



Public Notice

penticton.ca

September 20, 2018

Subject:

Carriage House Regulations

The City has reviewed how the current carriage house regulations are being implemented and are proposing the following actions:

1. Amend Zoning Bylaw 2017-08, and
2. Creation of an "Intensive Residential Development Permit Area".

Information:

The staff report to Council and Zoning Amendment Bylaw 2018-71 will be available for public inspection from **Friday, September 21, 2018 to Tuesday, October 2, 2018** at the following locations during hours of operation:

- Penticton City Hall, 171 Main St.
- Penticton Library, 785 Main St.
- Penticton Community Centre, 325 Power St.

You can also find this information on the City's website at www.penticton.ca/publicnotice. Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, October 2, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.

Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, October 2, 2018** to:

Attention: Corporate Officer
City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: publichearings@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the October 2, 2018 Public Hearing.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Blake Laven, RPP, MCIP
Manager of Planning

Date: September 18, 2018
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager

Subject: Carriage House Regulation Amendments

File No: 6700-20

Staff Recommendation

Carriage House Regulatory Changes

THAT "Zoning Amendment Bylaw No. 2018-71", a bylaw that makes changes to the City's carriage house regulations contained in Zoning Bylaw 2017-08, be given first reading and be forwarded to the October 2, 2018 Public Hearing for comment from the public;

AND THAT staff are directed, through the Official Community Plan update process, to investigate a city wide 'intensive residential development permit area' requiring a development permit for carriage houses, to address 'form and character' and 'neighbourhood fit'.

Kendall Crescent Neighbourhood Request

THAT "Zoning Amendment Bylaw No. 2018-72", a bylaw that adds as a site specific amendment to the R1 zone as follows: 'In the case of all properties addressed from Kendall Crescent and 1299, 1309, 1331, 1337, 1343, 1353, 1365 and 1375 Ridgedale Avenue, carriage houses are not a permitted use', be given first reading and be forwarded to the October 2, 2018 Public Hearing for comment from the public;

AND THAT notice of the Public Hearing be delivered to all affected properties (owners and residents), a minimum of 10 days prior to the public hearing.

Strategic priority objective

Adjusting regulations to ensure development is happening in the interest of the existing community represents Council's strategic policy of Good Governance.

Background

Carriage houses in general

Carriage houses were introduced as a permitted use in all the single family residential zones in Penticton in 2010. Carriage houses followed the allowance of secondary suites as a way of gently densifying already developed areas of the city in an attempt to provide needed affordable housing in the community. Carriage

houses help with housing affordability in a number of ways. For one, they allow a property owner to afford a house that they may not be able to afford without the income generated by rental of the additional suite. The suite itself provides a modest dwelling unit that is generally less expensive than other forms of housing, allowing entry level housing for those entering the housing market or with lower incomes. Carriage houses, in some cases, also assist with family planning, by providing an independent dwelling unit on a property for an aging parent or parents to move into or the first step for a young adult to experience independent living.

The majority of communities in BC now have allowances for secondary suites, either more traditional within a house or detached in the form of a carriage house, laneway house or coach house. The carriage house regulations in Penticton are similar to those in other communities, which generally place limitations on the size, height and other requirements that help integrate the housing into existing neighbourhoods.

Over the past 8 years the Building Department has issued over 50 building permits for carriage houses with over 40 now constructed. This has given staff the ability to review, on the ground, how the regulations are being implemented. Through that review the following points are noted:

- Carriage houses are generally being integrated well into residential neighbourhoods.
- The regulations, as currently written, provide a better outcome on properties with lane access.
- The lack of a maximum square footage or restrictions on basements have resulted in larger carriage houses than intended or appropriate in certain situations.
- Not having design parameters or guidelines has resulted in carriage house designs that in some cases deviate drastically from the principal house design and that of neighbouring development.

Through this report staff are recommending some minor regulatory changes that will address situations where the outcome is less than desired.

Kendall Crescent application

In addition to staff's audit of carriage houses city wide, City Council has been presented with a petition from the Kendall Crescent neighbourhood requesting an amendment to the City's zoning bylaw creating an exclusion zone that would not permit carriage houses in that neighbourhood.

By way of background on the petition, at the Regular Meeting of Council on August 7, 2018, Council considered a development variance permit for a carriage house at 142 Kendall Crescent. The permit would have allowed a carriage house with three floors (two above ground and one below ground) and slightly taller and larger than permitted by the city's zoning bylaw. The permit included a variance to the maximum height of a carriage houses as well as an increase in total floor area. Based on opposition from neighbouring residents and lack of strong justification for the variances, Council ultimately denied the variance.

Coming out of the meeting, residents of the Kendal Crescent area submitted correspondence to the City outlining some concerns with the carriage house regulations as they currently exist, which ultimately led to the request for the exclusion zone. Of the 30 individual properties located in the area, the petition was endorsed by all but 6 property owners, representing 80% support for the zoning change.

Proposal

To address staff's noted deficiencies in the execution of carriage houses in the city, and the Kendall Crescent neighbourhoods request for an exclusion zone not permitting carriage houses in their neighbourhood, the following three actions are being proposed:

1. Zoning Bylaw Amendments

"Zoning Amendment Bylaw 2018-71", amends bylaw 2017-08 as follows:

Add Definition to Section 3.2: *FLOOR AREA, CARRIAGE HOUSE (CHFA)* means the total floor area in a carriage house, measured from the outside face of the exterior wall. CHFA does include decks, balconies and covered patios or garages and other enclosed or open parking areas.

Amend Section 8.2.3.2 changing 'lot coverage' to 'lot area'

Adds: Section 8.2.3.9: Carriage House Floor Area (CHFA): Maximum CHFA in FG, A, RC zones is 150m², Maximum CHFA in R1, R2, R3, RD1 and RD2 zone is 135m².

Amends Section 8.2.3.3:

From: Height: Maximum height of 7.0m

To: Height: In FG, A and RC zones maximum height is 7.0m, In R1, R2, R3, RD1 and RD2 zones where a carriage house is accessed from a lane maximum height is 7.0m and two floors and where no lane exists maximum height is 5.0m and one floor.

Add Section 8.2.3.10: Privacy In the case of a carriage house having windows on a side yard within 1.5m of another property, all windows must be opaque.

If Council were to support giving this bylaw first reading it would be sent to a Public Hearing for comment from the public and neighbourhood.

2. Requirement for a development permit

Creation of an "Intensive Residential Development Permit Area" which will encompass the entirety of the City of Penticton and require a development permit prior to the issuance of a building permit for carriage houses. It is intended that these requirements would be implemented through the Official Community Plan review that is currently underway.

3. Removal of Carriage as a permitted use on Kendall Crescent and those sections of Ridgedale included in the petition to Council

Under a separate Zoning Amendment Bylaw Council will consider whether to add a site specific provision to the R1 zone, stating that in the case of all properties addressed from Kendall Crescent and 1299, 1309, 1331, 1337, 1343, 1353, 1365 and 1375 Ridgedale Avenue, carriage houses are not a permitted use.

If Council were to support giving this bylaw first reading it would be sent to a Public Hearing for comment from the public and neighbourhood. Letters would be sent and delivered to all affected properties.

Financial implication

The requirement for development permits for carriage house construction will create additional work for City Planning Department staff. This work will partially be offset by the application fees associated with the permit.

Analysis

Regulatory changes

Carriage houses are an important part of the city's housing stock. Through staff's review, it is thought that with some minor changes to the existing zoning regulations and making a requirement for a 'form and character' development permit, dealing with items such as neighbourhood fit and the look and feel of the carriage house, the outcome will be construction that better integrates into the existing neighbourhoods that are accepting this increased density.

Given the above staff are recommending that Council give first reading to the regulatory bylaw change and refer the bylaw to the October 2, 2018 Public Hearing for comment from the public.

Kendall Crescent

In the case of the Kendall Crescent neighbourhood, Council has the option of supporting the request to disallow carriage houses in that area. This would represent a separate amendment to the City's Zoning Bylaw. That amendment would add a site specific notation to the R1 zone with respect to the properties identified.

The residents of Kendall Crescent in favour of the proposal, have provided rationale describing their area as unique in terms of its character, topography and larger lot size. The single family neighbourhood character that exists in this area is something that they majority of neighbours in the area feel strongly about retaining and in order to protect this have requested the exclusion of carriage houses from the area.

Council should be cognizant however that the request for this change has not been unanimous. There are six (6) properties in the affected area, including the applicant of the variance permit application denied by Council spoken to above, that have not endorsed the request. If Council were to support the request from the larger neighbourhood, these outlying properties could be in a situation where their zoning is affected against their wishes. If any of those properties did want to construct a carriage house in the future, they would be required to go through a zoning amendment process to undue the carriage house prohibition for their lot.

Staff are recommending that Council give first reading to the bylaw adding the site specific provisions disallowing carriage houses in the Kendall Crescent area and refer the bylaw to the October 2, 2018 Public Hearing for comment from the neighbourhood. Staff have not heard directly from the neighbours that have not signed the petition, but will ensure they receive notification of the public hearing date and time.

Because this zoning amendment involves more than 10 properties, notice is not required to be posted on the lands and notice of development is not required to be delivered to any neighbouring residents. In this case however, staff are recommending that notices be sent to all affected property owners so that they may be adequately informed of the change and provided the opportunity to add additional support or voice concern to the proposal.

Alternate recommendations

1. THAT Council support the proposed carriage house regulatory changes as presented, but not exclude Kendall Crescent
2. THAT Council defer any changes to the carriage house regulations until after adoption of the OCP and introduction of the development permit requirements.
3. THAT Council support other changes to the carriage house regulations that Council feels are appropriate.
4. THAT Council maintain the status quo approach to carriage houses.

Attachments

Attachment A – Map showing properties subject to carriage house restrictions

Attachment B – Zoning Amendment Bylaw No. 2018-71 (Carriage House Regulatory Changes)

Attachment C – Zoning Amendment Bylaw No. 2018-72 (Removing carriage houses as a permitted use on Kendall Crescent)

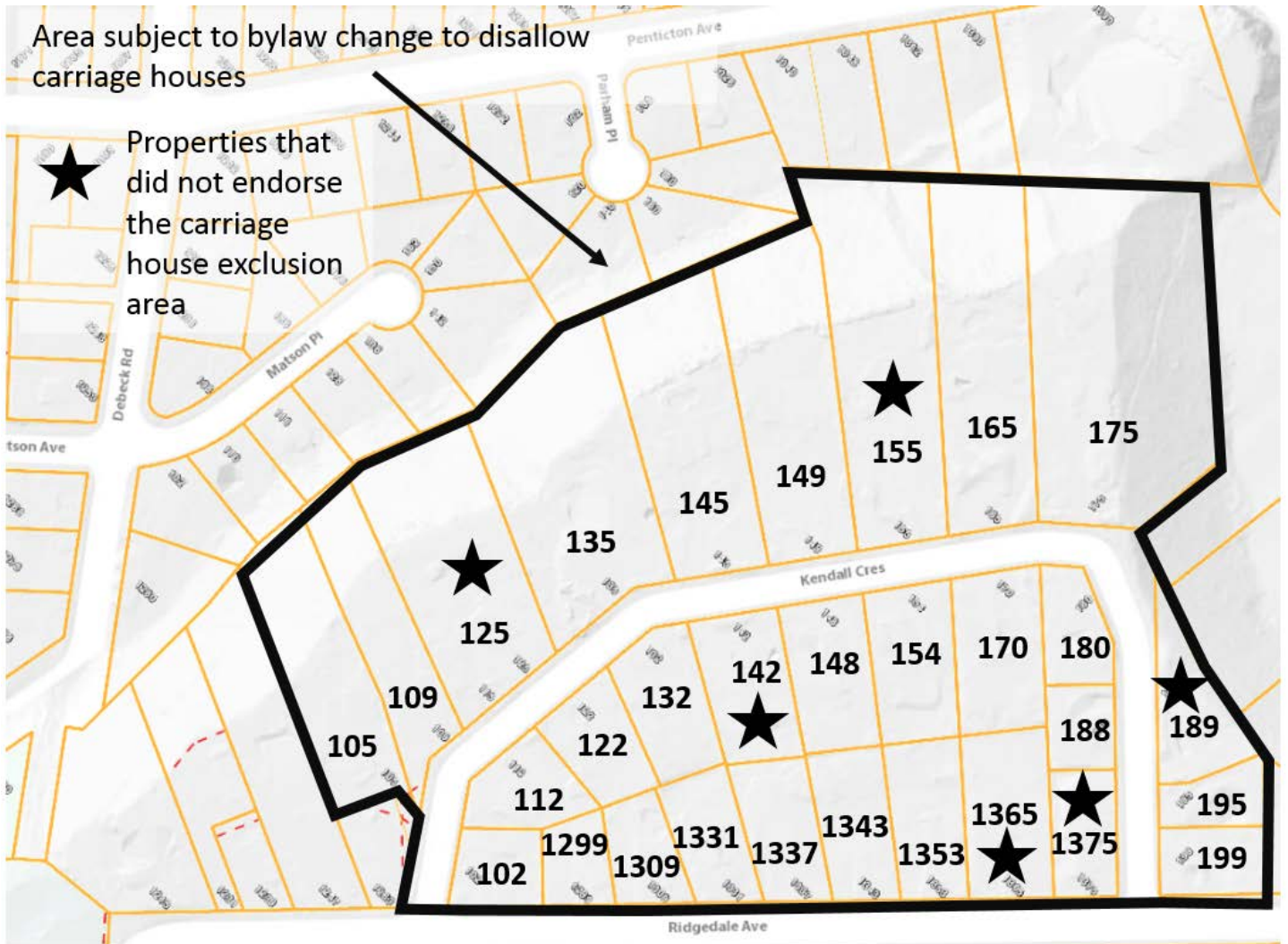
Respectfully submitted,

Blake Laven, MCIP, RPP
Planning Manager

Concurrence

Director <i>BL</i>	Chief Administrative Officer LD for PW
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Attachment A



The Corporation of the City of Penticton

Bylaw No. 2018-71

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-71".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

2.1 Amend section 3.2 Definitions and add with the following:

FLOOR AREA, CARRIAGE HOUSE (CHFA) means the total floor area in a carriage house, measured from the outside face of the exterior wall. CHFA does not include decks, balconies and covered patios or garages and other enclosed or open parking areas.

2.2 Amend section 8.2.3.2 by changing the words 'lot coverage' to 'lot area'.

2.3 Delete and replace section 8.2.3.3 with the following:

.3 Height: In FG, A and RC zones maximum height is 7.0m, In R1, R2, R3, RD1 and RD2 zones where a carriage house is accessed from a lane maximum height is 7.0m and two floors and where no lane exists maximum height is 5.0m and one floor.

2.4 Add section 8.2.3 Development Regulations

.9 Carriage House Floor Area (CHFA): Maximum CHFA in FG, A, RC zones is 150m², Maximum CHFA in R1, R2, R3, RD1 and RD2 zone is 135m².

2.5 Add section 8.2.3 Development Regulations

.10 Privacy: In the case of a carriage house having windows on a side yard within 1.5m of another property, all windows must be opaque.

READ A FIRST time this	day of	, 2018
A PUBLIC HEARING was held this	day of	, 2018
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
RECEIVED the approval of the Ministry of Transportation on the	day of	, 2018
ADOPTED this	day of	, 2018

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2018 and the __ day of ____, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Approved pursuant to section 52(3)(a) of the *Transportation Act*
 this _____ day of _____, 2018

for Minister of Transportation & Infrastructure

Dana Schmidt, Corporate Officer