

Report

Date November 1, 2023

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Subject Zoning Amendment Bylaw No. 3937, 2023, for first and second readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3937, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit one detached additional dwelling unit at 7475 Bell McKinnon Road.

BACKGROUND

Property Details

The subject property is located at 7475 Bell McKinnon Road and is 1.97 hectares (4.88 acres) in size. It is situated in the Rural (A2) Zone (Attachments 1, 2 & 3), designated as Rural Residential within the Official Community Plan, and outside of the Urban Containment Boundary (UCB). The property contains a newly constructed single-family dwelling, which was given final occupancy in January 2023, and one accessory building (the former single-family dwelling with a secondary suite) decommissioned in February 2022. The original single-family dwelling was decommissioned prior to the issuance of the building permit for the new single-family dwelling to respect zoning limitations for the number of dwellings permitted in the A2 zone.

The property is serviced by municipal water and septic. The predominant land use and zoning surrounding the subject property is rural residential:

- Residential Rural (R1) zoning (southwest and west),
- Rural (A2) zoning (north and south), and
- Rural Restricted (A3) zoning (east).

Proposal

The applicant is requesting a text amendment to the A2 Zone (Attachment 8) to permit the use of two accessory dwelling units (ADUs) in one existing accessory building (the former decommissioned single-family dwelling with suite) adjacent to the newly constructed detached single-family dwelling on the subject property. Both proposed ADUs will be approximately 84 m² in size, resulting in a total ADU area of 168 m². A site plan describing the location of each building and a letter of rationale are available as Attachments 4 and 5, respectively.

The applicants have provided a letter from a Registered Onsite Wastewater Practitioner confirming that the current septic system has been sized to service the new home and one additional dwelling unit (Attachment 7). The Engineering Department has conducted an initial review of the proposal and confirmed municipal water service to be adequate to service three dwellings.

DISCUSSION

Zoning Bylaw No. 2950 – Rural Accessory Dwelling Units and Density

On October 4, 2022, Council adopted Bylaw No. 3876 (Rural Accessory Dwelling Units), which updated Zoning Bylaw No. 2950 to closely align with Agricultural Land Commission regulations for most A-zoned parcels (A1, A2, A3, and A5). The amendment authorized parcels two hectares or larger in area to have a detached accessory dwelling unit of up to 90m² of gross floor area, subject to registration of a covenant prohibiting future stratification of the subject property. This bylaw amendment codified the maximum size of an ADU and how it is measured (i.e., gross floor area).

The applicant requests a zoning amendment to allow for two ADUs to be contained in one detached existing building on the property (additional to the newly constructed detached primary dwelling). Staff note that while the A2 zone allows for two detached dwellings (where the minimum lot size requirement is 2 hectares), the applicant does not meet this requirement for one additional ADU. Nor does the existing A2 zoning accommodate the requested third dwelling in terms of use for this application.

Second Dwelling Rural Lands Policy

On December 4, 2019, Council adopted the Second Dwelling Rural Lands (SDRL) Policy (Attachment 6), which established criteria for staff and Council to review site-specific zoning amendment applications for second dwellings (now referred to as ADUs) outside the UCB. The Policy does not support this application as two ADUs but would support it if only one ADU is proposed. The SDRL Policy supports a second dwelling of 90m² or less on parcels greater than 0.4 hectares serviced by municipal water. As this parcel is just under 2 hectares (1.97ha) in area and on municipal water, the SDRL Policy would support a zoning amendment for one detached ADU. The SDRL Policy obligates the applicant to register a covenant restricting the future stratification of a subject property should Council authorize the ADU.

Official Community Plan No. 3900 (OCP) Designation and Policies

The following OCP policies are applicable to the proposal:

Rural Residential Designation

Policy 3.2.19 The Municipality will strive to:

- c. Configure zoning to maximize housing potential without further subdivision to permit detached accessory dwellings where servicing connections are available, or in the alternative, adequate on-site common septic treatment and water supply can be achieved.*

Diverse Housing Mix

Policy 5.1.2 The Municipality will strive to:

- b. Assess and consider how proposals for new housing meet the needs identified in the most recent Housing Needs Assessment Report.*
- h. Explore and encourage different housing types that are suitable to aging in place...*

ANALYSIS & CONCLUSION

The OCP provides support for additional housing in various forms, and this application is generally compliant with that policy. However, the OCP also intends that growth be primarily directed inside the UCB and does not provide policy support for multiple ADUs on rural properties. The SDRL Policy does not support the proposal due to the number of ADUs requested. Approval of two ADUs is not recommended.

The applicant has advised that if approval of two ADUs is not supported, an alternate approval of one ADU would be acceptable. The lot area is approximately 200 square metres short of the minimum lot area required to allow a total of two detached residential buildings on the property within the A2 zone without rezoning. As the OCP and SDRL Policy support one ADU on the subject property, staff recommend approval of this alternative proposal for one ADU.

The building where the ADU is proposed was previously used as a single-family dwelling with a secondary suite, but the cooking facilities have been removed from both former dwelling units. The gross floor area of the entire building is approximately 168 m², which exceeds the 90 m² maximum for ADUs in the A2 zone and SDRL Policy. One level would need to be restricted to storage to comply with these requirements. As there is currently no internal passage between the upper and lower levels of the building, configuring the building with an ADU on the upper level with storage on the lower level can practically be achieved. If the zoning amendment is adopted, a building permit will be required for the ADU, and the building permit will confirm how the building must be configured and used. The owners will also be required to remove any remaining kitchen facilities from the lower level to demonstrate the intent to use the area for storage.

OPTIONS

1. (Recommended Option) THAT Council:
 - (1) Give first and second readings to Zoning Amendment Bylaw No. 3937, 2023 to permit one detached accessory dwelling unit at 7475 Bell McKinnon Road; and,
 - (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3937, 2023.
2. THAT Council deny Zoning Amendment Application ZB000207 to permit a detached building containing two accessory residential dwelling units at 7475 Bell McKinnon Road.
3. THAT Council direct staff to prepare an amendment to Zoning Bylaw No. 2950, 1997, to permit a detached building at 7475 Bell McKinnon Road with a maximum two accessory dwelling units for consideration of first and second reading at a future meeting.

IMPLICATIONS

If Council gives first and second reading to Zoning Amendment Bylaw No. 3937 and forwards the application to a public hearing, owners, and occupants of properties within a 60-metre radius of the subject property will be notified, as per section 4. (a) of Public Notice Bylaw No. 3906, and advertisements will be placed in the local newspaper and social media in accordance with the requirements of the *Local Government Act* and the *Community Charter*. Registration of a Section 219

covenant on title will be required prior to the adoption of the Bylaw should Council choose to support this application.

If the application is denied, the property owner cannot construct a detached accessory dwelling unit.

If Council is supportive of the applicant's request for two ADUs on the subject property, direction should be given to prepare a zoning amendment bylaw, for consideration at a future meeting.

RECOMMENDATION

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3937, 2023 to permit one detached accessory dwelling unit at 7475 Bell McKinnon Road; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3937, 2023.

Report prepared by:

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Approved to be forwarded to Council:



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Attachments:

- (1) *Location Map*
- (2) *Orthophoto Map*
- (3) *Zoning Map*
- (4) *Site Plan*
- (5) *Letter of Rationale*
- (6) *Second Dwelling Rural Lands Policy*
- (7) *Letter from Registered Onsite Wastewater Practitioner*
- (8) *Draft Zoning Amendment Bylaw No. 3937, 2023*