



## BYLAW

Agenda Item Number: 6.1.1

Meeting Date: 7/16/2024

Author: S. Summers

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**TO:** Mayor and Council

**FROM:** Planning and Development Services Department

**BYLAW:** Zoning Amendment Bylaw No. 2401 6137 & 6147 Lipsett Avenue (Z23-03)

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### RECOMMENDATION:

**THAT** Council give third reading to District of Peachland Zoning Amendment Bylaw No. 2401, 2024; and

**FURTHER THAT** Council direct staff to schedule the bylaw for adoption following:

- 1) Approval of the Bylaw by the Ministry of Transportation and Infrastructure.
- 2) Registration of section 219 covenant(s) that:
  - a) Requires a minimum of 6.0m (19.7ft) setback for buildings from the front lot line.
  - b) Requires building fronting Lipsett Avenue to have a maximum height of 12.0m (39.4ft) in height as measured from natural grade in accordance Zoning Bylaw No. 2400.
  - c) Restricts the number of units to 34.
  - d) Requires a minimum of 10% of the units to include flex units.
  - e) Execution of a works and services agreement prior to any disturbance to the satisfaction of the District Engineering & Infrastructure Department for all required off-site improvements, including but not limited to:
    - i. Removal of brush and installation of intersection ahead sign on Princeton Avenue as identified in Traffic Review and Road Assessment by CTQ Consultants dated 2023-06-30.
    - ii. Installation of signage and applicable improvements for a 3-way stop at the Lipsett Avenue and Aitkens Road intersection.
- 3) Consolidation of the subject properties.
- 4) Registration of Community Amenity Contribution (CAC) covenant that requires remittance of CAC amount payable at the time of building permit issuance.

### PURPOSE

To consider third reading of Zoning Amendment Bylaw No. 2401 for an application to amend *Zoning Bylaw No. 2400* to rezone from *RR1 Rural Residential* to *RM4 Multi-Unit Residential – Medium Density* to facilitate 34 multi-family residential units at 6137 & 6147 Lipsett Avenue (Lot 1, Block 14, District Lot 1183, Plan KAP792, ODYD and Lot 2, Block 15, District Lot 1183, Plan KAP792, ODYD).

### COUNCIL AUTHORITY/PREVIOUS DECISIONS

On June 25, 2024, Council provided the following resolution (RC-24/06/25-005):

*THAT Council give first and second readings to District of Peachland Zoning Amendment Bylaw No. 2401.*

*Local Government Act* section 479 – Grants local governments the power to enact bylaws that define zones and regulate the use of land, buildings, and other structures within each zone.

**CHIEF ADMINISTRATIVE OFFICERS COMMENTS**

Approved for Council's consideration.

**REPORT**

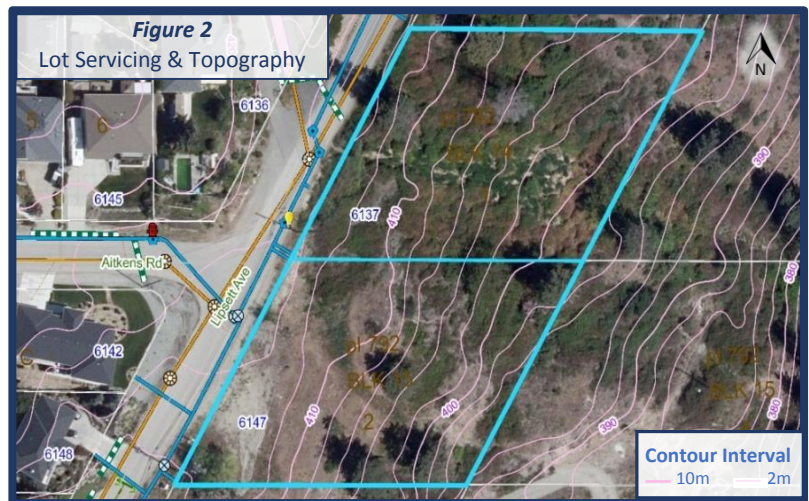
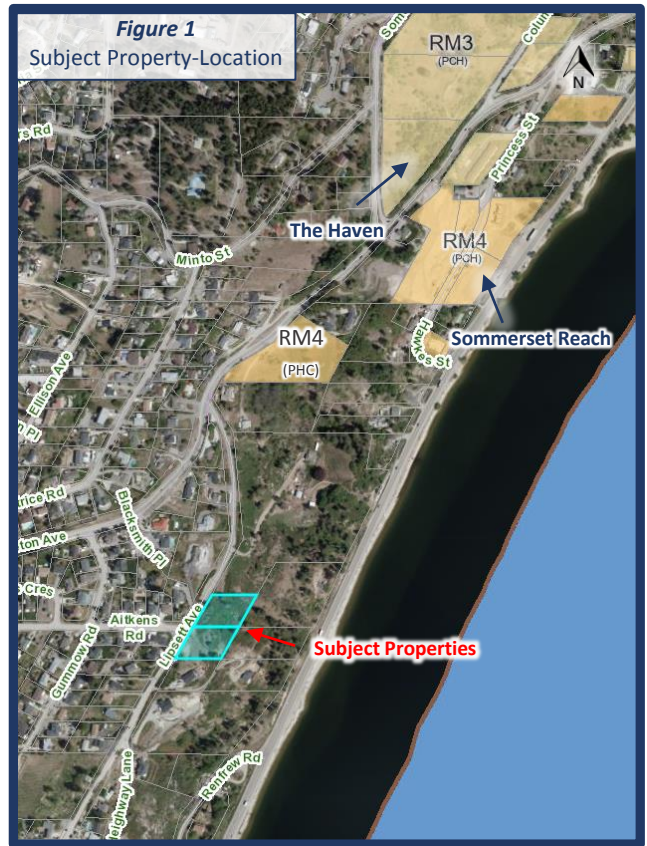
**BACKGROUND**

6137 and 6147 Lipsett, hereafter referred to as the *subject properties*, are located in the Lower Princeton neighbourhood and have a combined area of 1.75 acres (0.7 hectares). The subject properties front the Aitkens Road and Lipsett Avenue intersection and are approximately 400 meters south of the Princeton Avenue and Lipsett Avenue intersection. The subject properties are located in single family residential neighbourhood, with a number of larger multi family development recently approved or under construction within the area as shown in *Figure 1*.

Surrounding uses and zones are:

Direction	Zone	Existing Land Use
East	RR1	Vacant on larger lots (1.5 acres & 2.7 acres), Highway 97, Okanagan Lake.
West	R1	Residential (detached single-family), Aitkens Road.
North	RR1, R1	Residential (detached single-family) on large lot (10.8 acres), Residential (detached single-family), Princeton Avenue.
South	RR1	Residential (detached single-family), Renfrew Road.

The subject properties are vacant, with no on-site improvements or structures except for a small utility box on the southeast corner of the southern lot and hydro poles along the Lipsett frontage. The southern property features a small, cleared plateau (~500m<sup>2</sup>) in the southwest portion. North and east of the plateau are vegetated with mature coniferous trees, grasses, shrubs, and blackberry bushes. The properties are situated on an east-facing, moderately sloped incline. Most slopes do not exceed 30%, apart from a small pocket on the southern property. The elevation difference between the northwest corner of the northern property and the southeast corner of the southern property is approximately 24 meters (78.74ft) and water and sewer lines run within the Lipsett Avenue right-of-way as shown in *Figure 2*.



**DISCUSSION**

**Proposal**

The application proposes to rezone the subject properties from RR1 Rural Residential to RM4 Multi-Unit Residential Medium Density to facilitate the construction of a multi-unit residential strata townhouse development. RM4 would permit a maximum build out of 42 units (24 units per acre), however the applicant has agreed to a unit cap of 34 units (19.42 units per acre).

The applicant has agreed to several zoning conditions to help integrate the development to the surrounding neighbourhood. The conditions are as follows:

	Proposed RM4 Conditions of Zoning	Standard RM4 Requirements
Front Yard Setback	6m	4.5m
Height	12m (First Row)	16.8m
Units	34 (19.42 per acre)	42 (24 per acre)
Flex Units	10% of total unit count	0 Required

There will be one access to the development located approximately 40m south of the Aitkens Road and Lipsett Avenue intersection. The applicant will be required to install an additional two stop signs on Lipsett Avenue to create a 3-way stop intersection at Aitkens Road and Lipsett Avenue. The additional stop signs are intended to improve the safe access/egress from the site.

Retaining wall construction may be required as part of this development. Any proposed retaining walls will require approval through the Technical Development Permit and Building Permit process in accordance with Peachland's OCP and Building Bylaw No. 2273.

### Additional Information

Following first and second readings of the zoning amendment bylaw and feedback received from Council, the following additional information has been provided to support the application:

Consideration	Rationale	Application Process
<b>Setbacks</b>	The applicant has agreed to increase the front setback requirements of the RM4 zone from 4.5m to 6.0m. This is proposed as a condition of zoning.	Rezoning
<b>Height</b>	The applicant has agreed to decrease the maximum height of buildings fronting Lipsett Ave from 16.8m to 12m. This is proposed as a condition of zoning.	Rezoning
<b>Sightlines</b>	In addition to the height cap, the applicant has agreed to ensure the proposal is stepped down the hillside to maximize view potential for all lots and stagger lots to offset building sites and create view corridors. Per the Official Community Plan Bylaw No. 2220, Sec. 6.4.1.5 buildings must be designed to minimize visual impact and utilize a range of design options to reduce apparent building mass and height to minimize view impacts.	Development Permit
<b>Rooftop patios</b>	The applicant has agreed to remove roof top patios from the future design of the development.	Development Permit
<b>Amenity space, landscaping, and green space</b>	Per Zoning Bylaw No. 2400, Sec. 5.11.5, <i>amenity space</i> in the amount of 3.0m <sup>2</sup> (32.3 ft <sup>2</sup> ) per dwelling unit shall be provided as outdoor amenity space and may be located in the front setback for ground-orientated units.  Per the Zoning Bylaw No. 2400, Sec. 5.19, <i>minimum landscaping requirements</i> include landscaping and retention of mature trees on portions of the lot not covered by buildings, structures, or paved areas and a 1.5m (4.9ft) wide landscape buffer along the developed sides of a lot that abuts a street.  Per the Official Community Plan Bylaw No. 2220, Sec. 6.4.1.4 landscape design must preserve or replace natural trees and vegetation to screen development.	Development Permit
<b>Parking management</b>	Per Zoning Bylaw No. 2400, Part 6, <i>minimum required parking spaces</i> for multiple unit residential include 1.5 spaces for each dwelling unit, 0.5 space for each flex unit, and 0.2 visitor parking space for each dwelling unit. The applicant has further agreed to contain all parking on site.	Development Permit
<b>Emergency access/egress</b>	The qualified professionals designing the site advise that they have incorporated all fire code regulations for ingress and egress of emergency vehicles and included a hammerhead turnaround point.	Development Permit
<b>Access</b>	A four-way stop is not permitted because the access is deemed a private driveway. Private driveways are not allowed to connect to a public roadway at an intersection. Further, the applicant has worked with their engineering team and advise that accessing the site at the intersection of Aitkens and Lipsett would require switchbacks and functionally serialize the site. The qualified professionals designing the site advise that the only practical location for access is at the south end of the development. The applicant has agreed to adding a 3-way stop at the existing Aitkens and Lipsett intersection.	Development Permit

## Official Community Plan (OCP) Bylaw No. 2220 Compliance Review

The 2018 OCP identifies the subject priorities as being within an area suitable for medium-density residential (MDR) developments. The OCP highlights the Lower Princeton area, between Lipsett, Princeton, Somerset, and Highway 97, as suitable for development due to its proximity to amenities, views, access to service infrastructure, and ease of pedestrian access to downtown.

The 2016 citizen survey, which informed the 2018 OCP, identified Lower Princeton as an area suitable for growth and supported increasing the number of units. The survey favored townhouses as the second most popular building type. Additionally, when citizens were asked where development should occur, Lower Princeton was voted second, next to the New Monaco area.

### OCP §2.0 Community Context

The proposed development will diversify the housing forms and increase residential density in the area, where new multi family housing is encouraged. Preliminary geotechnical, hydro-geotechnical, traffic and servicing reports have been submitted and conclude that the site is safe for the intended use and that development is feasible.

### OCP §4.13 Land Use Strategy Medium Density Residential

The OCP land use designation for the subject properties is *Medium Density Residential (MDR)* as shown in Figure 3. The proposal to rezone to *RM4* is consistent and aligns with the *MDR* land use designation, objectives, and policies accommodating new medium-density residential development not exceeding 24 units/acre. The development proposes 19.4 units/acre.

### OCP §5.3 Housing & OCP §5.3.1 Affordable, Rental and Special Needs Housing

If approved, the rezoning to *RM4* would contribute to residential opportunities. The applicant has committed to provide residential flex units (OCP §5.3.1.2), which helps to diversify the Districts housing stock.

### OCP §6.0 Development Permit Area

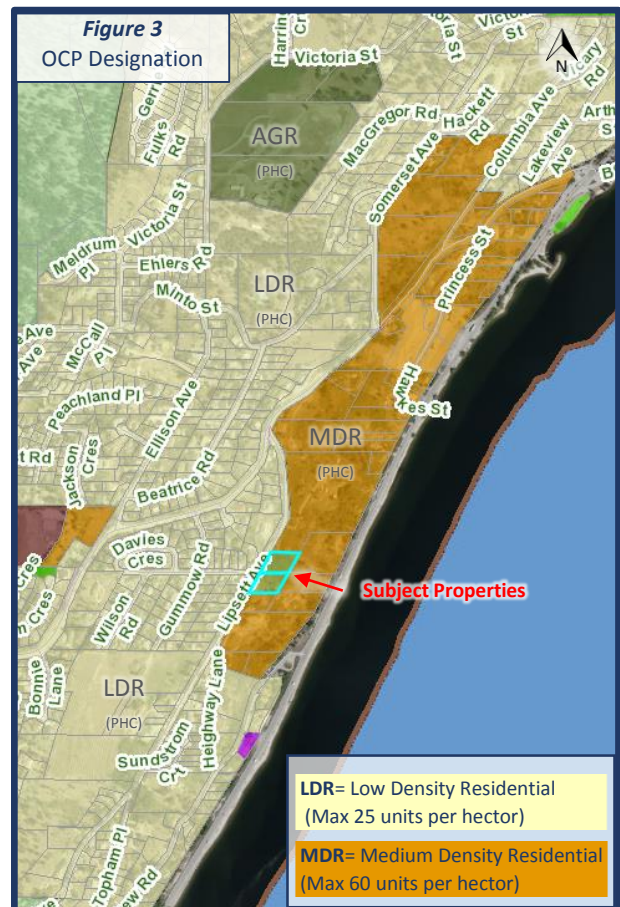
The subject properties are located within a Comprehensive Development Permit Area. If approved, this residential development will be subject to the Comprehensive Form & Character development permit and would need to conform to Peachland's Comprehensive OCP guidelines (OCP §6.5.1).

The subject properties are also within a Natural Hillside Hazard development permit area. If approved, the applicants will need to obtain a Hillside Development permit. The preliminary geotechnical report submitted with the application indicates that the site is safe for the use intended.

## Zoning Bylaw No. 2100 Compliance Review

The subject properties are currently zoned *RR1 Rural Residential*. The *RR1* zone is for rural residential, agricultural, and compatible accessory uses on large lots of a minimum area of 1 ha (2.5 ac) with limited urban services and 0.4 ha (0.98ac) with municipal sanitary sewer. Without rezoning, each property could accommodate one single detached dwelling with a suite.

The applicant proposes to rezone the subject properties to *RM4* which is intended to provide a zone for comprehensively designed, medium-density, multiple-unit residential buildings, related amenity spaces and compatible uses on serviced urban lots with approximately 24 units per gross acre. See the table below for a comparison of the *RR1* and *RM4* zone requirements.



Zone	RR1 (Existing)	RM4 (Proposed)
Permitted Uses	<ul style="list-style-type: none"> <li>• One Single Detached Dwelling/Lot</li> <li>• Agriculture</li> </ul>	<ul style="list-style-type: none"> <li>• Multi-Unit Residential Dwellings</li> <li>• Care Facility</li> </ul>
Accessory Uses	<ul style="list-style-type: none"> <li>• Bed &amp; Breakfast</li> <li>• Home Based Business (I, II, III)</li> <li>• Farm Retail Sales</li> <li>• Suite (secondary or garden)</li> </ul>	<ul style="list-style-type: none"> <li>• Minor Home Business</li> <li>• Residential Flex Unit</li> </ul>
Minimum Lot Area	0.4 ha (0.98ac) with sewer	1,400m <sup>2</sup> (<30% slope) to 2,000m <sup>2</sup> (>30% slope)
Floor Area Ratio	N/A	0.75
Maximum Lot Coverage	20% (Lots between 0.5 ac and 1.0 ac)	50-65%
Minimum Setbacks	<ul style="list-style-type: none"> <li>• Principal: Front/Rear/Exterior Side = 7.5m, Interior Side = 4.5 m</li> <li>• Garden Suite: Front/Exterior Side = 7.5m, Rear = 3m, Side = 1.5m</li> <li>• Animal Barn: Front/Exterior Side = 30m, Rear/Interior Side = 7.5m</li> <li>• Accessory: Front/Exterior Side = 6m, Rear/Interior Side = 1.5m</li> </ul>	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> &amp; 2<sup>nd</sup> Story: Front/Exterior Side = 4.5m, Rear/Interior Side = 6m</li> <li>• 3<sup>rd</sup>+ Story: Front = 4.5m, Rear/Exterior Side = 6m, Interior Side = 7.5m</li> </ul>
Maximum Height	<ul style="list-style-type: none"> <li>• 9.1m Single Detached Dwelling</li> <li>• 5.0m Accessory Buildings</li> <li>• 12.0m Agriculture Buildings</li> </ul>	<ul style="list-style-type: none"> <li>• 16.8m Principal Building</li> <li>• 4.5m Accessory Building</li> </ul>

The applicant has agreed to include flex units in a minimum of 10% of the units. Flex Units are an accessory dwelling unit within a Multiple-Unit residential dwelling that has a gross floor area of not less than 23.23m<sup>2</sup> (250 ft<sup>2</sup>) and not more than 37.16m<sup>2</sup> (400 ft<sup>2</sup>). Each flex contains a kitchen, at least one closet, and a bathroom with a toilet, sink, and bathtub or shower and has a separate lockable entrance door providing independent access.

A comprehensive zoning review will be done with the required Form and Character development permit. With the development permit the applicants will provide detailed design drawings, landscaping plan, and site plan. As a condition of Zoning the two subject properties are required to be consolidated.

## Technical Review

The following review was completed based on the Functional Servicing Report by Aplin Martin, Traffic Review and Road Assessment by CTQ Consultants with the supplemental letter and referral comments from the District's Engineering and Infrastructure department.

In general, the existing community infrastructure can accommodate the proposed *RM4* maximum build-out subject to off-site improvements. Full engineering drawings and details are required either with the Form and Character Development Permit and/or the future Operations Department Works and Services Agreement.

### Water

To service the site, no upgrades are required to provide the design flow to the site. The development will be serviced through water services at Lipsett and Aitkens Road. The development will likely need private pressure reduction valves on each building. An additional hydrant will be required to be installed approximately near the northwest corner of the northern lot. The District expects the Development to be sprinkled to meet the available fire flows.

### Sanitary Sewer

The development will likely be serviced by a new sanitary service connection to the main on Highway 97, subject to the applicant reaching a right-of-way agreement with the properties to the east. Servicing the development in this manner would allow connection to the gravity main without the need for pumping. Alternatively, the development can be serviced through Lipsett Avenue which would require a private pump exiting the development. The Renfrew lift station has capacity to accommodate the proposed development.

### Storm Drainage

Stormwater drainage will likely be managed onsite through mains, manholes, catch basins and detention tanks. A stormwater management plan will be required at Development Permit. Pending approvals from the Ministry of Transportation and execution of legal documents with neighboring properties stormwater may be directed to infrastructure on Highway 97.

Offsite improvements to Lipsett Avenue will include drainage improvements stormwater included curb, gutter and catch basins complete with drainage drywell.

### Roads & Offsite Improvements

Lipsett Avenue will be upgraded to a *Collector – Urban (SD-R4)* standard. SD-R4 requires the applicant to provide sidewalk at the front of the development. No street parking will be permitted and all parking will be required onsite. The applicant will be required to complete brush removal on Princeton Right of Way, installation of an “intersection ahead” sign south bound on Princeton Avenue and to upgrade the bus stop at Lipsett Avenue and Princeton Avenue.

The applicant will be required to install ‘all-moves stop’ signage and related improvements to establish a 3-way stop intersection at Lipsett Avenue and Aitkens Road. The 3-way stop intersection will address the concerns related to sightlines and improve safety from the proposed access. The improvements will also slow down traffic on Lipsett Avenue where speeding is a concern.

### **Development Financing Review**

**Development Cost Charges (DCCs).** *Development Cost Charges Bylaw No. 2155* was created to locate funds for the capital costs of providing, constructing, altering, or expanding roads, sewer, water, drainage and parkland acquisition and improvements. DCCs apply to all multiple unit residential developments and are collected at the time of Building Permit issuance. Peachland DCCs plus RDCO Wastewater Treatment and School District charges for a 34-DU proposal are estimated to be \$793,152.

**OCP §9.1 Community Amenity Contribution (CAC).** *CAC Policy DEV-100* applies to all rezoning projects involving three or more units with funds earmarked for such future amenities throughout Peachland such as waterfront enhancement, trail development, an arena, museum, fire hall, *etc.* Based on a 34-DU concept, the contribution amount is estimated to be \$63,818. Payment of the Community Amenity Contribution will be required at the time of Building Permit issuance and will be secured through the registration of a section 219 covenant prior to zoning bylaw adoption.

### **STRATEGIC DIRECTION**

The bylaw amendment process supports Council’s communication and consultation strategic priority by allowing for dialogue with the community and enhanced consultation on civic issues. The application process is open and transparent, and ensures that the community is well-informed on services, projects, and decisions. In addition, the proposal is supported by the following Council Strategic Priorities:

#### *Increase Housing Choice*

Integration of new housing form that is sensitive to the existing neighbourhood

#### *Infrastructure Improvements*

Road and sidewalk improvements

### **CONCLUSION**

Staff recommend support of the subject zoning amendment application and recommend Council grant 3<sup>rd</sup> reading based on the following rationale:

- The proposal is supported by various policies of the Official Community Plan and is consistent with the future land use designation.
- The proposal offers increased housing options in the neighbourhood with the opportunity to guide development through the District of Peachland’s comprehensive development permit process.
- The applicant has agreed to limit the density to 34 units, cap the height at 12m for the first row of townhomes, and increase the front setback to 6m.
- A 3-way stop intersection will be installed at Aitkens Road and Lipsett Avenue to assist with slowing traffic in the area and increasing safety. The applicant will be contributing to upgrades of the bus stop on Princeton Avenue.

### **SUPPORTING DOCUMENTATION**

1. Zoning Amendment Bylaw No. 2401, 2024

**REVIEWED & APPROVED BY Darin Schaal, Director of Planning and Development Services**  
**REVIEWED & APPROVED BY Joe Creron, CAO**