

Report

Date December 4, 2024

File: ZB000229

Subject Zoning Amendment Bylaw No. 3982, 2024, for first three readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3982, 2024, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a detached accessory dwelling unit at Lot 6 Marine Crescent.

BACKGROUND

Property Details

The subject property is located at Lot 6 Marine Crescent and is 0.8 hectares in size (Attachments 1 and 2). The property is located within the Rural Restricted (A3) Zone, designated Rural Residential within the Official Community Plan (OCP), and is outside the Urban Containment Boundary (UCB) (Attachment 3). The property is currently vacant, however, any future buildings would be serviced by municipal water and a private wastewater treatment (septic) system.

The subject property is surrounded by A3 and Rural Resources (A4) Zone lands, which have the OCP land use designation of Rural Residential and Agriculture, Forestry and Conservation.

Proposal

The applicant is requesting a text amendment to the A3 Zone (Attachment 4) to permit one additional accessory dwelling unit (ADU) limited to 90m² in gross floor area. While the A3 zone allows for an ADU on properties 2 hectares or larger, the subject property is less than 2 hectares in area, hence the need for a site-specific Zoning Amendment. A letter of rationale has been provided in Attachment 5.

A site plan shows a proposed single-family dwelling and a proposed detached garage with ADU (Attachment 6). The ADU will be situated on top of the proposed garage, entirely within the building footprint.

DISCUSSION

Second Dwelling Rural Lands Policy

On December 4, 2019, Council adopted the Second Dwelling Rural Lands (SDRL) Policy (Attachment 7), which established criteria for staff and Council to consider site-specific zoning amendment applications for second dwellings (now referred to as ADUs) outside the UCB. This proposal is compliant with the SDRL Policy provided that the ADU constructed is 90m² in gross floor area or less. As per the SDRL Policy, it is recommended that a Section 219 restrictive covenant be registered on the property, which will limit the gross floor area of the dwelling and prohibit subdivision prior to Council's consideration of adoption of this zoning amendment bylaw.

OCP No. 3900 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...

Development Permit Area 4 (Steep Slopes)

The subject lands fall under Development Permit Area 4 (Natural Hazard Lands - steep slopes) (DPA-4) due to land sloping greater than 20% gradient as measured over 10 metres on the property. A geotechnical report conducted at the time of subdivision is registered on the title as a covenant, which confirms the site is safe and suitable for a single-family dwelling. The applicant will be required to register an updated geotechnical report on title before building permit issuance, confirming the site is safe and suitable for the intended use of the single-family dwelling and ADU.

ANALYSIS & CONCLUSION

This application is largely compliant with OCP policy as maximizing housing potential without subdivision is encouraged (section 3.2.19 c.). The proposed zoning amendment adheres to land uses and densities compatible with the OCP Rural Residential designation. The (SDRL) policy supports an ADU on the subject property provided that the area limitation of 90m² in gross floor area is observed. Approval of this application is recommended.

Should Council wish to proceed with consideration of Zoning Amendment Bylaw No. 3982, 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. 3982, 2024; and,
- (2) Require the registration of a section 219 covenant to restrict the size of an accessory dwelling unit at Lot 6 Marine Crescent to 90m² gross floor area prior to Council's consideration of adoption of Zoning Amendment Bylaw No. 3982, 2024.

2. THAT Council deny zoning amendment application ZB000223 to permit a detached accessory dwelling unit at Lot 6 Marine Crescent.

IMPLICATIONS

If the application is denied, the property owner will not be permitted to construct a detached ADU, notwithstanding any future broad zoning changes made in response to the *Housing Statutes (Amendment) Act*, which may or may not subsequently permit such development on A3 lots.

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,
- register on title an updated geotechnical report prior to building permit issuance confirming the site is safe and suitable for the intended use of the single-family dwelling and ADU, 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. 3982, 2024; and,
- (2) Require the registration of a section 219 covenant to restrict the size of an accessory dwelling unit at Lot 6 Marine Crescent to 90m² gross floor area prior to Council’s consideration of adoption of Zoning Amendment Bylaw No. 3982, 2024.

Report prepared by:

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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. 3982, 2024
- (5) Letter of Rationale
- (6) Site Plan
- (7) Second Dwelling Rural Lands Policy
- (8) Notice