with the provisions shown on Schedule "B" hereto, unless an alternate siting plan is submitted to and approved in writing by the District Engineer;
- (b) The application for a Building Permit for the construction of the House and such construction shall be made and carried out in accordance with the provisions of the Building By-law for the District from time to time in force and all other applicable governmental statutes and regulations;
- (c) The septic tank and disposal field servicing the House shall be located as shown on Schedule "B" hereto unless some other siting for such tank and field is approved in writing by the District Engineer and the appropriate authorities for the Ministry of Health;
- (d) The septic tank and drainage field for the House are constructed and installed in accordance with Ministry of Health standards;
- (e) The Developer shall cause the foundation for the House to rest on glacial till soil and shall carry out or cause to be carried out such excavations as may be necessary to ensure proper performance under the provisions of this sub-paragraph (e), and no foundation shall be poured or otherwise constructed until such time as the District Engineer has approved the siting and location thereof.

7. On or before the completion of construction of the House, the surface level of the land surrounding the House shall be graded for drainage purposes from the House itself to the boundaries of the newly created parcel in the manner shown on Schedule "B" hereto, or some other manner approved in writing by the District Engineer.

8. Forthwith after substantial completion of the construction of the House and grading of the land in accordance with the immediately preceding paragraph, the Developer shall cause the surface of the land to be restored and be seeded to grass.

9. The Developer covenants and agrees to contribute to the District the sum of \$500.00 which the District covenants and agrees to use for the acquisition or development of lands or other facilities for park, recreational, or other public use. The aforesaid sum of money shall be paid to the District prior to the date set for the public hearing held in connection with this Land Use Contract.

9 Schedules "A" and "B" attached hereto are hereby incorporated into and made part of this Contract.

11. Subject to the terms, covenants, and conditions herein contained, the use and development of the lands shall comply with all the By-Laws of the Regional District of North Okanagan.

12. The Developer covenants and agrees to pay all costs including legal fees and disbursements incurred directly or indirectly as a result of the preparation and registration of this Land Use Contract and any By-Law required to implement the terms hereof.

13. The Developer covenants and agrees to indemnify and save harmless the District and its servants, agents and employees from and against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought or made against the District or its servants, agents and employees, resulting directly or indirectly from the failure of the Developer to perform his covenants herein contained.

14. The District hereby covenants and agrees with the Developer to permit the Developer to use the lands in accordance with the terms and conditions herein contained.

15. It is understood and agreed that the District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Contract.

16. It is further understood and acknowledged by the Developer that the execution of this Contract by the District and registration of this Contract does not, without more, permit a subdivision of the lands, and in order to effect a subdivision of the lands the Developer must first comply with all the provisions of the Land Registry Act of British Columbia and obtain the written approval of the appropriate Approving Officer for the Department of Highways of the Province of British Columbia.

17. The Developer acknowledges and agrees with the District that damages are not a sufficient remedy to the District in the event of breach of this Contract or any of the provisions hereof by the Developer, and the Developer further acknowledges and agrees that in the event of any such breach, the District shall be entitled to apply to and receive from a Court of competent jurisdiction a mandatory or restraining Order as such Court may see fit to grant as relief for such breach, notwithstanding that the District may have called for, received and retained the moneys secured by the letter of credit referred to herein.

18. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

19. This Contract shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns, and the covenants herein contained shall be construed to be covenants running with the land.

IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals and being corporations have affixed their corporate seal in the presence of their duly authorized officers in that behalf the day and year first above written.

The Corporate Seal of THE REGIONAL DISTRICT OF NORTH OKANAGAN was hereunto affixed in the presence of:

[Signature]  
SECRETARY-TREASURER

[Signature]  
CHAIRMAN

SIGNED, SEALED AND DELIVERED in the presence of:

[Signature]  
Witness  
RR #5, Vernon, B.C.  
Address  
Secretary  
Occupation  
AS TO BOTH SIGNATURES

[Signature]  
GORDON PAUL ROSS

[Signature]  
EDITH MARY ROSS

LAND USE CONTRACT

SCHEDULE "A"

Permitted Uses

1. The new parcel subdivided from the land and shown outlined in red on Schedule "B" hereto, shall upon registration of the Subdivision Plan creating such new parcel, be used for the construction of a single family residence and such other accessory buildings as may be permitted under the Building By-law for the District from time to time, all in accordance with the provisions of this Land Use Contract, and use of such house and accessory buildings for single family residential purposes.
2. Until such time as the subdivision permitted hereunder has been completed and registered at the appropriate Land Registry Office, the land shall be used in accordance with the provisions of the Zoning By-law for the District from time to time in force and applicable to the land, and after such subdivision has been completed, the remainder of the land except such newly created parcel shall continue to be used in accordance with the provisions of the Zoning By-law for the District from time to time in force and applicable to such remainder.

PARK STATIONERS & PRINTERS LTD.  
 Law and Commercial Stationers  
 Vancouver, B.C.  
 Form No. 207 Affidavit of Witness,

Affidavit of Witness

PROVINCE OF BRITISH COLUMBIA  
 TO WIT:

I, JODY SPARROW, of the City of Vernon, in the Province of British Columbia, make oath and say:

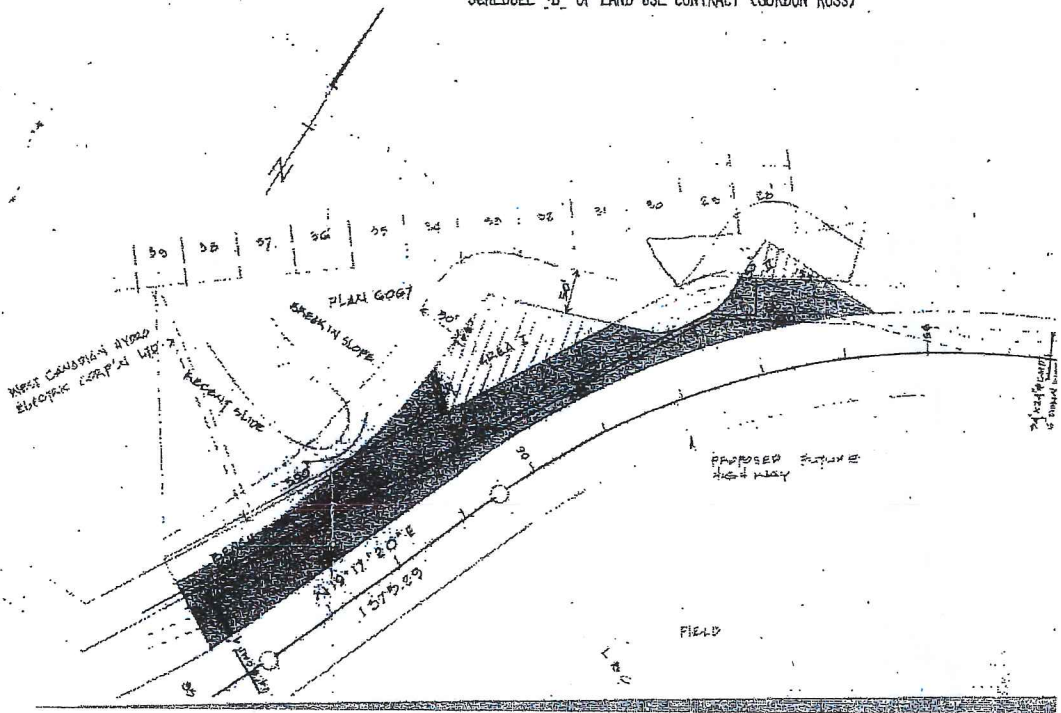
1. I was personally present and did see the within instrument duly signed and executed by Gordon Paul Ross and Edith Mary Ross the parties thereto, for the purposes named therein.
2. The said instrument was executed at the City of Vernon
3. I know the said parties, and that they are of the full age of nineteen years.
4. I am the subscribing witness to the said instrument and am of the full age of sixteen years.

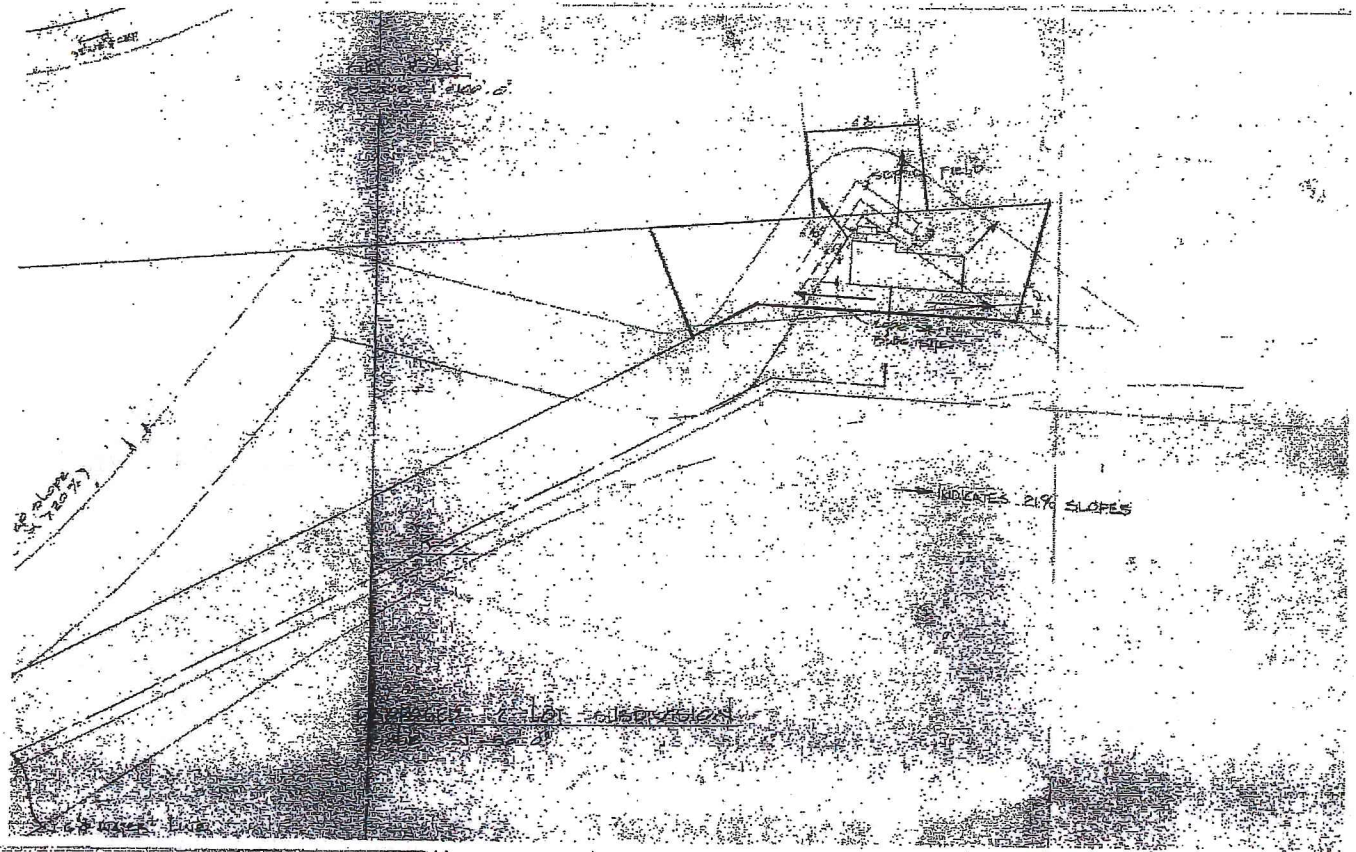
Sworn before me at Vernon in the Province of British Columbia, this 12th day of January 1979

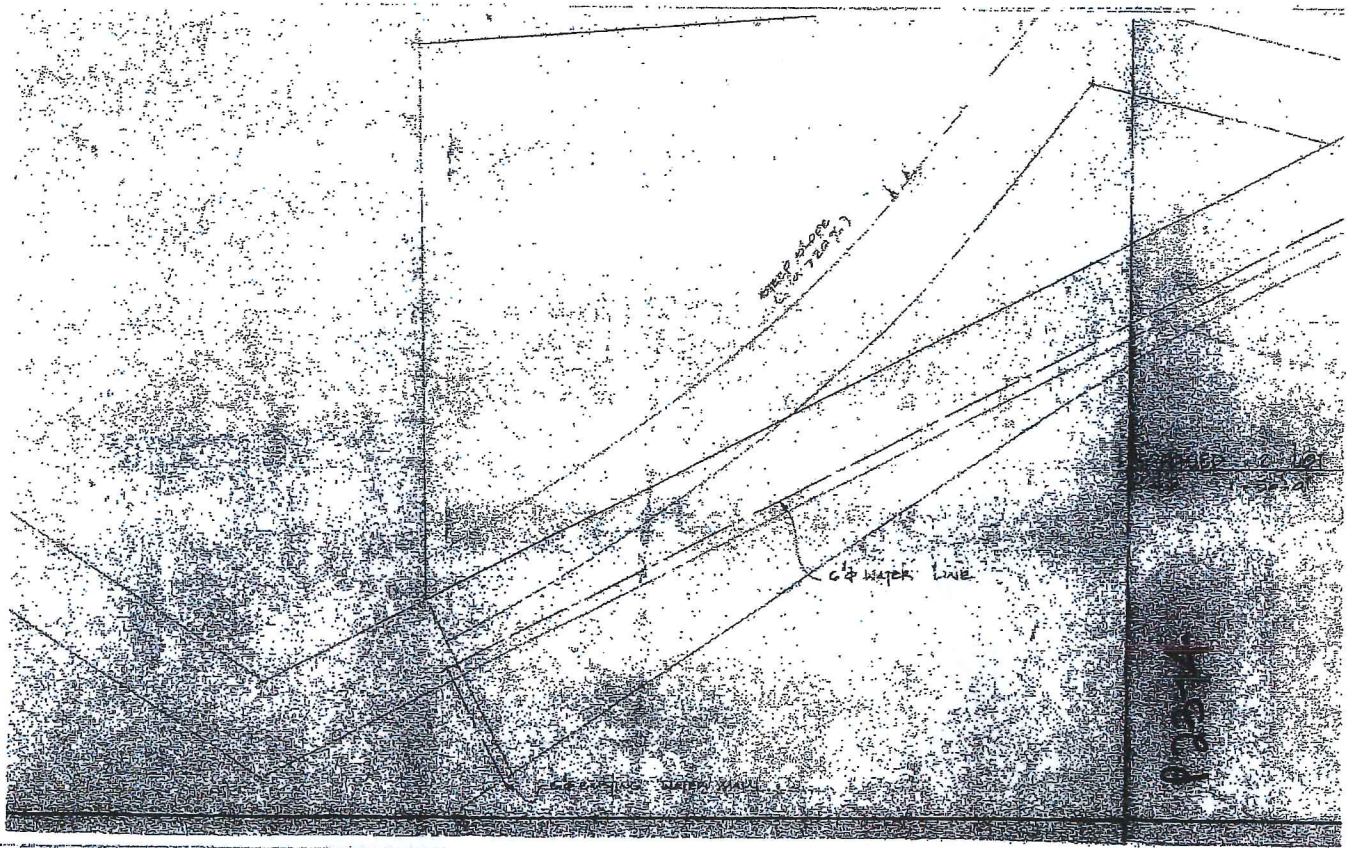
*Jody Sparrow*  
 JODY SPARROW

A Notary Public in and for the Province of British Columbia.  
 A Commissioner for taking Affidavits for British Columbia.

SCHEDULE "B" OF LAND USE CONTRACT (GORDON ROSS)









## THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Craig Broderick  
Manager, Current Planning  
Hazel Christy, Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** , August 13 2018  
**REPORT DATE:** July 19, 2018  
**FILE:** 6450 (Zoning Bylaw Review)

**SUBJECT:** PROPOSED TEXT AMENDMENTS (A3 – RURAL SMALL HOLDINGS AND R4 – SMALL LOT RESIDENTIAL)

---

### PURPOSE:

To propose text amendments to zoning districts A3 – Rural Small Holdings and R4 – Small Lot Residential.

### RECOMMENDATION:

THAT Council support the preparation of a text amendment to zoning district A3 – Rural Small Holdings to add secondary suites as a Secondary Use;

AND FURTHER, that Council support the preparation of a text amendment to zoning district R4 – Small Lot Residential to add semi-detached housing as a Primary Use.

### ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the preparation of a text amendment to zoning district A3 – Rural Small Holdings to add secondary suites as a Secondary Use.

*Note: This alternative supports the A3 – Rural Small Holdings text amendment but not the amendment to the R4 – Small Lot Residential district. The R4 – Small Lot Residential zoning district would continue to prohibit semi-detached dwellings; notwithstanding that Section 9.5.5 of the Development Regulations in the R4 zoning district allows for party wall subdivisions.*

2. THAT Council support the preparation of a text amendment to zoning district R4 – Small Lot Residential to add semi-detached housing as a Primary Use.

*Note: This alternative supports the text amendment to the R4 – Small Lot Residential zoning district but not the amendment to the A3 – Rural Small Holdings zoning district. Should Council choose this alternative, secondary suites would continue to be prohibited from the A3 – Rural Small Holdings zoning district, which is inconsistent with other agricultural and low density residential zoning districts in the city.*

3. THAT Council receive the report titled “Proposed Text Amendments (A3 – Rural Small Holdings and R4 – Small Lot Residential)” and dated July 19, 2018 from the Planner and Manager, Current Planning, for information.

*Note: Should Council choose this alternative, neither text amendment would proceed and the two zoning districts would continue to remain inconsistent with the Development Regulations (R4) and similar zoning districts (A3).*

**ANALYSIS:**

**A. Committee Recommendations:**

At its meeting of July 23, 2018, The Advisory Planning Committee adopted the following resolution:

“ “

**B. Rationale:**

1. From time to time, inconsistencies in wording in Zoning Bylaw #5000, 2003 become apparent. The Zoning Bylaw is almost fifteen years old and has been amended and/or reprinted a number of times since it was first adopted in 2004. The intent of this report is to introduce zoning text amendments for zoning districts A3 – Rural Small Holdings and R4 – Small Lot Residential.
2. In the case of the A3 – Rural Small Holdings zoning district, Administration is not aware of any rationale that would prohibit secondary suites given that secondary suites are permitted as Secondary Uses in larger Agricultural Zones (A1, A2, A3) as well as in the low density residential zones (R1, R2, R3, R4) where single detached housing is allowed. A proposed text amendment is being brought forward to correct this situation (Attachment 1). The existing A3 zoning district is Attachment 2.
3. In the case of the R4 – Small Lot Residential zoning district, semi-detached housing (side by side duplex) is not shown in the list of Permitted Uses. This appears to be an inadvertent omission as Development Regulations in the R4 zoning district (Sec. 9.5.5) allow for party wall semi-detached housing subdivisions. A proposed text amendment is being brought forward to correct this situation (Attachment 3). The existing R4 zoning district is Attachment 4.
4. If Council is supportive of these two text amendments, appropriate bylaws will be drafted and a suggested Public Hearing date will be brought forward for Council's consideration (draft bylaws are attached as Attachment 1 and 3).

**C. Attachments:**

Attachment 1 – Proposed Zoning Text (A3 – Rural Small Holdings) Amendment Bylaw #xxxx, 2018  
Attachment 2 – A3 – Rural Small Holdings Zone  
Attachment 3 – Proposed Zoning Text (R4 – Semi-detached housing) Amendment Bylaw #yyyy, 2018  
Attachment 4 – R4 – Small Lot Housing Zone

**D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:**

N/A

**E. Relevant Policy/Bylaws/Resolutions:**

N/A

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Right-click to sign  
with *DocuSign*

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

Craig Broderick  
Current Planning Manager

Right-click to sign  
with *DocuSign*

Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Corporate Services     | <input type="checkbox"/> Operations           | <input 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 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 type="checkbox"/> COMMITTEE:             |   |   |
| <input type="checkbox"/> OTHER:                 |   |   |

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER xxxx

A bylaw to amend the City of Vernon  
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000 to add provision for a secondary suite to the list of Secondary Uses in the A3 Rural Small Holdings Zone;

AND WHEREAS all persons who might be affected by this amendment bylaw have, before the passage thereof, been afforded an opportunity to be heard on the matters herein before the said Council, in accordance with the provisions of Section 464 of the Local Government Act, and all amendments thereto;

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 (A3 Secondary suites) Amendment Bylaw Number xxxx, 2018**".

2. The City of Vernon Zoning Bylaw Number 5000 be, and is hereby amended, as follows:

(i) **AMEND** Subsection 8.3.3. – Secondary Uses by adding “secondary suites” to the list of Secondary Uses;

as shown in red on attached Schedule ‘A’, attached to and forming part of this bylaw.

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

BYLAW xxxx

PAGE 2

READ A FIRST TIME this            day of                            , 2018.  
READ A SECOND TIME this        day of                            , 2018.  
PUBLIC HEARING held this        day of                            , 2018  
READ A THIRD TIME this         day of                            , 2018.

Approved pursuant to section 52(3)(a) of the *Transportation Act* this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_  
  
\_\_\_\_\_  
for Minister of Transportation & Infrastructure  
BYLAW xxxx

ADOPTED this            day of                            , 2018.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

**SCHEDULE 'A'**  
**Attached to and Forming Part of Bylaw xxxx**  
**"Zoning Text (A3 Secondary Suites) Amendment Bylaw Number xxxx, 2018"**

**A3**

### **8.3 A3 : Rural – Small Holdings**

#### **8.3.1 Purpose**

The purpose is to provide a **zone** for rural areas and agricultural **uses**, as well as other complementary **uses** suitable in a rural setting. The A3c sub-zoning district allows for **care centre, major** as an additional use. (*Bylaw 5467*)

#### **8.3.2 Primary Uses**

- agriculture
- animal clinics, major
- animal clinics, minor
- aquaculture
- campsites, tourist
- care centre, major (*use is only permitted with the A3c sub-zoning district*)
- emergency protective services
- farmers' market
- golf courses
- greenhouses and plant nurseries
- guide and tour services
- single detached housing
- stables and riding academies
- utility services, minor impact
- zoo or botanical gardens

#### **8.3.3 Secondary Uses**

- agricultural or garden stands
- agricultural dwellings, additional
- bed and breakfast homes (in single detached housing only) or agri-tourist accommodation
- boarding rooms (*Bylaw 5440*)
- brewing or distilling, Class A
- care centres, minor
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- second kitchens
- secondary suites
- wineries and cideries

#### **8.3.4 Subdivision Regulations**

- Minimum lot width is 24.0m
- Minimum lot area is 2.0ha (5 acres)

#### **8.3.5 Development Regulations**

- The maximum site coverage is 10% for residential **development**, and it is 35% for agricultural **structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.

## A3

## 8.3 A3 : Rural – Small Holdings

### 8.3.1 Purpose

The purpose is to provide a **zone** for rural areas and agricultural **uses**, as well as other complementary **uses** suitable in a rural setting. The A3c sub-zoning district allows for **care centre, major** as an additional use. (*Bylaw 5467*)

### 8.3.2 Primary Uses

- agriculture
- animal clinics, major
- animal clinics, minor
- aquaculture
- campsites, tourist
- care centre, major (*use is only permitted with the A3c sub-zoning district*)
- emergency protective services
- farmers' market
- golf courses
- greenhouses and plant nurseries
- guide and tour services
- single detached housing
- stables and riding academies
- utility services, minor impact
- zoo or botanical gardens

### 8.3.3 Secondary Uses

- agricultural or garden stands
- agricultural dwellings, additional
- bed and breakfast homes (in. single detached housing only) or agri-tourist accommodation
- boarding rooms (*Bylaw 5440*)
- brewing or distilling, Class A
- care centres, minor
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- second kitchens
- wineries and cideries

### 8.3.4 Subdivision Regulations

- Minimum lot width is 24.0m
- Minimum lot area is 2.0ha (5 acres)

### 8.3.5 Development Regulations

- The maximum **site coverage** is 10% for residential **development**, and it is 35% for agricultural **structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.
- The maximum **height** is the lesser of 9.5m or 2.5 **storeys**, except it is 13.0m for **secondary buildings** and 16.0m for agricultural **structures**.
- The minimum **front yard** is 6.0m.

- The minimum **side yard** is 3.0m, except it is 6.0m from a **flanking street**.
- The minimum **rear yard** is 10.0m, except it is 3.0m for **secondary buildings**.
- No more than one residential unit per lot.
- **Buildings** housing more than 4 animals, used for **processing animal products** or for **agriculture** and **garden stands** shall be located no closer than 15.0m to any **lot line**, except no closer than 30.0m to a **lot** in **residential zones**.

### 8.3.6 Other Regulations

- Farm and **animal products processing** is allowed provided that a minimum of 50% of the products are produced on-site.
- When a **home based business** of any type involves the cutting and wrapping of wild game and/or the butchering of domestic meat, the **lot** must have a minimum **lot area** greater than 0.33ha (0.6 acre).
- Single wide **mobile homes** shall not be located on **lots** smaller than 2.0ha (5 acres) and double wide **mobile homes** shall not be located on **lots** smaller than 0.8ha (2 acres).
- **Major animal clinics** or **kennels** as well as **stables** and **riding academies** shall not be located on parcels less than 2.0ha (5 acres).
- **Agricultural and garden stands** selling produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0m<sup>2</sup>. For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of **agricultural and garden sales** for produce off-site shall be lesser of 33% of the total floor area of the **agricultural or garden stand** or 50.0m<sup>2</sup>.
- Retail sales and other **uses** are subject to the *BC Agricultural Land Commission Act* and regulations where in the **ALR**.
- **Agri-tourist accommodation** shall not be located on **lots** smaller than 2.0ha (5 acres) and shall not exceed 10 bedrooms, campsites or recreational **vehicle** pads.
- 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. Lands within the **ALR** may also be affected by additional regulations of the *Agricultural Land Commission*.
- 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)

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER yyyy

A bylaw to amend the City of Vernon  
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000 to add provision for semi-detached housing to the list of Primary Uses in the R4 Small Lot Residential Zone;

AND WHEREAS all persons who might be affected by this amendment bylaw have, before the passage thereof, been afforded an opportunity to be heard on the matters herein before the said Council, in accordance with the provisions of Section 464 of the Local Government Act, and all amendments thereto;

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 (R4 Semi-detached housing) Amendment Bylaw Number yyyy, 2018**".
2. The City of Vernon Zoning Bylaw Number 5000 be, and is hereby amended, as follows:
  - (i) **AMEND** Subsection 9.5.2. – Primary Uses by adding “semi-detached housing” to the list of Primary Uses; and
  - (ii) **AMEND** Subsection 9.5.6. by adding “or one semi-detached unit”;as shown in red on attached Schedule ‘A’, attached to and forming part of this bylaw;
3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

BYLAW yyyy

PAGE 2

READ A FIRST TIME this            day of                            , 2018.  
READ A SECOND TIME this        day of                            , 2018.  
PUBLIC HEARING held this        day of                            , 2018  
READ A THIRD TIME this         day of                            , 2018.

Approved pursuant to section 52(3)(a) of the *Transportation Act* this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_  
  
\_\_\_\_\_  
for Minister of Transportation & Infrastructure  
BYLAW yyyy

ADOPTED this            day of                            , 2018.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

SCHEDULE 'A'  
Attached to and Forming Part of Bylaw yyyy  
"Zoning Text (A3 Secondary Suites) Amendment Bylaw Number yyyy, 2018"

**R4**

## 9.5 R4: Small Lot Residential

### 9.5.1 Purpose

The purpose is to provide a zone for **single detached housing**, and compatible uses, on smaller urban serviced lots. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. (Bylaw 5467)

### 9.5.2 Primary Uses

- **care centre, major** (use is only permitted with the R4c sub-zoning district)
- **single detached housing**
- **semi-detached housing**

### 9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (Bylaw 5498)
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** (use is only permitted with the R4h sub-zoning district)
- **secondary suites (in single detached housing only)**

### 9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.

### 9.5.5 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 structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m 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.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, 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 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

#### 9.5.6 Other Regulations

- There shall be no more than one **single detached house or one semi-detached unit** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- 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.
- 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)



## 9.5 R4 : Small Lot Residential

### 9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. *(Bylaw 5467)*

### 9.5.2 Primary Uses

- **care centre, major** *(use is only permitted with the R4c sub-zoning district)*
- **single detached housing**

### 9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** *(in single detached housing only)* *(Bylaw 5498)*
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** *(use is only permitted with the R4h sub-zoning district)*
- **secondary suites (in single detached housing only)**

### 9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.

### 9.5.5 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 structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m 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.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, 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 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

#### 9.5.6 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**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- 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.
- 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)