REGIONAL DISTRICT OF NORTH OKANAGAN

ADVISORY PLANNING COMMISSION
ELECTORAL AREA "E" MEETING
Monday, February 5, 2018
Cherryville Hall, Cherryville, BC
7:30 p.m.

REGULAR AGENDA

A. CALL MEETING TO ORDER

B. ELECTION OF CHAIR AND VICE CHAIR

C. CHAIR ASSUMES SEAT

D. APPROVAL OF AGENDA
   1. Advisory Planning Commission Electoral Area “E” – February 5, 2018
      (Opportunity for Introduction of Late Items)

      RECOMMENDATION 1
      That the Agenda of the February 5, 2018 Advisory Planning Commission Electoral Area “E”
      meeting be approved as presented.

E. ADOPTION OF MINUTES

      RECOMMENDATION 2
      That the minutes of the May 29, 2017 Advisory Planning Commission Electoral Area “E”
      meeting be adopted as circulated.

F. DELEGATIONS

G. UNFINISHED BUSINESS
H. NEW BUSINESS

1. Bylaw No. 2747 - Zoning Amendment [Additional Dwelling Units]
   File No. 17-0071-B-TA
   • Staff Report dated December 19, 2017
   • Email from Greg Routley dated January 18, 2018

FOR DISCUSSION

I. BUSINESS ARISING FROM DELEGATIONS

J. REPORTS

K. ADJOURNMENT
CALL MEETING TO ORDER
The meeting was called to order at 8:32 p.m.

ELECTION OF OFFICERS (As per Minutes dated January 23, 2017)
Nominations for Chair: Clint Whitecotton (accepted)
Nominations for Vice-Chair: Ian Eggen (accepted)
Chair: Clint Whitecotton by acclamation
Vice-Chair: Ian Eggen by acclamation

APPROVAL OF AGENDA
Advisory Planning Commission Electoral Area “E” – May 29, 2017
Moved and seconded by C. Templeton and R. Werner
That the Agenda of the May 29, 2017 Advisory Planning Commission Electoral Area “E” meeting be approved as presented.
CARRIED

ADOPTION OF MINUTES
Moved and seconded by R. Werner and I. Eggen
That the minutes of the January 23, 2017 Advisory Planning Commission Electoral Area “E” meeting be adopted as circulated.
CARRIED

DELEGATIONS

UNFINISHED BUSINESS
NEW BUSINESS

1. Bylaw No 2747 - Zoning Amendment [Additional Dwelling Units]
   File NO. 17-0071-B-TA

   Moved and seconded by I. Eggen and C. Templeton
   The Advisory Planning Commission of Electoral Area E recommends to The Board that the following recommendations be adopted in Area E:

   1. For properties outside the Agricultural Land Reserve:
      ● Remove Clause (a) "detached suites must be located on one floor and be above an existing accessory residential or agricultural use."
      ● Remove Clause (b) "The main floor of the building which contains a detached suite must be used for accessory residential or agricultural purposes."
      ● 800sq.ft for an ancillary building seems to be an arbitrary number and should be changed to be the same size as that of a suite.
      ● Remove the gross square footage of decks, porches, and carpets (e), a single carport and 50% deck would be reasonable.
      ● Ancillary buildings and or a shop should be allowed to be built with a permit prior to building a main dwelling - to allow property owners to live in an ancillary building while building a main dwelling.

   CARRIED

2. Referral Response
   Tolko Industries Ltd. [File No. 17-0057-B-REF]

   The Advisory Planning Commission of Electoral Area E supports the suggested practices as outlined in Renee Clark’s April 24th, 2017 letter addressed to Mr. Harold Waters.

ADJOURNMENT

There being no further business the meeting was adjourned at 10:10 p.m.

CERTIFIED CORRECT

_________________________  __________________________
Chair                      Recording Secretary
REPORT

TO: Electoral Area Advisory Committee
FROM: Planning Department
DATE: December 19, 2017
SUBJECT: Zoning Amendment Bylaw No. 2747 [Additional Dwelling Units]

RECOMMENDATION:

That Zoning Text Amendment Bylaw No. 2747, 2017, which proposes to amend the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to permit detached suites within the Country Residential (C.R), Non-Urban (N.U), and Large Holding (L.H) zones, and which provides clarification regarding the regulations for ancillary single family dwellings in the same zones, be amended as outlined in the Planning Department report dated December 19, 2017; and further,

That Zoning Text Amendment Bylaw No. 2747, 2017, be given Second Reading, as amended, and be referred to a Public Hearing.

BACKGROUND:

At the Regular Meeting held on January 4, 2017, the Board of Directors directed staff to prepare an amendment to Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 as a result of the changes to the Provincial Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation – BC Reg. 171/2002. Part 2, Section 3 of BC Reg. 171/2002 was amended to permit an accommodation that is constructed above an existing building on the farm and that has only a single level. This change to the ALC’s Regulation provides an alternative to a 9 m wide manufactured home for use by a family member which was already permitted under the Regulation.

Staff have been informed by Agricultural Land Commission (ALC) staff that, within the ALR, an ancillary single family dwelling’s use must be linked to a level of farming activity taking place on the property, otherwise the RDNO’s current provisions would not be in compliance with the ALC Regulations. Provisions for Ancillary Single Family Dwellings were first adopted in 1990 as an amendment to Zoning Bylaw No. 725. Provisions for Ancillary Single Family Dwellings were subsequently included in Zoning Bylaw No. 1888 which was adopted in 2004.

In response to the Board and the ALC’s direction, staff prepared Zoning Text Amendment Bylaw No. 2747, 2017 which proposes to amend the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to permit detached suites as a form of accommodation above an accessory residential or agricultural building and to provide clarification regarding the regulations for an ancillary single family dwelling on parcels within the Country Residential (C.R), Non-Urban (N.U), and Large Holding (L.H) zones.

At the Regular Meeting held on April 19, 2017, the Board of Directors gave First Reading to Zoning Text Amendment Bylaw No. 2747, 2017 and resolved to refer it to various agencies for review and comment.
REFERRAL COMMENTS:

In response to direction provided by the Board of Directors, Zoning Text Amendment Bylaw No. 2747, 2017 was referred for comments to the Advisory Planning Commissions for all of the Electoral Areas, Regional Agricultural Advisory Committee, Ministry of Agriculture, Ministry of Transportation and Infrastructure, Interior Health Authority, Agricultural Land Commission, Regional District Building Inspection and Engineering Departments, Okanagan Basin Water Board; and the Silver Star, Lumby & District, and BX/Swan Lake Fire Departments. Following are the comments received in response to the referral:

1. Electoral Area Advisory Planning Commissions
   - **Electoral Area “B” APC** discussed the following:
     - Why can the detached suite be larger than the ancillary dwelling?
     - Why is the ancillary dwelling restricted in size when the size of an accessory / agricultural building is not regulated and a suite is permitted above it?
     - How was the size of the detached suite of 968 square feet determined?
     - Can the detached suite be located on the main floor?
     - Concerned about those who are on ALR lands and have not yet had the chance to put a second dwelling on the property and are unable too, yet there are many properties that have the second dwelling already.
   - **Electoral Area “C” APC** discussed the following:
     - The reasons for the change to the regulations.
     - The potential differences for properties in and out of the ALR.
     - The committee had a consensus that the proposed regulations should be the same for both ALR and non-ALR properties in Electoral Area “C”, with the exception of the requirement for farm status.
     - Building Code requirements for detached suites.
     - The committee had a consensus that the proposed regulations should ensure that BC Building Code is met for detached suite and that safety is considered in regards to the uses which take place on the lower floor.
   - **Electoral Area “D” APC** discussed the following:
     - 807 square feet is too small for an ancillary dwelling
     - would rather larger farms stay intact with a larger secondary residence as opposed to subdividing off a piece in order to accommodate the larger residence
     - would like more time to comment
     - follow-up report to be brought back to APCs for additional comments
   - **Electoral Area “E” APC** passed the following resolution:
     - The Advisory Planning Commission of Electoral Area E recommends to the Board that the following recommendations be adopted in Area E:
     - For properties outside the Agricultural Land Reserve:
       - Remove Clause (a) "detached suites must be located on one floor and be above an existing accessory residential or agricultural use."
       - Remove Clause (b) "The main floor of the building which contains a detached suite must be used for accessory residential or agricultural purposes."
       - 807 sq. ft. for an ancillary building seems to be an arbitrary number and should be changed to be the same size as that of a suite.
       - Remove the gross square footage of decks, porches, and carports (e); a single carport and 50% deck would be reasonable.
       - Ancillary buildings and or a shop should be allowed to be built with a permit prior to building a main dwelling - to allow property owners to live in an ancillary building while building a main dwelling.
     - For properties within the Agricultural Land Reserve:
• **Electoral Area “F” APC** discussed the following:
  - Zoning bylaw is from the APC and for properties outside the Agricultural Land Reserve and for properties within the Agricultural Land Reserve they must comply with same regulations. Except those properties within the ALR the detached suite may only be located on a lot with farm status. So if you are in the ALR and do not have farm status you may not have a detached suite. If you are in the ALR and do not have farm status but you had a detached suite from before you are grandfathered.

2. **Regional Agricultural Advisory Committee** passed the following resolutions:
   That it be recommended to the Board of Directors, within Zoning Text Amendment Bylaw No. 2747, 2017 proposed Sections 411.1.a and b be removed for properties outside of the ALR; and further, that the essence of proposed Sections 411.1.a and b be added to proposed Section 411.2.

3. **Ministry of Agriculture**
   Ministry of Agriculture staff is supportive of amending the bylaw to be consistent with Agricultural Land Commission regulations. In addition, Ministry of Agriculture staff recommend considering a farm residential footprint by referring to the Ministry of Agriculture’s Guide for Bylaw Development in Farming Areas (2015), specifically Section 2.4.6.5.2 Farm Residential Footprint Size:
   
   The maximum size of the farm residential footprint is:
   
   a) the lesser of a footprint commensurate with urban areas; or
   b) 2,000 m²; plus
      
      a. 1000 m² for each additional farm residence where permitted; plus
      b. 35 m² for each temporary farm worker housing space where permitted.

   The definition of a farm residential footprint being: the portion of a lot that includes a principal farm residence, additional farm residence and its accessory farm residential facilities.

4. **Ministry of Transportation and Infrastructure**
   Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the Transportation Act. Please forward the bylaw to the Ministry of Transportation and Infrastructure, after third reading, for endorsement.

5. **Interior Health Authority**
   It is expected water supply and wastewater would be addressed at the building permit stage prior to a permit being issued but it should be noted that if a property is not serviced by a community water system it should be confirmed before development of an additional dwelling unit on a property that an adequate supply of potable water is available to service the new unit. Also if no community sanitary sewer system is available to connect the new dwelling unit to it should be confirmed before development commences that a suitable site exists for installation of the required onsite sewerage dispersal system to service the new dwelling.

6. **Agricultural Land Commission**
   The ALC is pleased that the RDNO is considering enacting amendments to Zoning Bylaw 1888 to ensure that it is consistent with the Agricultural Land Commission Act (the “Act”) and the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation (“the Regulation”). Upon review of the draft Bylaw 2747, the ALC finds it to be consistent with the ALC Act and regulation.

   Further to discussions in March 2017 between the ALC and RDNO regarding Ancillary Single Family Dwellings the ALC would support the issuance of permits for a second dwelling, consistent with the bylaw, provided that landowner can prove any of the following:
   
   • that they invested in architectural plans, or deposited money for construction materials in advance of March 15, 2017;
• they were in the building permit process prior to March 15, 2017 but were inadvertently delayed due to requests for more information;
• the affected property has B.C. Assessment “farm” status.

The ALC will leave it to the discretion of the RDNO to determine the threshold of financial commitment that qualifies (per bullets 1 and 2 above) however, purchasing a property in anticipation that a second dwelling could be constructed does not qualify as an appropriate financial commitment.

7. Regional District Building Inspection Department

Detached suites will require an exit so that it is not necessary to pass through the accessory residential or agricultural use below it. This could be an exterior stair or a fire rated enclosure passing through the accessory use. If the occupancy below the suite is not for the sole use of the occupants then a fire and sound separation, in accordance with the building code, will be required at the floor level. This typically would be floor joist with insulation, resilient channels, and two layers of fire resistant drywall. Other assemblies that comply with the building code would also be acceptable. Interconnected forced air heating systems would not be acceptable.

8. Regional District Engineering Department

The Regional District Engineering Department commented they have no concerns.

9. Okanagan Basin Water Board

(Proposed Bylaw No. 2747) appears to be consistent with the OBWB’s sewage facilities grants policy. Our main concern is small lot (less than one hectare) subdivision on septic – which increases the chance of failure and subsequent water pollution. Having additional dwellings can be in effect much like subdivision, so it is against our policy. We appreciate that RDNO is helping to maintain water quality in the Okanagan Basin.

No additional comments have been received as a result of the referral process.

The following is intended provide a response to some of the questions and comments raised by the Advisory Planning Commissions:

1. Why can the detached suite be larger than the ancillary dwelling? 807 square feet is too small for an ancillary single family dwelling.

• The maximum floor area of a detached suite on lands in the ALR is proposed to be consistent with the maximum size, that is 90 m² (968 sq ft), permitted by the Agricultural Land Commission. The maximum floor area of an ancillary single family dwelling (75 m²) was established by RDNO in 1990 when the Zoning Bylaw in effect at the time was amended to permit such dwellings. In 2017, the ALC advised RDNO that Zoning Bylaw provisions that permit ancillary single family dwellings in the ALR were inconsistent with the ALC Act. Proposed Zoning Text Amendment Bylaw No. 2747 is intended, in part, to address this inconsistency by requiring that a property in the ALR must be classified as ‘farm’ under the Assessment Act in order to have either an ancillary single family dwelling or a detached suite. Upon review of this proposed amendment, the ALC has found it to be consistent with the ALC Act and regulation. It is anticipated that proposing to increase the floor area of ancillary single family dwellings on lands in the ALR would not be supported by the Agricultural Land Commission. Maintaining the maximum size of ancillary single family dwellings at 75 m² (807.3 sq ft) is intended to satisfy the requirements of the ALC and to provide a consistent standard for RDNO properties both within and outside of the ALR. Alternatively, for properties outside of the ALR, the Board may consider increasing the size of an ancillary single family dwelling.
2. Can the detached suite be located on the main floor? Remove the requirement that detached suites must be on one floor and be above an existing accessory residential or agricultural use. Remove the requirement that the main floor of the building which contains a detached suite must be used for accessory residential or agricultural use.

- The ALC regulation stipulates that a detached suite must be above an existing building on the farm and that it only has one level. In addition, in order to have a detached suite in the ALR, the parcel on which the structure is located must be classified as a “farm” under the **Assessment Act**. Bylaw No. 2747 proposes to allow detached suites in a manner consistent with the ALC regulation. Farm classification would not be required in order to have a detached suite on property outside of the ALR.

For properties outside of the ALR, the Board may consider allowing a detached suite at grade level within a building also used for accessory or agricultural purposes. Under this option, there may be a propensity, over time, for a property owner to eliminate the accessory/agricultural use and expand the dwelling unit. If the detached suite use is not linked to an accessory/agricultural use, it would for all intents and purposes, be equivalent to an ancillary single family dwelling, only larger.

3. Remove the gross square footage of decks, porches, and carports (e); a single carport and 50% deck would be reasonable.

- Bylaw No. 2747 proposes that, for ancillary single family dwellings, attached open decks, open porches, covered patios, and carports shall not exceed 50% of the gross floor area of the ancillary single family dwelling and may not be screened to create a room. The intent of this regulation is to help maintain a relatively compact building “footprint” and to discourage conversion of such spaces into living areas.

For properties outside of the ALR, the Board may consider allowing a greater percentage of the gross floor area to be used for attached open decks, open porches, covered patios, and carports or may choose to omit this proposed regulation altogether.

Given recent concerns raised by the ALC regarding ancillary single family dwellings, the Planning Department does not recommend expanding or omitting this restriction for ancillary single family dwellings located on properties within the ALR.

The attached Appendix “A” outlines the type of dwelling units that would be permitted in the Rural Zones of the Zoning Bylaw if Zoning Text Amendment Bylaw No. 2747 were to be adopted as proposed.

**PLANNING ANALYSIS:**

Overall, the feedback obtained through the referral process has been supportive of the proposed Zoning Bylaw amendments.

One of the refinements to Zoning Text Amendment Bylaw No. 2747 that is recommended at this stage, is to stipulate that the maximum height of detached suites not exceed 12 m. This amendment is proposed as it would allow for a single level detached suite to be constructed above a grade level area used as a domestic garage, barn, farm equipment storage, etc. Often such grade level uses have a ceiling height of 4 m or more and an overall building height of 12 m would allow for the inclusion of a suite on the second level together with a sloping roof.
It is also recommended that a maximum height of 8 m be specified for ancillary single family dwellings. Currently, the Zoning Bylaw does not specify a maximum height for ancillary single family dwellings. As currently regulated in the C.R, N.U, and L.H zones, the height of buildings and structures shall not exceed:
1. 8 m for accessory residential use; or
2. 12 m for residential use; or
3. 20 m for agricultural use including wineries and cideries.

An ancillary single family dwelling does not fit within the meaning of an accessory residential use, residential use, or agricultural use. An accessory residential use is defined in part as a building accessory to an existing residence and includes such things as domestic garages, covered swimming pools, residential storage buildings, gazebos, etc. and, it is not to be used for residential dwelling purposes. A residential use is defined, in part, as the principal accommodation of a person or family. Definitions of agricultural use (intensive, limited, and restricted) do not reference residential use of any kind. In this regard, to help determine a maximum height for ancillary single family dwellings, the building permit plans for five recent examples of ancillary single family dwellings were reviewed. Amongst the plans reviewed, ancillary single family building heights ranged from 4.27 m to 6.91 m. The Planning Department therefore suggests that 8 m would be a reasonable maximum height for ancillary single family dwellings.

It is recommended that the height regulations for ancillary single family dwellings and detached suites be included in proposed Zoning Bylaw Sections 410 and 411 respectively.

It is also recommended that Bylaw No. 2747 be amended to remove the word “existing” from references to accessory residential and agricultural use buildings over which detached suites would be permitted. This change will help to avoid potential confusion in determining at what stage of construction a building is deemed to be “existing”.

It is also recommended that Bylaw No. 2747 be amended by rewording Sections 301.1 and 301.2. Section 301.1 lists the uses permitted under Section 3(1) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg 171/2002). The uses listed under Section 3(1) of BC Reg 171/2002 change from time to time. Section 301.2 acknowledges that lands within the ALR are subject to the provisions of the ALC Act and Regulations. These sections are proposed to be reworded by removing the list of uses permitted under Section 3(1) of BC Reg 171/2002 and stating that the uses listed under this section of BC Reg 171/2002 shall not be permitted to be carried out on lands within the ALR unless otherwise specifically regulated by provisions of the Zoning Bylaw. Removing the list will ensure that the Zoning Bylaw doesn’t list something that is outdated. Amending the Bylaw as recommended would not eliminate the ability to use a property as currently allowed by the Zoning Bylaw and BC Reg 171/2002.

It is also recommended that Bylaw No. 2747 be amended by clarifying that temporary dwellings and two family dwellings are not permitted on lots containing a secondary suite, a detached suite, or an ancillary dwelling and that such dwellings are only permitted on properties within the ALR if they are authorized by BC Reg 171/2002 or through the approval of an application under Section 20(3) of the ALC Act. Amending the Bylaw as recommended would continue to allow temporary dwellings and two family dwellings subject to the use of such dwellings complying with the provisions of BC Reg 171/2002.

Aside from the above suggested changes, the Planning Department does not recommend any other amendments at this time; however based on the feedback provided in the referral comments, the Board may consider additional amendments to:
1) permit detached suites on the main floor level of accessory residential or agricultural buildings on properties outside of the ALR; and/or,
2) increase the maximum gross floor area of an ancillary single family dwelling from 75 m² (807.3 square feet) to 90 m² (968.75 square feet), on properties outside of the ALR, to be consistent with the proposed maximum size of a detached suite; and/or
3) consider farm residential footprint regulations as suggested by the Ministry of Agriculture in their referral response.

In the event that the Board of Directors should wish to give further consideration to any of the above noted (or other) changes to Bylaw No. 2747, the Planning Department requests that direction be provided to staff to amend proposed Bylaw No. 2747 with the desired changes and to report back to the Board of Directors along with the amended Bylaw.

SUMMARY:

At the Regular Meeting held on April 19, 2017, the Board of Directors gave First Reading to Zoning Text Amendment Bylaw No. 2747, 2017 and resolved to refer it to various agencies for review and comment. The Bylaw was subsequently referred to all of the Electoral Area Advisory Planning Commissions, the Regional Agricultural Advisory Committee, various agencies and staff for review and comment. In consideration of the feedback received as an outcome of the referral process, staff recommend that Bylaw No. 2747, 2017 be given Second Reading, as amended, and be forwarded to a Public Hearing. The proposed amendments to Bylaw No. 2747 are outlined in the Planning Analysis section of this report and are intended to provide clarification regarding the height of ancillary dwellings and detached suites and to the number and type of dwellings units which are proposed to be permitted in the Rural Zones of Zoning Bylaw No. 1888.

Submitted by:  
Marnie Skabalski, MCIP, RPP  
Planner II

Reviewed by:  
Greg Routley  
Deputy Planning Manager

Endorsed by:  
Rob Smale, MCIP, RPP  
General Manager, Planning and Building

Approved for Inclusion:  
David Sewell  
Chief Administrative Officer
APPENDIX “A”

The following table outlines the type of dwelling units that would be permitted in the Small Holding (S.H) zone if Zoning Text Amendment Bylaw No. 2747 were to be adopted as proposed:

<table>
<thead>
<tr>
<th>Dwelling Unit</th>
<th>S.H (non ALR)</th>
<th>S.H (ALR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>* Permitted</td>
<td>* Permitted</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>** Permitted</td>
<td>** Permitted</td>
</tr>
<tr>
<td>Two Family Dwelling</td>
<td>*** Permitted</td>
<td>**** Permitted</td>
</tr>
<tr>
<td>Secondary Suite</td>
<td>+ Permitted</td>
<td>+ Permitted</td>
</tr>
<tr>
<td>Detached Suite</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Ancillary Dwelling</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Additional Single Family Dwelling</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
</tr>
</tbody>
</table>

* permitted provided the property doesn’t contain a manufactured home or a two family dwelling;  
** permitted provided the property doesn’t contain a single family dwelling or a two family dwelling and is located within Electoral Areas “D”, “E” and “F”;  
*** permitted provided the property is 2 ha or larger and doesn’t contain a single family dwelling or manufactured home;  
**** permitted subject to the approval of an ALR non-farm use application;  
+ permitted provided the property is 1 ha or larger and the suite is located within a single family dwelling and the property doesn’t contain a temporary residence;

The following outlines the number of dwelling units that would be permitted in the Small Holding (S.H) zone if Zoning Text Amendment Bylaw No. 2747 were to be adopted as proposed:

a) one (1) single family dwelling which may contain a secondary suite; OR
b) one (1) two family dwelling (subject to the approval of an ALR non-farm use application if property is within the ALR); OR

c) one (1) manufactured home.

In total, properties in the S.H zone may have a maximum of two dwelling units.
The following table outlines the type of dwelling units that would be permitted in the Country Residential (C.R), Non Urban (N.U) and Large Holding (L.H) zones if Zoning Text Amendment Bylaw No. 2747 were to be adopted as proposed:

<table>
<thead>
<tr>
<th></th>
<th>C.R / N.U / L.H (non ALR)</th>
<th>C.R / N.U / L.H (ALR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>* Permitted</td>
<td>* Permitted</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>** Permitted</td>
<td>** Permitted</td>
</tr>
<tr>
<td>Two Family Dwelling</td>
<td>*** Permitted</td>
<td>**** Permitted</td>
</tr>
<tr>
<td>Secondary Suite</td>
<td>+ Permitted</td>
<td>+ Permitted</td>
</tr>
<tr>
<td>Detached Suite</td>
<td>++ Permitted</td>
<td>++ Permitted</td>
</tr>
<tr>
<td>Ancillary Dwelling</td>
<td>+++ Permitted</td>
<td>+++ Permitted</td>
</tr>
<tr>
<td>Additional Single Family Dwelling</td>
<td>~ Permitted</td>
<td>~~ Permitted</td>
</tr>
</tbody>
</table>

* permitted provided the property doesn’t contain a manufactured home or a two family dwelling;
** permitted provided the property doesn’t contain a single family dwelling or a two family dwelling and provided the property is located within Electoral Areas “D”, “E” and “F” or is located on a property that is 1 ha or larger within Electoral Areas “B” and “C”;
*** permitted provided the property doesn’t contain a single family dwelling or manufactured home;
**** permitted subject to the approval of an ALR non-farm use application;
+ permitted provided the property is 1 ha or larger and the property doesn’t contain a detached suite, an ancillary dwelling, a two family dwelling or a temporary residence;
++ permitted provided the property is 2 ha or larger and the property doesn’t contain a secondary suite, an ancillary dwelling, a two family dwelling or a temporary residence and provided the property has “farm” status if it is located in the ALR;
+++ permitted provided the property is 2 ha or larger and the property doesn’t contain a secondary suite, a detached suite, a two family dwelling or a temporary residence and provided the property has “farm” status if it is located in the ALR;
~ permitted provided the property meets specified minimum lot size standards;
~~ permitted subject to the approval of an ALR non-farm use application.

Maximum number of dwelling units permitted in the Rural zones

The following outlines the number of dwelling units that would be permitted in the C.R, N.U and L.H zones if Zoning Text Amendment Bylaw No. 2747 were to be adopted as proposed:

a) one (1) single family dwelling; and
b) one (1) secondary suite or one (1) detached suite or one (1) ancillary dwelling or one (1) temporary residence.
Or

a) one (1) manufactured home; and
b) one (1) detached suite or one (1) ancillary dwelling or one (1) temporary residence.

Or

a) one (1) two family dwelling on lots outside the ALR.

In total, properties which are in the C.R, N.U and L.H zones, outside the ALR and less than 4 ha in size may have a maximum of two (2) dwelling units.

Properties in the C.R zone may have one (1) additional single family dwelling on lots 4 ha or larger and outside the ALR.

Properties in the N.U zone may have one (1) additional single family dwelling on lots 14.4 ha or larger and outside the ALR plus one (1) additional single family dwelling on lots 21.6 ha or larger and outside the ALR.

Properties in the L.H zone may have one (1) additional single family dwelling on lots 30.5 ha or larger and outside the ALR plus one (1) additional single family dwelling on lots 45 ha or larger and outside the ALR.

Properties in the C.R, N.U and L.H zones and inside the ALR may have a maximum of two (2) dwelling units. Additional dwelling units are permitted subject to the approval of an ALR non-farm use application.
REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2747

A bylaw to amend the text of Zoning Bylaw No. 1888, 2003

WHEREAS pursuant to Section 479 [Zoning bylaws] of the Local Government Act, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888, being the “Regional District of North Okanagan Zoning Bylaw No. 1888, 2003” as amended;

AND WHEREAS, pursuant to Section 460 [Development approval procedures] of the Local Government Act, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board has enacted the “Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008” as amended to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit;

AND WHEREAS the Board is desirous to amend the Zoning Bylaw to permit detached suites and ancillary single family dwellings on lots with an area of 2 ha or greater within some rural zones;

NOW THEREFORE, the Board of Directors of the Regional District of North Okanagan, in open meeting assembled, enacts as follows:

A. CITATION

This Bylaw may be cited as the “Zoning Text Amendment Bylaw No. 2747, 2017”.

B. AMENDMENTS

1. Division Two – Interpretation of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 is hereby amended by adding the following definitions:

   “Dwelling, Ancillary Single Family” means a single family dwelling or manufactured home ancillary to an existing principal single family dwelling located on the same lot or a single family dwelling ancillary to an existing principal manufactured home located on the same lot.

   “Dwelling, Detached suite” means a self-contained accessory dwelling unit above an accessory residential or agricultural building. A detached suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the accessory residential or agricultural building.

2. Division Two – Interpretation of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 is hereby amended by placing the definition for “Secondary Suite” with the definitions for “Dwellings” and adding the word “Dwelling” in front of the words “Secondary Suite”.

Advisory Planning Commission – Electoral Area “E”
3. Division Three – Agricultural Land Reserve of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by deleting Sections 301.1 and 301.2 and replacing with the following:

Uses listed under Section 3(1) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg 171/2002) shall not be permitted to be carried out on lands within the Agricultural Land Reserve unless otherwise specifically regulated by provisions of this Bylaw.

4. Division Three – Agricultural Land Reserve of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by renumbering Section 301.3 as Section 413.

5. Division Four – General Regulations of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by adding the following as Section 407.5 and by renumbering the followings subsections accordingly:

A Temporary Residence shall not be permitted on lots containing a secondary suite, a detached suite, an ancillary dwelling or a two family dwelling.

6. Division Four – General Regulations of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by adding the following as Section 407.6 and by renumbering the followings subsections accordingly:

For properties within the Agricultural Land Reserve, a temporary residence in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted unless authorized under BC Reg 171/2002 or through the approval of an application under Section 20(3) of the Agricultural Land Commission Act.

7. Division Four – General Regulations of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by replacing Section 409.4 with the following:

Secondary suites shall not be permitted on lots containing a detached suite, an ancillary dwelling, a two family dwelling or a temporary residence.

8. Division Four – General Regulations of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by adding the following as Section 410:

Ancillary Dwellings

1. For properties outside the Agricultural Land Reserve, ancillary single family dwellings in the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with the following:
   a. No more than one (1) ancillary single family dwelling shall be permitted per lot;
   b. Ancillary single family dwellings shall not be permitted on lots containing a secondary suite, a detached suite, a two family dwelling or a temporary residence;
   c. Ancillary single family dwellings on lots within the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted on lots that are smaller than 2 ha;
   d. The maximum gross floor area of an ancillary single family dwellings shall not exceed 75 m² (807 square feet);
   e. Attached open decks, open porches, covered patios and carports shall not exceed 50% of the gross floor area of the ancillary single family dwelling and may not be screened to create a room;
f. Ancillary single family dwellings may not include a basement; but may include a cellar which does not include habitable space;
g. One (1) off-street parking space must be provided for each ancillary single family dwelling. The parking space may not be provided in tandem with any other parking space required by this Bylaw;
h. Ancillary single family dwellings must comply with all relevant Regional District bylaws and the British Columbia Building Code;
i. Ancillary single family dwellings must be located on property which is a single real estate entity. No strata titling will be permitted; and
j. Maximum height of ancillary single family dwellings shall not exceed 8 m (26.25 feet).

2. For properties within the Agricultural Land Reserve, ancillary single family dwellings in the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with Section 410.1 above and the following:
   a. The ancillary single family dwelling may only be located on a lot that is classified as “farm” under the BC Assessment Act, as amended from time to time.

9. Division Eight – Rural Zones of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by deleting Sections 802.1.c, 803.1.c and 804.1.c and replacing with the following:
   • Section 802.1.c: Ancillary single family dwellings subject to the provisions of Section 410 of this bylaw
   • Section 803.1.c: Ancillary single family dwellings subject to the provisions of Section 410 of this bylaw
   • Section 804.1.c: Ancillary single family dwellings subject to the provisions of Section 410 of this bylaw

10. Division Eight – Rural Zones of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by deleting Sections 802.2.d, 803.2.e and 804.2.e and replacing with the following:
    • One (1) ancillary single family dwelling subject to the provisions of Section 410 of this bylaw.

11. Division Eight – Rural Zones of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by deleting Sections 802.10.b, 803.10.b and 804.10.b in their entirety.

12. Division Four – General Regulations of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by adding the following as Section 411:

**Detached Suites**

1. For properties outside the Agricultural Land Reserve, detached suites in the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with the following:
   a. Detached suites must be located on one floor and be above an existing accessory residential or agricultural use;
   b. The main floor of the building which contains a detached suite must be used for accessory residential or agricultural purposes;
   c. No more than one (1) detached suite shall be permitted within an accessory residential or agricultural building;
   d. No more than one (1) detached suite shall be permitted per lot;
e. Detached suites shall not be permitted on lots containing a secondary suite, an ancillary single family dwelling, a two family dwelling or a temporary residence;
f. Detached suites on lots within the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted on lots that are smaller than 2 ha;
g. The maximum floor area of a detached suite shall not exceed 90 m² (968 square feet);
h. One (1) off-street parking space must be provided for each detached suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;
i. Detached suites must comply with all relevant Regional District bylaws and the British Columbia Building Code;
j. Detached suites must be located in an accessory residential or agricultural building and on property which is a single real estate entity. No strata titling will be permitted; and
k. Maximum height of buildings containing a detached suite shall not exceed 12 m (39.37 feet).

2. For properties within the Agricultural Land Reserve, detached suites in the Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with Section 411.1 above and the following:
a. The detached suite may only be located on a lot that is classified as “farm” under the BC Assessment Act, as amended from time to time; and

13. Division Eight – Rural Zones of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by adding Sections 802.1.v, 803.1.w and 804.1.w as follows:
- Detached suites subject to the provisions of Section 411 of this bylaw.

14. Division Eight – Rural Zones of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by adding Sections 802.2.g, 803.2.h and 804.2.h as follows:
- One (1) detached suite subject to the provisions of Section 411 of this bylaw.

15. Division Four – General Regulations of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by adding the following as Section 412:

**Two Family Dwellings**

1. For properties outside the Agricultural Land Reserve, two family dwellings in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with the following:
a. No more than one (1) two family dwelling shall be permitted per lot;
b. Two family dwellings shall not be permitted on lots containing a single family dwelling, a secondary suite, an ancillary single family dwelling, a detached suite or a temporary residence;
c. Two family dwellings on lots within the Small Holding (S.H) zone shall not be permitted on lots that are smaller than 2 ha;
d. Two family dwellings must comply with all relevant Regional District bylaws and the British Columbia Building Code;

2. For properties within the Agricultural Land Reserve, two family dwellings in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted unless authorized through the approval of an application under Section 20(3) of the Agricultural Land Commission Act.
16. Division Eight – Rural Zones of Regional District of North Okanagan Zoning Bylaw No. 1888 is hereby amended by deleting Sections 801.1.j, 802.1.p, 803.1.q and 804.1.q and replacing with the following:

- Section 801.1.j: Two family dwellings subject to the provisions of Section 412 of this bylaw
- Section 802.1.p: Two family dwellings subject to the provisions of Section 412 of this bylaw
- Section 803.1.q: Two family dwellings subject to the provisions of Section 412 of this bylaw
- Section 804.1.q: Two family dwellings subject to the provisions of Section 412 of this bylaw

Read a First Time
this 19th day of April, 2017

Read a Second Time, as amended
this day of , 2017

Advertised on
day of , 2017
day of , 2017

Public Hearing held
day of , 2017

Read a Third Time
day of , 2017

Approved by Minister of Transportation and Infrastructure
(Transportation Act s. 52(3))
day of , 2017

ADOPTED
day of , 2017

_________________________  ____________________________
Chair                  Deputy Corporate Officer
In follow-up to our meeting yesterday, I have summarized your proposal to amend the detached suites bylaw:

- For properties greater than 2 ha and outside of the ALR, allow properties to have one (1) single family dwelling and one (1) additional single family dwelling (no size restriction) or one (1) manufacture (mobile) home and one (1) secondary suite or one (1) detached suite. The total number of dwelling units allowed per lot would be 3, one of which would have to be a suite or detached suite. This provision would be applicable to EAs D/E only;
- For properties greater than 2 ha and outside of the ALR, allow detached suites to be located on more than one floor and to be located either above or beside (attached) to an accessory building (ie shop or barn); This would be applicable to EAs D/E only;
- For properties greater than 2 ha and outside of the ALR, detached suites should be allowed to be used without there being a single family dwelling on the property. This would be restricted to EAs D/E only. We will look into whether or not this use needs to be listed as a primary use to ensure this can happen;
- For properties greater than 2 ha and within the ALR, allow properties to have one (1) single family dwelling and one (1) secondary suite and one (1) manufactured (mobile) home or one (1) detached suite (same as what would be allowed through BC Reg 171/2002). This will be applicable to EAs D/E unless Directors for other EAs wish to do the same.
- There shall be no more that one mobile home per parcel in EAs D/E.

In addition to the above and in keeping with the request from Director Macnabb, we will revise the Bylaw to increase the size of ancillary SFDs to 90m2. This would be applicable to EA C only unless Directors for EAs B and F wish to do the same.

If you see something that isn’t consistent with your notes or something that is missing, please let me know. Otherwise, you could share this information when you provide an update to your APCs.

In the meantime, I will prepare a report to the Electoral Area Advisory Committee to outline the above noted proposal. EAAC can then provide a recommendation to amend the Detached Suite Bylaw to include the above proposal as well as the proposed changes outlined in the attached Planning Department report dated December 19, 2017.