



REQUEST FOR DECISION

To: Development & Planning Services Committee

From: Manager of Planning and Building

Title: Zoning Amendment Application 1297

Legal: Strata Lots 1 to 38, Section 13, Township 20, Range 10, W6M, Plan K171

Civic: Units 503 – 599 24 Street NE and 2207 - 2299 5 Avenue NE (Orchard Grove Gardens)

Applicant: City of Salmon Arm

Date: August 6, 2024

Executive Summary/Purpose:

To rezone the Orchard Grove Gardens townhouse development from R10 to R14 to reflect the current uses and bring the subject property into conformance with Zoning Bylaw No. 2303.

Motion for Consideration:

THAT: a bylaw be prepared for Council's consideration that would have the effect of rezoning the subject property legally described as Strata Lots 1 to 38, Section 13, Township 20, Range 10, W6M, Plan K171 from R-10 (Residential Zone) to R-14 (Compact/Strata Multi-Family Residential Zone).

Staff Recommendation:

That the Motion for Consideration be adopted.

Proposal:

A City initiated file to rezone Orchard Grove Gardens townhouse development from R10 to R14 to reflect the current uses and bring the subject property into conformance with Zoning Bylaw No. 2303.

Background:

The subject property is located south of the SASCU Recreation Centre and west of Okanagan College. The subject property is approximately 1.1ha (2.7ac) in area and is comprised of thirty eight townhouse units (Appendix 1 and 2). The subject property is designated Medium Density Residential in the Official Community Plan (OCP) and was recently rezoned from R1 to R10 as part of the Small Scale Multi Unit Housing (SSMUH) project (Appendix 3 and 4). The subject property was developed under a Land Use Contact in 1977 and no major redevelopments have occurred on the site since then.

The proposed rezoning, initiated by the City, would rezone the subject property from R-10 to R-14 to reflect current uses. In June 2024 Council adopted a series of bylaws which had the effect of rezoning all residential parcels to new zones compliant with the SSMUH. Given the existing use the subject property should have been rezoned to R14.

In the SSMUH zoning amendments, all parcels previously zoned R1 were rezoned to R10. Staff note that the subject property had been developed under a Land Use Contract (LUC) in the late 1970s. In 2019 and 2020 the City removed LUCs as required by provincial legislation via an Early Termination process. Once the LUC was discharged through that process, the zoning in place applied (R1). The subject property was not rezoned as part of the LUC Early Termination process.

Relevant Policy:

The *Local Government Act* was amended in 2014 and required that all LUCs either be discharged by a local government by way of an Early Termination process or the LUC would no longer have force or effect as of June 30, 2024. The City completed the Early Termination of the LUC affecting the subject property in early 2020.

Council adopted SSMUH bylaw amendments prior to the June 30, 2024 deadline

Referral Comments:

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

Fire Department

N/A

Building Department

N/A

Engineering Department

N/A

Other

N/A

Planning Department

In conclusion, through the SSMUH bylaw amendment process staff endeavored to be as accurate as possible in assessing current uses on sites and aligning those uses with the appropriate zoning. Staff recognize that the bylaw amendments brought forward as part of the SSMUH requirements were swift and given the short timeframe minor rezoning of similar nature may be necessary from time to time.

Given the rationale noted above and that the OCP designation supports the rezoning, staff support the rezoning.

Financial Considerations:

N/A

Committee Recommendations:

N/A

Public Consultation:

The proposed rezoning is consistent with the OCP, within the Urban Containment Boundary and supports residential uses; therefore a Statutory Public Hearing will not be held. First reading of the bylaw is expected at the August 26, 2024 Regular Council meeting. Council may consider up to three readings of the bylaw at that time. Notice of first reading of the bylaw will be mailed and hand delivered to all properties within 30m of the subject property. Newspaper ads will be placed in two editions in advance of first reading of the bylaw.

Alternatives & Implications:

N/A

Prepared by: Manager of Planning and Building

Reviewed by: Director of Planning & Community Services

Approved by: Chief Administrative Officer

Attachments:

- Appendix 1 – Subject Property Map
- Appendix 2 – Ortho Maps
- Appendix 3 – OCP Map
- Appendix 4 – Zoning Map