



Zoning Bylaw Update

Bill 44, Bill 35 and other administrative amendments

www.summerland.ca/2024zoningbylaw



Presentation Outline

- Bill 44 – Housing Amendments
 - Overview
 - Three new residential zones
 - Impacts on Medium Density and High Density
- Section 6 – Parking & Loading
 - Cash-in-Lieu of Parking
- Bill 35 – Short Term Rental Accommodations Act
 - Overview
 - Zoning Bylaw changes
- Other Administrative changes
- Committee Review
- Next Steps

Bill 44 – Small-Scale, Multi-Units!

Summary

- Encourage “missing middle” housing forms in single family and duplex areas (low density)
- Speed up approval process for medium density forms of housing
- Remove zoning restrictions for **exclusive** single family dwelling housing in urban, serviced areas
- Increase density in areas close to transit

Bill 44 – Small-Scale, Multi-Units!

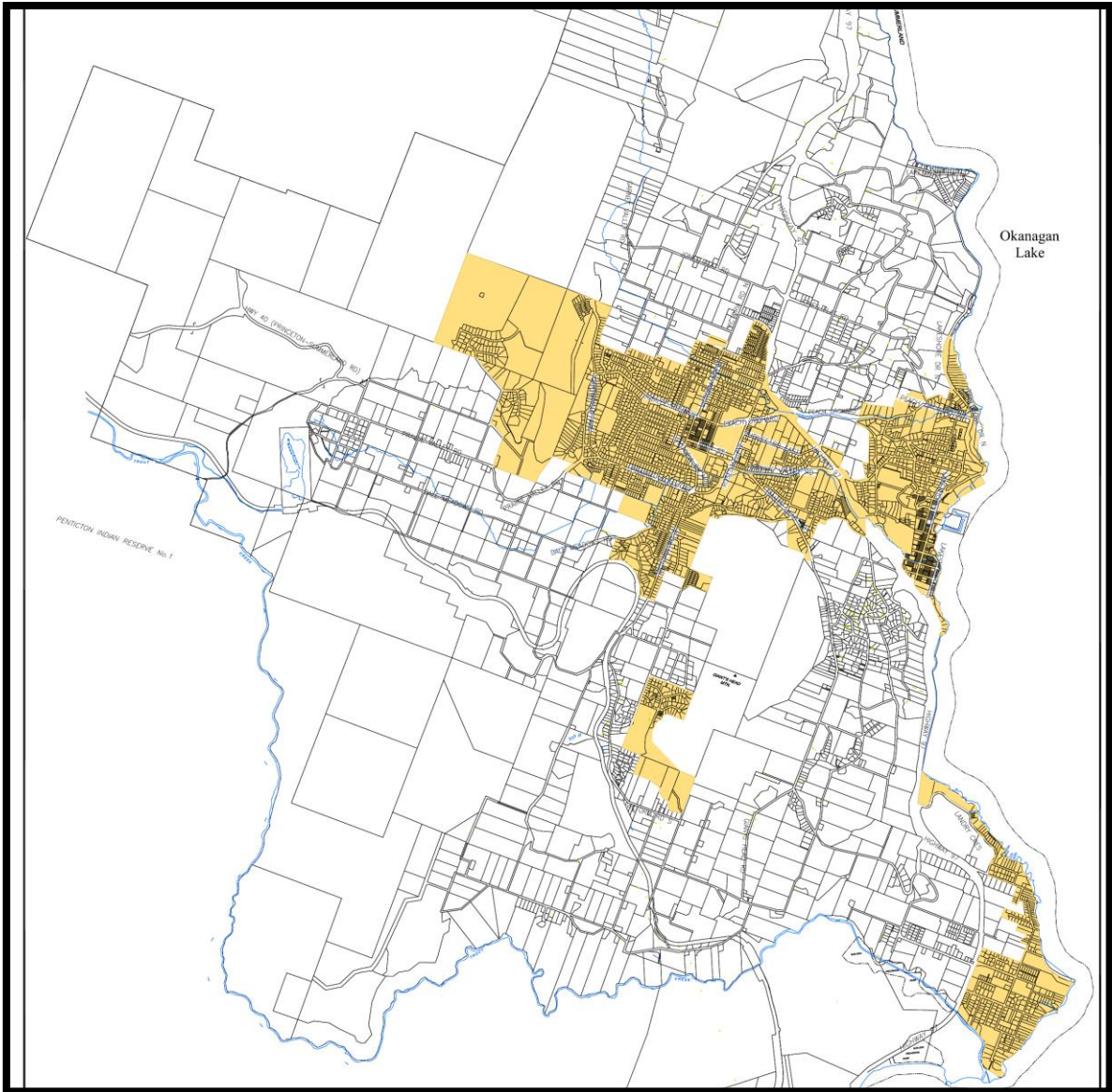
1.0 Hectare Rule – Carriage Houses (*Unsewered*)

- Initial interpretation
- Policy Manual – Dec 7, 2023 – ‘**accessory dwelling units not permitted on parcels less than 1.0 Ha**’
- OBWB Sewer Facilities grant expected to remain constant



Bill 44 – Small-Scale, Multi-Units!

**Urban Containment
Boundary**



Bill 44 – Small-Scale, Multi-Units!

Zoning Bylaw

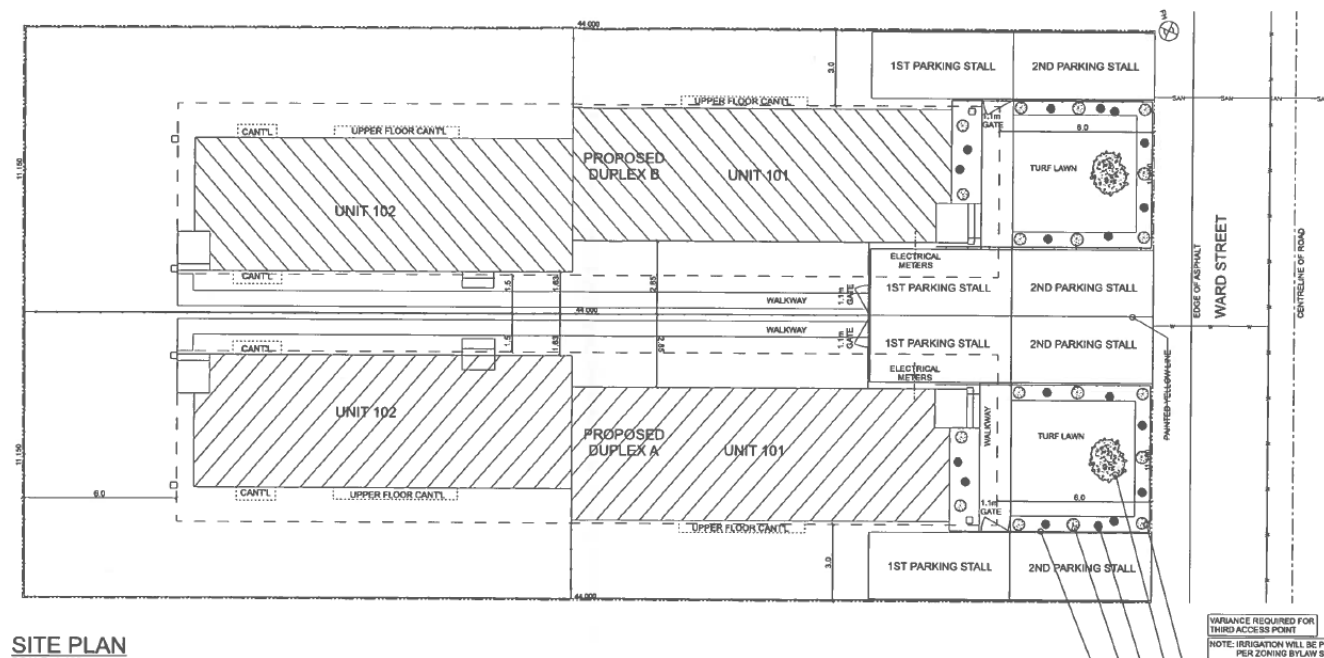
- Restricted zones
 - Single family and duplex zones
- Must allow for prescribed density if:
 - Within an urban containment boundary (**RGS****)
 - Land connected to utility systems
 - Land zones for lot size less than 4,050m²
 - Parcel of land less than 4050m²

District of Summerland Zoning Bylaw (*Consolidated Version*)



Changes to Summerland regulations:

- Consolidation of 6 single family and duplex zones (RSD1, RSD1i, RSD2, RSD3, RDH, RSH) = **3 NEW zones**
- *“Multi-Unit”*
- Increases in height/density/reduced setbacks
- Increasing suite size
- Parking Review



VARIANCE REQUIRED FOR THIRD ACCESS POINT
NOTE: IRRIGATION WILL BE PER ZONING BY-LAW REQ.

Bill 44: Changes to Summerland regulations

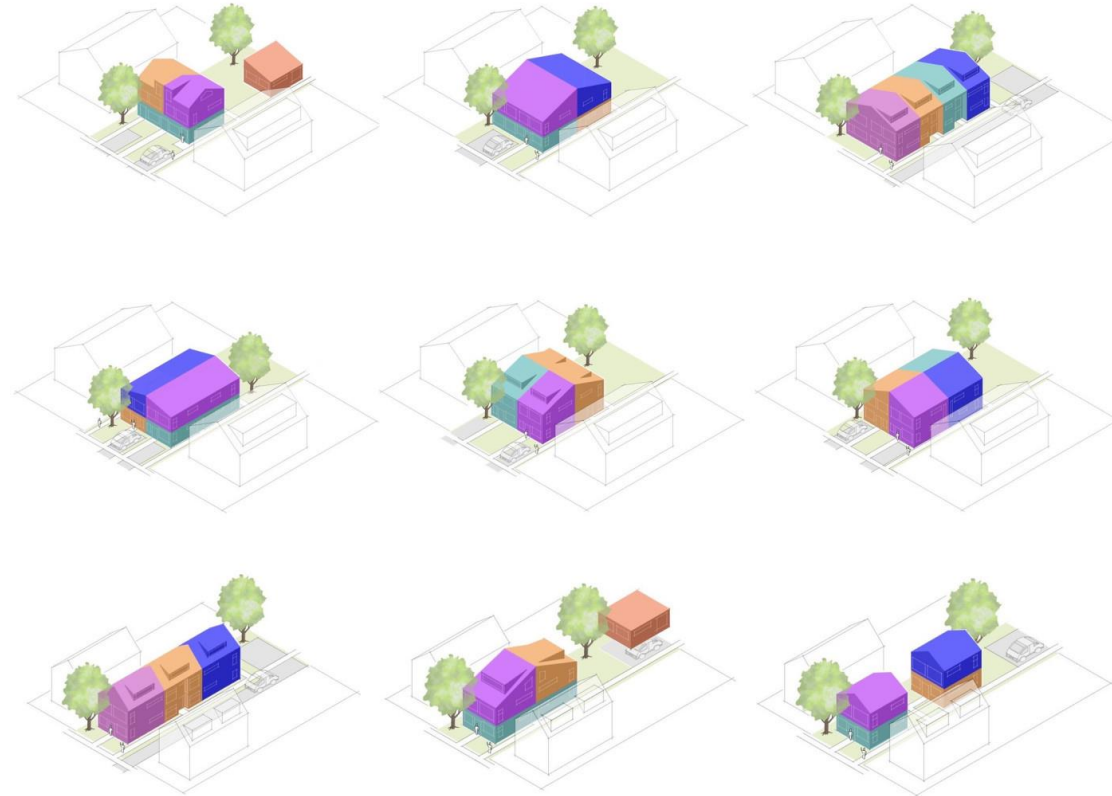
- **New Definitions:**

- Multi-Unit Housing

- *Housing, Multi-Unit* means a Building containing between two and up to and including four *Dwelling Units* divided horizontally or vertically by a common party wall, and each *Dwelling* having a separate entrance, but not necessarily at *Grade*.

- Urban Containment Boundary

- *Urban Containment Boundary* means the urban growth boundary established in the District's Official Community Plan, and amended from time to time, where new urban residential growth is encouraged and where *Full Urban Services* are existing or planned to be connected.



Residential Urban Infill Zone (RU1)

- **Residential Urban Infill (RU1)**

- *Single Detached, Multi-Unit, Duplex Housing*
- 260 m² parcel size
- Lane Access (7.5 m widths)
- Maximum of 4 *Dwellings*
- 3 Storeys Height
- 1.2 m (4 feet) side yard



Residential Urban Zone (RU2)

- **Residential Urban (RU2)**
 - *Single Detached, Multi-Unit, Duplex Housing*
 - 460 m² parcel size (RSD1)
 - 12.0 m widths (RSD1)
 - Maximum of 4 *Dwellings*
 - 3 Storeys Height
 - 1.5 m (5 feet) side yard



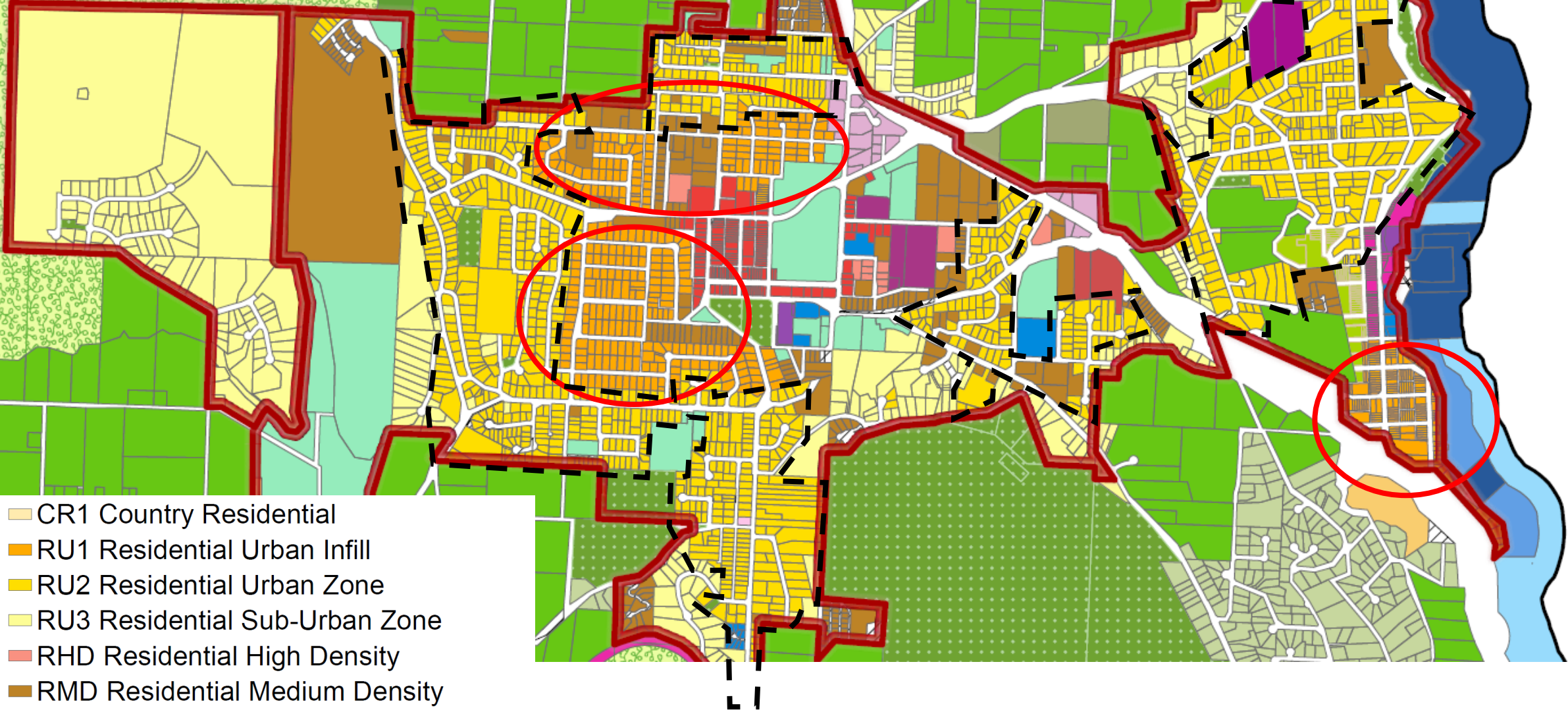
Residential Sub-Urban Zone (RU3)

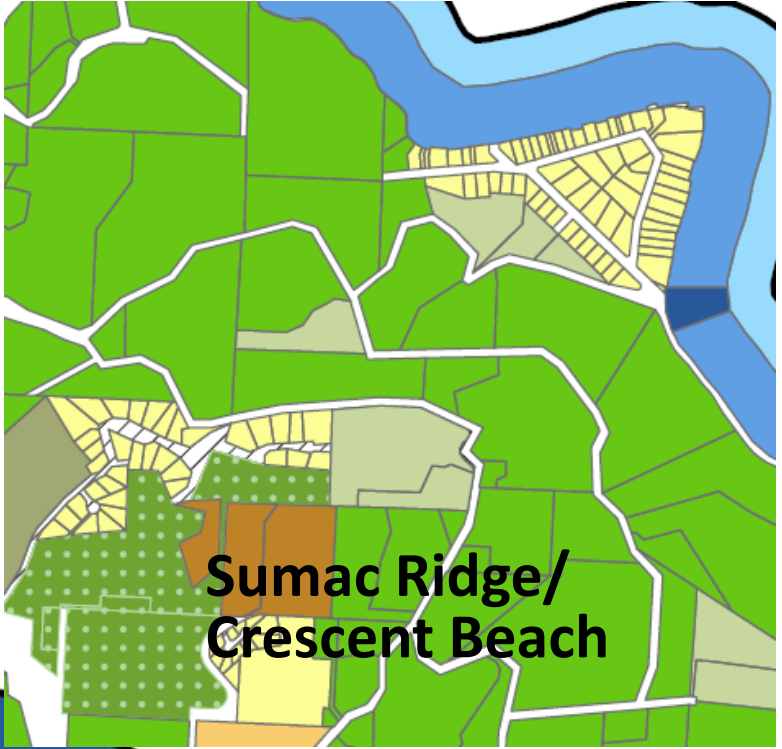
- **Residential Sub-Urban (RU3)**

- *Single Detached, Duplex Housing*
- 650 m² parcel size (RSD2)
- 18.0 widths (RSD2)
- Maximum of 4 *Dwellings* in UCB, 3 *Dwellings* out of UCB
- 2 Storeys Height
- 1.5 m (5 feet) side yard



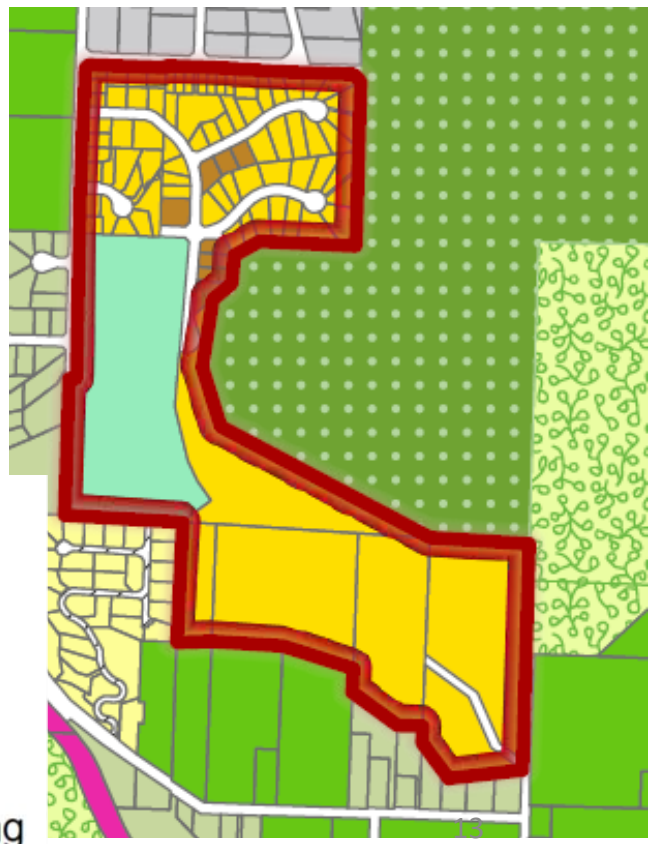
Zoning Bylaw Map – Schedule B





- CR1 Country Residential
- RU1 Residential Urban Infill
- RU2 Residential Urban Zone
- RU3 Residential Sub-Urban Zone
- RHD Residential High Density
- RMD Residential Medium Density
- RMH Residential Manufactured Housing

**UNISUS/
Pierre Drive**



Bill 44 - Medium and High Density

- **Residential Medium Density (RMD)**

- Propose to consolidate RSH – Residential Strata zone into RMD
- *Cluster Housing* = single family
- Specific regulations for **bare-land** stratas
- Floor Area Ratio: From 0.6 to 1.6
- Max Height: From 3 Storeys to 4 Storeys

- **Residential High Density (RHD)**

- Floor Area Ratio: From 1.2 to 2.5
- Max Height: From 4 Storeys to 6 Storeys
- **Minimum** Height: 3 Storeys



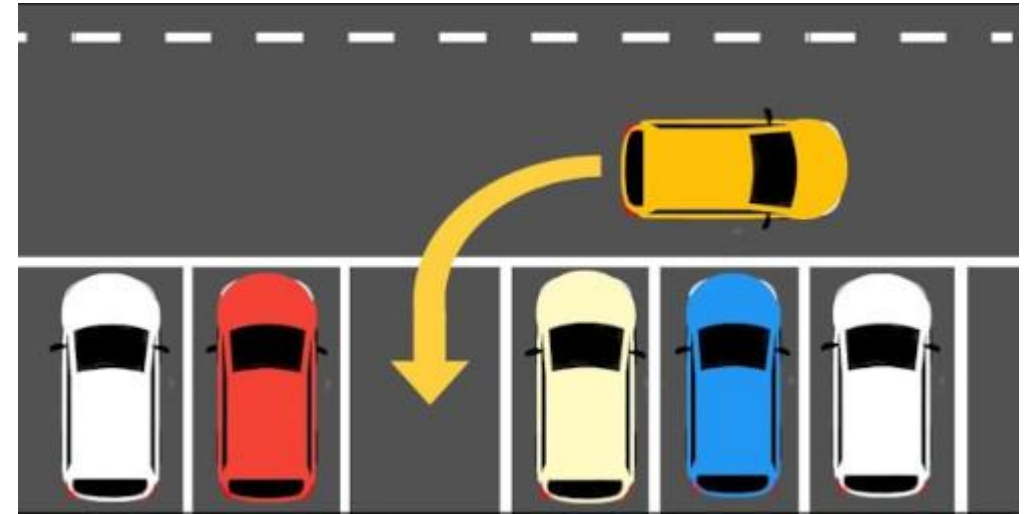
Bill 44 – Other Changes

- **Accessory Building Height** – from 1 storey to 2 storeys (*except for RU3*)
- Maximum Height of **Carriage House** is 7.5 m.
- **Secondary Suites** allowed in Duplex and Townhouse units (BCBC).
- No maximum size on **Secondary Suite**, but cannot be larger than principal Dwelling.
- Allow **Secondary Suites** and **Carriage Houses** on same lot



Section 6 – Parking & Loading

- *Mult-Unit, Duplex, Townhousing, Apartment* = **1 space** per unit
- *Single Detached Housing* = **2 spaces**
- *Apartment Housing* in CB1 zone = **NIL**
- **Deletion** of Shared Parking Table
- Cash-in-Lieu of Parking:
 - Commercial uses only eligible (in CB1, C zone)
 - **\$13,000** per space (equal to City of Penticton)
 - **Delete** 1.5 space calculation.



	<i>Space per 10 Dwelling units.</i>	
Category of Use	Required Vehicle Parking Spaces	Required Loading Spaces
<i>Housing- Single Detached, Duplex or Manufactured</i>	2 per Dwelling unit	NIL
<i>Housing - Dwelling Units, Apartments located in the <u>Central Business</u> CB1 zone</i>	1 per Dwelling unit NIL	NIL
<i>Housing - Temporary Accommodation for Farm Help</i>	1 per 3 sleeping units	NIL

March 27 - Update

- No maximum size on **Carriage House**, but cannot be larger than principal Dwelling.
 - 90 m² maximum size still in place for properties in ALR
- RU1 Zone only:
 - Maximum Floor Area of *Single Detached Housing* = 200 m²



Bill 35 – Short Term Rental Accommodations Act

- *Principal Residency*

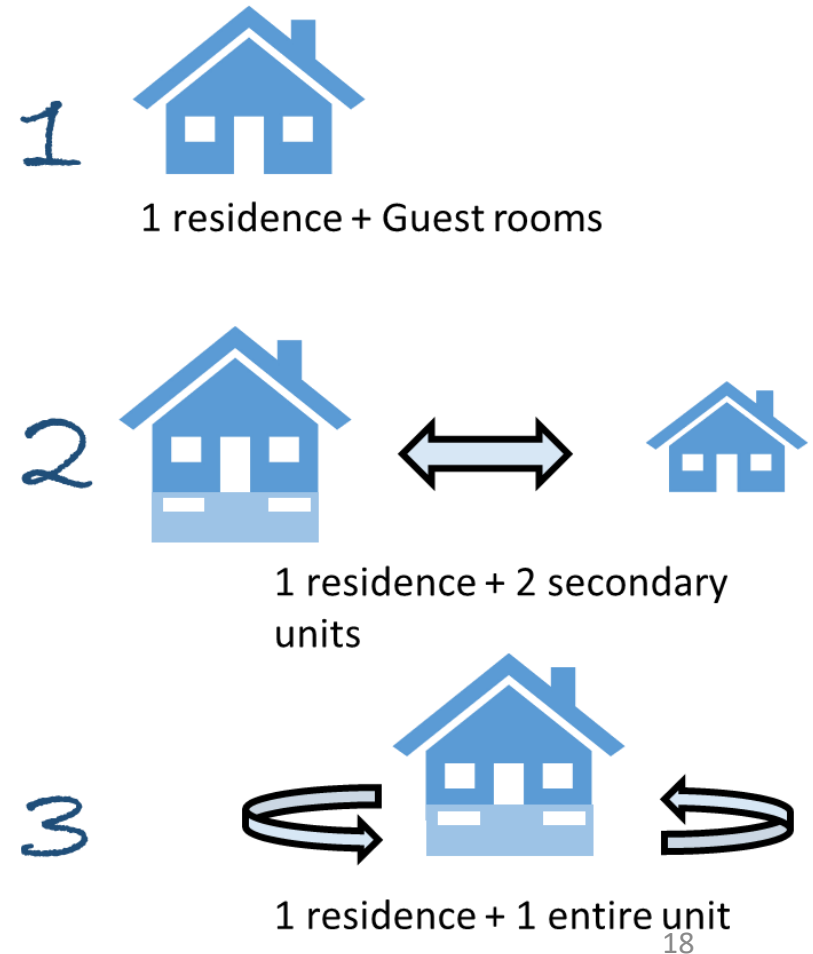
- One principal resident on the same parcel. Short Term rental can be in one of three options:

1. STR of principal residence (bed and breakfast)
2. STR of secondary suite **AND/OR** accessory dwelling unit
3. Principal residence in suite and STR main residence.

- Short Term rental shall be operated by Principal Resident (owner or tenant).

- **Can no longer be operated by an off-site owner or management company**

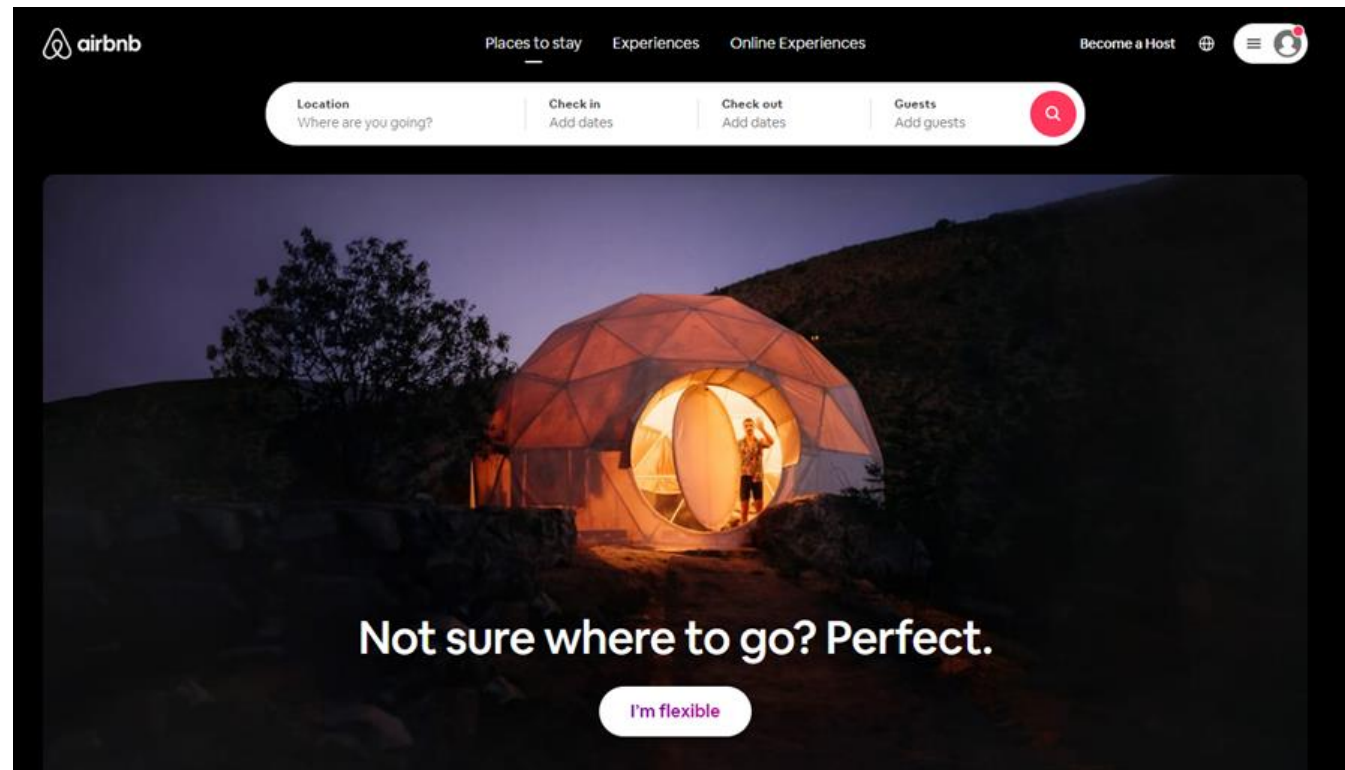
"3" Options



Bill 35 – Short Term Rental Accommodations Act

- *Definition of Short Term Rental*

- Bill 35: less than **90** days
- Zoning Bylaw: less than **28** days
- Zoning Bylaw **less** restrictive = Proposing to amend zoning bylaw



Bill 35 – Zoning Bylaw Changes

- **Short Term Rental** – Max of 90 days instead of 28 days
- STRs allowed in Duplex and Townhouse Units (**not Apartment**)
- Removal of **operation** by property management company
- **Short Term Rental** added as an Accessory use to RMD zone (for Townhousing)
- Zoning bylaw still allows for **Hotel** use

District of Summerland Zoning Bylaw (*Consolidated Version*)



Administrative Update

Zoning Bylaw Change	Rationale
Definition: <i>Dwelling</i> has only one Kitchen	Provide clarity for enforcement, and when <i>Secondary Suite</i> provisions are triggered.
Definition: <i>Gross Floor Area</i> measured to Exterior walls	Most plans submitted are measured to exterior walls, hard to complete zone reviews using interior.
Definition: <i>Townhouse</i> has more than 4 units	This is <i>because Multi-Unit</i> definition covers 2-4 units
Definition: Remove exclusions of <i>Net Lot Area</i>	These exclusions were reducing parcel sizes significantly in CR1 zones to trigger variances for site coverage.
Definition: Vehicle is defined in the MV Act	This will help enforcement in clarifying what can be considered a “vehicle” to be kept on an unsightly property.
Section 4.6.1 – More than 2 Unlicensed Vehicle prohibited in most commercial zones, and Ag zoned properties less than 1.0 Ha	Helps with untidy/unsightly enforcement. Don’t want car lots in Downtown core (except for certain business usage)
Section 4.12 – NEW Solid Waste Storage Facilities section	Previous issues from existing multi-family developments from waste collection contractor. Best practice guidance to support new regulation provided. Following RDOS policy.

Administrative Update... cont'd

Zoning Bylaw Change	Rationale
Table 5.1 – Add Country Residential as an exception to requiring a “ <i>Landscaping Strip</i> ”	Clarify that Country Residential properties don't require a landscaped buffer, because located in rural areas.
Section 7.16.4 – Allow for Campground use of <i>Agri-Tourism Accommodation</i> to be outside <i>Farm Home Plate</i> , with agrologist report.	Given the large area taken up to site campgrounds, and limited size of farm home plate, may be difficult to site within the plate. This will allow siting on areas outside farm home plate not suitable for agriculture
Section 11.5.5 – Increase <i>Floor Area Ratio</i> and remove Density Bonus Provision	Bill 46 provides new ACC to collect fees for amenities. Use of density bonus provisions no longer encouraged. FAR of 3.5 w/ Density Bonus and is density in DNAP.
Section 11.8.6 and 11.8.7 – Increase Floor Area Ratio to 3.5 and increase Height to 6 stories	MX1 density should be equal or greater to CB1 (3.5 FAR). High Density zone moving to 6 stories max, so MX1 should also for consistency (OASIS is at 6).
Section 12.1.2 – Add Contractor Services, General as <i>Permitted Use</i>	A number of site specific rezonings to allow for contractor general in M1 zoning. Limited industrial land base means M1 most appropriate zoning.
Section 12.1.3 – Add Storage Yard as an <i>Accessory Use</i>	For open storage yard more common in M1 areas now. Maintaining as Accessory use means that need a principal business first.



Other Bylaw Changes

- Driveway Access Bylaw

- Allow two driveways per urban residential property – **6 m spacing**
 - Local roads only
- Driveway width to **increase to 8 m**
 - Allow for three stalls directly from the road

Notwithstanding subsequent sections, secondary driveway accesses in urban residential zones for duplex and multi-unit buildings only may be permitted where an edge-to-edge spacing of 6 m can be provided between the driveway accesses except on collector roads as classified in the Official Community Plan.

Notwithstanding other sections of this bylaw, the maximum driveway access width shall be no more than 8 m (26 ft.) in urban residential zones. Upon demonstrated need, the Director of Works and Infrastructure or their designate may grant a maximum driveway access width of up to 50% of the length of the lot line for which the driveway access is cited;

- Subdivision and Development Servicing Bylaw

- Exemptions for all forms of two residential units or less
- Secondary Suites exempt in all cases

5.4. *Works and Services* requirements of this bylaw do not apply to a *building permit* being issued for construction of one or more detached buildings resulting in a total of 2 or less dwelling units (single detached house, ½ duplex, suite, carriage house, etc.) on a single lot. In all cases, a building permit being issued for the construction of a secondary suite is exempt from the *Works and Services* requirements of this bylaw.



Development Process Improvement Advisory Committee

February 14, 2024 DPIAC Meeting

- Comments:

- \$13,000 per parking stall is too small a cash-in-lieu fee
- Agree to delete shared parking table, but allow for reduction of parking required for shared parking lots following a professional review by a traffic engineer, acceptable by Director
- Add agrologist report for consideration of Campground use outside of the farm home plate.
- With the changes, why is Hunters Hill neighbourhood not included and can they be included in the future as part of an OCP review.
- Would bareland stratas be affected by the changes from the Bill 44?
- Concerns with reduced setbacks and how it'll affect the Fire Department. The District has a sprinkler bylaw that requires buildings with 3 storeys or more to have sprinklers installed.
- Why is Multi-Unit not a permitted use in the proposed RU3 zone?
- Has the District considered water capacity with all of these new changes?
- How do we service these increases in density, does the province require developers to build this or is piecemeal.



Development Process Improvement Advisory Committee

February 14, 2024 DPIAC Meeting

- Comments:

- Don't want dead zones in the downtown when land use could be used for productivity. Should leave parking to developers to determine.
- Concerns with minimum parking requirements.
- Summerland doesn't have a good transit system.
- Does a shipping container need a building permit?
- Overall, in support of the amendments proposed so far.
- Concerns with the shortsightedness of the Province, concerns with future tax increases to the District in order service the increased density, a good example is the tax increases in Osoyoos (Town).

Resolution:

THAT the DPIAC supports the proposed amendments to the Zoning Bylaw (Bill 44, Bill 35 and Parking) and that it proceed to Council.

CARRIED



Advisory Planning Commission

February 23, 2024 APC Meeting

- Comments:

- Will secondary suite and carriage house size limits change on agricultural land in response to Bill 44?
- Will the Urban Containment Boundary (UCB) be amended when the OCP gets reviewed?
- There is a gap in the UCB around the UNISES school which includes the industrial part, this should be part of the UCB.
- Can new units be strata subdivided?
- With an increase in density, we will need to consider fire requirements.
- Why would we not allow a quadplex in the proposed RU3 zone? People move to sub-areas to escape the urban form (e.g. Trout Creek vs. Downtown)
- Does Bill 44 take precedence over a 219 Restrictive Covenant?
- Concern of commercial parking being used for residential for Downtown projects.
- This is great and progressive. Parking will still be provided as determined by the market
- Concerns that the \$13,000.00 cash-in-lieu will deter commercial or mixed-use development.
- We don't have a robust transit system which would make less parking difficult.
- Would be nice to have more pedestrian only zones/areas. Council should direct staff.
- If the owner has to live on the property, that would null and void any ability to short term rentals in apartments.
- Should shipping containers be limited to one per hectare rather than allowing multiple if property is greater than one hectare?

Resolution:

THAT the APC supports the proposed changes to the Districts Zoning Bylaw (Bill 44, Bill 35, and Parking) and that it proceed to Council for consideration.

CARRIED



Next Steps

- Public Engagement
 - Open Houses in April
 - Draft Amendments on webpage
 - Video presentation
- May 21, 2024 – first three readings
 - **No public hearing** for Zoning Amendments in conformance with Bill 44
- June 11, 2024 – Adoption
- Letter Notification to Ministry that the District is in conformance



Questions?



www.summerland.ca/2024zoningbylaw