



THE CORPORATION OF THE CITY OF VERNON

A G E N D A

PUBLIC HEARING
COUNCIL CHAMBERS
TUESDAY, MAY 25, 2021
5:30 PM

1. CALL TO ORDER

MAYOR Cumming will call the hearing to order and advise that the purpose of the Public Hearing is to consider written and oral submissions (via Zoom) for:

A. “Zoning Text (Secondary Suites) Amendment Bylaw Number 5851, 2021”

2. CONFIRMATION OF PUBLICATION

The CORPORATE OFFICER will provide information as to how the meeting was publicized, as required by Legislation.

3. BYLAW

ZONING TEXT
AMENDMENT BYLAW
#5851 (SECONDARY
SUITES)
(6441-20)
(P. 3, 11)

A. “Zoning Text (Secondary Suites) Amendment Bylaw Number 5851, 2021”

A Bylaw:

To make various amendments surrounding the Definitions, Development Regulations and Conditions of Use for secondary suites in single family dwellings and in secondary buildings in order to help encourage the creation of more secondary suites while minimizing impacts on surrounding properties.

4. PROCEDURE FOR EACH BYLAW:

- a) Brief description of the application by City Staff.
- b) Mayor will request the Corporate Officer to indicate any written submissions received, for the record.

As per Public Health Order: *Gatherings and Events – May 7, 2021*, **in-person attendance at public hearings is prohibited**. Public input should be submitted **in writing**; however, an opportunity is being provided via Zoom for those that wish to speak.

Please Note: the public hearing is being live-streamed and video-recorded and will be available for viewing on the City's website during and following the public hearing. Participants in this hearing will be captured in the video and recording made available to the public.

5. **ADJOURNMENT**

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5851

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 #5000 to add text amendments to include development regulations for secondary suites;

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 (Secondary Suites) Amendment Bylaw Number 5851, 2021"**
2. The City of Vernon Zoning Bylaw Number 5000 be, and is hereby amended, as follows:
 - (i) **AMENDING Section 1 – Introduction (Including Table of Contents), Section 5.5 Secondary Suites** as shown in **RED** on attached **Schedule ‘A’**;
 - (ii) **AMENDING Section 2 – Interpretation (Including Definitions), 2.3.3 Definitions for SECONDARY SUITE and SECONDARY SUITE, IN-LAW** as shown in **RED** on attached **Schedule ‘B’**;
 - (iii) **AMENDING Section 4 – Development Regulations, 4.5.5 and 4.5.6** as shown in **RED** on attached **Schedule ‘C’**.
 - (iv) **AMENDING Section 5.5 – Secondary Suites – 5.5 by DELETING Subsection 5.5.1, 5.5.2, 5.5.4, 5.5.5, 5.5.6, and 5.5.11 and REPLACING with**

new **Subsections 5.5.1, 5.5.2, 5.5.4, 5.5.5, 5.5.6, and 5.5.11** as shown in **RED** on attached **Schedule 'D'**;

- (v) **AMENDING Section 5.5 – Secondary Suites by ADDING NEW wording to Section 5.5** as shown in **RED** on attached **Schedule 'E'**;

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

READ A FIRST TIME this 26th day of April, 2021.

READ A SECOND TIME this 26th day of April, 2021.

PUBLIC HEARING held this _____ day of _____, 2021.

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

for Minister of Transportation & Infrastructure
Bylaw 5788/6460-01/2021-02313

READ A THIRD TIME this _____ day of _____, 2021.

ADOPTED this _____ day of _____, 2021.

Mayor

Corporate Officer

SCHEDULE 'A'
Attached to and Forming Part of Bylaw 5851
“Zoning Text (Secondary Suites) Amendment Bylaw Number 5851, 2021”

SECTION 5 : SPECIFIC USE REGULATIONS	SPECIFIC
5.1 Application.....	5 - 1
5.2 Home Based Business, Minor.....	5 - 2
5.3 Home Based Business, Major.....	5 - 3
5.4 Home Based Business, Rural.....	5 - 4
5.5 Secondary Suites – Conditions of Use.....	5 - 5
5.6 Bed and Breakfast Homes.....	5 - 6
5.7 Rooming Houses.....	5 - 7
5.8 Boarding Rooms.....	5 - 8
5.9 Cellar Living Accommodation.....	5 - 9
5.10 Bareland Strata Developments.....	5 - 10
5.11 Vehicular Oriented Uses.....	5 - 11
5.12 Car Washes.....	5 - 12
5.13 Care Centres.....	5 - 13
5.14 Domesticated Animals (Excluding Livestock).....	5 - 14
5.15 Employee Housing.....	5 - 15
5.16 Temporary Use Permit.....	5 - 16
5.17 Beekeeping.....	5 - 17
5.18 Temporary Shelter Services.....	5 - 18

SCHEDULE 'B'

Attached to and Forming Part of Bylaw 5851
“Zoning Text (Secondary Suites) Amendment Bylaw Number 5851, 2021”

Zoning Bylaw #5000 Section 2.3 General Definitions

SECONDARY SUITE means a self-contained secondary **dwelling** unit located within a **single detached housing** or in a **secondary building**. A **secondary suite** has its own separate cooking, sleeping and bathing facilities. ~~It has direct access to outside without passing through any part of the primary unit. The property owner must reside in either the primary dwelling unit or the secondary suite. This use includes in-law secondary suites. This use does not include duplex housing, semi-detached housing, apartment housing, boarding rooms nor rooming houses.~~ *(Bylaw 5467)*

~~**SECONDARY SUITE, IN LAW** means a **secondary suite** which is occupied by an individual or individuals who do not provide rent to the property **owner** and are all related to the property **owner** by blood, marriage or adoption. The **owner** is to provide an annual declaration to the City confirming the occupier(s) do not pay rent and all occupier(s) are related to the property **owner** by blood, marriage or adoption.~~ *(Bylaw 5467)*

SCHEDULE 'C'

Attached to and Forming Part of Bylaw 5851
“Zoning Text (Secondary Suites) Amendment Bylaw Number 5851, 2021”

4.5 Secondary Development

- 4.5.5 A **secondary building** or **structure** shall not be used as a **dwelling** unless it is a permitted **secondary suite** in which case the Conditions of Use pertaining to Secondary Suites in Section 5.5 shall apply.
- 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** or unless it is a **Secondary Suite** in which case Section 5.5 shall apply.

SCHEDULE 'D'

Attached to and Forming Part of Bylaw 5851
“Zoning Text (Secondary Suites) Amendment Bylaw Number 5851, 2021”

5.5 Secondary Suites – Conditions of Use

- 5.5.1 **Secondary suites**, where permitted, are to be located only in **single detached housing** or a **secondary building** on a **lot** containing **single detached housing**. **Secondary suites** are not permitted in or on the same lot as **multiple housing**, **semi-detached housing**, **duplexes**, **bed and breakfast** homes, **rooming houses** or **boarding rooms**.
- 5.5.2 No more than one **secondary suite** shall be permitted per **single detached housing** unit. It may be permitted either within **single detached housing** or within a **secondary building**.
- 5.5.4 A **secondary suite** must have a minimum of 15m² of separated and private **open space** in addition to any **open space** provided for the principle dwelling.
- 5.5.5 The **net floor area** of any **secondary suite** shall not exceed the lesser of 90m² or 45% of the **net floor area** of the **building** containing **single detached housing**.

Where a **secondary suite** is located in a **secondary building** the following shall apply:

Lot Size	450m ² - 557m ²		> 557m ²	
Lot Orientation	No Lane	Lane or Flanking Street	No Lane	Lane or Flanking street
Maximum footprint	The lesser of 80m ² or 75% of the net floor area the building containing single detached housing .		The lesser 90m ² or 75% of the net floor area of the building containing single detached housing .	
Maximum floor area	The net floor area of the upper storey can be no more than 75% of the net floor area of the first storey .		The net floor area of the upper storey can be no more than 75% of the net floor area of the first storey . The net floor area of a second storey of a suite can be 100% of the net floor area of the first	

SCHEDULE 'D'**Attached to and Forming Part of Bylaw 5851****“Zoning Text (Secondary Suites) Amendment Bylaw Number 5851, 2021”**

		storey if the net floor area of the first storey is less than 45m².
	The net floor area must be the lesser of 90m² or 60% of the net floor area of the building containing single detached housing.	
For the purposes of calculating net floor area for secondary suites contained in secondary buildings, notwithstanding the definition of net floor area, attached garages, carports, and basements shall be included in floor area calculations.		

- 5.5.6 A **secondary building** or structure containing a **secondary suite** shall not exceed the following **height** and **storey** limitations:

Lot Size	450m2 - 557m2		> 557m2	
Lot Orientation	No Lane	Lane or Flanking street	No Lane	Lane or Flanking street
Storeys	1.5 maximum			2.0 maximum
Maximum Height	The lesser of the principal building height and no higher than 4.8 metres to the midpoint of a sloped roof or the highest point of a non-sloping roof.			The lesser of the principle building height and no higher than 6.0m to the midpoint of a sloped roof or the highest point of non-sloping roof.
For the purpose of calculating height of a secondary suite located in a secondary building , notwithstanding the definition of height, a non-sloping roof will be considered any roof with <u>either</u> a single pitch or a pitch of 4:12 or less.				
No secondary building containing a secondary suite shall have a height more than the principle building, as measured from the building grade of each respective building.				

- 5.5.11 A **secondary suite** must have direct access to outside from a dedicated exterior entrance. When a **secondary suite** is located within a principle dwelling, access may be taken from a shared vestibule, which meets the provisions of the BC Building Code.

5.5 Secondary Suites – Conditions of Use

5.5.12 The following additional conditions of use shall apply to **secondary suites** which are located in **secondary buildings**:

- i. Roof decks are prohibited.
- ii. A **deck** above the **first storey** must face a **laneway** or **flanking street**. A **deck** above the **first storey** is not permitted in **secondary buildings** with **secondary suites** on **lots** without a **laneway** or **flanking street**.
- iii. A minimum 3.0m spacing with no **structures** is required between a **secondary building** containing a **secondary suite** and any other **building** containing a **dwelling unit** on the lot.
- iv. A **secondary suite** in a **secondary building** must have an at grade enclosed entrance. Exterior stairs accessing a **secondary suite** in a **secondary building** are not permitted. Stairs with a combined rise of 0.6 metres or less are excluded.



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, CAO **FILE:** 6441-20

PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** April 15, 2021
Keri-Ann Austin, Manager, Legislative Services

FROM: Daniel Sturgeon, Long Range Planner

SUBJECT: SECONDARY SUITES – ZONING BYLAW AMENDMENT AND HEIGHT REGULATION CLARIFICATION

At its February 8, 2021 Committee of the Whole Meeting, Council directed staff to bring forward bylaw amendments to Zoning Bylaw #5000, Fees and Charges Bylaw #3909, and Business License Bylaw #5480. These proposed amendments were detailed in the report titled "Review of Secondary Suites Regulations" dated January 29, 2021 from the Long Range Planner. The purpose of the amendments is to reduce barriers and increase opportunities for secondary suites.

Amendments to Fees and Charges Bylaw #3909 related to secondary suites were adopted by Council on March 22, 2021. Amendments to Business License Bylaw #5480 related to secondary suites were adopted by Council on April 12, 2021.

At its Regular Meeting of March 22, 2021, Council deferred consideration of proposed amendments to Zoning Bylaw #5000 regarding secondary suites pending clarification from the Long Range Planner of proposed maximum height regulations.

Upon further detailed review, the proposed bylaw amendments surrounding maximum height have been slightly changed from the previous memo to assist in interpretation and clarity and are proposed as follows:

- For a traditional multi-pitched roof, the height would be calculated as the average between the eaves and the highest point of the roof.
- For flat and mono-pitched roofs, the height is calculated as an absolute height – the highest point must be no higher than the allowable maximum.

This revised approach simplifies how the height of low-slope and flat roof structures is applied, and would better ensure that the end result of the massing of multi-pitch and mono-pitch roofs is similar. A visual diagram of these maximum heights is provided in Attachment 1. This diagram represents the maximum allowable heights for 1.5 storey (4.8 metres maximum) and 2.0 storey (6.0 metres maximum).

The proposed Zoning Bylaw changes are contained in Attachment 2. Should Council give First and Second Readings to the proposed Zoning Bylaw amendment in Attachment 2, a public hearing will be scheduled.

Lastly, a subsequent report to Council will be brought forward with the results of further policy research at a later date. These items require further analysis of a number of possible outcomes and scenarios. These additional items include:

- More than one secondary suite per property;
- Permitting secondary suites in semi-detached buildings, including duplexes;
- Adjustment of parking requirements; and
- Permitting secondary suites in RTR, RTC, and RTC-A zones.

RECOMMENDATION:

THAT Council support Bylaw #5851, which establishes conditions of use for Secondary Suites and amends Zoning Bylaw #5000, as attached to the memorandum titled "Secondary Suites – Zoning Bylaw Amendment and Height Regulation Clarification" dated April 15, 2021, respectfully submitted by the Long Range Planner.

Respectfully submitted:

Apr 19 2021 2:49 PM

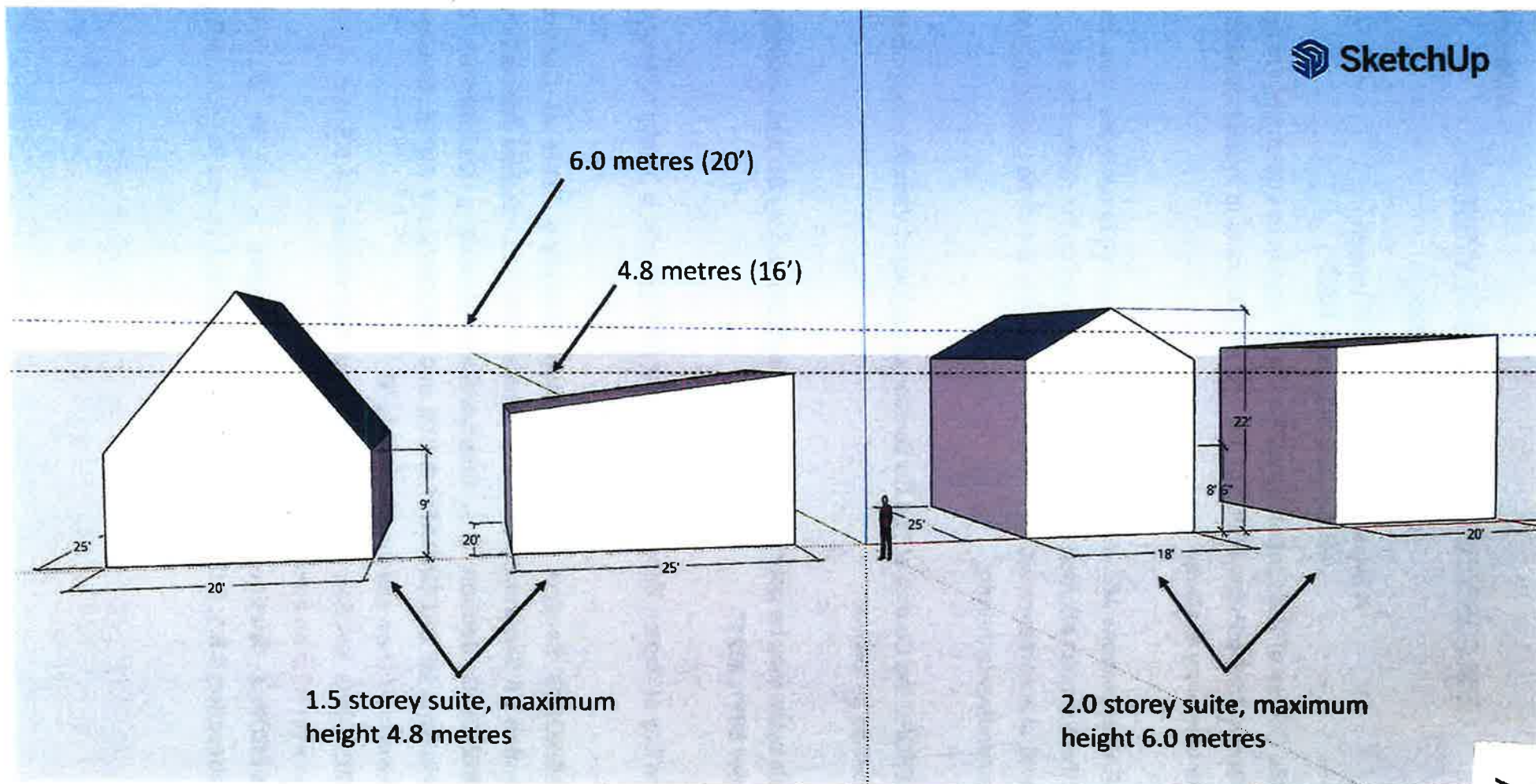
X  
Daniel Sturgeon DocuSign

Daniel Sturgeon,
Long Range Planner

Attachment 1: Visual models of proposed detached secondary suite maximum height

Attachment 2: Proposed Bylaw Amendment Bylaw 5851

G:\6400-6999 PLANNING AND DEVELOPMENT\6441 COMMUNITY PLANNING - SPECIAL STUDIES\20 Special Community Planning Studies, filed alphabetically\Secondary Suites\210415_LF_ds_memo_secondary suites bylaw amendments.docx



See Section 5.5.6 of Attachment #2, "Zoning Text (Secondary Suites) Amendment Bylaw Number 5851, 2021", for description of when 1.5 and 2 storeys are permitted.

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5851

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 #5000 to add text amendments to include development regulations for temporary shelters;

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 (Secondary Suites) Amendment Bylaw Number 5851, 2021"**
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BYLAW NUMBER 5851

PAGE 2

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

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2021.

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

for Minister of Transportation & Infrastructure
Bylaw 5788/6460-01

Mayor

Corporate Officer

SCHEDULE 'A'

Attached to and Forming Part of Bylaw 5788
“Zoning Text (Temporary Shelters) Amendment Bylaw Number 5851, 2021”

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Zoning Bylaw #5000 Section 2.3 General Definitions

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~~**SECONDARY SUITE, IN-LAW** means a **secondary suite** which is occupied by an individual or individuals who do not provide rent to the property owner and are all related to the property owner by blood, marriage or adoption. The owner is to provide an annual declaration to the City confirming the occupier(s) do not pay rent and all occupier(s) are related to the property owner by blood, marriage or adoption.~~ (Bylaw 5467)

SCHEDULE 'C'

Attached to and Forming Part of Bylaw 5788
“Zoning Text (Temporary Shelters) Amendment Bylaw Number 5851, 2021”

4.5 Secondary Development

- 4.5.5 A **secondary building or structure** shall not be used as a **dwelling** unless it is a permitted **secondary suite** in which case the Conditions of Use pertaining to **Secondary Suites** in Section 5.5 shall apply.
- 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** or unless it is a **Secondary Suite** in which case Section 5.5 shall apply.

SCHEDULE 'D'

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SCHEDULE 'D'

Attached to and Forming Part of Bylaw 5788

“Zoning Text (Temporary Shelters) Amendment Bylaw Number 5788, 2019”

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