



# REQUEST FOR DECISION (RFD)

Date: May 13, 2019  
 To: Her Worship Mayor Qualizza and Members of Council  
 From: Derek Cimolini, Planner  
 Subject: Bylaw No. 2378 to Amend the Zoning of 1671 – 11<sup>th</sup> Avenue from R1 to R1SL

## RECOMMENDATION

That Council:

1. Approve the application to amend Zoning Bylaw No. 1750 by rezoning Lot A, District Lot 4588, Kootenay District, Plan NEP87295 from R1 – Single Family Residential to R1SL – Single Family Residential Small Lot; and
2. That Bylaw No. 2378, cited as Zoning Bylaw No. 1750, Amendment Bylaw No. 212, 2019 be given first and second readings, and that Council direct staff to schedule a public hearing.

## PURPOSE

The applicant wishes to rezone their property (1671 – 11<sup>th</sup> Avenue: the “subject lot”) from R1 – Single Family Residential → to R1SL – Single Family Residential Small Lot. This would allow the applicant to place a manufactured home on the subject lot.

## BACKGROUND

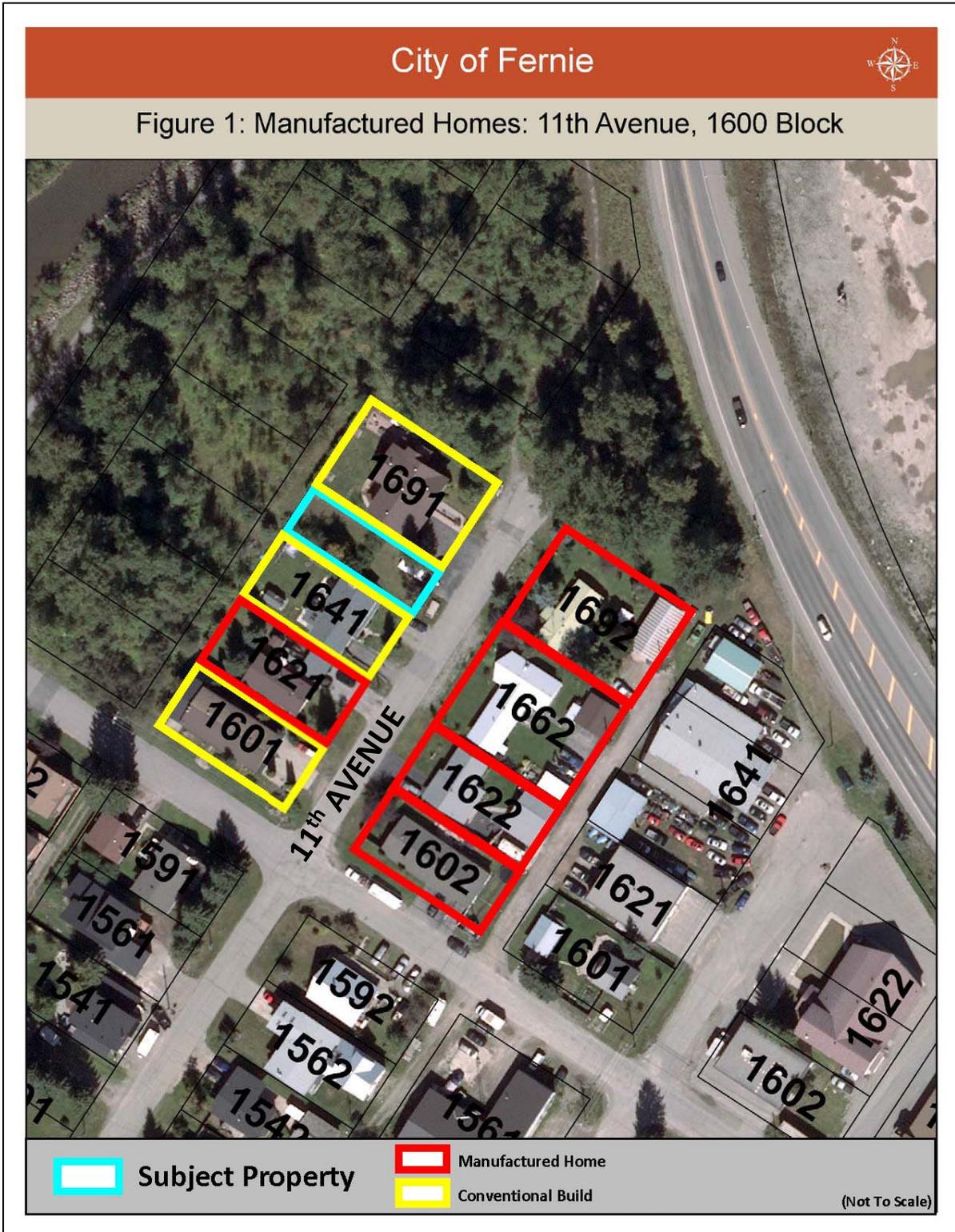
The subject lot is in the Annex on the 1600 block of 11<sup>th</sup> Avenue. It is a vacant smaller lot that fits within the parcel size regulations for the proposed R1SL zoning. For reference a typical half lot would be ~334m<sup>2</sup> whereas the subject parcel is ~416m<sup>2</sup>. The subject parcel is within the Elk River Flood Fringe as identified in the Floodplain Management Bylaw and it is within the Floodplain Development Permit Area identified in the OCP.

According to the applicant, they desire to place a manufactured home on the subject property. This matches the context of the neighbourhood, as many of the surrounding properties have manufactured homes as well (Figure 1):

- 1621 – 11<sup>th</sup> Avenue

Reviewed by:			
Chief Administrative Officer	Director of Corporate Administration Services	Director Financial & Computer Services	Other: Manager of Planning

- 1602 – 11<sup>th</sup> Avenue
- 1622 – 11<sup>th</sup> Avenue
- 1662 – 11<sup>th</sup> Avenue
- 1692 – 11<sup>th</sup> Avenue



### **Functional differences from R1**

The proposed change to R1SL is consistent with the OCP as detailed below. R1SL reduces maximum height of buildings from 10m to 9m while allowing for smaller front yard setbacks and similar site coverage. With respect to permitted uses both zones allow for suites and the R1SL allows for manufactured homes. The subject property is surrounded by a large number of lawfully non conforming manufactured homes, and therefore permitting such a use should result in negligible impact on the neighbourhood.

### **INTERNAL CIRCULATION**

N/A

### **LEGAL/STATUTORY AUTHORITY**

Section 479 of the Local Government Act (LGA) states that a local government may, by bylaw may regulate (pertaining to the subject bylaw): the use of land, buildings and other structures and the density of the use of land. Furthermore, the same section of the LGA lays out how the local government can go about changing these regulations. The power to amend a bylaw is embedded in Section 137 of the Community Charter.

Furthermore, the City of Fernie has adopted Land Use Application, Procedures and Fees Bylaw No. 1706, pursuant to Section 460 of the Local Government Act to define procedures under which an owner of land may apply for an amendment to a bylaw.

Land Use Application Procedures and Fees Bylaw No. 1706 sets out procedures to amend the Zoning Bylaw. Under Section 6 of Bylaw No. 1706, Council has three options to consider:

1. Approve an application to amend Zoning Bylaw No. 1750 and proceeding with the amendment bylaw;
2. Reject the application or;
3. Request that the applicant provide additional information prior to making a decision.

### **LEGAL/STATUTORY PROCEDURAL REQUIREMENTS**

The statutory procedural requirements that are required before Council may consider adopting a Zoning bylaw are outlined under Sections 464 to 466 of the Local Government Act.

### **COMPLIANCE WITH CORPORATE STRATEGIES & POLICIES**

#### **City of Fernie Official Community Plan Bylaw No. 2231**

The subject lot is designated Residential Infill and Intensification by Schedule 'B', Land Use Designations, of the Official Community Plan (OCP). The OCP supports increasing housing opportunities and maximizing the utility of existing infrastructure in Annex surrounding the Highway Corridor.

The request of the landowners to rezone the subject lot from R1 – Single Family Residential to R1SL – Single Family Residential Small Lot is consistent with and supported by the following policies contained in the City of Fernie Official Community Plan:

### **1-A Housing**

- 1-A.1 Encourage a spectrum of residential dwelling types, locations and densities in order to accommodate various socio-economic groups, age groups, and lifestyles in Fernie.
- 1-A.4 Support Infill and redevelopment throughout the City, locating housing close to existing services, in accordance with each neighbourhood plan.
- 1-A.5 Encourage and support more diverse housing stock in each neighbourhood to meet priority need for seniors, low-income families, young families and people with disabilities.
- 1-A.7 Work towards increasing the overall density of housing in the existing urban area as a means to optimize the City's investments in infrastructure and as a means to reduce service delivery costs.

### **1-C.1 Neighbourhoods and Planning Areas – Annex**

- 1-C.1.2 Permit lower density multi-family residential infill, small lot, narrow lot, and land uses and zoning in the Annex, with consideration of the following guidelines:
  - The size and scale of the proposed multi-family use is compatible with the single family and lower density multi-family character of the neighbourhood;
  - The site is accessible to vehicular and active transportation linkages;
  - Required parking is accommodated efficiently on site; and
  - The development does not create major stress on the area's transportation network.

### **9-A Managing Development – General Policies**

- 9-A.1 Promote the efficient use of land, provide greater transportation choices, reduce public servicing costs and achieve environmental benefits through compact development.
- 9-A.2 Support the development of compact neighbourhoods that enable convenient and close access from home to an appropriate mix of jobs, shopping, amenities and daily needs.
- 9-A.3 Ensure the efficient use and financial viability of existing and planned investment in public infrastructure.
- 9-A.6 Promote and support development of a wide range of housing options for all income levels and needs.

### **City of Fernie / West Fernie Affordable Housing Strategy**

The development of R1SL lots in Fernie may help to satisfy some of the needs and gaps that were identified in the Affordable Housing Strategy, potentially:

- Attainable housing for single-parent families;

- Home ownership for moderate income working families;
- Potential rental property.

## **FINANCIAL/BUDGETARY CONSIDERATIONS**

N/A

## **PERSONNEL IMPLICATIONS**

None

## **EXTERNAL AGENCY/PUBLIC COMMENTS**

None at this time, however, comments will be collected and presented to Council as part of the public hearing process.

## **COMMUNICATION CONSIDERATIONS**

If Council were to approve the subject application, Staff would notify property owners and residents within a 100m buffer of the subject lot , and post notice in the Free Press for two consecutive weeks and on the City's public posting places, that a public hearing regarding the consideration of Bylaw 2378 will be occurring.

## **OPTIONS**

1. That Council proceed with the application and zoning amendment bylaw, as recommended;
2. That Council reject the application;
3. That Council request more information from the applicant prior to making a decision.

## **CONCLUSION**

The proposed R1SL zoning meets the guidelines set out in the OCP and Affordable Housing Strategy to utilize existing infrastructure through infill development. In this case, many of the properties in the surrounding neighbourhood also contain manufactured homes, so by zoning to allow for a manufactured home on the subject lot, there is no apparent negative impact being created. Staff recommends Option 1, above.

Respectfully submitted,

Derek Cimolini, Planner

Attachments:

1. Bylaw 2378
2. Application to Amend Zoning Bylaw No. 1750