REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 3017

A bylaw to amend the text of Zoning Bylaw No. 3000, 2023.

WHEREAS pursuant to Section 479 [Zoning bylaws] of the *Local Government Act*, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones:

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 3000, being the "Regional District of North Okanagan Zoning Bylaw No. 3000, 2023" as amended;

AND WHEREAS, pursuant to Section 460 [Development approval procedures] of the Local Government Act, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board has enacted the "Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2677, 2018" as amended to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

AND WHEREAS the Board has received an application to amend the text of Zoning Bylaw No. 3000:

NOW THEREFORE, the Board of the Regional District of North Okanagan in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

CITATION

1. This Bylaw may be cited as "Zoning Text Amendment Bylaw No. 3017, 2024".

AMENDMENTS

2. That the following be added to the Regional District of North Okanagan Zoning Bylaw No. 3000, 2023 as Section 15.2.3 and following Sections be renumbered accordingly:

Notwithstanding the above, a 3,095 m² building for religious and community gatherings is permitted on the property legally described as Lot 2, Sec 11, Twp 8, ODYD, Plan 3717, Except Plan 34895 and located at 5151 Alain Road, Electoral Area "B".

Read a First and Second Time	this	16th	day of	October, 2024
Advertised on	this this	25th 29th	day of day of	October, 2024 October, 2024
Delegated Public Hearing Held	this	7th	day of	November, 2024
Read a Third Time	this		day of	, 2024

ADOPTED	this	day of	, 2024
Chair	Dep	uty Corporate Office	er

Page 2 of 2

Bylaw No. 3017

REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the

Board of Directors

Held on

Wednesday, October 16, 2024

Zoning Text Amendment Application ST. JOHN'S EVANGELICAL LUTHERAN CHURCH c/o FINK, S. [File No. 24-0471-B-TA] 5151 Alain Road, Electoral Area "B"

Moved and seconded

That Zoning Text Amendment Bylaw No. 3017, 2024, which proposes to amend the text of the Residential Two Family (R.2) zone of the *Regional District of North Okanagan Zoning Bylaw No. 3000, 2023* to permit the construction of a 3095 m² building to be used for religious and community gatherings on the property legally described as Lot 2, Sec 11, Twp 8, ODYD, Plan 3717, Except Plan 34895 and located at 5151 Alain Road, Electoral Area "B", be given First and Second Readings and be forwarded to a Public Hearing.

CARRIED

Moved and seconded

That the Public Hearing for Bylaw No. 3017 be delegated to the Electoral Area Advisory Committee under Section 231 of the *Local Government Act*.

CARRIED



PLANNING DEPARTMENT INFORMATION REPORT

ZONING TEXT AMENDMENT APPLICATION

DATE: September 16, 2024

FILE NO.: 24-0471-B-TA

OWNER/APPLICANT: St. Johns Evangelical Lutheran Church c/o Stefan Fink

LEGAL DESCRIPTION: Lot 2, Sec 11, Twp 8, ODYD, Plan 3717, Except Plan 34895

P.I.D.#: 010-811-699

CIVIC ADDRESS: 5151 Alain Road

PROPERTY SIZE: 1.61 ha

SERVICING: Greater Vernon Water Utility and on-site septic

PRESENT ZONING: Residential Two Family (R.2)

O.C.P. DESIGNATION: Residential

PROPOSED USE: Site specific zoning amendment to permit construction of a building

for religious and community gatherings

PLANNING DEPARTMENT RECOMMENDATION:

That Zoning Text Amendment Bylaw No. 3017, 2024, which proposes to amend the text of the Residential Two Family (R.2) zone of the *Regional District of North Okanagan Zoning Bylaw No.* 3000, 2023 to permit the construction of a 3095 m² building to be used for religious and community gatherings on the property legally described as Lot 2, Sec 11, Twp 8, ODYD, Plan 3717, Except Plan 34895 and located at 5151 Alain Road, Electoral Area "B", be given First and Second Readings and be forwarded to a Public Hearing; and further,

That the Public Hearing for Bylaw No. 3017 be delegated to the Electoral Area Advisory Committee under Section 231 of the *Local Government Act*.

SUMMARY:

This report relates to an application for a site specific zoning amendment to permit the construction of a building to be used for religious and community gatherings on the property located at 5151 Alain Road. The property had been used for assembly purposes since 1985 when a church was constructed on the property. The church was demolished in 2022. The subject property is zoned Residential Two Family (R.2). When the church was constructed, the

Zoning Bylaw allowed properties in the R.2 zone to be used for assembly purposes. Zoning Bylaw No. 3000, which was adopted in February 2024, no longer permits assembly uses within Residential zones. The applicant is proposing to amend the R.2 zone to allow the subject property to be used as proposed. The amendment would be specific to the property.

The Planning Department recommends that the application be supported in principle as the property has limited potential for residential development (until community sewer services are available) and has been used for assembly purposes since 1985. Staff recommend that the associated Zoning Amendment Bylaw be given First and Second Readings and be referred to a delegated Public Hearing.

Prior to issuance of a Building Permit, the proposed development would need to be altered to comply with the parking, loading and building height regulations of the Zoning Bylaw. Alternatively, the applicant could submit a Development Variance Permit application to request that all or some of these regulations be varied. The Board's support of the subject application should not be interpreted as support for any potential variance requests.

BACKGROUND:

<u>History</u>

In 1983, the subject property was rezoned from the Residential Single Family (R.1) zone to the Residential Two Family (R.2) zone to permit construction of a church¹.

In 1985, a Building Permit was issued for a church. The church building included multiple classrooms, meeting rooms, a hall, a kitchen, a chapel, and a sanctuary. The church had an approximate footprint of 2894 $\rm m^2$ and, with the exception of the church steeple, a height of 9.2 m. The church was setback 11 m, 22 m, 10 m, and 80 m from the west, east, north and south property lines respectively. In 2022, the church was demolished due to structural issues.

In 2022, the Board of Directors issued a Development Variance Permit to waive the requirement to construct a water main along the full frontage of the property and to allow a smaller diameter pipe to be constructed. The owners were proposing to construct a new church on the southern portion of the property. As a condition of the variance, Covenant CB14503 was registered on the property's title stating that the property may not be subdivided unless a watermain along Pearson Road is constructed to the Water Utility's standards.

The applicant submitted a new Development Variance Permit application to waive the requirement to construct a water main along the full frontage of the property as the 2022 Permit was about to expire. The Development Variance Permit was approved for issuance by the Board of Directors at their Regular Meeting held on September 11, 2024.

Site Context and Proposal

The subject property is located at the west end of Alain Road, the west side of Spartan Road and the east side of Pearson Road. The property is flat and is currently vacant.

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¹ Zoning Bylaw No. 229, 1977 permitted assembly uses in all zones except the Residential Single Family (R.1) zone.

The applicant is proposing to construct a building for religious and community gatherings. The building would have a gross floor area of 3095 m² and a footprint of 1791 m². The proposal requires an amendment to the Zoning Bylaw as assembly uses are not permitted within the Residential Two Family (R.2) zone. The applicant has requested a site specific zoning amendment.

The two-storey building would be located near the northeast corner of the property and have a maximum height of 13.33 m. The main floor of the building would contain a sanctuary where the main church services would be held, with a capacity of 476 seats. The main floor would also contain a lobby area with washrooms, a kitchen and dining area, a library and a kids room. The second floor would contain a balcony for the sanctuary, a lobby area, seven classrooms, a youth group room, offices, and additional washrooms. The applicant has indicated that the building would only be used by members of the congregation.

The parking area would be accessed from both Alain Road and Peason Road and would contain 219 parking spaces. The parking area is proposed to be surfaced with gravel for the first few years and then eventually paved.

The applicant proposes to service the building with a septic system and a connection to the Greater Vernon Water Utility. The applicant has not engaged a waste waster practitioner to design a septic system for the proposed building and has indicated they wish to use the existing septic system which was used for the building that was demolished or to install a new system in the same location. The property is not within the North Okanagan Wastewater Recovery Project Service Area.

The property is adjacent to the City of Vernon boundary on the north and west sides. N'Kwala Park is located to the northeast. The property to the south is zoned R.2, is designed Residential and is used for assembly use (church) purposes. The properties to the east are zoned Residential Single Family (R.1), are designated Residential and are used for Residential purposes. The attached maps show the zoning and Official Community Plan land use designations of the subject and surrounding properties. The attached orthophoto of the subject and surrounding properties was taken in 2022.

PLANNING ANALYSIS:

The Planning Department recommends that the subject application be supported for the following reasons:

- The property was used for assembly purposes from 1985 to 2022 and the scale of the previous use was similar to the proposed use.
- There are a limited number of dwellings which are adjacent to the subject property. Other
 than the residential lots located to the east along Alain Road, the surrounding properties are
 larger residential acreages or commercially zoned businesses. A church is also located to
 the south and N'kwala Park is located to the northeast.
- The Institutional Policies of the Official Community Plan states that assembly uses shall be allowed in all locations in Electoral Areas "B" and "C" except as restricted by the "Zoning Bylaw" or by the "Agricultural Land Commission Act". The property is not within the ALR and the previous zoning of the property allowed it to be used for assembly purposes.

Without a connection to community sewer, the property would be limited to two dwelling units.
The property is not within the current service area. In this regard, Schedule "L" of the OCP identifies residential properties that are within approved and potential sewer service areas.
The subject property is identified on Schedule "L" as being within a "potential sewer service area".

Staff note that the proposed development would require variances to the Zoning Bylaw as the number and surface material of the proposed parking and loading area would not comply with the requirements of the Zoning Bylaw. A variance would also be required for the height of the building as it does not comply with the Zoning Bylaw requirements. The proposed variances would be discretionary decisions which would need to be separately considered by the Board prior to the issuance of a Building Permit. Alternatively, the proposal would need to be revised to indicate compliance. This report does not analyse those variances and should not be construed as support or non-support for any proposed variances.

The Planning Department acknowledges that the property had been used for assembly use purposes since 1985 when a church was constructed on the property. The church was demolished in 2022 due to structural issues that made it no longer safe to occupy. The new Zoning Bylaw was adopted in February 2024 and no longer permits assembly, civic and public service uses within Residential Zones. The intent of the change was to reserve residentially zoned properties for housing in alignment with Provincial policies and directives to address housing shortages and affordability.

There are eight properties (in addition to the subject property) that have been impacted by the Zoning Bylaw change related to assembly, civic and public service uses in Residential Zones. This includes six properties which are currently used for places of worship and two schools (Grindrod Elementary School in Electoral Area "F" and Trinity Christian Academy in Electoral Area "B" on Macdonald Road). The use of these properties may continue as legal non-conforming uses. No action is required by the land owners unless they wish to make structural alterations or additions to the buildings associated with these uses. If land owners wish to make structural alterations or additions, they would need the approval of a Zoning Text Amendment application. Owners would not need such approvals for building maintenance and repairs. Alternatively, the Board of Directors could provide direction to staff to prepare zoning amendment bylaws to change the zoning of these properties to conform with their use.

Public Hearing

The Local Government Act states that a local government is not required to hold a Public Hearing on a zoning amendment bylaw if the bylaw is consistent with an official community plan. It also states that if a local government decides not to hold a Public Hearing, it must provide notice of the proposed date of the First Reading of the applicable zoning amendment bylaw.

The Local Government Act states that a local government must not hold a Public Hearing on a zoning bylaw if the bylaw is consistent with an official community plan and the sole purpose of the bylaw is to permit a residential development.

Staff note that a Public Hearing is permitted but not required for the subject Bylaw. Staff recommend that Zoning Amendment Bylaw No. 3017 be given First and Second Readings and be forwarded to a delegated Public Hearing. The Public Hearing would allow the public and area

property owners to make representations to the Board respecting matters related to the proposed use of the property. Notice of the Public Hearing would be provided in accordance with the provisions of Section 466 of the Local Government Act and the Hearing would be held prior to considering Third Reading.

ZONING BYLAW:

The subject property is zoned Residential Two Family (R.2). The uses permitted in the R.2 zone include accessory buildings, boarding houses, minor daycares and group homes, hobby beekeeping, home occupation use, public parks and playgrounds, restricted agricultural use, and single family dwellings including secondary suites, two family dwellings, agricultural use.

Lots subdivided in the R.2 zone must have a minimum area of 560 m² if serviced by a community sewer system and 1 ha if serviced by a septic system.

The proposal as compared to the (R.2) zone requirements is as follows:

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Lot Coverage (max.)	11.1%	35%
Building Height (max.)	13.33 m	11 m (dwellings)
Setbacks (min.)		
- Front (Spartan Road)	9.14 m	6 m
- Side (north)	9.14 m	2 m
- Side (south)	78.6 m	2 m
- Exterior Side (Pearson Road)	40.75 m	6 m
Loading Spaces	0	2
Parking Stalls (min.)	219	351

Section 15.2.3.b of the Zoning Bylaw states that one single family dwelling and one secondary suite or one two family dwelling are permitted on properties 1 ha or greater which are not connected to community water and community sewer systems.

Section 15.2.5. of the Zoning Bylaw states that the height of buildings and structures must not exceed the lesser of 10 m or two storeys for restricted agricultural buildings, 6 m for all other accessory buildings or structures and the lesser of 11 m or three storeys for dwellings.

Assembly Use

The Zoning Bylaw states that assembly use means a use provided by a not for profit corporation providing for the assembly of persons for religious, charitable, philanthropic, cultural, or educational purposes; limited to places of worship and a manse accessory to a place of worship, auditoriums, youth centres, social halls, schools, kindergartens, play schools, day nurseries, and day care schools. The Zoning Bylaw states that assembly, civic and public service uses are permitted within all commercial, industrial and rural zones. The uses are also permitted within the Spray Irrigation (S.1) zone and Community Park and Public Use (S.3) zone. The height allowed for assembly use buildings within these zones ranges from 8 m to 12 m with the exception of the General Industrial (I.2) zone which permits a maximum height of 18 m.

Section 4.3 of the Zoning Bylaw states that spires, belfries, or domes structures or projections associated with places of worship are not limited in height.

Parking and Loading

Section 8.1.1 of the Zoning Bylaw states the size of all parking spaces must be at least 6 m in length, 2.8 m in width, and 2.2 m in height. Section 8.1.2 of the Zoning Bylaw states that ingress and egress to and from all parking spaces shall be by means of unobstructed aisles of not less than: 8 m for two way aisles that provide access to parking spaces and one way aisles that provide access to parking spaces with angles between 61°-90°; 6 m for one way aisles that provide access to parking spaces with angles between 46°-60° and for two-way aisles with no parking on either side; 4 m for one way aisles that provide access to parking spaces with angles up to 45°; 3 m for one-way aisles with no parking on either side.

Section 8.1.4 of the Zoning Bylaw states every parking area must be curbed with raised asphalt or concrete to prevent vehicles from travelling beyond the boundaries of the parking area; graded to provide an even surface; drained so that no surface water accumulates thereon, runs off onto any sidewalk or runs off onto any road if the area is not paved; be surfaced with asphalt having a minimum thickness of 6 cm or reinforced concrete having a minimum thickness of 10 cm. Section 8.1.4.e of the Zoning Bylaw states notwithstanding Sections 8.1.4.a and 8.1.4.d, parking spaces may be surfaced with gravel and without curbs within the Residential, Rural and Special Use zones provided that the parking area is kept free of weeds and is treated to suppress dust; and no more than three parking spaces are required for the use in a Residential zone.

Section 8.1.5 of the Zoning Bylaw states any lighting used to illuminate any parking area must be so arranged that all direct rays of light are reflected upon the parking area and not on any adjoining business, residence or property, and be designed to prevent light from spilling into the sky.

Section 8.1.11 of the Zoning Bylaw states that places of worship must provide 1 parking space per 2 persons capacity and that halls must provide 1 parking spaces per 4 persons capacity. The proposed sanctuary requires 238 spaces and the proposed hall requires 113 spaces for a total of 351 spaces. The applicant has indicated that 219 parking spaces are proposed.

Section 8.1.14 of the Zoning Bylaw states where a lot is used for multiple purposes, the total requirements for the parking facilities shall be the sum of the requirements for the various uses computed separately.

Section 8.2.1 of the Zoning Bylaw states that two loading spaces must be provided on every site used for assembly use buildings which are 2,700 m² to 5,500 m² in size. The proposed building requires 2 loading spaces. Section 8.2.1 of the Zoning Bylaw states all loading spaces must be at least 9 m in length, 2.4 m in width, and 3.7 m in height. The applicant has indicated that no loading spaces are proposed.

Zoning Bylaw History

The following provides a history of how Regional District Zoning Bylaws have regulated assembly uses (churches):

• Zoning Bylaw No. 62, 1972 - permitted civic uses (including churches) in all zones except the Residential Mobile Home (R.3) zone.

- Zoning Bylaw No. 229, 1977, Zoning Bylaw No. 725, 1986 and Zoning Bylaw No. 1888, 2003
 permitted assembly uses in all zones except the Residential Single Family (R.1) zone.
- Zoning Bylaw No. 3000, 2023 permits assembly uses in all commercial, industrial and rural zones. The uses are also permitted within the Spray Irrigation (S.1) zone and Community Park and Public Use (S.3) zone.

OFFICIAL COMMUNITY PLAN:

The Official Community Plan designates the land use of the subject property as Residential. The property is also located within the Swan Lake Residential Infill area. The subject property is identified on Schedule "L" as being within a "potential sewer service area". The following OCP Policies are applicable to the application:

Institutional Uses

• Utility, assembly and civic uses shall be allowed in all locations in Electoral Areas "B" and "C" except as restricted by the "Zoning Bylaw" or by the "Agricultural Land Commission Act".

Residential Lands

- Existing Residential developments are recognized in this Plan and are so designated and shown on Schedule 'B' and include areas with small lot developments at various sizes depending on the type of development as outlined in the "Zoning Bylaw".
- Residential developments within an area enclosed by an 'Urban Containment Boundary' shall require connection to community sewer and water systems.

Swan Lake Residential Infill

- Lands designated Residential and proposed for Rural re-zonings will trigger an Official Community Plan amendment.
- Should one of the neighbourhoods identified on Schedule "L" wish to connect to community sewer in the future, a Consent Process to include additional properties into the service area may be initiated by a formal petition request to the Regional District.
- With the exception of boundary adjustment subdivisions and lots created pursuant to Section 514 of the Local Government Act, new lots created by subdivision shall be not less than 1.0 ha in size unless connected to a community sewer system and community water system and shall be consistent with the provisions of the Regional District of North Okanagan Zoning Bylaw and Subdivision Servicing Bylaw.
- Lots less than 2 ha in size will not be supported for Residential re-zoning unless community sewer and water services are available.

REFERRAL COMMENTS:

The application was referred for comments to the following:

- 1. Interior Health Authority
- 2. BX Fire Department
- 3. Community Services Manager

4. Rural Services Manager

5. Parks Department

6. Ministry of Transportation and Infrastructure

Section 52(3)(a) of the Transportation Act does not apply and the zoning will not require Ministry endorsement.

Please note other Ministry Legislation and Regulation requirements below (but not limited to), for Landowner reference:

The Transportation Act applies, and a Commercial Access permit will be required before commercial works commence for access to public road dedication.

The Transportation Act (or Provincial Public Undertakings Regulation 513/2004) applies, and a Setback Permit will be required for any structures located within 4.5 m from the public road dedication/property line.

No storm drainage shall be directed toward public road dedication. This would include but is not limited to collection/run-off of the internal road system or development run-off. All surface and subsurface drainage/storm water from the development is to be dealt with onsite.

7. Building Inspection Department

This is a Part 3 building, therefore, will need an architect, sealed plans and full schedules. As part of the sealed drawings, there will be a code analysis included, in there the occupancy load will be outlined and would then be a reference for the parking and zoning issues.

8. City of Vernon

Access

- Both Pearson Road and MacDonald Road are in the City's jurisdiction up to this property.
 Alain Road is MoTI. MacDonald Road and Silver Star Road is a full-turn intersection with dedicated left turn bays, so this is the safer intersection to access the site. Where Pearson Road and Silver Star Road has opposing lefts. MacDonald is also a more likely candidate for a future intersection upgrade, since Pearson is too close to Pleasant Valley. Using both is positive for ingress and egress, but the site should be oriented to encourage access from MacDonald/Alain.
- Pearson road along the subject property is approximately 9.4 m wide, which does not meet the City's standard for a rural local road (15.3 m). Road dedication would be required. The road is also a dead end, so we would typically require a turnaround, but it looks like it is supposed to connect through the adjacent property to the north and connect to the Ministry's portion of the road. If this is the plan from RDNO's perspective, then a turnaround is not necessary.
- Are the applicants proposing use of the building outside of church service times? i.e.
 daycare, rentals? Silver Star Road is a busy arterial, and I'm concerned about left turns
 in and out of Pearson and MacDonald Roads during peak times. Sunday is not a problem,
 but peaks may require a TIA, depending on the proposed uses and traffic volumes.

Parking

- This site has excessive parking, which is not a beneficial land use at this time. Given climate concerns and housing concerns, there are far better uses for this space than open asphalt. Given the proximity to the City, and walking distance to bus service on 48th Ave and 20th St, and walking distance to the businesses on Silver Star, this site could support medium density housing with reduced parking.
- If this were in the City, then we'd be looking for a parking reduction and green parking lot. We'd ask for more landscaping to break up the asphalt areas, trees or sun sails for shade, options for permeable pavers or grasscrete in the parking spaces themselves with asphalt only in the drive aisles, and then a better use of the vacant space left.

• Churches tend to be used for community uses outside of service times, like daycare. They can fit a park-like play area on this lot or open field for events.

9. Greater Vernon Water Utility

Greater Vernon Water provided the following comments:

- Properties located in the Greater Vernon Water service area are subject to all applicable RDNO Bylaws, Policies and Procedures.
- Design drawings to be submitted to RDNO. Develop to GVW standards.
- The RDNO to collect all applicable fees relating to development.
- Water meters are required to be located in approved water meter pits or kiosks at property line if the length of water service within the property is to be greater than 20 m before entering the building.
- There is a GVW development variance permit application in progress requesting changes to offsite water works requirements (Reference number 24-0581-B-DVP).

Submitted by:	Reviewed by:
	Selly.
Jennifer Miles, RPP, MCIP	Greg Routley
Planner II	Deputy Planning Manager
Endowedless	Amount of family alvaine
Endorsed by:	Approved for Inclusion:
Ryante	July Cor
Rob Smailes, MCIP, RPP	David Sewell
General Manager, Planning and Building	Chief Administrative Officer

SUBJECT PROPERTY MAP ZONING TEXT AMENDMENT

File: 24-0471-B-TA Location: 5151 Alain Road

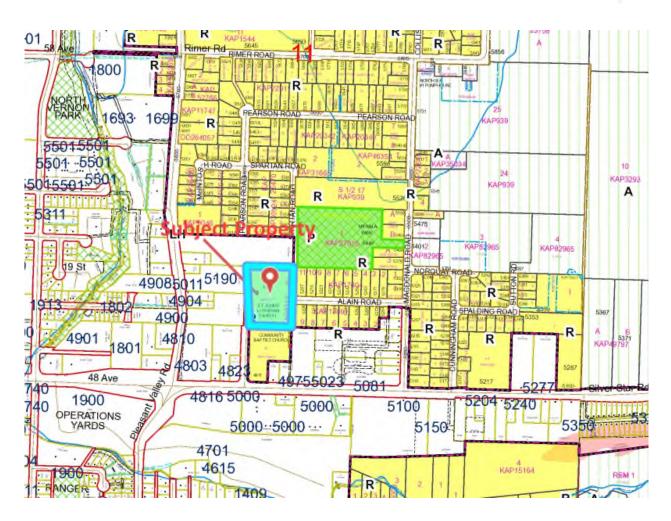




SUBJECT PROPERTY MAP ZONING TEXT AMENDMENT OCP BOUNDARIES

File: 24-0471-B-TA Location: 5151 Alain Road



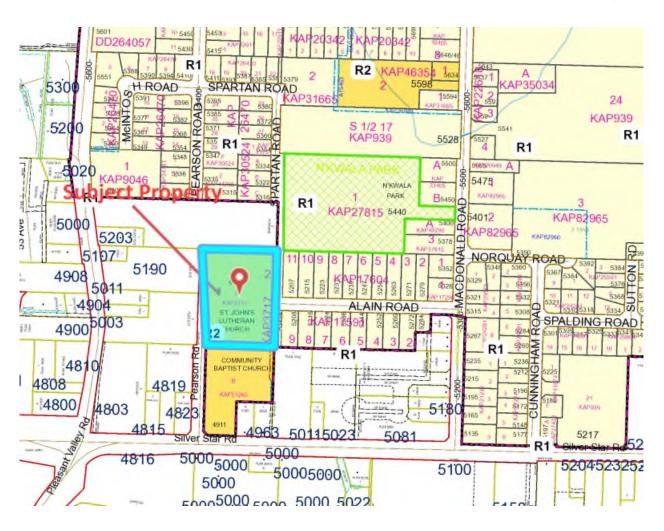


A – Agricultural R - Residential

SUBJECT PROPERTY MAP ZONING TEXT AMENDMENT ZONING BOUNDARIES

File: 24-0471-B-TA Location: 5151 Alain Road





R.1 – Residential Single Family R.2 – Residential Two Family

SUBJECT PROPERTY MAP ZONING TEXT AMENDMENT ORTHOPHOTO

File: 24-0471-B-TA Location: 5151 Alain Road

