

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 3, 2021

RE: Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F”, “G”, “H” & “I”

Administrative Recommendation:

THAT Bylaw No. 2932, 2021, Regional District of Okanagan-Similkameen Secondary Suite and Accessory Dwelling Floor Area Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of July 8, 2021;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Purpose:

Amendment Bylaw No. 2932 is proposing to amend the Electoral Area zoning bylaw in order to increase the maximum floor area allowance provided for secondary suites and accessory dwelling units from 90.0 m² to 125.0 m².

Background:

Under the Electoral Area Zoning Bylaws, the maximum floor area currently permitted for a secondary suite and an accessory dwelling is generally limited to 90.0 m² (NOTE: an exception is provided in some zones for accessory dwellings to have a larger floor area if the overall number of accessory dwelling units is reduced).

This floor area allowance is based on a regulation that was previously contained within the BC Building Code that limited the maximum size of a secondary suite to 90.0 m² or 40% of the floor area of the dwelling unit, but was removed from the Building Code following provincial amendments in December of 2019.

The province further amended the Building Code to allow secondary suites in more building types, such as side-by-side duplexes, and side-by-side (row house) townhouse style buildings.

In announcing these changes, the province stated that “allowing the construction of more secondary suites in more building types helps create more housing units while providing an acceptable level of health and fire safety to occupants. Secondary suites also help provide more affordable housing options, and by making more efficient use of land and infrastructure, they support community vitality and sustainability.”

At its meeting of September 3, 2020, the Regional District Board accepted the *Okanagan Falls 2020 Economic Development and Recovery Plan* as a guiding document. This plan included, amongst other things, the following “Action Item” (1.3):

Complete a review of zoning regulations in Okanagan Falls to ensure that single family residential lots have the flexibility to construct a carriage home or a secondary suite suitable for young families (i.e. review of maximum floor area and number of bedrooms).

At its meeting of October 15, 2020, the Planning and Development (P&D) Committee of the Board resolved “that the maximum floor area of a secondary suite and accessory dwelling be set at 125.0 m² in the Draft South Okanagan Electoral Area Zoning Bylaw No. 2800.”

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highways 97 & 3).

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

Despite the direction provided by the P&D Committee at its meeting of October 15, 2020, Administration is proposing that the amendments required to increase the maximum floor area of secondary suites and accessory dwellings be considered separate from Draft Zoning Bylaw No. 2800.

This is primarily due to an active compliance issue requiring an amendment to the Electoral Area “D” Zoning Bylaw that would increase the floor area of an accessory dwelling to a size less than the 125.0 m² previously supported by the Board (i.e. from 90.0 m² to 105.0 m²).

Administration has also been fielding on-going queries from the public regarding the timing of the change and is aware of new dwelling designs being prepared in anticipation of the increase to floor area allowances.

Accordingly, Administration is concerned that a spot rezoning grant will grant a privilege to an individual property owner that others are known to be waiting for and that the staff time required to process an ad hoc rezoning request would be better utilized on a broader amendment.

As was presented to the P&D Committee, Administration supports increasing the floor area of secondary suites and accessory dwellings to 125.0 m² in order to allow for the development of secondary suites that are more accommodating of families.

The basis of this increase is to allow for a third bedroom to comfortably be added to a suite (e.g. a master bedroom and bath requires approximately 20.0 m²) and to provide additional space to be used on increasing the size of other living areas in a suite.

Alternatives:

1. THAT Bylaw No. 2932, 2021, Regional District of Okanagan-Similkameen Secondary Suite and Accessory Dwelling Floor Area Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of the public hearing be delegated to Chair Kozakevich;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Chair Kozakevich;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

2. THAT Bylaw No. 2932, 2021, Regional District of Okanagan-Similkameen Secondary Suite and Accessory Dwelling Floor Area Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2932, 2021, Regional District of Okanagan-Similkameen Secondary Suite and Accessory Dwelling Floor Area Zoning Amendment Bylaw be denied.

Respectfully submitted:



C. Garrish, Planning Manager