

Report

Date December 4, 2024

File: ZB000244

Subject Zoning Amendment Bylaw No. 3974, 2024, for first three readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3974, 2024, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a detached accessory dwelling unit at 6495 Wicks Road.

BACKGROUND

Property Details

The subject property is located at 6495 Wicks Road and is 1.48 hectares in size (Attachments 1 and 2). The property and surrounding properties are located within the Residential Rural (R1) Zone, designated Rural Residential within the Official Community Plan (OCP), and are outside the Urban Containment Boundary (UCB) (Attachment 3). The subject property is serviced by municipal water and features a private septic system for wastewater treatment.

Proposal

The applicant requests a text amendment to the R1 Zone (Attachment 4) to permit an Accessory Dwelling Unit (ADU) with a maximum size of 90m². The proposed ADU will be situated above a new detached garage, as shown in the site plan (Attachment 5). A letter of rationale has been provided in Attachment 6.

DISCUSSION

Second Dwelling Rural Lands Policy

Council's Second Dwelling Rural Lands (SDRL) Policy (Attachment 7), adopted on December 4, 2019, supports the addition of an ADU on properties outside the UCB, provided it does not exceed 90m². A Section 219 restrictive covenant should be registered on the property to enforce this size limit and prohibit subdivision prior to the bylaw's adoption.

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 proposal aligns with OCP policies and the SDRL Policy, supporting the addition of an ADU on the property. Approval of the application is recommended.

Should Council wish to proceed with consideration of Zoning Amendment Bylaw No. 3974, a public hearing cannot be held due to recent amendments to the *Local Government Act*. Statutory notice has been given in advance of first, second, and third reading, in accordance with sections 464(3) and 467 of the *Local Government Act* (Attachment 8).

OPTIONS

1. **(Recommended Option)** THAT Council:
 - (1) Gives first, second, and third readings to Zoning Amendment Bylaw No. 3974, 2024; and,
 - (2) Requires the registration of a *Land Title Act* section 219 covenant to restrict the size of an accessory dwelling unit at 6495 Wicks Road to 90m² gross floor area, prior to Council's consideration of adoption of Zoning Amendment Bylaw No. 3974, 2024.
2. THAT Council deny zoning amendment application ZB000244 to permit a detached accessory dwelling unit at 6495 Wicks Road.

IMPLICATIONS

If the application is denied, the property owner will not be permitted to construct a detached ADU.

Registration of a Section 219 *Land Title Act* covenant to restrict the size of the ADU to 90m² will be required prior to the adoption of the Bylaw should Council choose to give third reading.

Prior to the issuance of a building permit for an ADU the following will be required:

- a septic filing from a Registered On-site Wastewater Practitioner,
- compliance with DPA-4 (steep slopes), and,
- compliance with any other applicable bylaws and regulations will be required.

RECOMMENDATION

THAT Council:

- (1) Gives first, second, and third readings to Zoning Amendment Bylaw No. 3974, 2024; and,
- (2) Requires the registration of a *Land Title Act* section 219 covenant to restrict the size of an accessory dwelling unit at 6495 Wicks Road to 90m² gross floor area, prior to Council's consideration of adoption of Zoning Amendment Bylaw No. 3974, 2024.

Report prepared by:

Sarah Foulkes-Watson

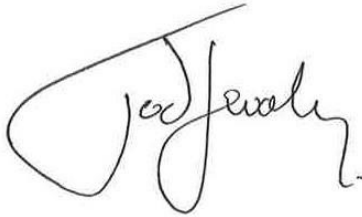
Sarah Foulkes-Watson
Development Planner

Report reviewed by:



Amanda J Young, RPP, MCIP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Draft Zoning Amendment Bylaw No. 3974, 2024
- (5) Letter of Rationale
- (6) Site Plan
- (7) Second Dwelling Rural Lands Policy
- (8) Notice