

Report to Council



Date: January 25, 2016
File: 1250-04
To: City Manager
From: Ryan Roycroft, Planner
Subject: Amendments to the RU6 - TA15-0015

Recommendation:

THAT Zoning Bylaw Text Amendment Application No. TA15-0015 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated January 25, 2016 to amend the RU6 - Two Dwelling Housing zone be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

Purpose:

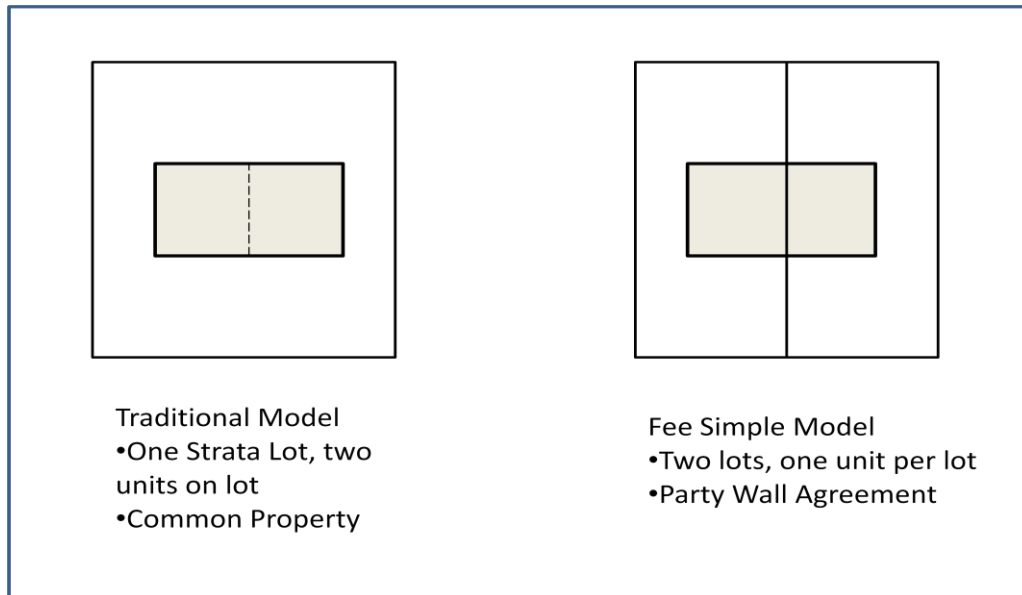
To amend the Zoning Bylaw by amending the RU6 - Two Dwelling Housing to allow duplex units with party wall agreements, develop provisions for small lot duplex housing on a pilot project basis and remove mention of the unused RU6h zone.

Amendments for Fee Simple Duplexes:

Staff are proposing three amendments to the RU6 - Two Dwelling Housing regulations in the Zoning Bylaw.

The first amendment is the result of interest from several members of the development community, and would amend the bylaw by allowing the construction of duplexes on fee simple lots joined by a party wall.

Traditionally, duplex lots in Kelowna have been constructed on a single lot, which is then strata titled to create two lots. This process requires the establishment of a small strata corporation to administer the common property and the common structure.



The bylaw amendments would allow duplexes to be built across lot lines. Each owner would own a single lot in fee simple, and no strata corporation would be created. Rather, the relationship would be regulated with a party wall agreement registered on title.

This is a more contemporary form of duplex construction, common in Eastern Canada, and growing in popularity in BC. Municipalities in the Lower Mainland and Vancouver Island make extensive use of this form of housing.

Similar provisions already exist in the RM2 and RM3 zones allowing for this form of development in row housing.

The bylaw amendments would allow for the creation of two half-sized duplex lots, which, when joined by a party wall agreement, would be as large as a regular duplex lot. The bylaw amendments would not preclude traditional strata duplex development but would rather offer another alternative.

Amendments for Small Lot Duplexes:

The Infill Challenge is a program being developed within the Community Planning and Real Estate Division intended to expand options for infill housing in the City. The program's key goals are:

- a) Introduce new forms of infill housing not presently permitted in Kelowna
- b) Providing area residents with on-the-ground examples of how infill housing can improve their neighbourhoods
- c) Expand the supply and diversity of housing in Kelowna's urban core area
- d) Build more complete neighbourhoods
- e) Reinforce positive relationships between the City, the development and home building community, and area residents

As part of this project, City staff have worked with a developer to create a small lot duplex concept. This concept, which be controlled through the Development Permit process and will allow for a duplex to be developed on a smaller lot than traditionally allowed.

The proposed bylaw amendments will amend the RU6 zone to allow Narrow Duplex on a single lot on a pilot project basis. If Council is satisfied with the development, the bylaw can be further amended to allow similar projects in the city's core areas. This would likely occur at the same time as amendments resulting from the City's infill challenge.

If Council is unsatisfied, they can be excised from the bylaw without risk of impacting other properties.

Removal of mention of the RU6h zone:

The RU6h zoning designation was intended for duplex lots in hillside areas. However, the zone has been supplanted by the more modern RH2 zone, and is no longer required.

No properties are zoned RU6h, and removing the mention of the zone from the bylaw will not impact any property owners in the City.

This is a housekeeping amendment solely intended to remove clutter from the bylaw.

Legal/Statutory Authority:

All amendments to the Zoning Bylaw are permitted under Section 903 of the *Local Government Act*.

Legal/Statutory Procedural Requirements:

If initial consideration is given to the bylaws, a public hearing will be required to amend the Zoning Bylaw.

Existing Policy:

Currently, the RU6 - Two Dwelling Housing zone does not allow duplexes to straddle property lines. These amendments would remove that restriction where a party wall agreement is in place.

The Zoning Bylaw has provisions for the RU6h zone. However, no lots in the city are zoned RU6h.

Considerations not applicable to this report:

Internal Circulation
Financial/Budgetary Considerations
Personnel Implications
External Agency/Public Comments
Communications Comments

Submitted by:

R Roycroft, Planner

Approved for inclusion:



Ryan Smith, Department Manager, Community Planning

Attachment

cc: Policy Planning