

November 30, 2017
1210-01



To: Property Owner

Re: Proposed Termination of Land Use Contract LUC77-1012; Pertaining to LUCT16-0001
and Rezoning Z16-0027 for 5080 Lakeshore Road

You are receiving this letter because your property is impacted by a Land Use Contract that regulates your land development rights.

A neighbouring property owner with the same Land Use Contract noted above, has recently applied to the City to discharge this contract under the City of Kelowna Zoning Bylaw No. 8000, for our files LUCT16-0001 and Z16-0009 at 5080 Lakeshore Road.

The existing underlying zoning is A1 - Agriculture; however, it is currently not in effect as the Land Use Contract takes precedence. Staff are proposing to rezone your property to the RR2 – Rural Residential 2 zone.

The City of Kelowna is mandated by the Province to eliminate all Land Use Contracts by 2022. The City is proposing to terminate the Land Use Contract within your neighbourhood, including your property. Generally, this results in clearer and more generous building and development regulations, such as the possibility for a legal secondary suite.

Terminating your Land Use Contract requires Council approval and staff are prepared to bring forward a recommendation to Council for consideration in the coming weeks. Once Council considers the Land Use Contract Termination Bylaw, there is a 1-year grace period before the underlying zone comes into effect (as regulated by the British Columbia Local Government Act).

What is a Land Use Contract?

The Province first experimented with Land Use Contract zoning in 1971 before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

The Local Government Act was amended in 2014 stating all land use contracts in the province must be terminated as of June 30th 2024. This provides property owners with ten years to complete any development authorized by their Land Use Contract unless the LUC is terminated prior to that date. By June 20th 2022, local governments must have appropriate zoning regulations in place to substitute land use contracts upon their termination. Whenever a property owner applies to change land uses within an LUC (resulting in a LUC Discharge), the City will then initiate the process to eliminate the whole LUC.

For further information regarding Land Use Contracts, please refer to the City of Kelowna website (www.kelowna.ca/homes-building/zoning-land-use-contracts). For inquiries regarding the termination of your Land Use Contract, please contact the Community Planning Department at 250-469-8626, or email: planninginfo@kelowna.ca.

Regards,

Terry Barton
Urban Planning Manager

Attachments:
Zoning Bylaw No. 8000 – RR2 –Rural Residential 2 zone

AC/hb

Community Planning Department
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250 469-8626
planninginfo@kelowna.ca
kelowna.ca

12.2 RR2 – Rural Residential 2

RR2c – Rural Residential 2 with Carriage House

12.2.1 Purpose

The purpose is to provide a **zone** for country residential **development**, and complementary **uses**, on medium sized **lots** in areas of high natural amenity and limited **urban services**.

12.2.2 Principal Uses

The **principal uses** in this **zone** are:

- (a) **community garden**
- (b) **greenhouses and plant nurseries**
- (c) **single dwelling housing**

12.2.3 Secondary Uses

The **secondary uses** in this **zone** are:

- (a) **bed and breakfast homes**
- (b) **child care centre, minor**
- (c) **carriage house (RR2c only)**
- (d) **group homes, minor**
- (e) **home based businesses, major**
- (f) **home based businesses, minor**
- (g) **home based businesses, rural**
- (h) **secondary suite**

12.2.4 Buildings and Structures Permitted

- (a) one **single detached house** (which may contain a **secondary suite**);
- (b) permitted accessory buildings or structures;
- (c) carriage house (permitted only on properties that have a 'c' designated sub-zone);
- (d) only one secondary dwelling unit is permitted (e.g. secondary suite or carriage house).

12.2.5 Subdivision Regulations

- (a) The minimum **lot width** is 36.0 m.
- (b) The minimum **lot depth** is 30.0 m.
- (c) The minimum **lot area** is 1.0 Ha unless a connection to the community sanitary sewer system, in accordance with the requirements of the City of Kelowna's Subdivision, Development & Servicing Bylaw, has been installed. If a connection to a community sanitary sewer system in accordance with the requirements of the City of Kelowna's Subdivision, Development & Servicing Bylaw, has been installed, the minimum **lot area** is 4000 m².

12.2.6 Development Regulations

- (a) The maximum **site coverage** is 20%, except that it is 50% for **greenhouses and plant nurseries**.

Site coverage of accessory **buildings** or **structures** and carriage house shall not exceed a combined 14%. The maximum floor area of a carriage house shall be 90 m² or 75% of the total floor area of the principal building. The maximum floor area of a carriage house may increase to a maximum of 100 m² only if the carriage house is limited to one (1) storey in height and is less than 75% of the total floor area of the principal building.

- (b) The maximum **height** for principal buildings is the lesser of 9.5m or 2 ½ storeys. The maximum **height** for accessory **buildings** / structures is 4.5m. The maximum **height** for carriage houses is 4.8m.
- (c) The minimum **front yard** is 6.0 m.
- (d) The minimum **side yard** is 3.0 m, except it is 4.5 m from a **flanking street**.
- (e) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**.
- (f) The minimum **rear yard** is 9.0 m, except it is 3.0 m for accessory **buildings**.
- (h) [deleted]

12.2.7 Other Regulations

- (a) There shall be no more than one single detached house per **lot**.
- (b) When a home based **business** of any type involves the cutting and wrapping of wild game or any meat, the **lot** must have a minimum **lot area** greater than 0.33 ha.
- (c) For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of agricultural and garden sales for produce produced off the **site** is the lesser of 50.0 m² or one-third of the total floor area of the agricultural and garden sales stand.
- (d) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory **development**, **yards**, projections into **yards**, lighting, stream protection, etc.), the **landscaping** and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.
- (e) [deleted]
- (f) A carriage house must not be closer than 3.0m to an existing principal building.