

Zoning Amendment Bylaw No. 2800.37

Planning and Development Committee

Thursday July 25, 2024

Zoning Amendment Bylaw No. 2800.37

STRATEGIC PRIORITIES DASHBOARD 2023 – 2026

BOARD 'ACTION' PRIORITIES

NOW

1. **HOUSING OPTIONS:** Board Direction – Mar.
2. **EMERGENCY PROGRAM REVIEW: Report** – Apr.
3. **COMPOST FACILITY LOCATION OPTIONS** - Apr
4. **REGIONAL GROWTH STRATEGY: Public Feedback** – Apr.
5. **ASSET MANAGEMENT: Policy** – June

NEXT (Pending)

- **HOUSING STRATEGY DISCUSSION: Scope**
- **TRANSIT SERVICE: New Service Establishment**
- **REVENUE MANAGEMENT POLICY: Review**
- **VACATION RENTAL: Policy Review**
- **WATER METERS: Feasibility**
- **AREA E OCP: Completion**

Zoning Amendment Bylaw No. 2800.37

Background:

- Directors Motion (Feb. 2021):

THAT staff prepare a discussion paper to identify key considerations for regulating sleeping accommodations in accessory buildings and in vehicles (i.e. bunkies, mobile tiny homes and RVs).

- Housing Needs Assessment (April 2021):

Housing is not being provided at a level to meet current as well as anticipated future needs.

Zoning Amendment Bylaw No. 2800.37

Background:

- Secondary Suites permitted in most zones (2014-15).
- Habitable space in accessory structures reviewed (2016).
- Accessory Dwelling Review (2019-20):
 - density increased, subject to servicing*;
 - principal vs accessory building regulations updated.
- Accessory dwelling & suite floor areas increased (2021).
- Residential Zone Review – consistent regulations (2019-21).



Zoning Amendment Bylaw No. 2800.37

“Housing Options”

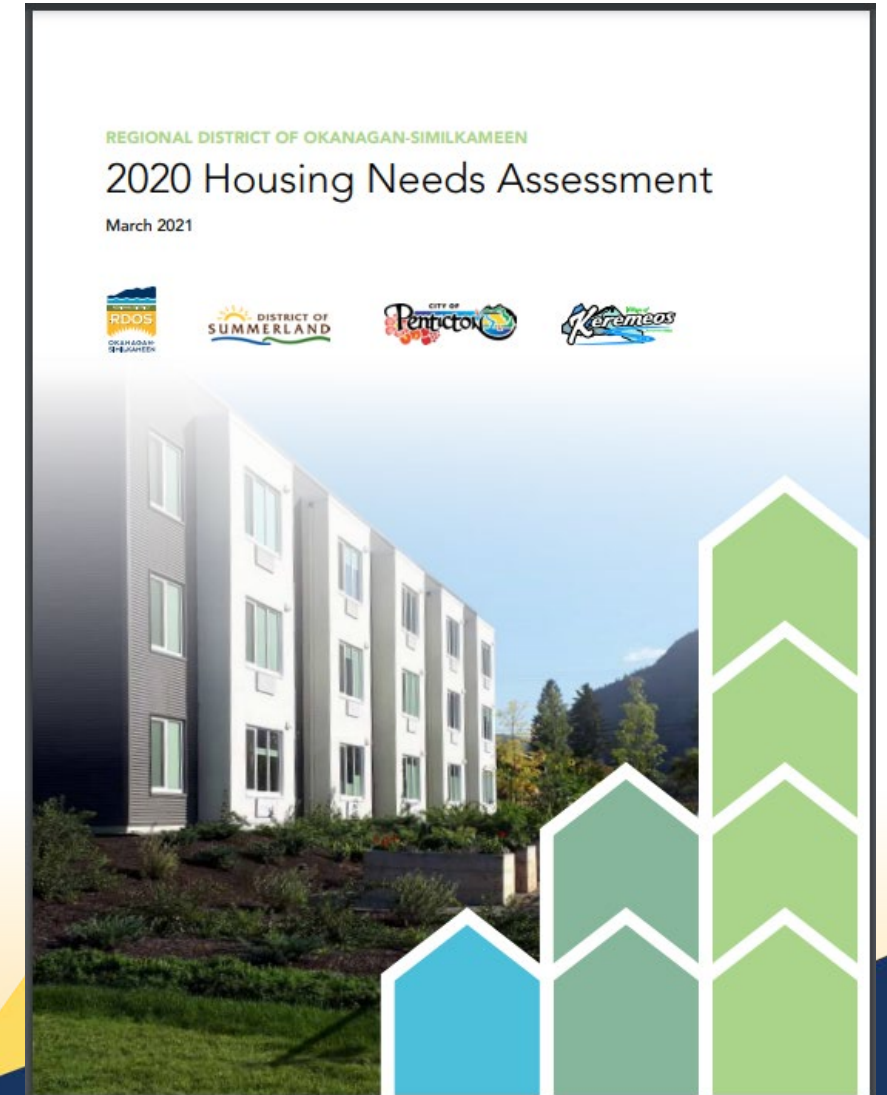
P&D Committee - March 2, 2023

Zoning Amendment Bylaw No. 2800.37

Update Housing Needs Assessment:

Updating in 2024 would allow for the HNR to be better integrated with other processes:

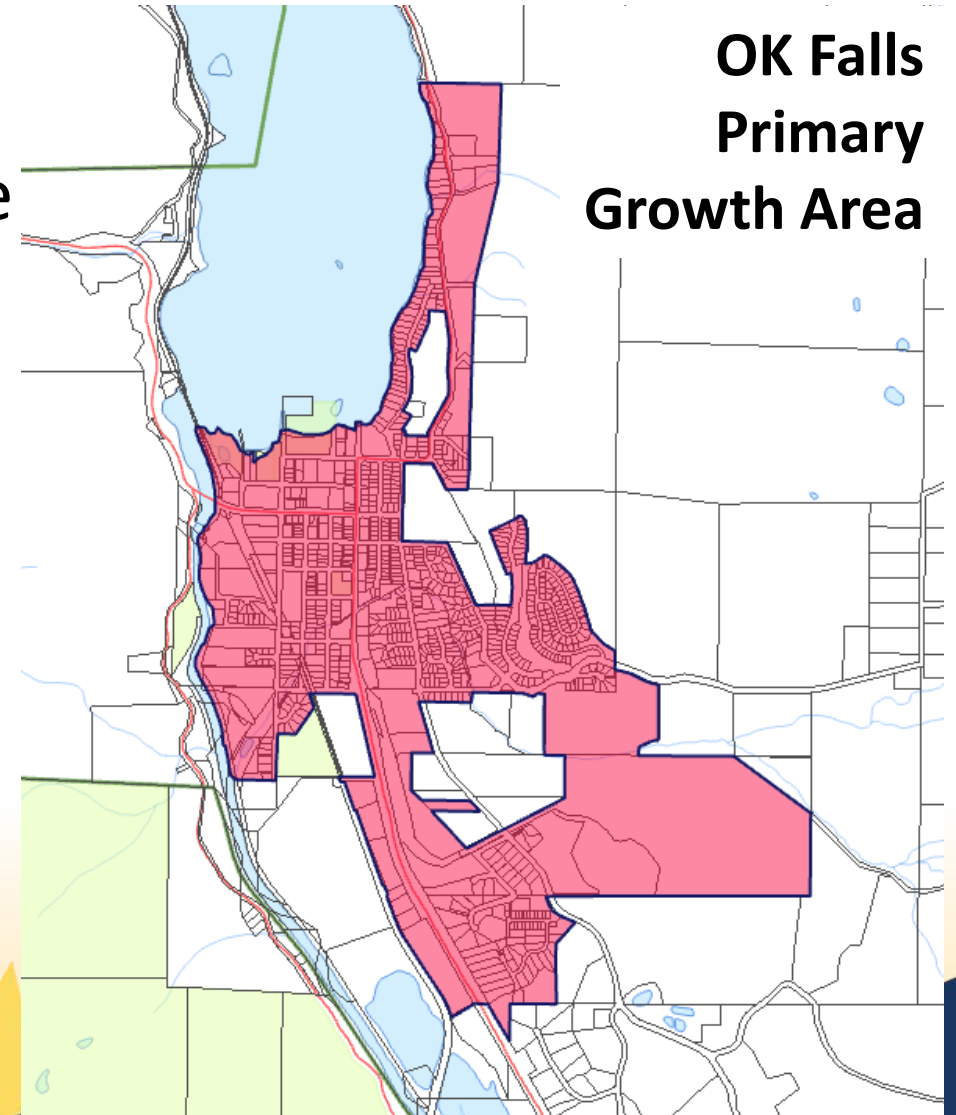
- Census data released every 5 years;
- LGA requirement that HNRs be updated every 5 years;
- RGS Review every 5 years;
- OCP Bylaws reviewed every 5 years.*



Zoning Amendment Bylaw No. 2800.37

Replace Single Family Zoning:

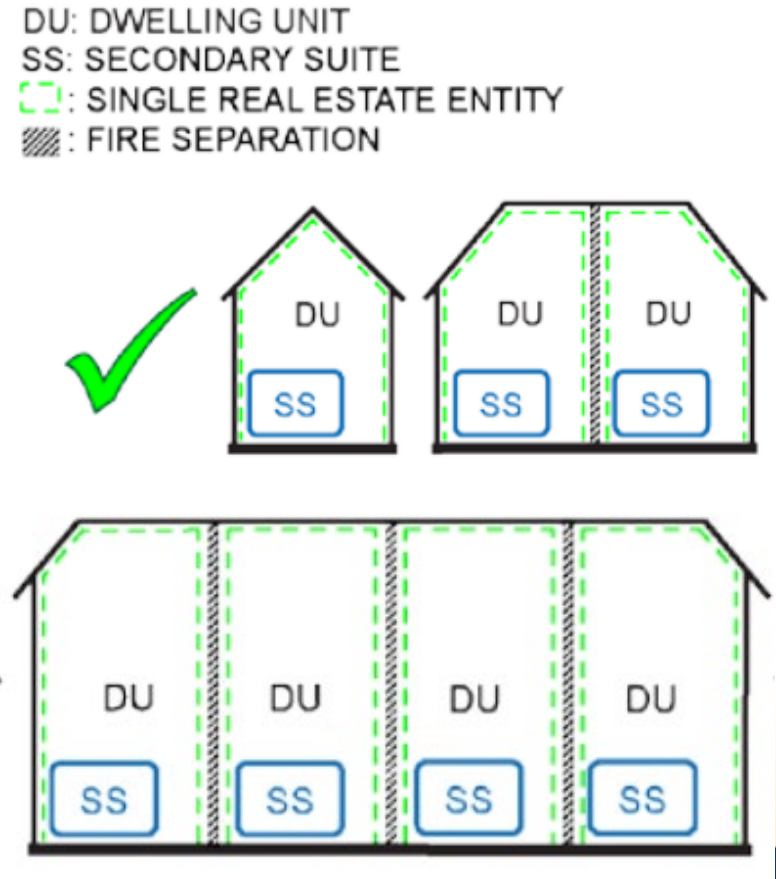
- Current “RS” zoning only permits “single detached dwellings” as principal uses.
- Current “RD” (Duplex) zoning permits “single detached” & “duplex” dwellings.
- In “Primary Growth Areas” designated under the RGS replace “RS” with “RD” zoning, subject to servicing.
- Reduces a regulatory burden, introduces smaller parcel size, etc.



Zoning Amendment Bylaw No. 2800.37

Allow Suites in More Dwelling Types:

- “Secondary Suites” are currently only permitted in “single detached dwellings” by the zoning bylaws.
- The Building Code was amended in 2019 to allow suites in a wide variety of dwelling types (e.g. duplex and townhouse).
- Zoning Bylaws could be amended to allow suites in duplexes and townhouses.



Zoning Amendment Bylaw No. 2800.37

Increase Density of Accessory Dwellings:

- In 2019, the zoning bylaw was updated to allow one (1) secondary suite or accessory dwelling on a property, subject to servicing.
- This could be further amended to allow one (1) secondary suite and accessory dwelling on a property, subject to servicing (e.g. “1.0 ha Policy” considerations).

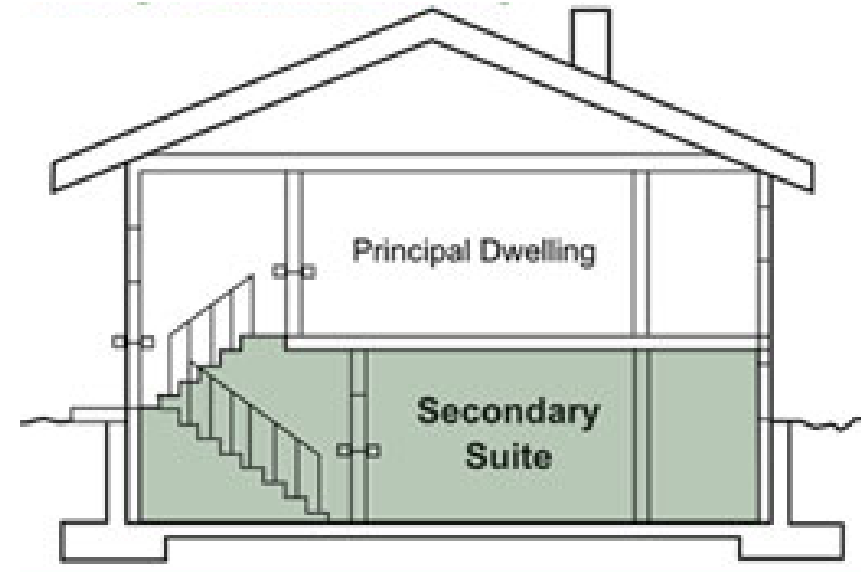


1. *Basement apartment*
2. *Main residence*
3. *Garden house*

Zoning Amendment Bylaw No. 2800.37

Increase Accessory Dwelling Floor Area:

- In 2019, the floor area of secondary suites and accessory dwellings were increased from 90 m² to 125 m².
- There is no longer a specific restriction on floor area for suites in the Building Code.
- Size restriction could be increased or removed altogether.



Zoning Amendment Bylaw No. 2800.37

Waive or Reduce Dev. Cost Charges (DCCs):

- The *Local Government Act* allows DCCs to be waived or reduced, subject to eligibility, for the following:
 - *not-for-profit rental housing, including supportive living housing;*
 - *for-profit affordable rental housing.*



Zoning Amendment Bylaw No. 2800.37

OBWB's use of the "1.0 ha Policy" & accessory dwellings:

- Provincial "1.0 ha Policy" requires new parcels created by subdivision be connected to a community sewer system if less than 1.0 ha.
- OBWB has expanded this to include "accessory dwellings" on parcels less than 1.0 ha in area.
- The Board could request OBWB reconsider its position on "acc. dwellings" (allow on septic).



Zoning Amendment Bylaw No. 2800.37

Allow Mobile Homes (CSA Z240s) on parcels less than 4.0 ha:

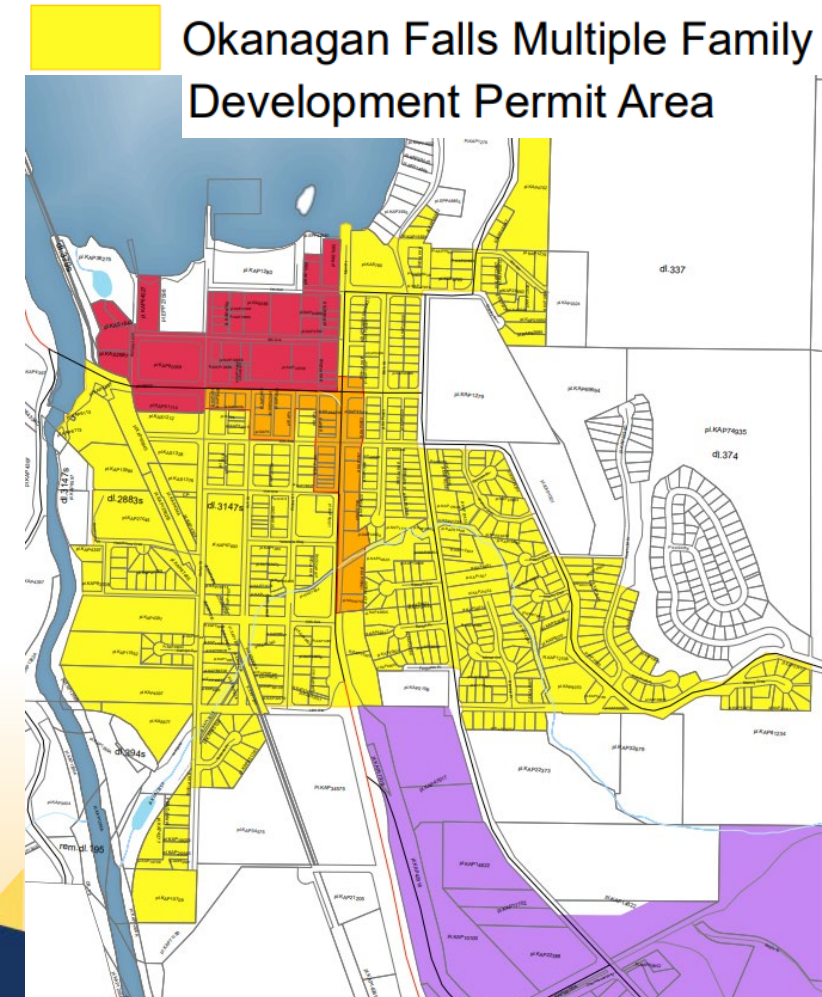
- In 2016, the Board amended the zoning bylaws to allow mobile homes in a wider variety of zones (e.g. parcels greater than 4.0 ha).
- This zoning regulation could be reviewed and amended to a different parcel size (e.g. parcels greater than 1.0 ha in area).



Zoning Amendment Bylaw No. 2800.37

Review Multiple Family Development Permit Area:

- The Multiple Family DP Area exists only in Electoral Area “D” and is related to “form and character” (e.g. building aesthetics).
- Five (5) Multiple Family DPs have been issued since 2001.
- *Generally*, something that is unwanted is regulated (e.g. “ugly” buildings vs. density).



Zoning Amendment Bylaw No. 2800.37

Vacation Rental Review:

- A Vacation Rental Review has been listed as a strategic priority since 2022-23.
- Scope of the project *could* include an impact assessment of vacation rentals on housing affordability in the Electoral Areas.
- Considerations: role of vacation rentals in the local tourism industry versus impact on residential neighbourhoods & housing affordability, compliance & enforcement, etc.



Vacation Rentals

Take the vacation rental survey and share your feedback with the RDOS.

Survey opens **January 11, 2023.**

Survey closes **February 15, 2023.**

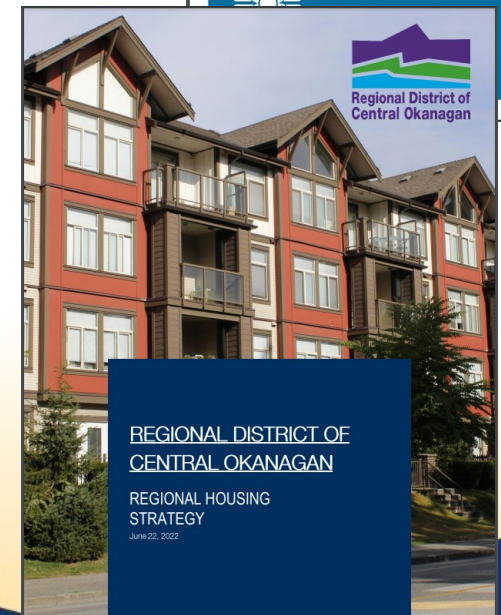
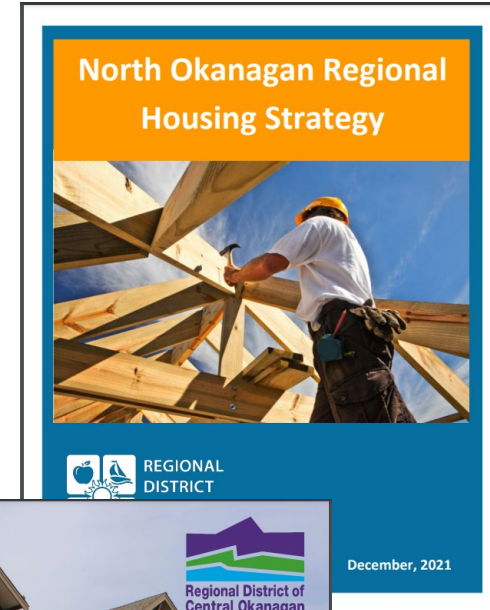
The vacation rental survey is available on RDOS Regional Connections. Paper copies can be mailed upon request or picked up at the RDOS Office at 101 Martin Street in Penticton, Osoyoos Town Hall, or Riverside Community Centre in Princeton.



Zoning Amendment Bylaw No. 2800.37

Regional Housing Strategy:

- Would build on the Housing Needs Assessment and identify opportunities around affordability, supply and improved regional coordination.
- The Regional Growth Strategy (RGS) speaks to exploring the benefits of a regional housing plan.
- Supports the Board's preliminary strategic priority for 2023 of reviewing housing.



Small-Scale Multi-Unit Housing

(Provincial Direction)

Zoning Amendment Bylaw No. 2800.37

SSMUH Requirements :

- Bill 44 introduced the concept of a “restricted zone” into the *Local Government Act*.
- A “restricted zone” is one in which a local government has only allowed the following:
 - single family dwelling;
 - duplex;
 - secondary suite; or
 - accessory dwelling.



Zoning Amendment Bylaw No. 2800.37

SSMUH Requirements :

- If a local government has a “restricted zone” in its zoning bylaw the Act states that it **must**, by June 30, 2024, use its zoning powers to do one of the following:
 - allow 2 dwelling units per parcel; or
 - allow 3-4 dwelling units per parcel.



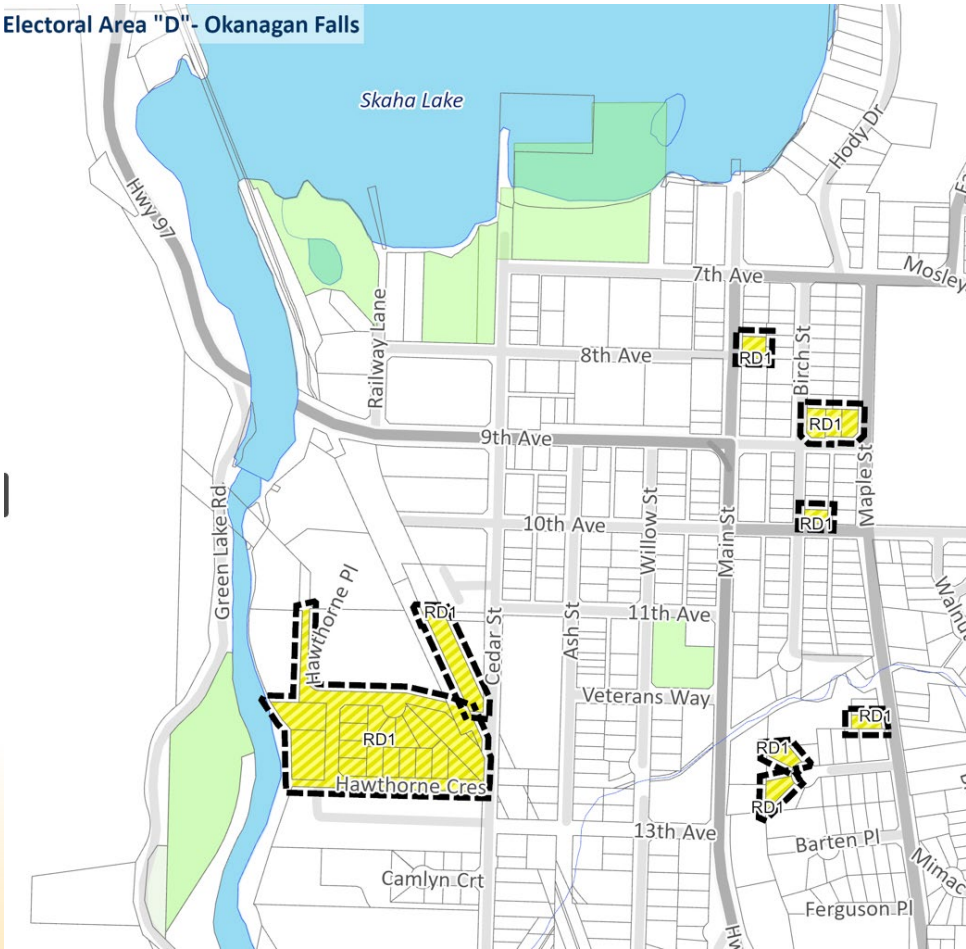
Zoning Amendment Bylaw No. 2800.37

SSMUH Requirements :

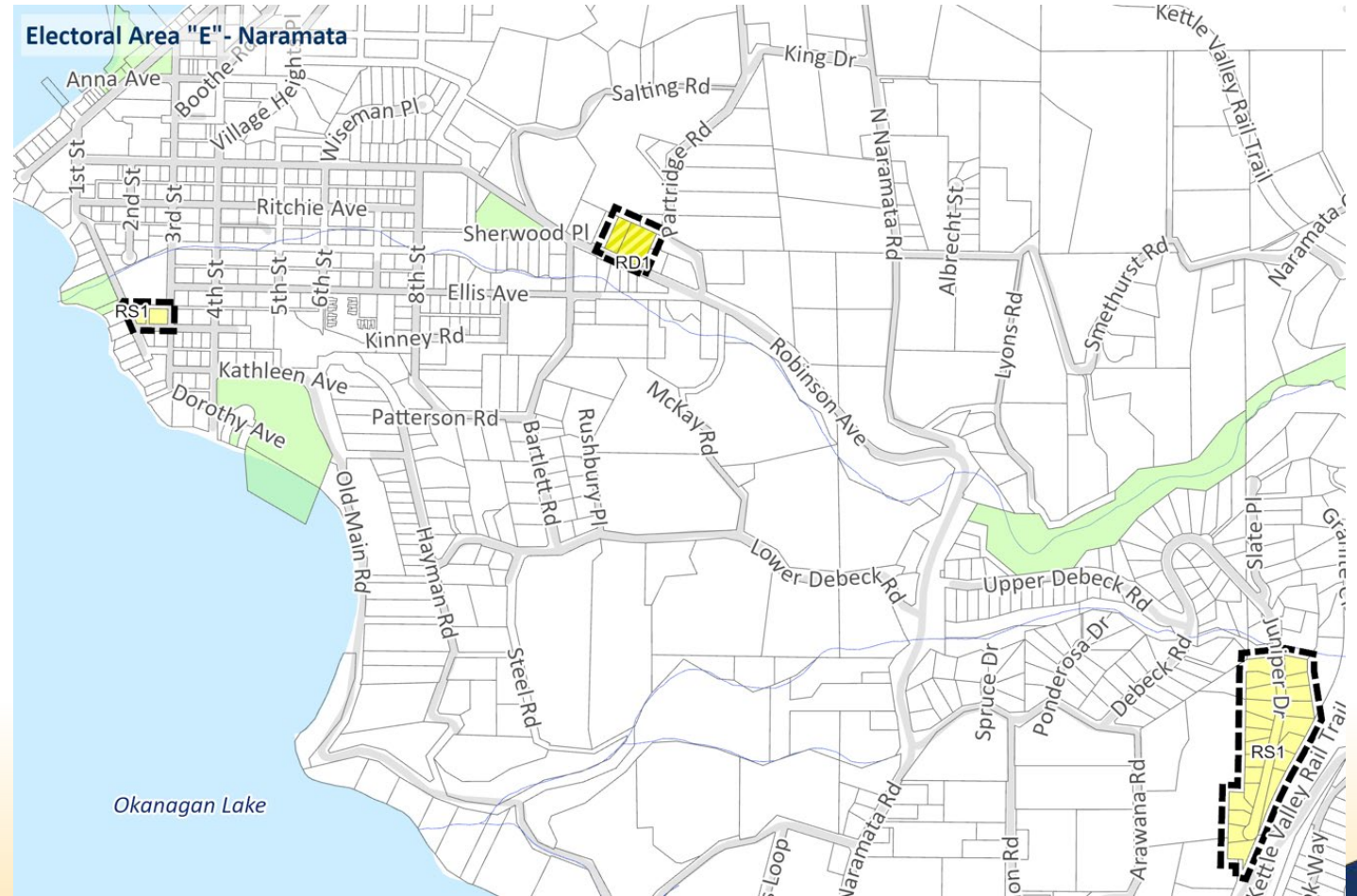
- The Electoral Area zoning bylaws are currently **98% compliant** in terms of mandatory minimum densities;
- There are currently two “restricted zones”; RS1 & RD1, that affect approximately 167 parcels;
- This is a result of previous bylaw reviews related to “secondary suites” and “accessory dwellings” completed between 2002-2019.

Zoning Amendment Bylaw No. 2800.37

Electoral Area "D" - Okanagan Falls



Electoral Area "E" - Naramata



Zoning Amendment Bylaw No. 2800.37

Provincial Policy Manual:

- the Board “must consider applicable guidelines” made by the Minister;
- the Manual includes recommended approaches to building types, density, setbacks, height, parcel coverage, vehicle parking requirements.
- the Board should create “a favourable regulatory environment” for new building forms in areas traditionally reserved for detached single-family and duplex homes.



Zoning Amendment Bylaw No. 2800.37

Provincial Policy Manual:

We will be undertaking a comprehensive evaluation of the implementation of the legislation by local governments, including consideration of how recommended provincial standards have been applied [emphasis added], to ensure it is effective at creating the conditions across BC to get more housing built and does not deter building much needed homes for people.

Minister of Housing (July 24, 2024)

Application Trends

Zoning Amendment Bylaw No. 2800.37



Local Government Act

The legislation was amended on Nov. 25, 2021, and introduced three (3) important changes:

- ability to delegate DVPs;
- revised Public Hearing requirements; and
- revised newspaper notification requirements.

Zoning Amendment Bylaw No. 2800.37

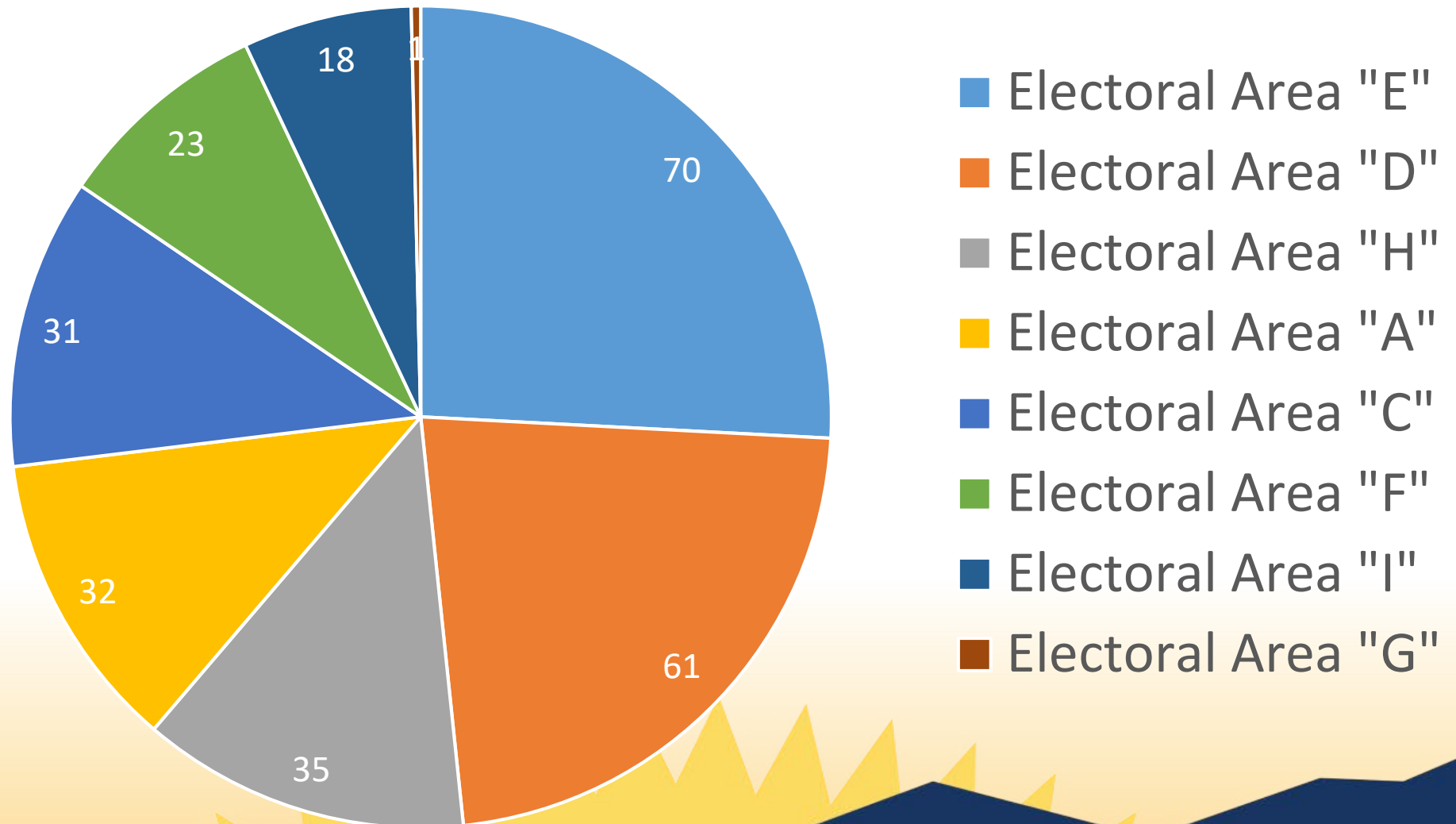


Application Statistics

- The RDOS does not maintain detailed stats on DVPs.
- Compiling info on DVPs from 2013-2021 was done manually.
- Data *may* not be complete.

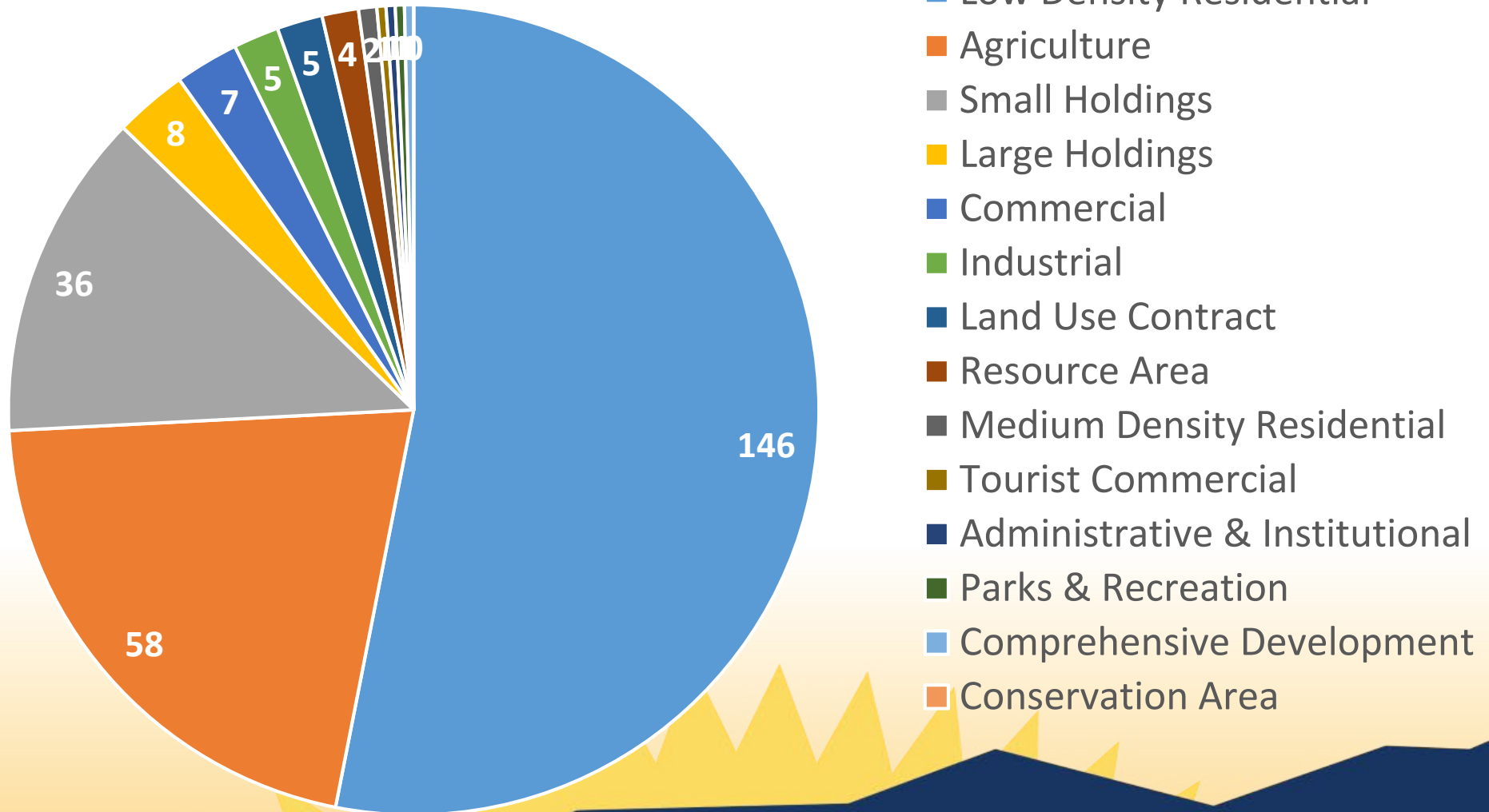
Zoning Amendment Bylaw No. 2800.37

DVPs by Electoral Area



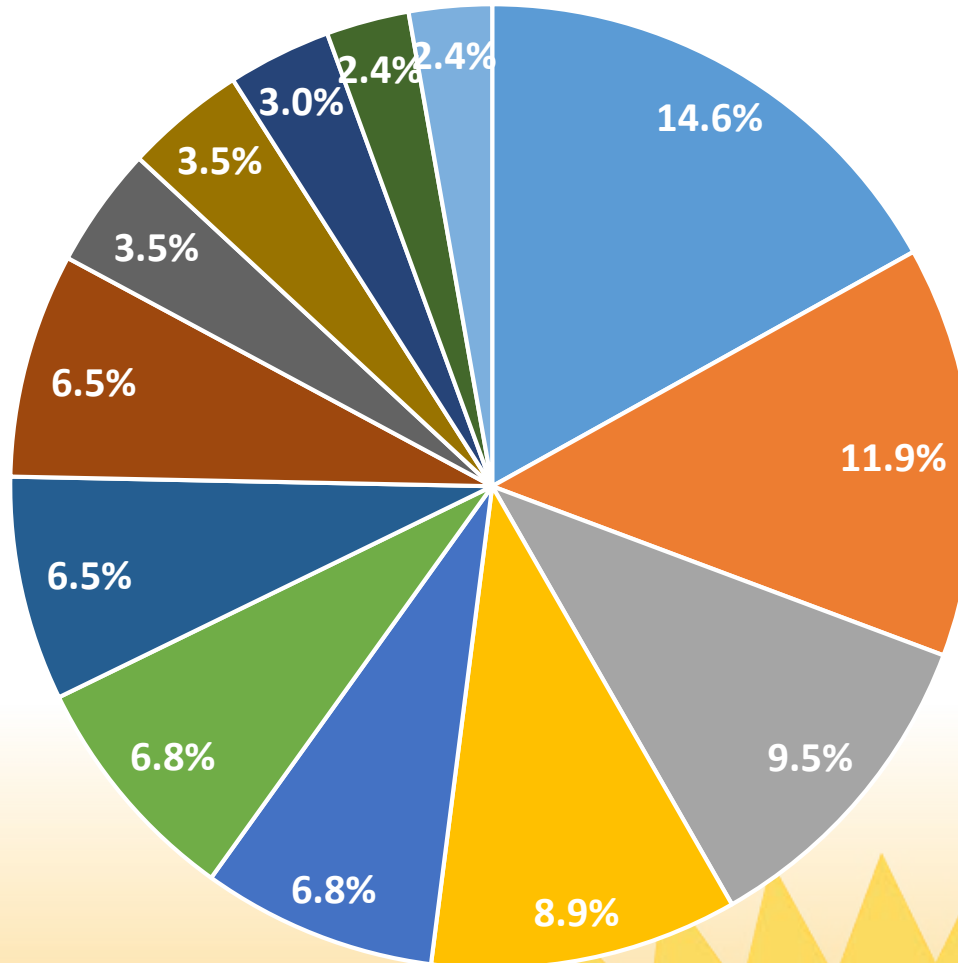
Zoning Amendment Bylaw No. 2800.37

DVPs by Zone



Zoning Amendment Bylaw No. 2800.37

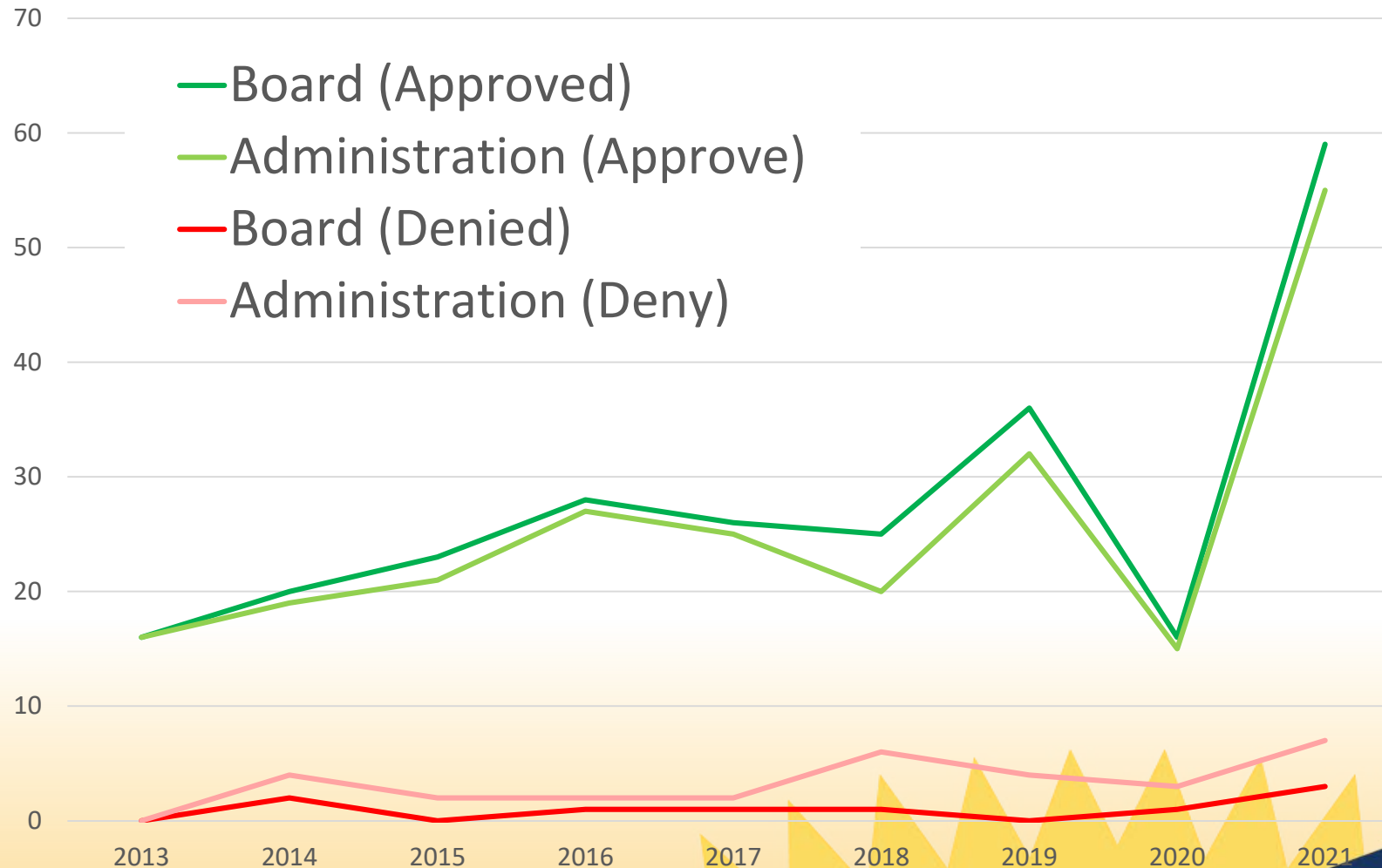
DVPs by Type



- Front Setback (Principal)
- Interior Side Setback (Accessory)
- Interior Side Setback (Principal)
- Front Setback (Accessory)
- Rear Setback (Principal)
- Building Height (Accessory)
- Retaining Wall
- Rear Setback (Accessory)
- Exterior Side Setback (Accessory)
- Parcel Coverage (Principal)
- Building Height (Principal)
- Parcel Coverage (Accessory)
- Exterior Side Setback (Principal)

Zoning Amendment Bylaw No. 2800.37

DVP Decisions vs Recommendations



- 96.7% of DVPs are approved by the Board;
- 89.7% of DVPs are supported by staff;
- 0.4% of DVPs supported by staff are denied by the Board (e.g. 1 of 275).

Zoning Amendment Bylaw No. 2800.37

DVP statistics by Local Government

Year	RDOS	Penticton	Summerland	Osoyoos	Oliver
2018	26	56	29	4	7
2019	38	32	22	4	1
2020	24	42	39	7	0
2021	62	38	33	2	0
2022	59	40	19	1	5
2023	46	28	31	2	3
Total	255	236	173	20	16
Average	42.5	39.3	28.8	3.3	2.7

Summary Observations

- The 3 most common zones for DVPs are:
 - RS zones: 53%
 - AG zones: 21%
 - SH zones: 13% } 87% of all DVPs
- The 4 most common types of variances are:
 - parcel line setbacks (principal): 33.3%
 - parcel line setbacks (accessory): 30.8%
 - building height (accessory): 6.8%
 - retaining walls: 6.5% } 77.4% of all DVPs

Delegated DVPs

Summary Observations

- The Regional District is receiving a significant number of DVP applications vis-à-vis its member municipalities;
- No one specific zoning regulation is primarily triggering the submission of these DVP applications;
- Trends indicate, however, that setback and building height regulations are common reasons for a DVP;
- Ministerial guidance on SSMUH Implementation is recommending in favour of more flexible building envelopes.

Overview of proposed amendments (Bylaw No. 2800.37)

Zoning Amendment Bylaw No. 2800.37

Proposed Zone “Flexibility”:

- consolidate existing low density residential zones as follows:

CURRENT RS ZONES	PROPOSED RS ZONES
Low Density Residential One (RS1)	Low Density Residential One (RS1)
Low Density Residential Two (RS2)	
Low Density Residential Three (RS3)	
Low Density Residential Apex (RS4)	
Low Density Residential Duplex (RD1)	
Low Density Residential Duplex Apex (RD2)	
[various zones in Okanagan Falls]	Small-Scale Multi-Unit Housing (RS2)
Low Density Residential West Bench (RS5)	Low Density Residential West Bench (RS3) – No Changes
Low Density Residential Manufactured Home Park (RSM1)	Low Density Residential Manufactured Home Park (RSM1) – No Changes

Draft RS1 Zone – Permitted Uses:

Principal

- duplex dwelling;*
- single detached dwelling;

Accessory

- accessory buildings & structure;
- accessory dwelling;*
- bed and breakfast operation;
- home occupation; and
- secondary suite.

* to be connected to community sewer on parcels less than 1.0 ha

Zoning Amendment Bylaw No. 2800.37

Parcel Line Setbacks (Principal):

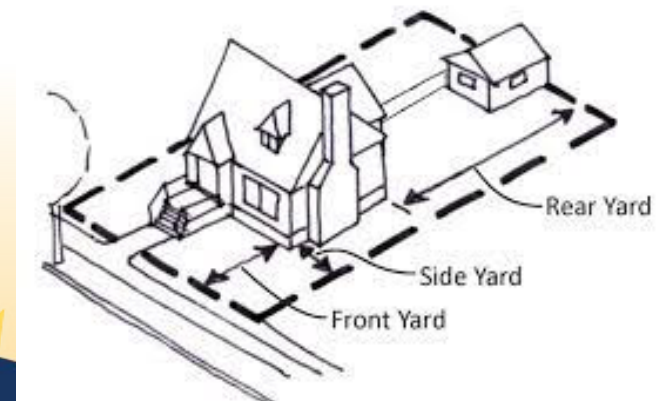
Current

- 7.5 metres (front)*
- 7.5 metres (rear)*
- 1.5 metres (side)
- 4.5 metres (exterior side)

Proposed (RS1)

- 6.0 metres (front)
- 6.0 metres (rear)
- 1.2 metres (side)
- 3.0 metres (exterior side)

* current RS1 Zone setbacks are 6.0 metres



Zoning Amendment Bylaw No. 2800.37

Parcel Line Setbacks (Accessory):

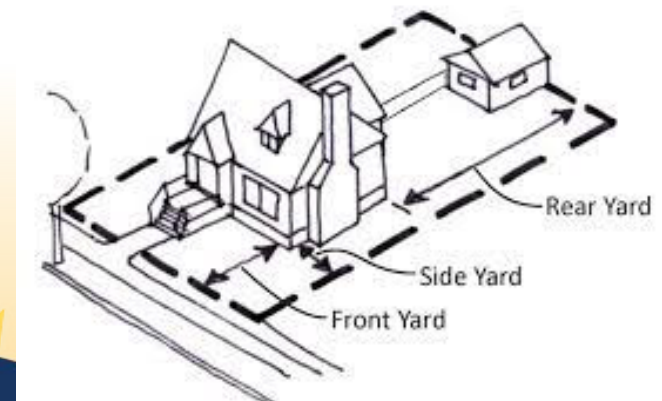
Current

- 7.5 metres (front)*
- 1.0 metres (rear)*
- 1.0 metres (side)
- 4.5 metres (exterior side)

Proposed (RS1)

- 6.0 metres (front)
- 1.5 metres (rear)
- 1.2 metres (side)
- 3.0 metres (exterior side)

* current RS1 Zone setbacks are 6.0 metres



Zoning Amendment Bylaw No. 2800.37

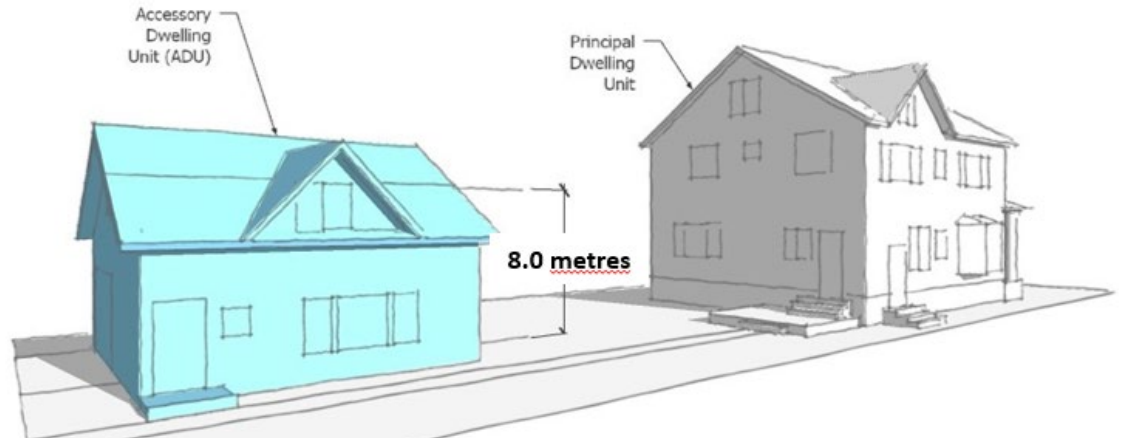
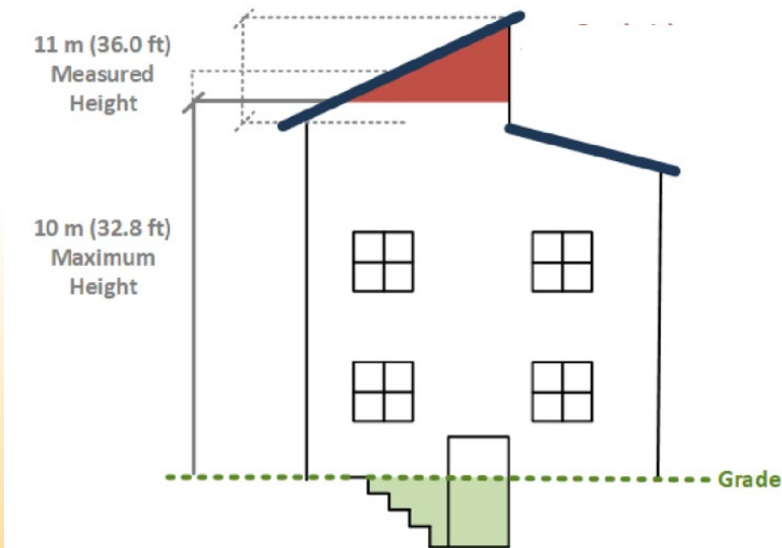
Draft RS & SH zones – Building Height:

Current

- 10.0 metres (principal)
- 4.5 metres (accessory)

Proposed

- 11.0 metres (principal)
- 4.5 metres (accessory)
- 8.0 metres (accessory dwelling)



Zoning Amendment Bylaw No. 2800.37

RM1 Zone – Building Height:

Current

- 12.0 metres (principal)

Proposed

- 15.0 metres (principal)



4 storeys = 13-14 metres (approx.)

Zoning Amendment Bylaw No. 2800.37

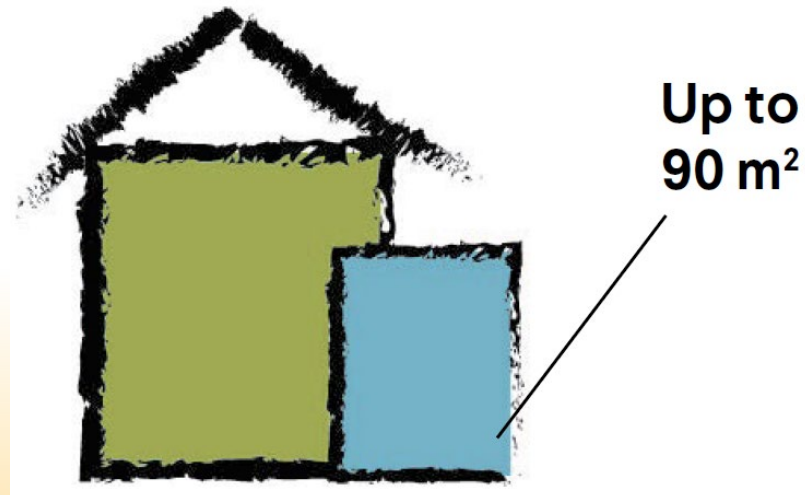
Secondary Suite Floor Area:

Current

- 125 m²

Proposed

- No restriction



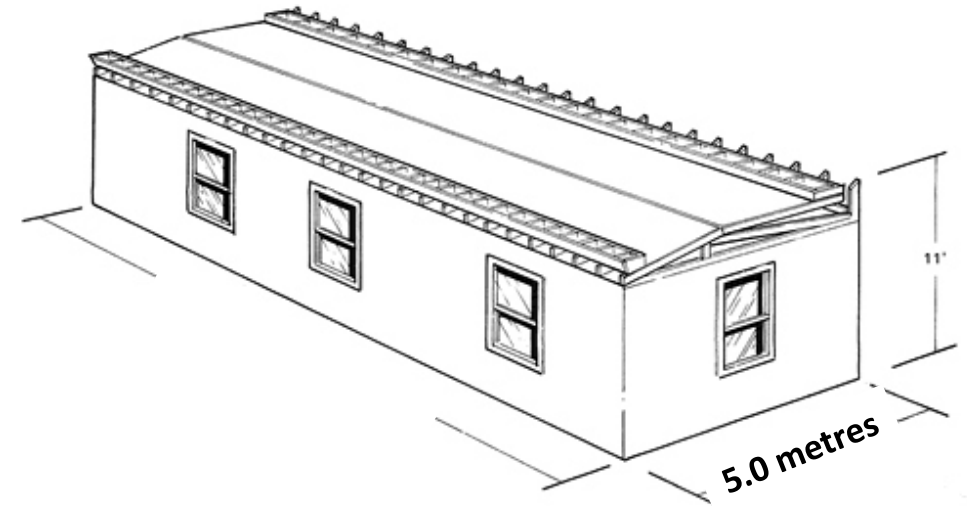
Pre-2019 Suite Floor Area Restriction: 90 m² or 40% of principal dwelling floor area.

Zoning Amendment Bylaw No. 2800.37

Building Width Requirement:

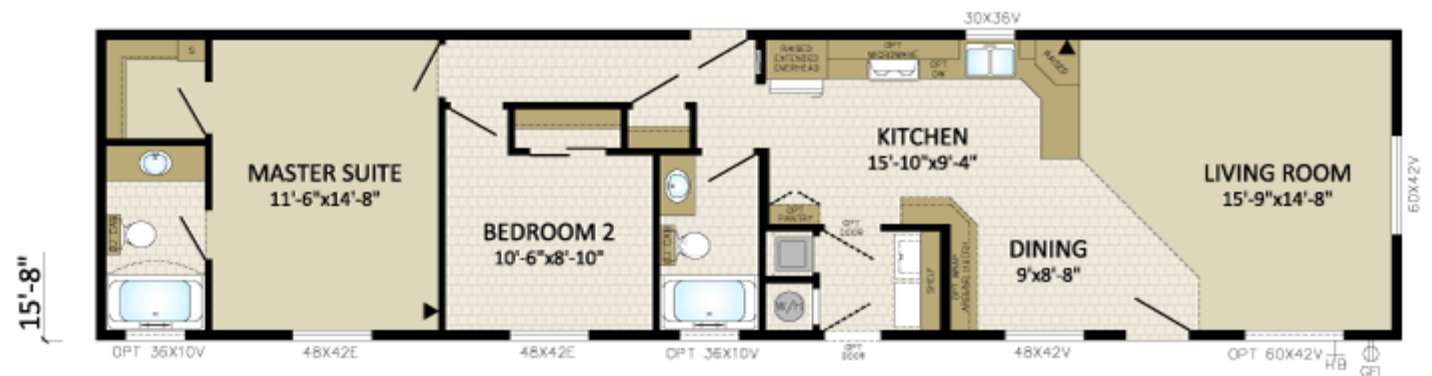
Current

- 5.0 metres as originally designed and constructed



Proposed

- No restriction



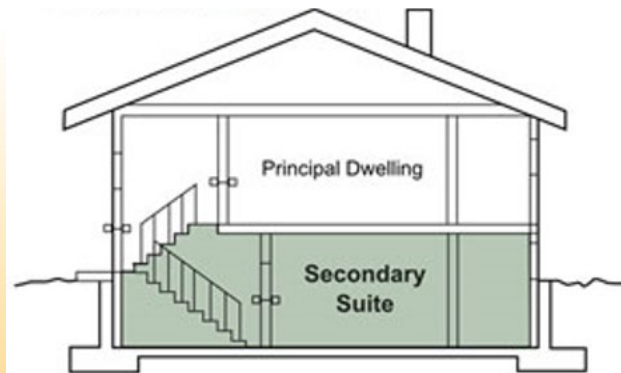
Z240 Single Wide Mobile Home Floor Plan = 4.8 metre width)

Zoning Amendment Bylaw No. 2800.37

Rural Zone Density:

Current

- secondary suites count against the number of accessory dwellings permitted per parcel.



Proposed

- secondary suites do not count against the number of accessory dwellings permitted per parcel.

Dwelling unit above a garage



“Housing Options” Dashboard / Status

Zoning Amendment Bylaw No. 2800.37

“Housing Options”:

- Update Housing Needs Assessment
- Replace Single Family Zoning in OK Falls
- Allow Suites in More Dwelling Types
- Increase Density of Accessory Dwellings
- Review Development Cost Charge (DCC) Bylaws
- Advocate with OBWB re “1.0 ha Policy”
- Allow Mobile Homes on a wider range of parcels
- Review Multiple Family Development Permit Area
- Undertake a Vacation Rental Review
- Undertake a Regional Housing Strategy

Status:



 Completed

 In-progress

 Commencing

 Incomplete

“Housing Options”:

- Update Housing Needs Assessment
- Replace Single Family Zoning in OK Falls
- Allow Suites in More Dwelling Types
- Increase Density of Accessory Dwellings
- Review Development Cost Charge (DCC) Bylaws
- Advocate with OBWB re “1.0 ha Policy”
- Allow Mobile Homes on a wider range of parcels
- Review Multiple Family Development Permit Area
- Undertake a Vacation Rental Review
- Undertake a Regional Housing Strategy

Status:



 Completed

 In-progress

 Commencing

 Incomplete

Zoning Amendment Bylaw No. 2800.37

Current Status:

- Board meeting of July 4, 2024:

THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.37, 2024, and Electoral Area “G” Zoning Amendment Bylaw No. 2781.01, 2024, be postponed until the Planning and Development Committee meeting.
- SSMUH Compliance to be completed by June 30, 2024, subject to approval by the province of any extension requests.