



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Matt Faucher
Current Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: March 28, 2022
REPORT DATE: March 18, 2022
FILE: 3360-20 (ZON00381)

SUBJECT: REZONING APPLICATION FOR 4004 31ST STREET

PURPOSE:

The City is the applicant for the proposed rezoning to address an historical error and apply the correct commercial zoning to the subject property. The application is to rezone the subject property from R2 – Large Lot Residential to C4 – Street-Oriented Commercial.

RECOMMENDATION:

THAT Council support the application (ZON00381) to rezone LT 16 SEC 3 TWP 8 ODYD PL 1257 (4004 31st Street) from R2 – Large Lot Residential to C4 – Street-Oriented Commercial as outlined in the report titled “Rezoning Application for 4004 31st Street” dated March 18, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council waive the requirement to hold a Public Hearing as permitted by s. 464(2) of the *Local Government Act*;

AND FURTHER, that prior to final adoption of the zoning amendment bylaw, any required variance for the proposed development be evaluated by Council and approved if appropriate.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support the application (ZON00381) to rezone LT 16 SEC 3 TWP 8 ODYD PL 1257 (4004 31st Street) from R2 – Large Lot Residential to C4 – Street-Oriented Commercial as outlined in the report titled “Rezoning Application for 4004 31st Street” dated March 18, 2022 and respectfully submitted by the Current Planner.

Note: Denial of the rezoning application would have the properties retain the existing R2 – Large Lot Residential zone. This would result in a continuation of a non-conforming use and would prohibit any structural changes or expansion of the existing building.

ANALYSIS:

A. Committee Recommendations:

At its meeting of March 15, 2022, the Advisory Planning Committee passed the following resolution:

“THAT Council support the application (ZON00381) to rezone LT 16 SEC 3 TWP 8 ODYD PL 1257 (4004 31st Street) from R2 – Large Lot Residential to C4 – Street-Oriented Commercial as outlined in

the report titled "Rezoning Application for 4004 31st Street" dated March 11, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council waive the requirement to hold a Public Hearing in accordance with s. 464(2) of the Local Government Act;

AND FURTHER, that prior to final adoption of the zoning amendment bylaw, any required variance for the proposed development be evaluated by Council and approved if appropriate."

B. Rationale:

1. The subject property is located at 4004 31st Street (Figures 1 and 2) and is approximately 461m² (~0.114 ac) in area. There is currently a principal structure located on the lot that has the primary use of office space.
2. The application proposes to rezone the properties from R2 – Large Lot Residential (Attachment 1) to C4 – Street-Oriented Commercial (Attachment 2).
3. The land is designated as Medium Density Commercial and Residential within the Official Community Plan (OCP) and is in the City Centre Neighbourhood Plan (MacDonald Park Neighbourhood). The City Centre Neighbourhood Plan policies for 31st Street encourage reuse of residential structures for commercial development to transition between the Highway Corridor and the MacDonald Park residential area to the east of the railroad tracks. The proposed rezoning to C4 complies with the requirements of the Medium Density Commercial and Residential designation.
4. The C4 zoning district would permit the existing use to continue, as well as allow for required expansion of the structure to accommodate the operational needs of the owner (Vernon Teacher's Association).

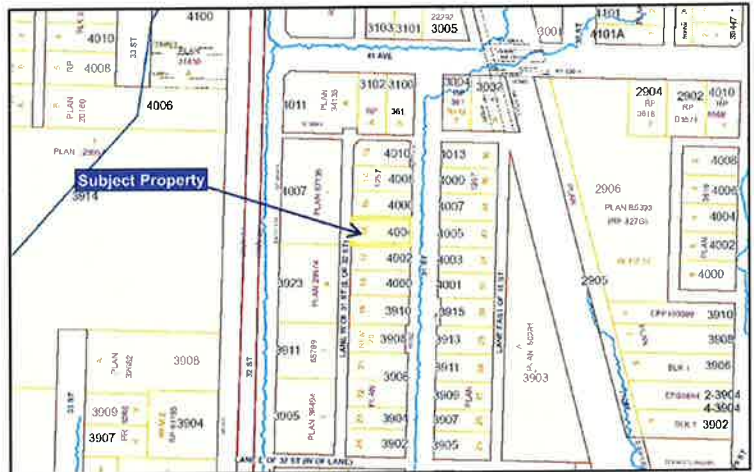


Figure 1: Property Location Map



Figure 2: Aerial View of Property

The property owner has made application for a Development Permit and Building Permit. In processing the applications, Administration discovered an historical error with respect to the zoning district assigned to the subject property. This application is being made by Administration to correct the error and allow the owners to move forward with their Development Permit and Building Permit applications.

5. The owners made application to rezone the subject property from R4 – Residential District to C2 – Community Commercial District under Zoning Bylaw 2458 in 2003 (ZON-2003-05). Vernon Teacher's Association Rezoning Amendment Bylaw Number 4790 was adopted by Council on July 28, 2003 (Attachment 3). At the same meeting as the adoption of the amending bylaw, Zoning Bylaw 5000

received First Reading and was subsequently adopted by Council on July 26, 2004. However, the adopted amendment bylaw for the subject property was not captured in the map of Zoning Bylaw 5000. It is clear to Administration that this was an error. As such, Administration is bringing forward an amendment bylaw to correct the oversight.

C. Attachments:

- Attachment 1 – R2: Large Lot Residential Zone
- Attachment 2 – C4: Street-Oriented Commercial Zone
- Attachment 3 – Vernon Teacher’s Association Rezoning Amendment Bylaw Number 4790, 2003
- Attachment 4 – 4004 31st Street Rezoning Amendment Bylaw 5899, 2022

D. Council’s Strategic Plan 2019 – 2022 Goals/Action Items:

The subject application involves the following goals/actions items in Council’s Strategic Plan 2019 – 2022:

- N/A

E. Relevant Policy/Bylaws/Resolutions:

1. Zoning Bylaw 5000:
 - a. s. 9.03 – R2: Large Lot Residential
 - b. s. 10.01 – C4: Street-Oriented Commercial

BUDGET/RESOURCE IMPLICATIONS:

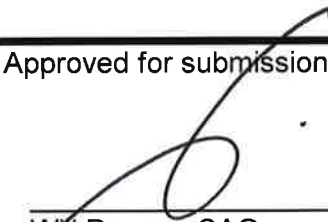
N/A

Prepared by:

Approved for submission to Council:

X 

 Matt Faucher
 Planner, Current Planning



 Will Pearce, CAO
 Date: 22. MAR. 2022

X 

 Kim Flick
 Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|--|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Mar.15/2022) | | |
| <input type="checkbox"/> OTHER: | | |

9.3 R2 : Large Lot Residential

9.3.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible **secondary uses**, on large sized urban serviced **lots**. The R2c sub-zoning district allows for **care centre, major** as an additional use. The R2h sub-zoning district allows for **home based business, major** as an additional use. *(Bylaw 5467)*

9.3.2 Primary Uses

- **care centre, major** *(use is only permitted with the R2c sub-zoning district)*
- **single detached housing**

9.3.3 Secondary Use

- **boarding rooms**
- **bed and breakfast homes** *(in single detached housing only)* *(Bylaw 5498)*
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** *(use is only permitted with the R2h sub-zoning district)*
- **secondary suites**
- **seniors supportive housing**

9.3.4 Subdivision Regulations

- Minimum **lot width** is 18.0m.
- Minimum **lot area** is 557m², or 10,000m² if not serviced by a **community sewer system**.

9.3.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 5.0m.
- Minimum **side yard** is 1.5m, except it is 5.0m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.3.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.

- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

10.4 C4 : Street-Oriented Commercial

10.4.1 Purpose

The purpose is to provide a **zone** for neighbourhood scale, pedestrian-oriented commercial **development** along major **streets**.

10.4.2 Primary Uses

- apartment housing
- artist studios
- brewing and distilling, class A
- care centres, major
- commercial schools
- community recreation centre
- cultural exhibits, private
- emergency protective services
- financial services
- food primary establishments
- gas bars, where in active use prior to January 1, 2004
- group home, major
- health services
- hostels (*Bylaw 5788*)
- offices
- personal services
- parks, public
- retail cannabis sales (*Bylaw 5731*)
- retail stores, convenience
- retail stores, general
- row housing
- seniors assisted housing
- seniors residential care
- seniors supportive housing
- temporary shelter services
- used goods stores

10.4.3 Secondary Uses

- care centres, minor
- home based businesses, minor

10.4.4 Subdivision Regulations

- Minimum **lot width** is 13.0m, except it is 22.0m if there is no **abutting lane**.
- Minimum **lot area** is 450m², except it is 1300m² if there is no **abutting lane**.

10.4.5 Development Regulations

- Maximum commercial **floor space ratio** is 1.5. In addition, a residential **floor space ratio** of 0.3 is permitted for a total **floor space ratio** of 1.8.
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the **parking spaces** are screened from view, an additional **floor space ratio** of 0.2 is permitted. Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity

areas, the **floor space ratio** permitted shall be determined through multiplying the additional 0.2 **floor space ratio** by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas.

- Maximum **site coverage** is 50%.
- Maximum **height** is the lesser of 12.0m or 3.0 **storeys**.
- Minimum **front yard** is 3.0m.
- Minimum **side yard** is 0.0m, except it is 3.0m for a **flanking street** or where the **site abuts** a residential zone.
- Minimum **rear yard** is 6.0, except it is 1.5m for **secondary buildings**.

10.4.6 Other Regulations

- **Apartment housing, major care centres, seniors assisted housing and seniors supportive housing** are only allowed above the **first storey** and require a separate at-grade access from the **commercial uses**.
- A minimum area of 5.0m² of private open space shall be provided per **bachelor dwelling, seniors assisted housing or seniors supportive housing** unit or group home **bedroom**, 10.0m² of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m² of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- While vehicular access to a **lot** is permitted from the front, parking areas shall not be constructed in the **front yard**, but on the side or rear of the **lot**.
- For **seniors assisted housing, seniors residential care and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, temporary shelters, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. (*Bylaw 5788*)
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B". (*Bylaw 5440*)

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 4790

A bylaw to amend the City of Vernon
Zoning Bylaw Number 2458

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 2458;

AND WHEREAS all persons who might be affected by this amendment bylaw have, before the passage thereof, been afforded an opportunity to be heard on the matters herein before the said Council, in accordance with the provisions of Section 890 of the Local Government Act, and all amendments thereto;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "Vernon Teacher's Association Rezoning Amendment Bylaw Number 4790, 2003".

2. Pursuant to DIVISION FOUR, Section 4.2 Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 2458, is hereby amended as follows:

That the following legally described lands be rezoned from "R4 – Residential District to C2 – Community Commercial District":

Lot 16, Plan 1257, Sec. 3, Tp. 8, ODYD (4004 – 31st Street)

as shown in hatched lines on Figure, 1 attached to and forming part of this bylaw.

3. Zoning Bylaw Number 2458 is hereby ratified and confirmed in every other respect.

PAGE TWO
BYLAW NUMBER 4790

READ A FIRST TIME this 23RD day of June, 2003.

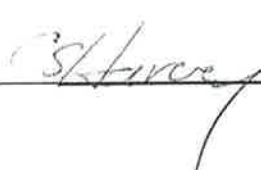
READ A SECOND TIME this 23rd day of June, 2003.

PUBLIC HEARING held in accordance with the requirements of the Local Government Act on the 14th day of July, 2003.

READ A THIRD TIME this 14th day of July, 2003.

ADOPTED this 28th day of July, 2003.

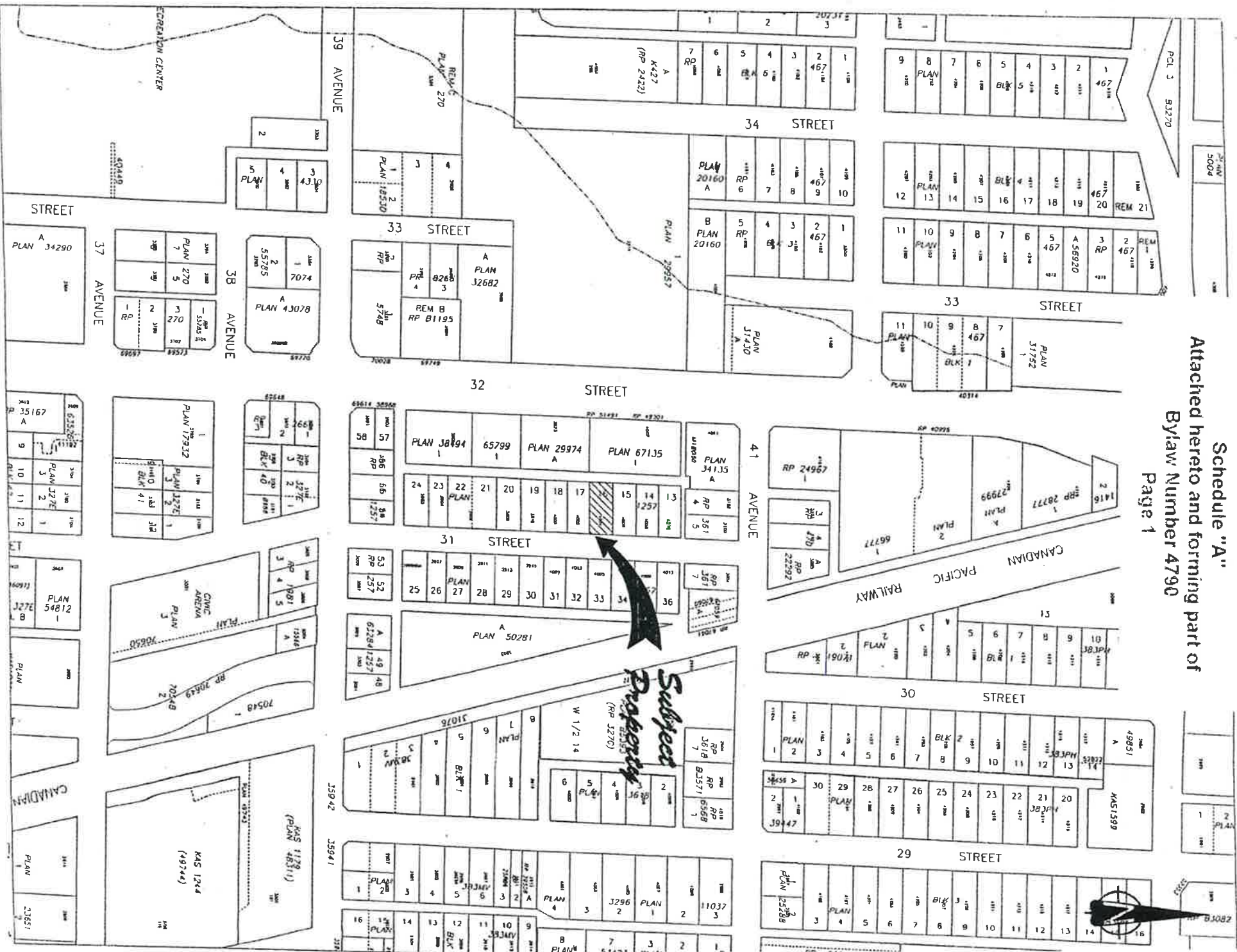
Mayor:



City Clerk:



Schedule "A"
Attached hereto and forming part of
Bylaw Number 4790
Page 1



Subject Property
 (RP 2270)



THE CORPORATION OF THE CITY OF VERNON

BYLAW 5899

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment bylaw have, before the passage thereof, been afforded an opportunity to be heard on the matters herein before the said Council, in accordance with the provisions of Section 464 of the *Local Government Act*, and all amendments thereto;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the **"4004 31st Street Rezoning Amendment Bylaw 5899, 2022"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"R2 – Large Lot Residential to C4 – Street-Oriented Commercial"**.

Legal Description:

LOT 16 SEC 3 TWP 8 ODYD PLAN 1257 (4004 31st Street)

BYLAW 5899

and by changing the Zoning Map accordingly, all in accordance with the area as outlined on Schedule "A" attached to and forming part of this bylaw.

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this day of , 2022.

READ A SECOND TIME this day of , 2022.

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME this day of , 2022.

Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 20____ _____ for Minister of Transportation & Infrastructure BYLAW 5899/ eDAS

ADOPTED this day of , 2022.

Mayor:

Corporate Officer:

