

THE CORPORATION OF THE CITY OF VERNON A G E N D A

PUBLIC HEARING COUNCIL CHAMBERS FEBRUARY 14, 2022 5:30 PM

All Council meetings will be conducted under the provisions of the Provincial Health Officer's Orders:

• Face Coverings (COVID-19) – December 3, 2021.

Masks are mandatory for in-person attendance to Council meetings. Please note capacity is limited and is available on a first come, first served basis. A hand-washing and/or sanitizing station will be provided.

Council meetings are live-streamed and video-recorded and may be accessed at https://www.vernon.ca/council-video. Recordings are made available on the City of Vernon website by noon on the day following the meeting.

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LAND ACKNOWLEDGEMENT

As Mayor of the City of Vernon, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx People of the Okanagan Nation.

1. CALL TO ORDER

Mayor Cumming will call the hearing to order and advise that the purpose of the Public Hearing is to consider:

"4408 25th Street Rezoning Amendment Bylaw Number 5883, 2022"

2. CONFIRMATION OF PUBLICATION

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

3. BYLAW

REZONING APPLICATION FOR 4408 25th STREET (ZON00374) (P. 3, 6) "4408 25th Street Rezoning Amendment Bylaw Number 5883, 2022"

A Bylaw:

To rezone the subject property from "R5 – Fourplex Housing Residential" to "R4 – Small Lot Residential", in order to construct a bare land strata development.

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.
- c) Mayor will call for representation from the public in attendance.
 - i. Microphones are provided for any person(s) wishing to make representation to the meeting.
 - ii. The Chair will recognize <u>ONLY</u> speakers at the microphones. Speakers may be requested to limit the length of time they speak until all present, who wish to be heard, have been given an opportunity. Thereafter speakers may take another opportunity to speak.
 - iii. The public and members of Council may ask questions of the applicant and / or City staff in order to clarify details of the project, etc.
 - iv. Final calls for representation.

5. ADJOURNMENT

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5883

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;

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 **"4408 25th Street Rezoning Amendment Bylaw Number 5883, 2022"**.
- 2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from "R5 – Fourplex Housing Residential" to "R4 – Small Lot Residential".

Legal Description:

LOT 1, SEC 2, TWP 8, ODYD, PLAN 4869 (4408 25 Street)

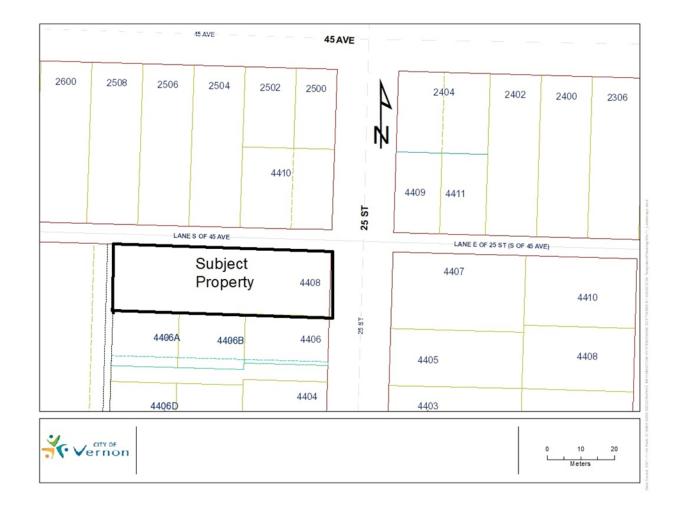
and by changing the Zoning Map accordingly, all in accordance with the bolded area as shown on Schedule "A" attached to and forming part of this bylaw.

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BYLAW NUMBER 5883

3.	Zoning Bylaw Num	iber 5000 is I	nereby ratified and	confirmed in every other
respect.				
READ A FIF	RST TIME this	10 th day of	January, 2022	
READ A SE	COND TIME this	10 th day of	January, 2022	
PUBLIC HE	ARING held this	day of	, 2022	
READ A THIRD TIME this		day of	, 2022	
Approved pursua	ant to section 52(3)(a) of the <i>Tr</i>	ansportation Act thi	s day of	
for Minister of Tra ZON00374/eDAS	ansportation & Infrastructure S 2021-06638/BYLAW 5883			
ADOPTED t	this day of	, 2021.		
Mayor:			Corporate Office	:er:

SCHEDULE 'A'
Attached to and Forming Part of Bylaw 5883
"4408 25th Street Rezoning Amendment Bylaw Number 5883, 2022"





THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY:

Matt Faucher, Planner,

Current Planning

COUNCIL MEETING: REG ☑ COW ☐ I/C ☐

COUNCIL MEETING DATE: December 13, 2021

REPORT DATE: December 3, 2021

FILE: ZON00374 (3360-20)

SUBJECT:

REZONING APPLICATION FOR 4408 25 STREET

PURPOSE:

To review the application to rezone the subject property from R5 – Fourplex Housing Residential to R4 – Small Lot Residential in order to provide for a future single family bareland strata development.

RECOMMENDATION:

THAT Council support the application (ZON00374) to rezone LT 1 SEC 2 TWN 8 ODYD PL 4869 (4408 25 Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential;

AND FURTHER, that Council's support of ZON00374 be subject to the following:

a) That the applicant registers a restrictive covenant on title to ensure that future lots created through subdivision will not contain dwellings with secondary suites, unless adequate parking for a suite is integrated into the home design;

AND FURTHER, that prior to final adoption of the zoning amendment bylaw, any required variance for the proposed development be evaluated by Council and approved if appropriate.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support the application (ZON00374) to rezone LT 1 SEC 2 TWN 8 ODYD PL 4869 (4408 25 Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential.

Note: Denial of the rezoning application would have the properties retain the R5 – Fourplex Housing Residential zone and the development could not move forward as proposed.

ANALYSIS:

A. Committee Recommendations:

At its meeting of November 23, 2021, the Advisory Planning Committee passed the following resolution:

"THAT Council support the application (ZON00374) to rezone LT 1 SEC 2 TWN 8 ODYD PL 4869 (4408 25 Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential;

AND FURTHER, that Council's support of ZON00374 be subject to the following:

a) That the applicant registers a restrictive covenant on title to ensure that future lots created through subdivision will not contain dwellings with secondary suites;

AND FURTHER, that prior to final adoption of the zoning amendment bylaw, any required variance for the proposed development be evaluated by Council and approved if appropriate. "

B. Rationale:

- The subject property is located at 4408 25th
 Street (Figures 1 and 2) and is approximately 1,263m² (0.312 ac) in area.
 There is currently a single detached dwelling, above ground pool and a number of secondary structures located on the lot.
- The application proposes to rezone the property from R5 – Fourplex Housing Residential (Attachment 1) to R4 – Small Lot Residential (Attachment 2).
- The land is designated as Residential Low Density within the Official Community Plan (OCP), which could allow up to a maximum of 30 units per hectare (12 units per acre). The proposed rezoning to R4 complies with the Residential Low Density designation.
- 4. The R4 zoning district would permit single detached and semi-detached dwellings.

The applicant is proposing to downzone the property to allow for smaller lot sizes to facilitate the development of a three lot bareland strata development including the existing house. Under the current R5 zone there is not enough land area to allow for a total of three units on-site.

5. The subject property is adjacent to a similar strata development to the south located at 4406 and 4404 25th Street. The adjacent strata has access through an internal common road, whereas the subject property



Figure 1: Property Location Map



Figure 2: Aerial View of Property

common road, whereas the subject property is proposing to provide access to two of the strata lots directly from the lane. The applicant's concept plan is illustrated in Attachment 3.

6. Administration supports the proposed development as it provides sensitive infill that increases the availability of housing stock close to services and amenities. The proposed three lot strata subdivision is complementary to the character of the surrounding area and is not anticipated to create land use conflicts in the neighbourhood. The proposal includes retaining the existing house, as well as the density permitted in the R5 Zone. The proposed rezoning to R4 is requested to authorize a change in building form and minimum lot size. To further mitigate the potential for neighbourhood conflicts, Administration recommends registration of a restrictive covenant regulating the installation of suites on future lots created through subdivision. Administration is concerned that the additional on-site parking required to

support secondary suites on these lots cannot be met and would result in residents parking on the street or in the lane. The proposed covenant would prohibit suites unless adequate parking for a suite is integrated into the house design and fully contained on-site.

C. Attachments:

Attachment 1 – R5: Fourplex Housing Residential Zone

Attachment 2 - R4: Small Lot Residential Zone

Attachment 3 - Proposed Site Plan

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

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

Increase affordable and attainable housing

E. Relevant Policy/Bylaws/Resolutions:

1. Zoning Bylaw #5000 s. 9.5 - R4: Small Lot Residential

BUDGET/RESOURCE IMPLICATIONS:

A Public Hearing would be required to be held as part of the public consultation process identified in s. 464 of the *Local Government Act*.

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Prepared by:	Approved for submission to Council:	
X Mills ary	Will Pearce, CAO	
Matt Faucher	9 € 2°=\0	
Planner, Current Planning	Date: 07. DECEMBER. 201	
X Spin Mil		

Kim Flick

Director, Community Infrastructure and Development

REVIEWED WITH		
☐ Corporate Services	□ Operations	□ Current Planning
☐ Bylaw Compliance	□ Public Works/Airport	□ Long Range Planning & Sustainability
☐ Real Estate	☐ Facilities	□ Building & Licensing
□ RCMP	☐ Utilities	
	☐ Recreation Services	☐ Infrastructure Management
☐ Human Resources	□ Parks	
☐ Financial Services		□ Economic Development & Tourism
☐ COMMITTEE: APC (Nov.23/21)		
☐ OTHER:		

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R5

9.6 R5: Four-plex Housing Residential

9.6.1 Purpose

The purpose is to provide a **zone** for the **development** of a maximum of four ground oriented **dwelling** units in the form of **single detached**, **semi-detached**, **duplex**, **three-plex** or **four-plex housing** on urban services. The R5c sub-zoning district allows for **care centre**, **major** as an additional use. The R5h sub-zoning district allows for **home based business**, **major** as an additional use. (*Bylaw 5467*)

9.6.2 Primary Uses4

- care centre, major (use is only permitted with the R5c sub-zoning district)
- duplex housing
- four-plex housing
- group home, major
- semi-detached housing
- single detached housing
- three-plex housing
- seniors housing

9.6.3 Secondary Uses

- boarding rooms
- care centres, minor
- home based businesses, minor
- home based businesses, major (in single detached housing only) (use is only permitted with the R5h sub-zoning district)
- secondary suites (in single detached housing only)
- seniors assisted housing
- seniors supportive housing

9.6.4 Subdivision Regulations

- Minimum lot width is 20.0m, except it is 22.0m for a corner lot.
- Minimum lot depth is 30.0m.
- Minimum lot width for single detached housing is 14.0m, except it is 16.0m for a corner lot.
- Minimum lot area for single detached housing is 450m².
- Minimum lot area is 700m², except it is 800m² for a corner lot, or 10,000m² if not serviced by a community sewer system. (Bylaw 5339)

9.6.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached Housing	350m²	400m ²	10.0m	12.0m
Three-Plex Housing	235m²	285m²	7.0m	9.0m
Four-Plex Housing	175m²	225m²	7.0m	9.0m

9.6.6 Development Regulations

 Maximum site coverage is 40% and together with driveways, parking areas and impermeable surfaces shall not exceed 50%.

- Maximum floor space ratio is 0.6.
- 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 4.0m, except it is 6.0m for a garage or carport to the back of curb or sidewalk for a front entry garage, or it is 0.6m to the side of the garage and 2.6m to the front building façade for side-entry garage and driveway layouts.
- Minimum side yard is 2.0m for a 1 or 1.5 storey portion of a building or a secondary building or structure and 2.5m for a 2 or 2.5 storey portion of a building, except it is 4.0m from a flanking street unless there is a garage accessed from the flanking street, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk. 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. The minimum side yard setback for shared interior party walls shall be 0.0m. The minimum side yard setback for single detached housing is 1.5m, except it is 4.0m from a flanking street unless there is a garage accessed from the flanking street, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk.
- 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.
- 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.
- Maximum density is 30 units per gross hectare (12 units/gross acre).
- Maximum four dwelling units located in a building, with each unit having a minimum width of 6.5m. (Bylaw 5339)

9.6.7 Other Regulations

- In order for bareland strata developments to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one site for defining the overall use, density and site coverage.
- The above noted **subdivision** and **development** regulations shall be applied to each strata **lot** within the strata plan.
- A minimum area of 25m² of **private open space** shall be provided per **dwelling**.
- Where development has access to a rear lane, vehicular access to the development is only permitted from the rear lane.
- For seniors assisted housing, seniors housing and seniors supportive housing, a safe drop-off area for patrons shall be provided on the site.
- 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**.
- For multi-unit residential housing, one **office** may be operated for the soul purpose of the management and operation of the multi-unit residential **development**.
- 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)

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 (Bylaw 5715)

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 320m², or 10,000m² 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 allached 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. (Bylaw 5715)
- 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)

