



November 27, 2020

NOTICE TO PROPERTY OWNERS/OCCUPIERS

Early Termination of Land Use Contract N54304

Strata Lots 1- 30, Section 13, Township 20, Range 10, W6M, KDYD, Strata Plan EPS370
Strata Lots 1- 30, Section 13, Township 20, Range 10, W6M, KDYD, Strata Plan KAS507
Lots 1-13, Section 13, Township 20, Range 10, W6M, KDYD, Plan 33113
Strata Lots 1-2, Section 13, Township 20, Range 10, W6M, KDYD, Strata Plan KAS2541
Strata Lots 1-2, Section 13, Township 20, Range 10, W6M, KDYD, Strata Plan KAS1227
Strata Lots 1-2, Section 13, Township 20, Range 10, W6M, KDYD, Strata Plan KAS1054

Civic Address: Units 201 – 506 1449 1 Avenue NE
Units 302 – 806 1451 1 Avenue NE
130 – 230 15 Street NE
1480 – 1570 1 Avenue NE
1451 – 1531 Okanagan Avenue

Location: As shown on ATTACHMENT 1
Present Use: Multi-family Townhouse Complex, Duplexes and Single Family Dwellings
Proposed Use: No Change
Reference: Land Use Contract No. N54304

Further to our letter dated October 9, 2020 please be advised that the City is beginning the process of early termination of the Land Use Contract (LUC) that affects the title of your property. Attachment 1 shows the total area affected by the LUC. With the required termination of the LUC the City will be accompanying that process with a rezoning of a portion of the LUC lands to ensure that the existing development is conforming to current bylaws. Attachment 2 is a map that shows the R1 -Single Family Residential zoning as it applies to the area. The R1 zone does not accurately reflect the multi-family development of Orchard Terrace or the duplex units along Okanagan Avenue. The R1 zone is enclosed for your reference as Attachment 3.

Accompanying the LUC Termination Bylaw will be a rezoning bylaw that will apply specifically to the Orchard Terrace development and the duplex units along Okanagan Avenue. The Orchard Terrace development (Units 201- 506 1449 1st Ave NE and Units 302 – 806 1451 1 Ave NE) is proposed to be rezoned to R4 - Medium Density Residential. Additionally, those duplex units fronting Okanagan Avenue are proposed to be rezoned to R4 - Medium Density Residential to reflect the existing duplex unit development on those three properties (1451 to 1531 Okanagan Avenue). The R4 zone is enclosed as Attachment 4. The remainder of the LUC area will remain under the current zoning of R1 - Single Family Residential, no rezoning is necessary. Attachment 2 “Proposed Zoning Map” shows the proposed areas to be rezoned.

Note that the City is obligated to address the LUC Termination under provincial legislation; therefore, the LUC Termination Bylaw and rezoning processes will not require any fees or costs to be paid on your part. The accompanying rezoning bylaws, for those specific areas, is being proposed to address the existing developments as permitted under the LUC.

Please feel free to contact me should you have any questions regarding the LUC termination process and how you can submit input to City Council regarding the proposed changes. My contact information is noted below. It is anticipated that Council will consider 1st and 2nd Reading of the LUC Termination Bylaw and Rezoning at the December 14, 2020 Council meeting. Following that meeting a Statutory Public Hearing will be scheduled, likely January or February 2021. You will be advised on the date and time of the Public Hearing, by mail, once it has been scheduled and invited to comment more formally on the LUC Termination Bylaw at that time if you wish.

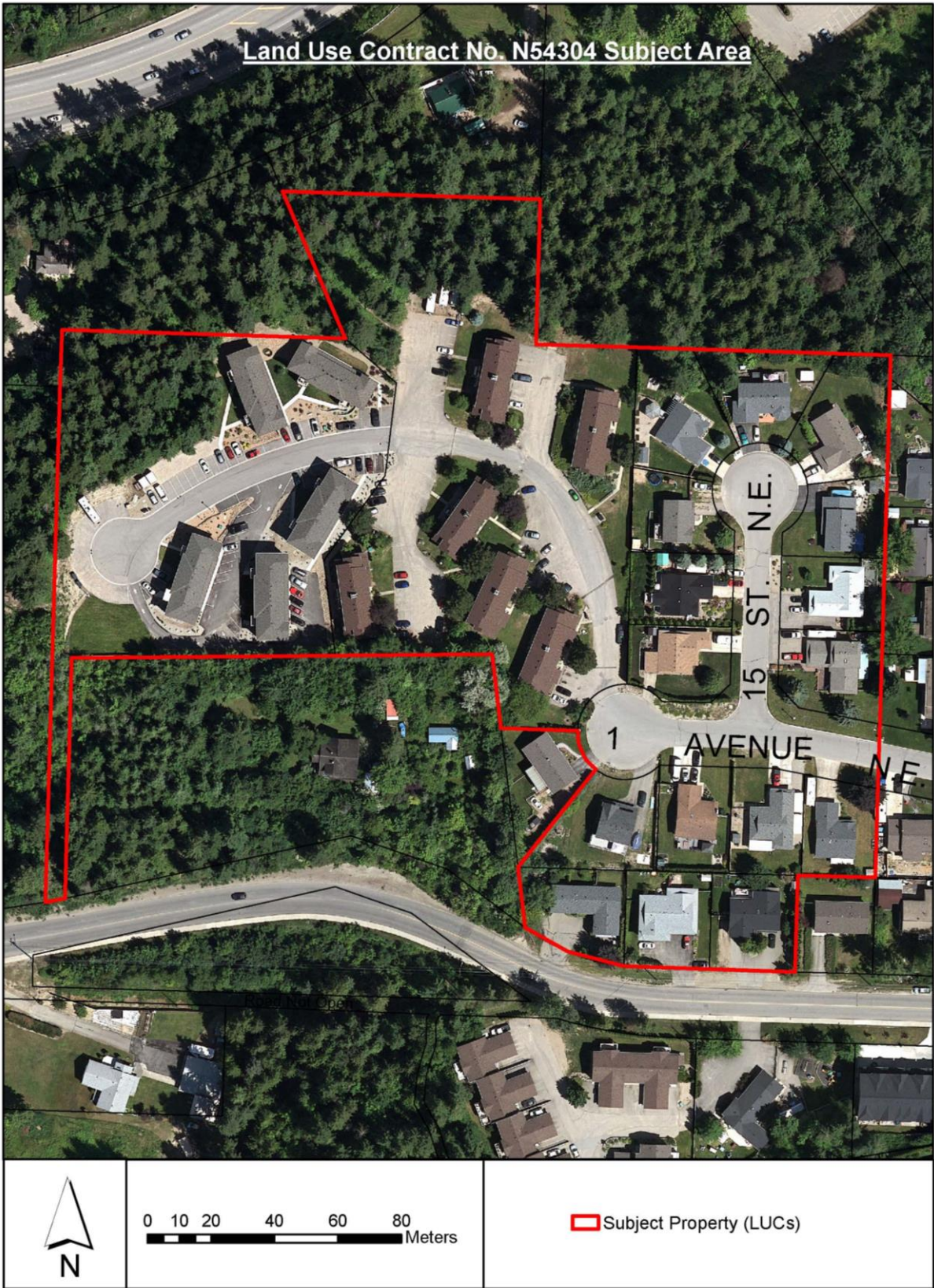
All staff reports and information regarding the LUC Termination Bylaw and Rezoning Bylaw will be available at City Hall at the front counter after November 23, 2020.

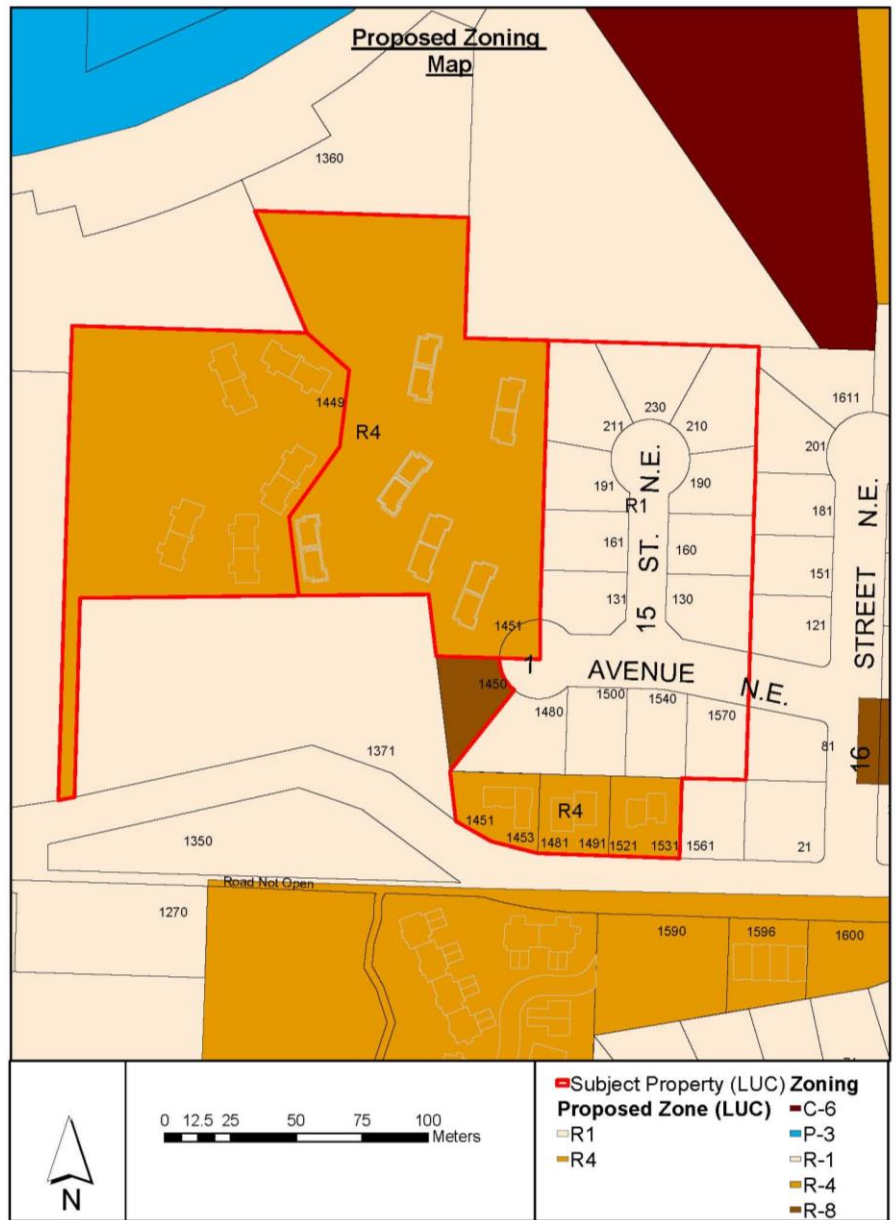
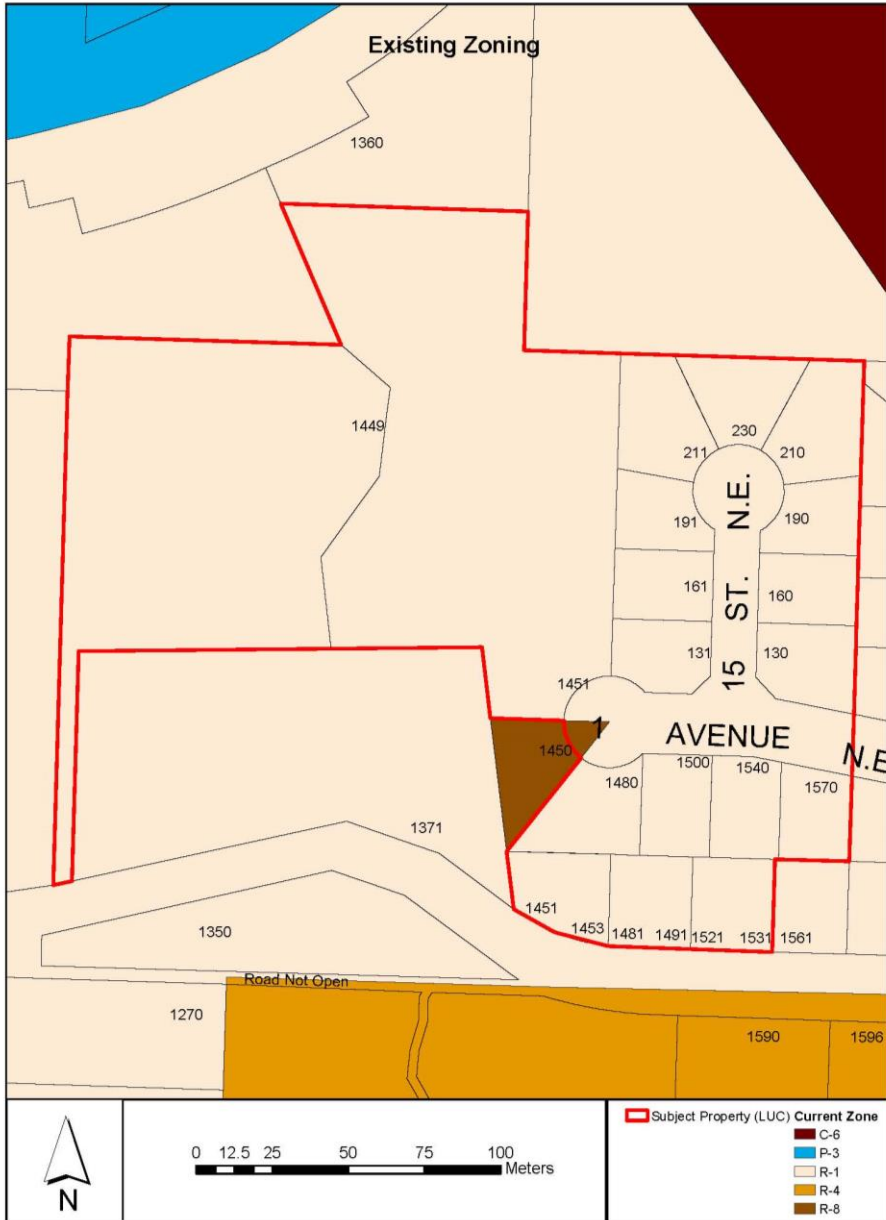
Yours truly,

Melinda Smyrl, MCIP, RPP
Planner
Email: msmyrl@salmonarm.ca
Phone: (250) 803-4011

ATTACHMENTS:

1. Land Use Contract No. N54304 Subject Area
2. Existing Zoning Map & Proposed Zoning Map
3. R1 - Single Family Residential Zone
4. R4 - Medium Density Residential Zone





ATTACHEMENT 2: Existing and Proposed Zoning Maps

SECTION 6 - R-1 - SINGLE-FAMILY RESIDENTIAL ZONE

Purpose

6.1 The purpose of the R-1 Zone is to provide for *single-family* residential areas developed to an urban *density*.

Regulations

6.2 On a *parcel zoned R-1*, no *building* or *structure* shall be constructed located or altered and no plan of subdivision approved which contravenes the regulations set out in the R-1 Zone or those regulations contained elsewhere in this Bylaw.

Permitted Uses

6.3 The following uses and no others are permitted in the R-1 Zone:

- .1 *bed and breakfast*, limited to two let rooms;
- .2 *boarders*, limited to two;
- .3 *family childcare facility*; #3082
- .4 *group childcare*; #3082
- .5 *home occupation*;
- .6 *public use*;
- .7 *public utility*;
- .8 *shelter*; #3275
- .9 *single family dwelling*;
- .10 *accessory use*.

Maximum Number of Single-Family Dwellings

6.4 The maximum number of *single family dwellings* shall be one (1) per *parcel*.

Maximum Height of Principal Building

6.5 The maximum *height* of the *principal building* shall be 10.0 metres (32.8 feet).

Maximum Height of Accessory Building

6.6 The maximum *height* of an *accessory building* shall be 6.0 metres (19.7 feet).

Maximum Parcel Coverage

6.7 The total maximum *parcel coverage* for *principal* and *accessory buildings* shall be 45% of the *parcel area*, of which 10% shall be the maximum *parcel coverage* for *accessory buildings*. #2811

Minimum Parcel Area

6.8 The minimum *parcel area* shall be 450.0 square metres (4,843.9 square feet).

Minimum Parcel Width

6.9 The minimum *parcel width* shall be 14.0 meters (45.9 feet).

Minimum Setback of Principal Building

6.10 The minimum *setback* of the *principal building* from the:

- .1 *Front parcel line* shall be 6.0 metres (19.7 feet)
- .2 *Rear parcel line* shall be 6.0 metres (19.7 feet)
- .3 *Interior side parcel line* shall be 1.5 metres (4.9 feet)
- .4 *Exterior side parcel line* shall be 6.0 metres (19.7 feet)
- .5 Notwithstanding Sections 6.10.2 and 6.10.3, a *principal building* on a *corner parcel* may be sited not less than 1.5 metres (4.9 feet) from the *rear parcel line* provided the combined total of the *rear* and *interior side yards* shall be not less than 6.0 metres (19.7 feet).
- .6 Refer to Section 4.9 for “Special Building Setbacks” which may apply. #2811

SECTION 6 – R-1 - SINGLE FAMILY RESIDENTIAL ZONE- CONTINUED

Minimum Setback of Accessory Buildings

6.11 The minimum *setback* of an accessory *building* from the:

- | | | |
|----|---------------------------------------------------------------------------------------|------------------------|
| .1 | <i>Front parcel line</i> shall be | 6.0 metres (19.7 feet) |
| .2 | <i>Rear parcel line</i> shall be | 1.0 metre (3.3 feet) |
| .3 | <i>Interior side parcel line</i> shall be | 1.0 metre (3.3 feet) |
| .4 | <i>Exterior side parcel line</i> shall be | 6.0 metres (19.7 feet) |
| .5 | Refer to “Pound and Animal Control Bylaw” for special setbacks which may apply. #2811 | |

Maximum Floor Area Ratio

6.12 The maximum *floor area ratio* of a *single family dwelling* shall be 0.65.

Parking

6.13 Parking shall be required as per Appendix I.

SECTION 9 - R-4 - MEDIUM DENSITY RESIDENTIAL ZONE

Purpose

- 9.1 The purpose of the R-4 Zone is to provide for medium *density, multiple family* and small lot *single family* residential developments. New *multiple family* developments zoned R-4 shall be required to obtain a *Development Permit* as per the requirements of the *Official Community Plan*, and shall comply with the provisions of the ***Fire Services Act, British Columbia Building Code***, and other applicable legislation. #289, #3740

Regulations

- 9.2 On a *parcel zoned R-4*, no *building or structure* shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the *R-4 Zone* or those regulations contained elsewhere in this Bylaw.

Permitted Uses

- 9.3 The following uses and no others are permitted in the *R-4 Zone*:

- .1 *assisted living housing*; #4336
- .2 *bed and breakfast* in a *single family dwelling*, limited to two let rooms;
- .3 *boarders*, limited to two;
- .4 *boarding home*; #2789
- .5 *commercial daycare facility*;
- .6 *dining area*; #4336
- .7 *duplexes*;
- .8 *family childcare facility*; #3082
- .9 *group childcare*; #3082
- .10 *home occupation*; #2782
- .11 *multiple family dwellings*;
- .12 *public use*;
- .13 *public utility*;
- .14 *single family dwelling*;
- .15 *triplexes*;
- .16 *accessory use*.

Maximum Height of Principal Buildings

- 9.4 The maximum *height of a principal buildings* shall be 10.0 metres (32.8 feet). This may be increased to 13.0 metres (42.7 ft.), via the *Development Permit* process, if any of the special amenity(ies) in Table 2 are provided.

Maximum Height of Accessory Buildings

- 9.5 The maximum *height* of an *accessory building* shall be 6.0 metres (19.7 feet).

Maximum Parcel Coverage

- 9.6 The total maximum *parcel coverage* for *principal and accessory buildings* shall be 55% of the *parcel area*, of which 10% shall be the maximum *parcel coverage* for *accessory buildings*. #2811

Minimum Parcel Area

- 9.7
- .1 The minimum *parcel area* for a *single family dwelling* shall be 300.0 square metres (3,229.3 square feet).
 - .2 The minimum *parcel area* for a *duplex* shall be 600.0 square metres (6,458.6 square feet).
 - .3 The minimum *parcel area* for all other uses shall be 900.0 square metres (9,687.8 square feet).

SECTION 9 - R-4 - MEDIUM DENSITY RESIDENTIAL ZONE - CONTINUED

Minimum Parcel Width

9.8

- .1 The minimum *parcel width* shall be 30.0 metres (98.5 feet). #3740
- .2 Notwithstanding Section 9.8.1, the minimum *parcel width* for a *single family* lot shall be 10.0 metres (32.8 feet).
- .3 Notwithstanding Section 9.8.1, the minimum *parcel width* for a stacked *duplex* lot shall be 14.0 metres (45.9 feet).
- .4 Notwithstanding Section 9.8.1, the minimum *parcel width* for a side-by-side *duplex* lot shall be 20.0 metres (65.6 feet)).

Minimum Setback of Principal Buildings

9.9 The minimum *setback* of *principal buildings* from the:

- .1 *Front parcel line*
 - adjacent to a *highway* shall be 5.0 metres (16.4 feet)
 - adjacent to an *access route* shall be 2.0 metres (6.6 feet)
- .2 *Rear parcel line*
 - adjacent to a *parcel zoned*
R-4 shall be 3.0 metres (9.8 feet)
 - all other cases shall be 5.0 metres (16.4 feet)
- .3 *Interior side parcel line*
 - adjacent to a *parcel zoned*
R-4 shall be 1.2 metres (3.9 feet) #3475
 - all other cases shall be 1.8 metres (5.9 feet)
- .4 *Exterior side parcel line*
 - adjacent to a *highway* shall be 5.0 metres (16.4 feet)
 - adjacent to an *access route* shall be 2.0 metres (6.6 feet)
- .5 Minimum separation between residential *buildings* on the same lot of not more than one storey in height shall be 1.5 metres (4.9 feet)
- .6 Minimum separation between residential *buildings* on the same lot of more than one storey in height shall be 3.0 metres (9.8 feet)
- .7 Notwithstanding Sections 9.9.2 and 9.9.3, a *principal building* on a *corner parcel* may be sited not less than 1.5 metres (4.9 feet) from the *rear parcel line* provided the combined total of the *rear* and *interior side yards* shall be not less than 6.0 metres (19.7 feet).
- .8 Refer to Section 4.9 for “Special Building Setbacks” which may apply. #2811

Minimum Setback of Accessory Buildings

9.10 The minimum *setback* of *accessory buildings* from the:

- .1 *Front parcel line* shall be 5.0 metres (16.4 feet)
- .2 *Rear parcel line* shall be 1.0 metre (3.3 feet)
- .3 *Interior side parcel line* shall be 0.6 metre (1.9 feet)
- .4 *Exterior side parcel line* shall be 5.0 metres (16.4 feet)

Refer to “Pound and Animal Control Bylaw” for special setbacks which may apply. #2811

SECTION 9 - R-4 - MEDIUM DENSITY RESIDENTIAL ZONE - CONTINUED

Maximum Density

Note: The following *density* provisions are based on the *gross parcel area*. Parking requirements, *setback* requirements, road dedication, etc. have not been taken into consideration.

9.11

- .1 The maximum *density* shall be a total of 40 *dwelling units* or *sleeping units* per hectare (16.2 *dwelling units* or *sleeping units* per acre). #2789
- .2 Notwithstanding Section 9.11.1, the maximum *density* in the R-4 Zone may be increased to a maximum of 50 *dwelling units* per hectare (20.2 units per acre) in accordance with Table 2. In Table 2, Column I sets out the special amenity to be provided and Column II sets out the added *density* assigned for the provision of each amenity.
- .3 Notwithstanding Section 9.11.1, the maximum *density* in the R-4 Zone may be increased to a maximum of 50 *dwelling units* per hectare (20.2 units per acre) for the provision of *Assisted Living Housing*. #4336

TABLE 2

COLUMN I SPECIAL AMENITY TO BE PROVIDED	COLUMN II ADDED DENSITY
1. Provision of each dwelling unit which caters to the disabled (e.g. wheelchair access)	<input type="checkbox"/> 2 units per hectare (0.8 units per acre)
2. Provision of <i>commercial daycare facility</i> 7 - 10 children 11 - 15 children 16 or more children	<input type="checkbox"/> 3 units per hectare(1.2 units per acre) <input type="checkbox"/> 4 units per hectare(1.6 units per acre) <input type="checkbox"/> 7 units per hectare(2.8 units per acre)
3. Provision of below <i>grade</i> or <i>parkade</i> type parking for at least 50% of the required off street parking	<input type="checkbox"/> 10 units per hectare (4.0 units per acre)
4. Provision of each rental <i>welling unit</i>	<input type="checkbox"/> 2 units per hectare (0.8 units per acre)
5. Provision of affordable rental <i>dwelling units</i> in accordance with special agreement under Section 904 #3218	<input type="checkbox"/> 5 units per hectare (2.0 units per acre)

Maximum Floor Area Ratio

9.12 The maximum *floor area ratio* of a *single family dwelling* shall be 0.65.

Parking

9.13 Parking shall be required as per Appendix I.