



Agenda No: 7.2

Mtg. Date: Nov. 23, 2015

Regional Board Report

TO: Regional Board

FROM: Ron Fralick
Manager of Planning

DATE: November 16, 2015

SUBJECT: Zoning Amendment Bylaw No. 871-226
Application Z14/06 (Aljac Holding Company Ltd. c/o Monashee Surveying)
Lot 1, Plan 12705, District Lot 2198, ODYD

Purpose:

To amend the Permitted Uses Table for the RU2 Rural 2 zone, Section 6.2.1 by adding a new subsection 6.2.1.18 - *On Lot 1, Plan 12705, District Lot 2198, ODYD the following additional use is permitted: 2 dwelling units.*

Executive Summary:

Two dwellings exist on the subject property; however, under current zoning one single detached house is permitted. The landowners have agreed to register a covenant on title restricting building footprint and replace the two existing septic systems.

RECOMMENDATION:

THAT Zoning Amendment Bylaw No. 871-226, application Z14/06, be given second and third readings.

AND THAT final consideration be withheld pending the following:

- Receipt of bylaw approval from the Ministry of Transportation and Infrastructure,
- Covenant restricting building footprint is registered on title of the subject property,
- A Development Permit application associated with replacement of the septic systems to be submitted and approved by the Regional District, and
- Submission of record confirming that the two septic systems have been replaced (ie: completed Record of Sewerage System and a completed Sewerage System Letter of Certification as accepted by Interior Health).

Respectfully Submitted:

R. Fralick, MCIP, RPP
Manager of Planning

C. Radford
Director of Community Services

Prepared by: Janelle Taylor, Planner 1

Approved for Board's Consideration

Brian Reardon, CAO

Implications of Recommendation:**Strategic Plan:**

Vision 2020 – Planning for the Future supports innovative solutions.

Policy:

Regional Growth Strategy Bylaw No. 1336, Policy No. 3.2.1.3 supports “the protection of the rural areas that offer a rural lifestyle choice.”

Rural Westside Official Community Plan Bylaw No. 1274, Residential Section, Policy No. 11 “Encourages more flexible zoning techniques or tools for development projects which are comprehensive in terms of mixing residential and other compatible uses, open space and preservation of environmentally sensitive areas”.

Legal/Statutory Authority:

In accord with Section 791 of the Local Government Act (Voting on Resolutions and Bylaws), all resolutions and every reading and the adoption, amendment or repeal of all bylaws must be decided by a majority of the votes cast, and in accord with all applicable provisions. Voting on the zoning amendment bylaw lies with all Directors.

Background:

Zoning Amendment Bylaw No. 871-226 received first reading May 25, 2015, and a Public Hearing was held on November 23, 2015, prior to the regular Board Meeting.

Conclusion:

The property is located within 800 metres of a Controlled Access Highway; therefore, Ministry of Transportation and Infrastructure (MOTI) approval of Zoning Amendment Bylaw No. 871-226 is required after 3rd reading pursuant to Section 52(3)(a) of the *Transportation Act*.

As highlighted at time of first reading, the landowners have agreed to register a covenant on title to restrict building size. As there is no subdivision associated with the proposal, registration of the covenant should occur in conjunction with approval of the zoning amendment application.

In order to fulfill the recommendations contained in the updated preliminary sewage dispersal assessment and satisfy Interior Health Authority’s conditional support, the existing sewerage systems must be replaced prior to adoption. Prior to any land disturbance within the Aquatic Development Permit Area, including the replacement of the septic systems, the approval of a Development Permit will be required.

Planning staff recommends that Zoning Amendment Bylaw No. 871-226 be given second and third readings and that final consideration is withheld pending receipt of documentation indicating fulfilment of the conditions outlined above.

Attachment(s):

Bylaw No. 871-226

Considerations not applicable to this report:

- Financial Considerations
- Alternatives
- Organizational Issues
- External Implications

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 871-226

A Bylaw to Amend Regional District of Central Okanagan Zoning Bylaw 871, 2000

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Zoning Bylaw No. 871 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. **This bylaw shall be cited as Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-226.**
2. **That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by changing the Permitted Uses Table for the RU2 Rural 2 zone, Section 6.2.1 by ADDING a new subsection "6.2.1.18 on Lot 1, Plan 12705, District Lot 2198, ODYD the following additional use is permitted: 2 dwelling units".**

READ A FIRST TIME this 25th day of May 2015

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____
day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

Approved under the Transportation Act this _____ day of _____

Ministry of Transportation & Infrastructure

ADOPTED this _____ day of _____

Chairman

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-226 as read a third time by the Regional District of Central Okanagan the _____ day of

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-226 which was Adopted by the Regional District of Central Okanagan on the _____ day of

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

SCHEDULE 'A'



I hereby certify this to be a true and correct copy of Schedule 'A' as described in Bylaw No. 871-226 and read a third time by the Regional District of Central Okanagan on the _____ day of _____

Director of Corporate Services