

REPORT

To: Chair and Directors Report Number: DS-BRD-141

From: Kathy Suggitt, General Manager of Development Services Date: April 15, 2021

Subject: Zoning Amendment Bylaw No. 2436, 2021, PRRD File No. 21-005 ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2436, 2021, to rezone the subject property identified as PID 013-516-523 from C-2 zone to R-2 zone within PRRD Zoning Bylaw 1343, 2001, first and second readings; further,

That a public hearing be held pursuant to *Local Government Act* Section 464 (1), delegated to the Director of Electoral Area C and public notification be authorized pursuant to *Local Government Act* Section 466.

BACKGROUND/RATIONALE:

Proposal

To rezone the subject property from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone) within PRRD Zoning Bylaw 1343, 2001 as the applicants wish to continue using the property for residential use.

File Details

Owner: Suzanne Marie McKenzie and Shawn D'Arcy McKenzie

Area: Electoral Area C Location: Charlie Lake

Legal: Lot 1, Section 8, Township 84, Range 19, W6M, Peace River District, Plan 6659

PID: 013-516-523

Civic Address: 12739 Old Hope Rd Lot Size: 4.04 ha (9.99 ac)

Background

An investigation into the subject property's records revealed that the existing residential use on the property, without the presence of any commercial uses, is considered existing non-conforming.

- The structures were built in 2000, at which time, PRRD Zoning Bylaw No. 1000, 1996 was in effect for the subject property
- Pursuant to PRRD Zoning Bylaw No. 1000, 1996 the subject property was zoned Highway Commercial (HC)
- In the HC zone, a dwelling unit is a permitted principal use.
- PRRD Zoning Bylaw No. 1343, 2001 replaced portions of Bylaw 1000, and the property in question is now in the area covered by Bylaw 1343, 2001 and zoned C-2. In Bylaw 1343, a dwelling is not a permitted principal use in the C-2 zone.

Staff Initials: NK Dept. Head: Kathy Suggitt CAO: Shawn Dahlen Page 1 of 4

Therefore, the structures are currently <u>not</u> in contravention of the zoning bylaw as they are "grandfathered" or considered legal non-conforming. However, if the owner wished to build a new residential structure, or replace the existing manufactured home, construction or replacement would not be permissible as residential is not a permitted principal use, and would be in contravention of the C-2 zone within PRRD Zoning Bylaw No. 1343, 2001.

Site Context

The subject property is located in the community of Charlie Lake, to the west of Highway 97N, approximately 8 km north of the City of Fort St John. The property is surrounded by commercial uses to the north, south and east and residential uses to the west.

Site Features

Land

Based on the aerial imagery, most of the property is treed except for the north east portion which is cleared and developed.

Structures

There is an existing manufactured home, two garages, a greenhouse and four sheds on the subject property.

Access

The subject property is accessed via Old Hope Rd.

Comments & Observations

Applicant

The subject property was passed on to the applicants from their family as a residential property. Upon realizing that the subject property is zoned commercial, the applicants applied for the rezoning as they would like to continue the residential use and have no plans for a business.

Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated Settlement Centre (SC). Section 5 Policy 1 states that residential use is one of the principal uses of land within this designation, subject to residential land use designations specified in Section 4 of the OCP. The proposed zoning is consistent with residential land use designations specified in Section 4 of the OCP.

Therefore, the proposal is consistent with the Official Community Plan.

Land Use Zoning

Pursuant to the now in effect Zoning Bylaw No. 1343, 2001, the subject property is zoned C-2 (General Commercial Zone). According to Section 42, residential land use is not a permitted principal use within this zone.

Therefore, a zoning amendment is required for the subject property. In the R-2 (Residential 2 Zone), a dwelling unit is a permitted use and the minimum parcel size is 0.4 ha when the parcel is connected to a community sewage system. Accessory buildings and accessory structures are permitted accessory uses within this zone. Section 13 states that for a parcel size of 4 ha, the floor area of accessory buildings should not exceed 300 m². If the rezoning to R-2 zone is approved, the two garages, the greenhouse and four sheds will be considered as accessory structures to the principal home on the subject property. Based on the submission of a legal survey, it has been determined that the combined floor area of all accessory structures measures less than 300 m² and are compliant with the zoning bylaw.

Therefore, the proposal is consistent with the proposed zone.

Fire Protection Area

The subject property is within the Charlie Lake Fire Protection Area.

Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area.

Development Permit Area

The subject property is within the Commercial Development Permit Area pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009. A Development Permit is not required for the construction, addition, or alteration of a single family dwelling and any residential accessory uses. Interior alterations are also exempt.

Development Cost Charge Area

The subject property is within the Development Cost Charge Area. However, the charge is not applicable at this time because no subdivision or building construction is proposed.

School District 60 School Site Acquisition Charge Area

The subject property is within the School District 60 School Site Acquisition Charge Area. However, the charge is not applicable at this time because no new residential lots are proposed.

Impact Analysis

Context

The proposed zoning will be consistent with the surrounding uses as there are multiple other residential properties to the west of the subject property.

Population & Traffic

No change in population or traffic is anticipated.

Sewage & Water

The subject property is connected to the Charlie Lake sewer system. Water is delivered to the property.

Comments Received from Municipalities & Provincial Agencies

Ministry of Transportation and Infrastructure

In support of the proposal. If the proposed rezoning is not successful, the owner is required to apply online for a commercial access permit.

Agricultural Land Commission

No objections.

Charlie Lake Fire Department

No concerns.

City of Fort St. John

No concerns.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2436, 2021, to rezone the subject property identified as PID 013-516-523 from C-2 zone to R-2 zone within PRRD Zoning Bylaw 1343, 2001, first and second readings; further,

That a public hearing be waived pursuant to *Local Government Act* Section 464 (2) and public notification be authorized pursuant to *Local Government Act* Section 467.

- 2. That the Regional Board refuse Zoning Amendment Bylaw No. 2436, 2021, to rezone the subject property identified as PID 013-516-523 from C-2 zone to R-2 zone within PRRD Zoning Bylaw 1343, 2001.
- 3. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board's decision will be communicated to the applicant.

OTHER CONSIDERATION(S):

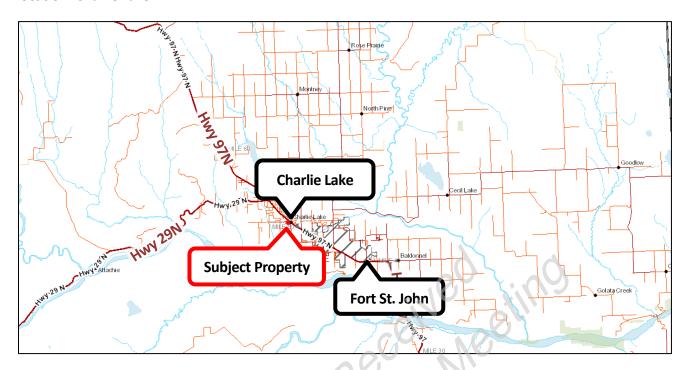
None at this time.

Attachments:

- 1. Maps
- 2. Application
- 3. Comments Received from Municipalities & Provincial Agencies
- 4. Comments Received from Electoral Area Director
- 5. Section 35 of PRRD Zoning Bylaw No. 1343, 2001
- 6. Draft Zoning Bylaw No. 2436, 2021

Attachment: Maps

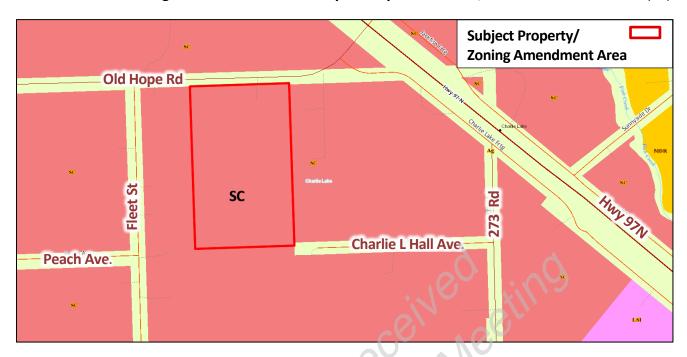
Location: Charlie Lake



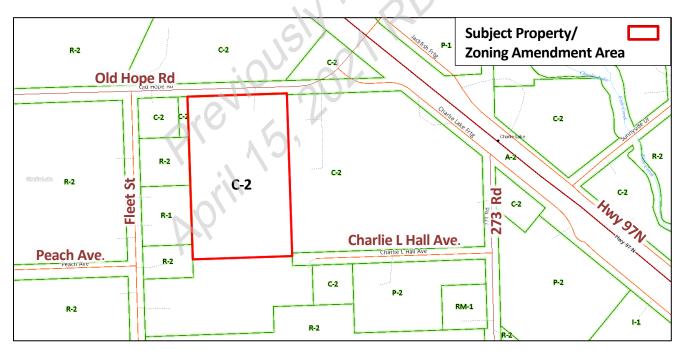
Aerial imagery



PRRD North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009: Settlement Centre (SC)



PRRD Zoning Bylaw No. 1343, 2001: General Commercial Zone (C-2)



Attachment: Maps

Agricultural Land Reserve (ALR): Outside





DAWSON CREEK 1981 Alaska Avenue (Box 810), Dawson Creek, BC **FORT ST. JOHN** 9505 100TH Street, Fort St. John, BC V1J 4N4

(T) 250-784-3200..(F) 250-784-3201 (T) 250-785-8084 (F) 250-785-1125

[Toll Free: 1-800-670-7773]

Receipt #		

Application for Development

1. TYPE OF APPLICATION	FEE
[] Official Community Plan Bylaw Amendment	\$ 1,000.00
[X] Zoning Bylaw Amendment	650.00
[] Official Community Plan / Zoning Bylaw Amendment combined	1,050.00
[] Temporary Use Permit	350.00
[] Development Permit	165.00
[] Development Variance Permit	165.00
[X] Sign requirement	150.00
In regard to applications for:	
i) an official community plan and/or zoning bylaw amendment;	
ii) temporary use permit;	
Sign provided by the PRRD and sign posted pursuant to Section 8	3 of Bylaw No. 2165,
2016, attached.	

2. PLEASE PRINT

Property Owner's Name	Authorized Agent of Owner (if applicable)
Suzanne Marie McKenzie, Shawn D'Arcy McKenzie	A
Address of Owner	Address of Agent
City/Town/Village	City/Town/Village
Postal Code	Postal Code
Telephone Number:	Telephone Number:
Fax Number:	Fax Number:
E-mail:	E-mail:

3. PROPERTY DESCRIPTION

Full legal description of each property under application	Area of each lot
Lot 1, PLAN P6659, PART NE1/4, SECTION 8, TOWNSLIP 84 PANCE 10 MEDIDIAN MC PEACE BIVED LAND DISTRICT. 4.04 ha / 9.99 acres have been provided by the control of the contr	
TOWNSHIP 84, RANGE 19, MERIDIAN W6, PEACE RIVER LAND DISTRICT	4.04 Ha / 9.99 acres
PID: 013-516-523	ha./acres
	ha./acres
	TOTAL
	AREA 4.04 ha./acres 9.99
	ANLA IIa./acies

Notice of collection of personal information:

Personal information on this form is collected for the purpose of processing this application. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the PRRD. Documentation/Information submitted in support of this application can be made available for public inspection pursuant to the *Freedom of Information and Protection of Privacy Act*.

4.	Civic Address or location of property: 12/39 Old Hope Rd
5.	PARTICULARS OF PROPOSED AMENDMENT
	Please check the box(es) that apply to your proposal:
	[] Official Community Plan (OCP) Bylaw amendment:
	Existing OCP designation:
	Proposed OCP designation:
	Text amendment:
	[X] Zoning Bylaw amendment: 1343, 2001
	Evisting zone Section 42 C-2 General Commercial Zone
	Proposed zone: Section 35 - R-2 Residential 2 Zone
	Text amendment:
	Toxi amonamoni:
	[] Development Variance Permit – describe proposed variance request:
	[] Temporary Use Permit – describe proposed use:
	[] Development Permit: Bylaw No Section No
6	Describe the existing use and buildings on the subject property:
Ο.	Residential property.
	Tresidential property.
7.	Describe the existing land use and buildings on all lots adjacent to and surrounding the
	subject property:
	D 11 (11 00
	(a) North Residential - C2
	(b) East Charlie Lake Church - C2
	(c) South Residential - C2
	(d) West Residential - R2, R1, R2, C2
8.	Describe the proposed development of the subject property. Attach a separate sheet if
	necessary:
	We would like in the near future to sell the existing modular and either build or put a
	new modular on the property for residential use.
9.	Reasons and comments in support of the application. Attach a separate sheet if necessary:
٠.	This property was passed on from my Mother to my husband and I. The property is
	used for residential at this time and we have no current plans for a business.
	used for residential at tills tillie and we have no current plans for a pusiness.

10. Describe the means of sewage disposal for the development:	
Charlie Lake Sewer System	
	_
11. Describe the means of water supply for the development:	
5600 gallon Cistern - water delivered	

THE FOLLOWING INFORMATION IS REQUIRED. FAILURE TO PROVIDE MAY DELAY YOUR APPLICATION.

- 12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)
- 13. A Sketch Plan of the subject property or properties, showing:
 - (a) the legal boundaries and dimensions of the subject property;
 - (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - (c) the location of existing buildings and structures on the subject property, with distances to property lines;
 - (d) the location of any proposed buildings, structures, or additions thereto, with distances to property lines;
 - (e) the location of any existing sewage disposal systems;
 - (f) the location of any existing or proposed water source.

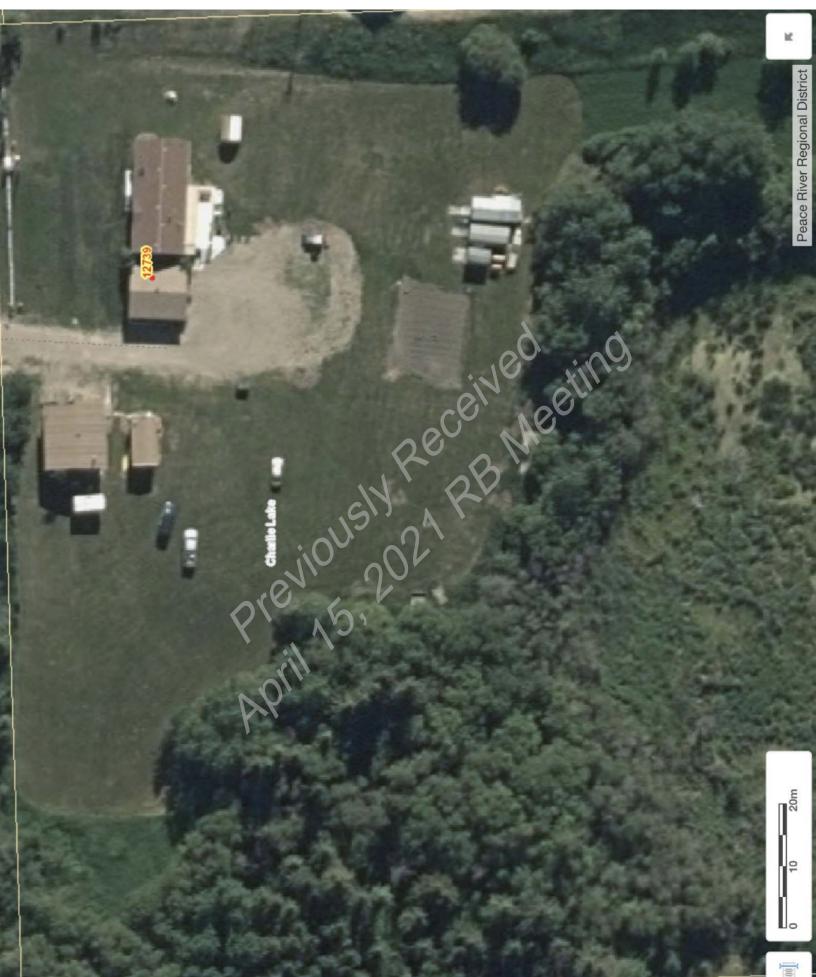
ADDITIONAL OR MORE DETAILED INFORMATION MAY BE REQUESTED BY THE PEACE RIVER REGIONAL DISTRICT FOLLOWING REVIEW OF YOUR APPLICATION.

If it is necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a British Columbia Land Surveyor may be required.

	complete and is to this application	s, to the best of my / our knowledge, a true statement of the facts related on.		
)	Set 9/21 Date signed	
	Signature of Ow	ner	Date signed /	
		,	Feb 9/21	
	Signature of Ow	ner	Date signed	
16.			ion of this application, the following mers.	
1/W		and	hereby	
auth (nan	orize	to act on	my/our behalf regarding this	
	ication.	10 401 011	my/our contain regarding time	
Age	nt address:		8, 60	
Tele	phone:	Fax:	Email:	
Sign	ature of Owner:		Date:	
Sign	ature of Owner:		Date:	
		revious 2021		

I / We the undersigned hereby declare that the information provided in this application is

15.





Owner/Agent

CONTAMINATED SITE DECLARATION FORM

I, Shawn D'Arcy McKenzie and Suzanne Marie McKenzie , hereby acknowledge that the	
Environmental Management Act, 2003, as amended, is effective	e as of February 1, 2021.
Legal Description(s):	λ
Lot 1, PLAN P6659, PART NE1/4, SECTION 8, TOWNSHIP 8 RIVER LAND DISTRICT	4, RANGE 19, MERIDIAN W6, PEACE
I have read <u>Schedule 2</u> and based on my personal kno I do not believe that it is or has been used for an purposes and activities specified in <u>Schedule 2</u> of the to complete and submit a 'site disclosure statement' <u>Act</u> .	ny of the industrial or commercial regulations. Accordingly, I elect not
I have read Schedule 2 and one or more of the identified occurred on the land(s) legally described above. *Please contact staff to submit a "site disclosure stater." I further acknowledge that this declaration does not remain applicable under the legislation.	ment" at planning@prrd.bc.ca
Owner/Agent 10 / 02 / 2021 / dd mm yyyy	

For more information, please visit the ministry's Identification of Contaminated Sites webpage or e-mail SiteID@gov.bc.ca

dd mm yyyy



SECTION 35 R-2 (Residential 2 Zone - 0.4ha / 1.8 ha)

1. Permitted Uses

The following PRINCIPAL USES and no others are permitted in a R-2 zone subject to Part IV of this bylaw and subject to Sub-Section 2 of this Section 35;

- a) DWELLING UNIT;
- b) Market garden;
- c) AGRICULTURE;

The following ACCESSORY uses and no others are permitted in a R-2 zone, subject to Part IV of this bylaw and Sub-Section 2 of this Section 35:

- d) ACCESSORY buildings and ACCESSORY structure; (See Section 13)
- e) AGRICULTURE-DOMESTIC;
- f) BED AND BREAKFAST accommodation; (See Section 16)
- g) HOME BASED BUSINESS; (See Section 19)
- h) SECONDARY SUITE; (See Section 25)
- i) TEMPORARY ADDITIONAL DWELLING. (See Section 29

2. **Regulations**

Minimum Parcel Size

- (a) The minimum parcel size is 1.8 hectares (4.5 acres) where there is no COMMUNITY SEWAGE SYSTEM (Electoral Areas B, D and E only); [Bylaw No. 2249, 2016]
- (aa) The minimum parcel size is 1.8 hectares (4.5 acres) where there is no COMMUNITY SEWER (Electoral Area C only); [Bylaw No. 2249, 2016]
- (b) The minimum parcel size is 0.4 hectare (1 acre) when the parcel or parcels are connected to a COMMUNITY SEWAGE SYSTEM (Electoral Areas B, D and E only) [Bylaw No. 2249, 2016]
- (bb) The minimum parcel size is 0.4 hectare (1 acre) when the parcel or parcels are connected to a COMMUNITY SEWER (Electoral Area C only); [Bylaw No. 2249, 2016]

Except for:

- i) Lot 3 Section 17 Township 84 Range 19 W6M Peace River District Plan EPP47785, for which the minimum parcel size shall not be less than 0.22 ha (0.563 acres); [Bylaw No. 2088, 2013]
- (ii) a 0.84 ha. portion of District Lot 553, PRD except Plan 17999 and 21352, for which the minimum parcel size shall not be less than 0.84 ha (2.08 acres) where there is no COMMUNITY SEWAGE SYSTEM and has a sewage system approved by the agency having jurisdiction regarding sewage disposal. [Bylaw No. 2321, 2018]



SECTION 35 R-2 (Residential 2 Zone - 0.4ha / 1.8 ha) continued

Number and type of DWELLING UNIT(S)

- (c) One SINGLE FAMILY DWELLING is permitted on a parcel;
- (d) One TEMPORARY ADDITIONAL DWELLING, is permitted on a parcel 0.9 hectares (2.2 acres) and larger where there is no COMMUNITY SEWAGE SYSTEM (Electoral areas B, D and E only); [Bylaw No. 2249, 2016]
- (dd) One TEMPORARY ADDITIONAL DWELLING, is permitted on a parcel 0.9 hectares (2.2 acres) and larger where there is no COMMUNITY SEWER (Electoral area C only); [Bylaw No. 2249, 2016]
- (e) One TEMPORARY ADDITIONAL DWELLING, is permitted on a parcel 0.4 hectares (1 acre) and larger when the parcel is connected to a COMMUNITY SEWAGE SYSTEM (Electoral Areas B, D and E only); [Bylaw No. 2249, 2016]
- (ee) One TEMPORARY ADDITIONAL DWELLING, is permitted on a parcel 0.4 hectares
 (1 acre) and larger when the parcel is connected to a COMMUNITY SEWER
 (Electoral Area C only); [Bylaw No. 2249, 2016]

<u>Height</u>

(f) No building or structure shall exceed 10 metres (32.8 ft.) in HEIGHT.

<u>Setbacks</u>

- (g) Except as otherwise permitted in this bylaw, no PRINCIPAL building or structure shall be located within:
 - (i) 7 metres (23 ft.) of a FRONT PARCEL LINE;
 - (ii) 3 metres (10 ft.) of an INTERIOR SIDE PARCEL LINE;
 - (iii) 5 metres (17 ft.) of an EXTERIOR SIDE PARCEL LINE;
 - (iv) 5 metres (17 ft.) of a REAR PARCEL LINE.
- (h) Except as otherwise specifically permitted in this bylaw, no ACCESSORY building or ACCESSORY structure shall be located within:
 - (i) 7 metres (23 ft.) of a FRONT PARCEL LINE;
 - (ii) 1.5 metres (5 ft.) of an INTERIOR SIDE PARCEL LINE;
 - (iii) 5 metres (17 ft.) of an EXTERIOR SIDE PARCEL LINE;
 - (iv) 3 metres (10 ft.) of a REAR PARCEL LINE.

Agriculture

- (i) AGRICULTURE, use is permitted on parcels 4 hectares (10 acres) and larger;
- (j) AGRICULTURE DOMESTIC, is permitted on parcels 0.4 hectares (1 acre) and larger;



SECTION 35 R-2 (Residential 2 Zone - 0.4ha / 1.8 ha) continued

Where AGRICULTURE or AGRICULTURE-DOMESTIC are permitted the following regulations shall apply;

(k) Maximum LOT COVERAGE for each commodity group is limited to the following:

COMMODITY GROUPS			
Apiculture (bees)	Greenhouse, Nursery, Speciality wood & Turf Crops	Livestock,* Poultry, Game and Fur	Mushroom growing facility
20%	Greenhouse: 75% Nurseries, Speciality Wood Crops & Turf Farms: 35%	35%	35%

^{*}CONFINED LIVESTOCK AREAS, are included in the LOT COVERAGE restriction.

The following structures do not fall under the LOT COVERAGE restrictions:

- detention ponds
- support structures used for shading, frost and wind protection of plants and animals.



PART IV GENERAL REGULATIONS

SECTION 12 APPLICATION OF GENERAL REGULATIONS

1. Except as otherwise provided, Sections 12 to 29 apply to all zones established under this bylaw.

SECTION 13 ACCESSORY BUILDING FLOOR AREA

1. This section shall apply only to the following zones of this bylaw:

	• •	•
(a)	Section 32	A-1 "Small Holding zone", when parcels are 8 ha or less
(b)	Section 33	A-2 "Large Holding zone", when parcels are 8 ha or less
(c)	Section 34	R-1 "Residential 1 zone"
(d)	Section 35	R-2 "Residential 2 zone"
(e)	Section 36	R-3 "Residential 3 zone"
(f)	Section 37	R-4 "Residential 4 zone"
(g)	Section 38	R-5 "Residential 5 zone"
(h)	Section 39	R-6 "Residential 6 zone"

2. The aggregate FLOOR AREA of all ACCESSORY buildings must not exceed the FLOOR AREA set out in the following table in which Column I sets out Parcel Size and Column II sets out the Maximum ACCESSORY building FLOOR AREA:

[Bylaw No. 1739, 2007]

	, ,
Column I	Column II
Parcel Size	Maximum Accessory Building Floor Area
less than or equal to 0.2 ha (½ acre)	100 sq. meters (±1076 sq. ft.)
greater than 0.2 ha (½ acres) but ≤ to 1.8 ha (4.5 acres)	187 sq. meters (± 2016 sq. ft.)
greater than 1.8 ha (4.5 acres) but ≤ to 4 ha (10 acres)	232 sq. meters (± 2496 sq. ft.)
greater than 4 ha (10 acres)	300 sq. meters (± 3200 sq. ft.)

- 3. Despite Section 13.2 the following are excluded from the calculation of aggregate FLOOR AREA of all ACCESSORY buildings;
 - (a) FARM BUILDINGS on land within the Agricultural Land Reserve;
 - (b) Buildings less than 11 sq. metres (118 sq. ft.) in FLOOR AREA;
 - (c) One garden shed, tool shed or greenhouse having a FLOOR AREA not exceeding 20 sq. metres (215 sq. ft.);



TO:	Brad Sperling, Director of Electoral Area C
FROM:	Nikita Kheterpal, North Peace Land Use Planner
- ·	= I 0C 0004

February 26, 2021 DATE:

Zoning Amendment Bylaw No. 2436, 2021 RE:

PRRD File No. 21-005-ZN

Pursuant to the following resolution:

RD/15/04/26 (23)

That a two-week period be added to the development application review process to allow time for the appropriate Electoral Area Director to review applications prior to them going to the Regional Board for consideration.

The application and report are provided for your review. As instructed at the November 21, 2019 EADC meeting, referrals to Directors will be done earlier in the application review process, at the same time as external agency referrals. As a result, this referral does not include external agency comments or a staff report.

If you have any comments, please submit them by March 12, 2021.

diverse, vast, abundant.

PEACE RIVER REGIONAL DISTRICT Bylaw No. 2436, 2021

A bylaw to amend "Peace River Regional District Zoning Bylaw No. 1343, 2001."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt "Peace River Regional District Zoning Bylaw No. 1343, 2001";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

- 1. This bylaw may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2436, 2021."
- 2. Schedule A Map 7 of "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended by rezoning Lot 1, Section 8, Township 84, Range 19, W6M, PRD, Plan 6659, from C-2 "General Commercial Zone" to R-2 "Residential 2 Zone", as shown on Schedule 'A' which is attached to and forms part of this bylaw.

DE A D. A. EIDST TIA 4E TILLS

day of	, 2021.
day of	, 2021.
day of	, 2021.
day of	, 2021.
727	
day of	, 2021.
day of	, 2021.
Chair	
Corporate Officer	
	day of Chair



Peace River Regional District Bylaw No. 2436, 2021

SCHEDULE "A"



Schedule A - Map 7 of "Peace River Regional District Zoning Bylaw No.1343, 2001" is hereby amended by rezoning Lot 1, Section 8, Township 84, Range 19, W6M, PRD, Plan 6659, **from** C-2 "General Commercial Zone" **to** R-2 "Residential 2 Zone" as shown on the drawing below

