



COUNCIL REPORT
Development Services
For the February 11, 2020 Council Meeting

DATE: February 4, 2020 **File:** Z 19-13

TO: Paul Gipps, CAO

FROM: Jayden Riley, Planner II

RE: **Application:** Zoning Bylaw Amendment No. 0154.87, 2020 (File: Z 19-13)
 Legal: Lot 1, District Lot 506, ODYD, Plan 22046
 Address: 1130 Thomas Road
 Owners: Michael and Roberta Kay

RECOMMENDED MOTION:

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.87, 2020 (File: Z 19-13); and

THAT Council direct staff to schedule the proposed bylaw amendment for Public Hearing.

RATIONALE

- The proposal is aligned with the parcel's Land Use Designation of Single Family Residential (SFR).
- The subject property has sufficient parcel area for an R1 and R2 parcel, but insufficient parcel area to be rezoned to R2 and later subdivided.
- Split zoning provides assurance to the applicant that duplex is a permitted use prior to investing in subdivision related costs.
- Split zoning a portion of the property to R2, allows for subdivision with two (2) water and sewer connections rather than being limited to one (1), as per Water Systems Bylaw No. 1108 and Sanitary Sewer Use Bylaw No. 0072.
- Should Council choose to adopt the proposed amendment, staff will recommend of a S.219 No-Build covenant to ensure no building occurs on "Lot A" prior to subdivision registration.

LEGISLATIVE REQUIREMENTS

Council has the authority under Part 14 (S.479) of the *Local Government Act (LGA)* to amend its Zoning Bylaw.

BACKGROUND

The subject property currently contains a single detached dwelling on a 1,555 m² parcel. The property is a corner lot, having frontage on Thomas Road and Concord Road. There are no development permit areas subject to the property.

LOCATION/CONTEXT

The subject property is located in the Lakeview Heights Neighbourhood, surrounded by Agriculture (A1/ALR) to the north, Single Detached Residential (R1) to the east and south, and Concord Road and Highway 97C to the west - see *Figure 1* for context.

PROPOSAL

The applicant is proposing to rezone an 800 m² portion of the subject property from the Single Detached Residential Zone (R1) to the Duplex Residential Zone (R2). The intent of the rezoning is to support a two (2) lot subdivision and subsequent duplex development. A subdivision application has been submitted concurrently with the rezoning application; however, issuance of a Preliminary Layout Review (PLR) is subject to rezoning approval, as conditions of the PLR will be specific to the proposed R2 Zone as opposed to the existing R1 zone. The applicant has submitted a preliminary layout identifying the 800 m² portion of the property proposed for rezoning and subdivision (*Figure 2, Attachment 3*).



Figure 1: Context Map

BYLAW AND POLICY REVIEW

Official Community Plan Bylaw No. 0100

The subject property has a Land Use Designation (LUD) of Single Family Residential, which is intended to support traditional single family housing opportunities and encourage more land efficient compact housing forms for families. The proposal aligns with the intended built form and purpose of the LUD.

Zoning Bylaw No. 0154

The subject property is zoned Single Detached Residential (R1), which is intended to accommodate low density single detached residential use on parcels of land that are 550 m² and larger. The R1 Zone does not permit duplex use; therefore, in order to accommodate a duplex on the 800 m² portion of the property ("Lot A"), an amendment to the zoning designation from the Single Detached Residential Zone (R1) to the Duplex Residential Zone (R2), followed by subdivision, is required.

Both zones permit single detached dwelling; however R1 does not permit duplex. The R2 zone does not permit carriage house, secondary suite, or bed and breakfast uses that are otherwise generally permitted in the R1 Zone (*Attachment 4*). A zoning comparison table is provided below:

	Existing - Single Detached Residential Zone (R1)	Proposed - Duplex Residential Zone (R2)
Subdivision		
Min. Parcel Area	550 sq. m.	800 sq. m.
Min. Usable Parcel Area	330 sq. m.	480 sq. m.
Min. Parcel Frontage	16 m	18 m
Density		
Max. Density	1 Single Detached Dwelling and only 1 Secondary Suite or 1 Carriage House per parcel ¹	1 Single Detached Dwelling or 1 Duplex per parcel
Max. Parcel Coverage	40%	40% (Duplex); 35% (Single Detached Dwelling)
Max. Building Height	9 m to a max. of 3 storeys	9 m to a max. of 3 storeys
Setbacks		
Front Parcel Line	4.5 m or 6 m with garage	4.5 m or 6.0 m with garage
Rear Parcel Line	3 m	3 m
Interior Parcel Line	1.5 m	1.5 m
Exterior Parcel Line	4.5 m or 6 m with garage	4.5 m or 6.0 m with garage
A1 or ALR	15 m or 9 m with buffering	15 m or 9 m with buffering

TECHNICAL REVIEW

Subdivision

Subject to zoning amendment approval, the applicant is anticipated to subdivide the property to accommodate a duplex on "Lot A" while maintaining the existing dwelling on "Lot B" - see *Figure 2*. The proposed Duplex Residential Zone (R2) requires a minimum 800 m² parcel area. Although the R2 Zone permits both duplex and single detached dwelling, rezoning the entire parcel to R2 is not possible as there is insufficient parcel area to accommodate two (2) 800 m² parcels. A solution to this issue is to split zone the parcel with the understanding that subdivision will follow.

Split Zoning

Zoning Bylaw No. 0154 does not restrict building more than one dwelling on a split zoned parcel in respect to its legal boundary. S.2.3 states that split zoned parcels are to be treated as a separate parcel for the purpose of determining compliance with the provisions of its zone. The intent of S.2.3 is to allow for the administration of the Zoning Bylaw on parcels that have historically been split zoned through subdivision, rather than to encourage the creation of split zoned parcels. Therefore, in order to mitigate potential building upon "Lot A" prior to subdivision, staff recommend that a no-build covenant is registered on the property as a condition of rezoning approval, with the discharge of the covenant possible upon subdivision registration.

¹ The R1 Zone permits carriage house on parcels 1,100 m² or greater.

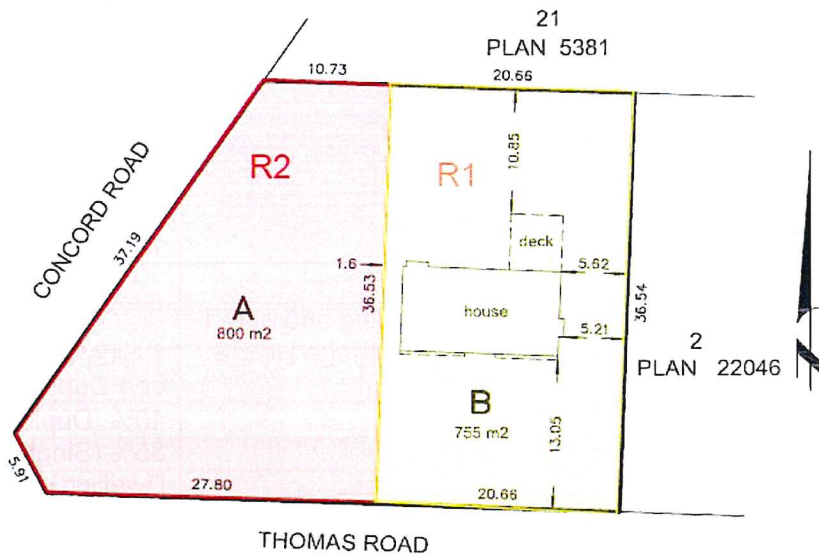


Figure 2: Preliminary Layout with Proposed Zoning

Servicing

The applicant has provided a functional servicing report that suggests the existing water, sanitary, storm, and road infrastructure can support the proposed duplex development with relatively minor extensions or expansions of existing utilities. The report also confirms that no technical constraints would preclude or prevent duplex development from proceeding. More information regarding required servicing and road frontage improvements will be confirmed at subdivision.

Both the Water Systems Bylaw No. 1108 and Sanitary Sewer Use Bylaw No. 0072 permit only one (1) water and sewer connection per residential parcel with the exception that each residential unit on an R2 zoned property shall receive separate service connections. Therefore, by split zoning a portion of the property to R2, the applicant may apply for subdivision with two (2) water and sewer connections rather than being limited to one (1), despite the fact the end goal is to construct a duplex.

REFERRALS

During the application referral period, the Ministry of Transportation stated they had no issue with the proposed rezoning. Although a conceptual layout of the Westlake Road Interchange presented at a 2016 Open House included the closing of Concord Road and a laneway access located at the rear of the subject parcel boundary, the Ministry confirmed that property acquisition has not yet been identified. More information will be available following completion of the preliminary and functional design phases for the interchange by late 2020.

PUBLIC NOTIFICATION

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0260. Should Council give first and second reading to the proposed bylaw amendment, a Public Hearing will be held in accordance with the *Local Government Act*.

ALTERNATE MOTIONS

1. **THAT** Council postpone first and second reading to City of West Kelowna Zoning Bylaw Amendment Bylaw No. 0154.87, 2020 (File: Z 19-13).

Should Council postpone consideration of the proposed bylaw amendment, further direction to staff on how to proceed is required.

2. **THAT** Council deny first and second reading to City of West Kelowna Zoning Bylaw Amendment Bylaw No. 0154.87, 2020 (File: Z 19-13).

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

REVIEWED AND APPROVED BY

Brent Magnan, Planning Manager
Mark Koch, Director of Development Services
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Context Map
2. Subject Property Map
3. Preliminary Layout and Proposed Zoning
4. Duplex Residential Zone (R2)
5. Zoning Bylaw Amendment No.0154.87



CITY OF
WEST
KELOWNA

CONTEXT MAP: Z 19-13



File: Z 19-13

Legal Description: Lot 1, DL 506, ODYD, Plan 22046

 Subject Property

 City Boundary

0 150 300 600 Metres








CITY OF
WEST
KELOWNA

SUBJECT PROPERTY: Z 19-13



LEGEND

-  Subject Property
-  Zoning Boundary
-  Parcels

File: Z 19-13

Legal Description: Lot 1, DL 506, ODYD, Plan 22046

0 4.75 9.5 19 Metres

1:325



10.8.DUPLEX RESIDENTIAL ZONE (R2)Bylaw No.
154.36**.1 Purpose**

To accommodate single detached residential and duplex residential uses.

.2 Principal Uses, Buildings and Structures

- (a) Duplex
- (b) Single detached dwelling

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Care facility, minor
- (c) Home based business, major

.4 Site Specific Uses, Buildings and Structures - *Reserved***.5 Regulations Table**

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	800 m ² (8,611.1 ft ²)
(b)	Minimum usable parcel area	480 m ² (5,166.7 ft ²)
(c)	Minimum parcel frontage	18.0 m (59.1 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density:	
.1	Duplex and single detached dwelling	Only 1 duplex, or only 1 single detached dwelling per parcel
(e)	Maximum parcel coverage:	
.1	Duplex	40%
.2	Single detached dwelling and modular home	35%
(f)	Maximum building height	9.0 m (29.5 ft) to a maximum of 3 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures

SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary or private access easement, whichever is closer	3.0 m (9.8 ft)
.3	Interior side parcel boundary	1.5 m (4.9 ft)
.4	Exterior side parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) except it is 9.0 (24.6ft) if a level 1 buffer is provided.

.6 Other Regulations

- (a) Without limiting the application of the height regulation in Section 10.8.5(h), the height of any single building wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 3 storeys or 9 m (29.5 ft).
- (b) Where side-by-side duplex units are subdivided under the *Land Title Act*, Sections 10.8.5(a), 10.8.5(b), and 10.8.5(c) shall not apply provided that each parcel so created contains not less than one half the minimum parcel area, not less than one half of the minimum usable parcel area and not less than one half the minimum frontage specified in those Sections, and Section 10.8.5(g)3 shall not apply.

(c) Siting Regulations for Approved Subdivisions

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures, and
- .2 the regulations requiring that the siting of a building or structure be determined in relation to the location of a private access easement, if it is closer to the building or structure than the relevant parcel boundary,

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.

Bylaw No.
154.06

PROPOSED SUBDIVISION OF
LOT 1, DL 506, ODYD, PLAN 22046.

PID: 007-121-792

CIVIC ADDRESS: 1130 THOMAS ROAD, WEST KELOWNA, BC.

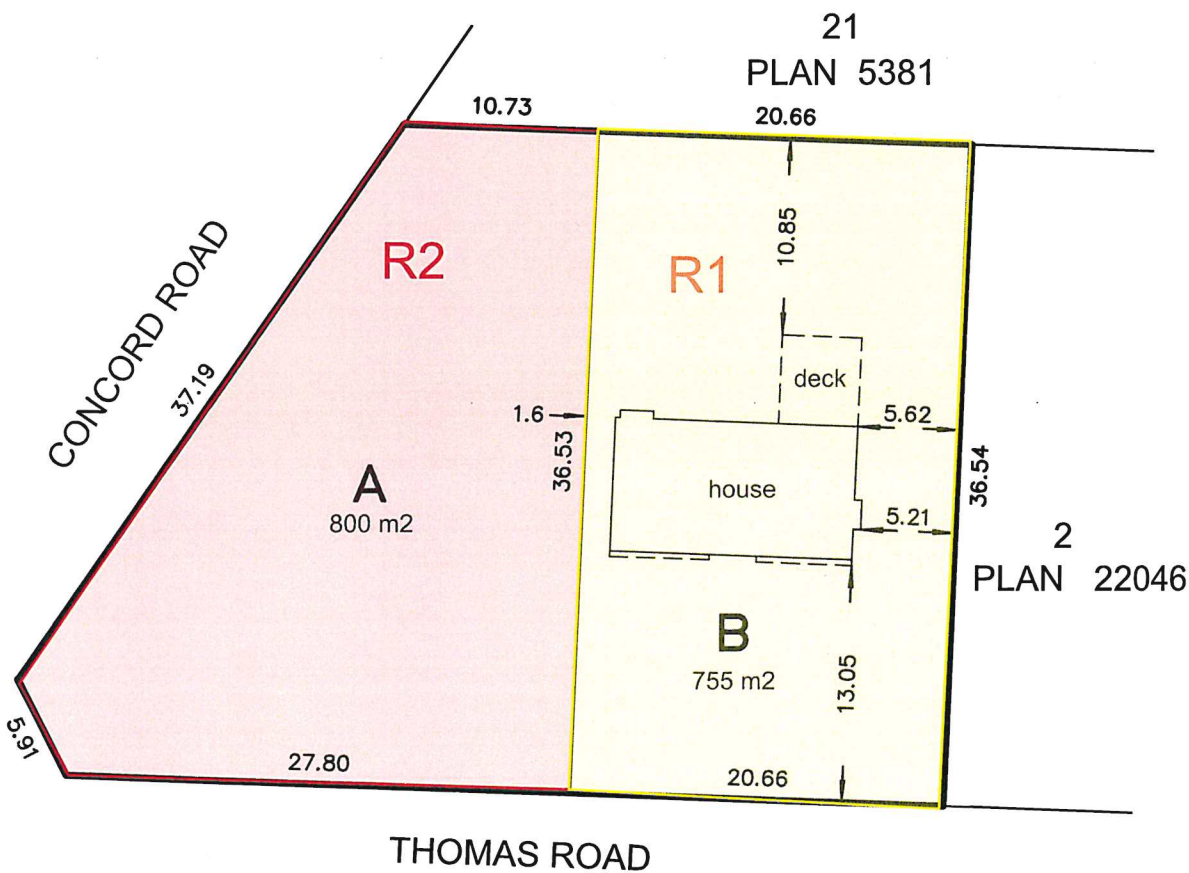
CLIENT: MICHAEL KAY

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Scale 1:400 Metric. Distances shown are in metres and decimals thereof.

Charges on Title: statutory building scheme G5405.

PROPOSED ZONING



CITY OF WEST KELOWNA

BYLAW NO. 0154.87

A BYLAW TO AMEND "ZONING BYLAW NO. 0154"

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0154.87, 2020".

2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

- 2.1 By changing the zoning on Lot 1, District Lot 506, ODYD, Plan 22046 as shown on Schedule 'A' attached to and forming part of this bylaw from Single Detached Residential (R1) to Duplex Residential (R2).
- 2.2 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS
PUBLIC HEARING HELD THIS
READ A THIRD TIME AND ADOPTED THIS

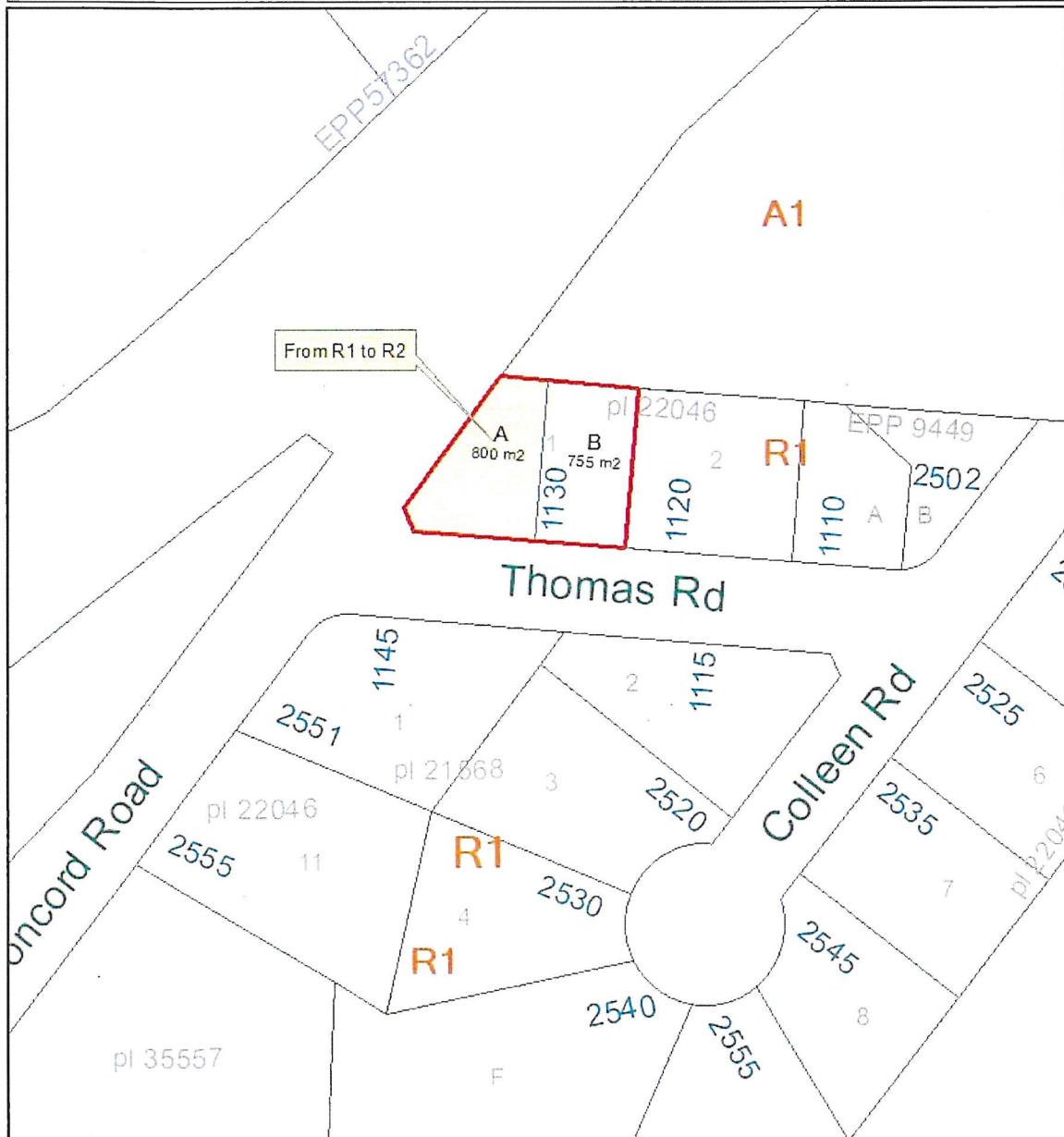
MAYOR

CITY CLERK



CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.87



Legend

- subject property
- R1 to R2

0 25 50 100 Metres

1:1,200



Date: 2020-01-30