



## REQUEST FOR DECISION

To: Mayor & Members of Council

From: Planning Analyst & Manager of Planning and Building

Title: ZON 1292 (SSMUH) R-11 & R-14

Date: April 29, 2024

---

### **Executive Summary/Purpose:**

Of the proposed Zoning Bylaw amendments related to the implementation of Small Scale Multi Unit Housing (SSMUH), the necessary amendments to the R-4- Medium Density Residential Zone is the most complex.

This report details the separation of the parcels currently zoned R4 zone into a proposed R11 and R14 zone. There are a few anomalous parcels that are proposed to be rezoned to P1 – Park and Recreation Zone and R-10 Residential Zone.

### **Motion for Consideration:**

THAT: a bylaw be prepared that amends Zoning Bylaw No. 2303 by removing the R-4 Medium Density Residential Zone and adding the R-14 - Compact/ Strata Multi-Family Residential Zone and R-11 – Existing Compact/ Single Family Residential Zone;

AND THAT: the bylaw will have the effect of replacing the R-4 - Medium Density Residential Zone with R-14 - Compact/ Strata Multi-Family Residential; Zone R-11 – Existing Compact/ Single Family Residential Zone, P-1 – Park and Recreation Zone and R-10 – Residential Zone as identified on the table attached as Appendix 2, as attached to the staff report dated April 29, 2024.

### **Staff Recommendation:**

That the motion for consideration be adopted.

### **Background:**

#### *SSMUH Policy Manual and Multi-Family Zoning*

The *Housing Amendment Statute* implementation manual (the “Policy”) details the standards that must be considered by municipalities when making the necessary bylaw changes to meet the required densities across what is now single family residential zoning. In the case of Salmon Arm and similar municipalities, the Policy examines increasing density in single family dwelling (SFD) zones for up to four dwelling units.

Importantly, neither SSMUH legislation nor the Policy covers multi-family zoning and the unique R-4 mix of uses that range from assisted living to rental multi-family to medium density detached single family homes on very compact strata lots. That said, the Policy standards where applicable

have been implemented in the proposed bylaw changes. Medium density strata lots with detached SFDs may incorporate secondary suites but have very limited yards to site an accessory dwelling unit. For reference the R-4 Zone is attached as Appendix 1. A draft version of the R-11 and R-14 zoning is attached as Appendix 2.

#### *Salmon Arm Context and Scope of the R-4 Zone*

There is a broad range of R-4 development within the Urban Containment Boundary (UCB) across the entire City. According to our GIS data, the ~140 total R-4 Zone parcels comprise of either:

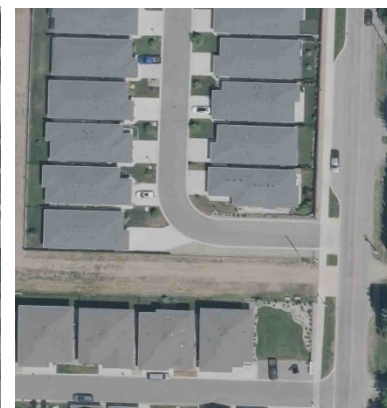
- 1) **fee simple property** with no development or with an SFD (with or without a secondary suite), a rental duplex, large buildings with numerous rental units or seniors' living complexes; or
- 2) **strata property**, these developments contain strata lots, two lots in the case of a duplex but 50+ strata lots in the case of extensive developments such as those pictured.



Townhouse strata



Seniors' Residence



SFD Strata development

According to GIS data, a total of 972 ground-access strata lots within a range of housing types are zoned R-4 across over 40 strata developments (i.e. excluding R-5 Zone condo/apartment stratas). These cover the greatest extent of current R-4 lands but this zone also includes:

- 5 parcels dedicated or designated as “park” across 3 legal titles;
- 3 childcare operations, with or without attached dwelling unit(s);
- several fee simple parcels that comprised of the historic dwelling from which a multi-unit strata was developed across its previous parcel extents;
- ~10 rental multi-family developments;
- ~13 smaller fee simple parcels with a duplex or single family dwelling with limited space for accessory dwelling units (ADUs) but may readily develop secondary suites;
- ~16 larger fee simple properties with a dwelling (or duplex) and ample opportunity to develop either ADUs in a yard or an entire parcel redevelopment to multi-family; and
- ~20 vacant/undeveloped parcels, most with no associated development applications.

A complete map-book of all R-4 lands is included as Appendix 3.

While SSMUH is not applicable to the majority of current R-4 zoned parcels, it does apply to some and should be added to zoning to enable increased density where a parcel may be developed or has infill potential. Existing vacant parcels shall continue to carry the opportunity for multi-family dwellings. Similarly, those with rental or strata multi-family developments can be rezoned to the

primary R-4 succession zone: the R-14 zone. Finally, lands under current application with the City are shifted in the draft bylaw to the appropriate zone to enable the given proposal.

The draft bylaw lists the parcels by legal plan, address and PID (parcel identification), a unique nine digit number created by the Land Title Office and applied to every legal parcel in the Province. Maps are not required and have not been attached to the bylaw due to the number of parcels.

### ANALYSIS

The permitted uses and associated zone provisions for those uses should be divided so as to apply SSMUH in a coherent manner. This is proposed to be done primarily via the “R-11 - Existing Compact/Single Family Residential Zone” and the “R-14 - Compact/Multi-Family Residential Zone.

A benefit of this approach is that the result can yield a clear purpose for each zone:

#### **R-11 Purpose**

*The R-11 Zone provides zoning compliance for historically developed detached single family dwellings, primarily on strata lots, with minimal yards where secondary suites may be added within these dwellings. Where single family dwellings are on fee simple parcels, secondary suites and/or accessory dwelling units may be developed to a density governed by parcel area.*

#### **R-14 Purpose**

*The purpose of the R-14 Zone is to provide for ground-oriented attached dwellings, on strata lots or for rental occupancy, in row-houses, clusters or duplex building forms on lands designated in the OCP as medium and high density.*

#### **1. R-11 Zone looking back and going forward.**

The proposed R-11 Zone will assure zoning conformance and not simply “lawful non-conformance”; however, it will not be considered for future or further single family development on other lands. The reason being that at purpose, the R-4 was not a single family dwelling zone. It is structured for multi-family in the way density and amenities are calculated. The details of why/how it has been used to develop strata-titled detached SFDs instead of fee simple detached dwellings is unclear but staff believe that this emerged over time in response to market demands.

Many municipal zoning bylaws have a “compact” single family residential zone, typically smaller fee simple parcels, which forego the administration, the additional costs, and the complexities of strata ownership. A compact single family zone can be analyzed and added at the time of the larger Zoning Bylaw rewrite after completion of the OCP. SSMUH remains the focus of the current work.

## 2. Permitted R-4 Zone uses

Currently permitted R-4 uses, as excerpted from Bylaw 2303, include:

- *multiple family dwellings*
- *triplexes*
- *duplexes*
- *assisted living housing*
- *dining area*
- *bed & breakfast* in a *SFD*, limited to two let rooms
- *boarding home*
- *commercial daycare facility*;
- *family childcare facility*
- *group childcare*
- ***single family dwelling (SFD)***
- *accessory use*
- *home occupation*
- *public use and public utility*

### How are these uses to be allocated?

The attached Bylaw set out the following:

- SFD use segues to R-11 Zone
- All duplex, triplex, and multi-family segue to R-14 Zone
- Assisted living and dining area also shift to R-14 Zone
- all three childcare categories to be permitted in both zones
- home occupation, bed & breakfast, boarders/boarding home (combined), accessory use carry through to both zones
- public use & public utility will shift to a frontend provision for “uses permitted in all zones”

Appendix 4 is a flowchart which provides a snapshot of how staff navigated the division of R-4 zoned properties. This is explained in more detail below and has informed the draft bylaw.

## 3. R-14 - Compact/Multi-Family Residential Zone

The R-14 serves as the successor for the majority of R-4 lands and includes:

- all the undeveloped (i.e. vacant) parcels with multi-family development potential
- all rental multi-family developments and assisted living and/or seniors’ residences
- stratified lots with duplexes, triplexes and cluster/row homes (acknowledging that there are a few stratas with SFDs in the mix of primarily multi-family developments –these have been provided for in the bylaw)

R-14 will apply to ~90 parcels, many of which contain numerous strata lots within the greater (parent) parcel. It carries forward all the density, setback, height, parcel and amenity parameters and R-4 permitted uses - except for *single family residential*.

Parcel permeability requirements have not been implemented as this can be considered under Residential Development Permit application for multi family development. Also as pictured below, greenspace varies broadly by development type, location and other factors.

The photos below show recent and previous developments that will segue from R-4 to R-14:







Similar to the R-5 - High Density Residential Zone, SSMUH is not required and cannot readily be incorporated into a multi-unit zone.

#### 4. R-11 - Existing Compact/Single Family Residential Zone

The proposed R-11 extracts the ~33 parcels with one or numerous detached single family dwellings from the larger set of R-4 lands. Where these are on fee simple lands, they may or may not have a secondary suite(s) constructed under a building permit, inspected and issued an occupancy permit. Generally these are on larger parcels and so may have infill SSMUH potential.

The current R-4 Zone enables a relatively high density of residential development - between 200 and 250 sq.m. per unit *depending upon what amenity is provided* (e.g. childcare, rental housing, accessibility, etc). Given that permitted density has been calculated with internal strata roads and parking areas, landscaped common land, etc. rolled-in, this has really increased the number of units that can be developed. The density permitted under SSMUH (and our proposed R-10 Zone), as excerpted below, is not dissimilar:

*No more than 4 dwelling units are permitted per parcel of area between 280 and 4050 sq.m. (3014 sq.ft. and 1 acre), where the largest building is deemed the principal building.*

Provisions have been added to the proposed R-11 Zone to allow density and small-scale units via one or more secondary suites and, in the case of fee-simple properties, accessory dwelling units (ADUs). This has not been added to stratas because there is virtually no yard at the front, side, or rear to construct another dwelling on an existing developed strata lot. Few stratas would allow this in any event as most prohibit any and all accessory buildings, even small vinyl/aluminum pre-fab yard sheds. The City does not and can not enforce strata bylaws or the Section 218 building schemes that are established by the original developers. The City relies on owners to be aware of what rules govern their particular strata.

If an R-11 strata has land and opportunity to add more density/detached dwellings, they may do this under the zone via a Development Permit and a Building Permit and create another strata lot. A fee simple R-11 property may add rental units in a yard where possible and as permitted by the density allowances in the yard. SSMUH is incorporated into this zone and will allow increased density.

The photos below show strata developments of SFDs that will segue from R-4 to R-11:



These photos show bare land strata lots accessed via an internal strata road within a single parcel.

Parcel permeability requirements have not be implemented in the R-11 Zone because the sites have been developed with a significant extent of hard surfacing that would be rendered non-conforming in stratas. Fee simple SFD R-4 parcels typically have more permeable surfaces. (See examples proposed for R-11 at right).

Again, this zone is to lawfully accommodate existing development and will not be considered in future for further single family dwellings. When and if a compact parcel single family zone is contemplated in future, permeability may be considered at that time.

Single family dwellings on small fee simple parcels





### 5. Additional R-4 changes for Council Consideration

The opportunity remains to further rationalize the R-4 Zone as regards a small number of parcels that fit neither within the R-11 nor the R-14 Zone. Critically, these parcels would shift to the zone that is the consistent with OCP designation and complies with the actual land use and parcel parameters.

#### P-1-Park and Recreation

These lands are in the Turner Creek area. They were dedicated as Park as a part of the development process. The surrounding developments are all zoned R-4 and so this zone also carried across the park lands.

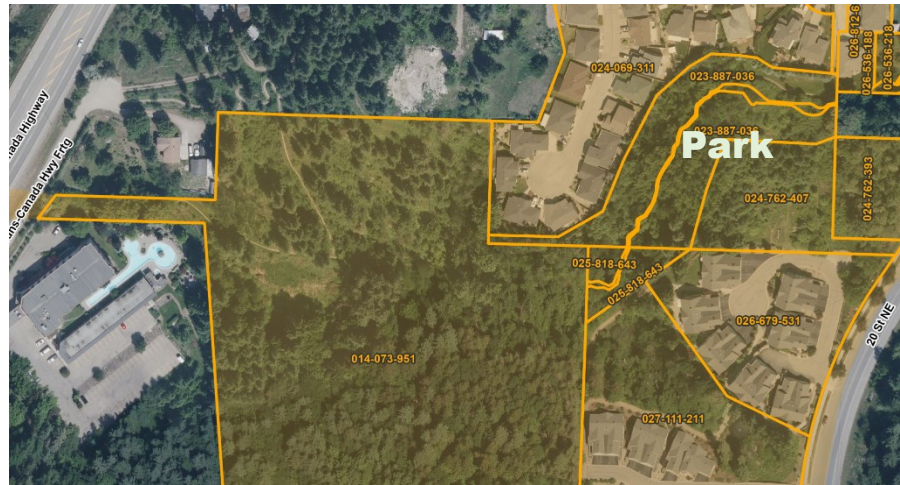
The five “park” parcels shown in the adjacent photos and listed in the draft bylaw schedule are most accurately zoned under the existing P-1 Zone. Two are listed twice as they are not contiguous given a watercourse vested in the Crown divides them. There is also one to the south that is connected to 20<sup>th</sup> Street NE via a panhandle.

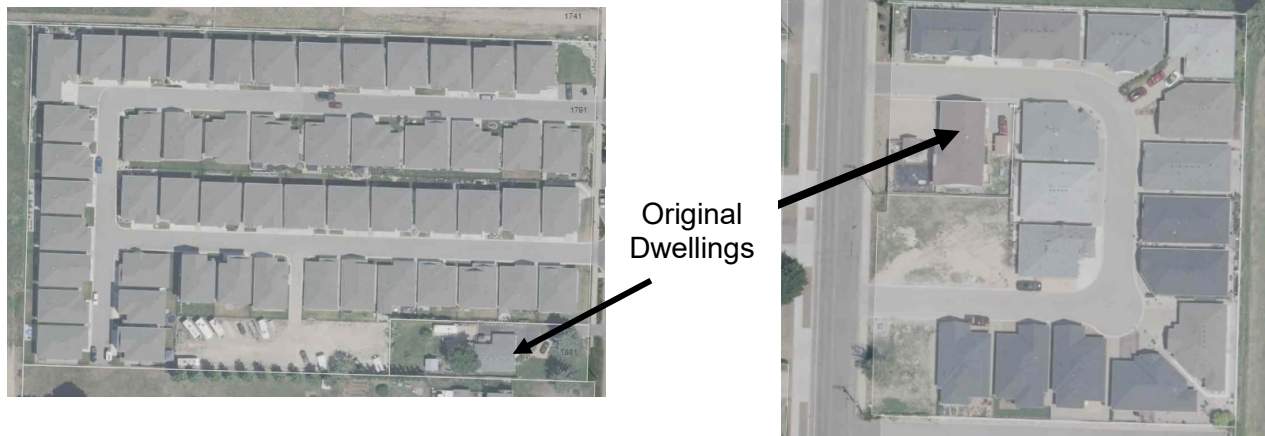
These are all OCP designated parks and are problematic to develop due to water-courses, riparian areas, geo-hazards and topography.

#### R-10 – Residential Zone

Finally, there are ten small properties that were historically shifted to R-4 Zone for various reasons:

- when two dwelling units were not permitted on a smaller parcel in the R-1/R-2/R-8 Zones;
- no other residential zone could apply to a given smaller area parcel; or
- property with the original older dwelling on a previously large parcel was left over when the land was developed into a strata property (as illustrated on the next page).





Given the proposed R-10 Zone changes, these properties would comply and are more consistent with R-10 than either the R-11 or the R-14. They are also subject to SSMUH thus where an owner has build-out space and wishes to add small scale units, they may do so in the R-10 zone. Some may only be able to add a secondary suite (above right) while others may do that as well as an accessory dwelling unit in a yard (above left).

Some street views below for a few of the other properties recommended to shift from R-4 to R-10 or R-11 and the explanation for the change.



The two examples at left each show an SFD on a fee simple parcel with public road frontage with strata SFDs alongside and behind the parcel.

This photo is a street view of the ortho on the above right. It was the original dwelling which was zoned R-4 with the 53 unit strata was rezoning application. It has adequate yard to develop an ADU or to add secondary suites to the dwelling.



This photo shows a newer dwelling, constructed at the same time as the four SFDs in the strata behind it. Like the strata units, it has minimal yards and space and so – short of a complete demo and redevelopment - it may add density via secondary suites only.



***Shift to R-10 – Residential***

These two parcels each have a duplex in the R-4 Zone. They are not a part of a multi-unit strata and have adequate yards and setbacks, thus are proposed to shift from the R-4 to the new R-10 Zone. They may accommodate additions or small suites so as to become a kind of fourplex under the SSMUH legislation.

**CONCLUSION**

The changes to R-4 are the last in the zone by zone residential adaptation to SSMUH. There is still policy and companion Zoning Bylaw and Subdivision Servicing Bylaw work to complete, and a good deal of public and development industry education. We have endeavoured to approach the provincial mandate in a positive, logical, constructive manner. The next steps will be to provide public notice of the changes and receive any written correspondence that may or may not result in changes to the proposed zoning amendments.

As previously directed by Council, the changes are being implemented progressively with several zoning bylaws, each progressing to second reading. Advancing the proposed Bylaw to Council for first and second reading will place it on the agenda and continue the process in order to meet the June deadline,

**Relevant Policy(ies):**

Prior to the June 30, 2024 deadline zoning and other bylaws will be brought forward for Council's consideration that would be utilized by Council, staff and the public to review and approve Small Scale Multi Unit Housing (SSMUH).

**Referral Comments:**

In the drafting of the various bylaws related to SSMUH, planning staff consulted with other City departments.

**Fire Department**

N/A

**Building Department**

N/A

**Engineering Department**

N/A

**Other**

N/A

**Planning Department**

In closing, this aspect of SSMUH comprises relatively complex changes as compared to the changes in the single family Residential zones. Advancing the attached proposed Bylaw to



Council for first and second reading would place it on the agenda and continue the process in order to meet the June 30, 2024 deadline.

**Financial Considerations:**

N/A

**Committee Recommendations:**

N/A

**Public Consultation:**

The *Local Government Act* prohibits Council from holding a Public Hearing for bylaw amendments that are for the sole purpose of implementing bylaw amendments related to SSMUH. Notice will be given in two consecutive editions of the newspaper in advance of Council considering first reading of the proposed bylaw. It is expected that first reading will be considered that the May 13, 2024 Regular Council meeting.

**Alternatives & Implications:**

N/A

Prepared by: Planning Analyst & Manager of Planning and Building

Reviewed by: Director of Planning & Community Services

Approved by: Chief Administrative Officer

**Attachments:**

- Appendix 1 – R-4 Medium Density Residential Zone
- Appendix 2 – Bylaw No. 4658 – R-11 and R-14 Zones (Draft)
- Appendix 3 – Rezoning Mapbook
- Appendix 4 – Flow Chart: Staff Considerations for Rezoning From R-4