

PUBLIC NOTICE

Zoning Bylaw Amendment



NOTICE OF PUBLIC HEARING: AMENDMENT BYLAW 1726

Date & Time: November 27, 2023 at 7:00 pm

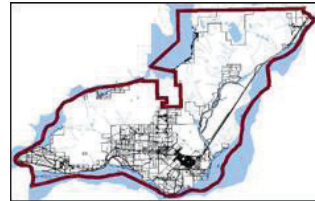
Location: 7170 Cheam Avenue, Agassiz, BC
or kentbc.ca (registration for live stream required)

Council of the District of Kent will be holding a Public Hearing for District of Kent Zoning Bylaw, Amendment Bylaw No. 1726, 2023.

If adopted, Bylaw 1726 would:

1. Revise the floor area definitions to align with Agricultural Land Commission definitions.
2. Add Rural Residential 3 Zone to home occupation tables.
3. Remove maximum number of occupants per bedroom in the short-term rental regulations.
4. Simplify the presentation of farm home plate regulations and remove reference to farm employee residence.
5. Simplify the presentation of shipping container regulations.
6. Remove short-term rental uses from the Single-Dwelling Residential (RS1) Zone / Single-Dwelling Residential Short-term Rental (RS1/Str) Zone and rename the Zone to RS1.
7. Add site specific exemptions to allow existing properties within the RM2 zone to rebuild at their current density if ever required. These properties include; 1783 Agassiz-Rosedale Highway 9, 1755 Agassiz-Rosedale Highway 9, 1735 Agassiz-Rosedale Highway 9, 1677 Vimy Road, 1836 Heath Road

Bylaw 1726: Subject Land



For More Information

Contact M. Lisa Beaulieu, Director of Development Services | Phone: (604) 796-2235 | Email: mlbeaulieu@kentbc.ca

View Draft Bylaw

Copies of the draft bylaw and all background materials will be available for viewing on-line at kentbc.ca and in the front foyer at Municipal Hall, 7170 Cheam Avenue, from November 10, 2023 to November 27, 2023 during regular office hours of 8:30 am to 4:30 pm and we are closed on November 13th in observance of Remembrance Day.

Send Your Comments

Email: mlbeaulieu@kentbc.ca

Mail: Director of Development Services

District of Kent
PO Box 70
Agassiz, BC V0M 1A0

All comments will be distributed to Council. Comments must be received by 12:30 pm, November 27, 2023.

Attend and Speak

Anyone is welcome to attend the Public Hearing. At the meeting, you will be given the opportunity to present your views on the proposed bylaw directly to Council.

In addition to attending in-person, the Public Hearing will be streamed via Microsoft Teams. Registration for the live-stream is available on Kentbc.ca

2. In addition, the ALC's new definition does not exempt any portion of a garage unless the garage is attached and the accessory dwelling unit occupies the second storey above a one-storey garage.
3. Kent's Zoning Bylaw refers to additional residences as an accessory dwelling unit throughout the bylaw. For consistency and ease of reference, the floor area – secondary dwelling is being amended to floor area – accessory dwelling unit.
4. The gross floor area definition does not include attached garages and unenclosed carports. This exclusion of garages creates some confusion when calculating floor area for a principal residence in the ALR as only up to 42 m² of garage and unenclosed floor area is exempt from the total floor area calculation.
5. Proposed changes to these definitions are shown in red and strikethrough in points 6 and 7.

6. **Proposed floor area – accessory dwelling unit definition:**

floor area – secondary accessory dwelling unit means the total floor area of the ~~secondary~~ **accessory dwelling unit** on a lot measured **to the inner surface of** ~~between exterior walls, all areas giving access thereto such as~~ **and includes** corridors, hallways, landings, foyer, staircases, stairwells, enclosed balconies, mezzanines, enclosed porches or verandas, **attached garages and unenclosed carports**, but ~~not including~~ **excluding** exits, vertical service spaces, **attached garages if the accessory dwelling unit occupies the second storey above a one storey garage** and their enclosing assemblies ~~attached garages or carports to a maximum of 46 m² (495 ft²).~~

7. **Proposed gross floor area definition:**

gross floor area means the total floor area of buildings on a parcel measured to the outer limits of a building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, **attached garages and unenclosed carports** but excluding auxiliary parking, unenclosed swimming pools, balconies, sundecks, elevators or ventilating machinery;

- 2) **AMENDMENT 2 (Part 7.12.6, Home Occupation): add RR3 Zone to home occupation regulation tables.**
 1. The amendment bylaw for a new RR3 zone in 2021 included an auxiliary home occupation use; however, the RR3 zone was not added to the home occupation regulation tables in error.
 2. **The proposed amendment will** add the RR3 zone to Table 7.12.6 (b) and Table 7.12.6 (c) where regulations are in place for the RR2 zone.
- 3) **AMENDMENT 3 (Part 7.13, Short-term Rentals): to remove the number of occupants per bedroom.**
 1. Kent's Zoning Bylaw short-term rental regulations limit the number of guests occupying a bedroom to 2 guests per bedroom. This limitation has been challenging to enforce and has created some issues for short-term rental operators.
 2. To reduce resources used on enforcement and monitoring of short-term rentals, **the proposed amendment will** remove the limitation for the number of guests per bedroom; however, the maximum number of guests per lodging period will remain the same.
- 4) **AMENDMENT 4 (Part 7.14 Farm Home Plate and Farm Employee Residence): To simplify the presentation of the regulations and remove reference to a farm employee residence.**
 1. With 2019 ALC changes to residences in the Agricultural Land Reserve, farm employee residences are no longer at the discretion of local governments. All residences outside of what ALC permits, including farm employee residences, must be approved by the ALC via a Non-Adhering Residential Use application.
 2. Prior to ALC changes, the District included specific regulations for farm employee residences.
 3. **The proposed amendment will** remove the reference to farm employee residences under Part 7.14.
 4. **In addition, the proposed amendment will** simplify the presentation of the regulations for Part 7.14.

- 5) **AMENDMENT 5 (Part 7.22, Shipping Containers): To simplify the presentation of the shipping container regulations.**
1. To ease the application of shipping container regulations, **the proposed amendment will** reorganize and simplify the regulations.
- 6) **AMENDMENT 6 (Part 9.4, Single-Dwelling Residential 1 Zone [RS1] / Single-Dwelling Residential Short-term Rental Zone [RS1str]): To rename the zone and remove short-term rentals as a use in the RS1 Zone.**
1. Kent's RS1/RS1str zone is contained within the Agassiz Townsite.
 2. With the challenge of providing affordable housing options within the Agassiz Townsite (which provides the best access to community amenities, employment, transit, and other services), it is recommended short-term rentals in the RS1 zone are removed.
 3. **The proposed amendment will** remove short-term rentals from the RS1/RS1str zone and rename the zone to RS1.
- 7) **AMENDMENT 7 (Part 9.9, Multiple Dwelling Residential 2 Zone [RM2]): add site specific exemptions to allow existing properties within the RM2 zone to rebuild at their current density if ever required.**
1. The District received an enquiry from a unit owner at 1735 Agassiz-Rosedale Highway, looking for information on the Multiple Dwelling Residential 2 (RM2) zone and how the regulations apply to 1735 Agassiz-Rosedale Highway (Woodside Terrace).
 2. A review of the RM2 zone revealed the current 75 unit per ha density regulations do not allow the levels of density found at Woodside Terrace. Woodside Terrace has 45 units on a 3,392 m² lot which is equal to 133 units per ha. This means nearly half the units at Woodside Terrace are legally non-conforming, putting them into a vulnerable position financially where, in the case of a fire, not all units could be rebuilt.
 3. Review of other RM2 zoned property in Kent showed a total of 5 properties that do not meet the RM2 zoning regulations for density.
 4. The legally non-conforming situation was likely caused by changes in the RM2 zoning regulation that occurred when Zoning Bylaw No. 1219

replaced Zoning Bylaw No. 780. Bylaw No.780 RM2 maximum density was 110 units per ha.

5. In the next year, staff will be reviewing Kent's multi-dwelling zones. In the meantime, however, a site-specific exemption is proposed to allow existing properties in a legal non-conforming position in Kent to rebuild at their current densities.
6. **The proposed amendment will** provide site specific exemptions for density on the following property:
 - 1738 Agassiz-Rosedale Highway 9 – 122 units per hectare
 - 1755 Agassiz-Rosedale Highway 9 – 106 units per hectare
 - 1735 Agassiz-Rosedale Highway 9 – 133 units per hectare
 - 1677 Vimy Road – 88 units per hectare
 - 1836 Health Road – 57 units per hectare

8) AMENDMENT 8 (Part 9.18, Light Industrial Zone [M1]): to further clarify retail sales of cannabis are not permitted in the M1 Zone).

1. Staff have received several enquiries about cannabis processing in the M1 zone.
2. While Kent's Zoning Bylaw allows cannabis processing in the M1 zone, the M1 zone also allow retail sales which has the potential to cause some confusion. The Zoning Bylaw is specific about where retail sale of cannabis is permitted which does not include the M1 zone. Further clarification is recommended to ensure the intent of regulating the retail sales of cannabis is met.
3. **The proposed amendment bylaw will** clarify that cannabis retail sales are not permitted in the M1 Zone.

ENVIRONMENTAL CONSIDERATIONS:

Minimal environmental impacts are anticipated from these Zoning Bylaw amendments.

BUDGETARY CONSIDERATIONS:

The zoning bylaw amendment has been initiated by the District therefore the District will incur staff and advertising costs for the bylaw amendment process.

POLICY CONSIDERATIONS:

Zoning Bylaw amendments will be conducted in accordance with Section 464 of the Local Government Act and District of Kent Procedure Bylaw No. 1194.

ALTERNATIVES/OPTIONS:

- 1) Staff recommendation.
- 2) Do not support recommendation.
- 3) Request further information.

ATTACHMENTS:

- 1) Appendix A: District of Kent Zoning Bylaw, Amendment Bylaw No. 1726, 2023

Respectfully submitted for your
consideration

Approved for submission by

M. Lisa Beaulieu,
A. Director of Development
Services

Wallace Mah,
Chief Administrative Officer

THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1726

“A bylaw to amend the District of Kent Zoning Bylaw 1219, 2001.”

WHEREAS the Council of the Corporation of the District of Kent has deemed it advisable to further amend Zoning Bylaw No. 1219, 2001;

NOW THEREFORE the Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as the “District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1726, 2023”.

2. **TEXT AMENDMENT**

- i. Under Part 3, Definitions, to remove the definition for floor-area – secondary dwelling and gross floor area and replace with the following:

floor area – accessory dwelling unit means the total floor area of the accessory dwelling unit on a lot measured to the inner surface of exterior walls, including corridors, hallways, landings, foyer, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, attached garages and unenclosed carports but excluding auxiliary parking, unenclosed swimming pools, balconies, sundecks, elevators or ventilating machinery;

gross floor area means the total floor area of buildings on a parcel measured to the outer limits of a building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, and attached garages and unenclosed carports but excluding auxiliary parking, unenclosed swimming pools, balconies, sundecks, elevators or ventilating machinery;

- ii. Under Part 7.12.6, add the RR3 zone to Table 7.12.6 (b) and Table 7.12.6 (c) where regulations are in place for the RR2 zone.
- iii. To remove and replace Parts 7.13.2.d) and 7.13.3 c) :

Part 7.13.1.d)

In addition to Part 7.13.1, a **short-term commercial accommodation (guest unit)** use shall:

d) have a maximum of six (6) guests per lodging period.

Part 7.13.3.c)

In addition to Part 7.13.1, a **short-term commercial accommodation (principal residence)** or a **short-term commercial accommodation (non-principal residence)** shall:

c) have a maximum of ten (10) guests per lodging period.

iv. To remove and replace Part 7.14, Farm Home Plate and Farm Employee Residence with the following:

7.14 Farm Home Plate

The following **farm home plate** regulations shall apply to all **lots** within the Agricultural Land Reserve and are subject to the provisions of the Agricultural Land Commission Act (*ALCA*).

.1 General

- (a) With the exception of Part 7.14.1 (c), all **lots** within the Agricultural Land Reserve, the **farm residence, accessory dwelling unit, home occupation**, and all **accessory residential facilities** must be located within the **farm home plate** area.
- (b) Any **buildings** or **structures** containing a non-farm use must be sited completely within the **farm home plate**.
- (c) **Farm home plate** requirements do not apply to **lots** that are exempt from the *ALCA* restrictions on the use of agricultural land.
- (d) A Development Variance Permit may be considered where it can be demonstrated that the variance improves the agricultural suitability of the lot.
- (e) A Development Variance Permit is not required for a floor area variance when approved by the Agricultural Land Commission.

.2 Regulations

- (a) For the purposes of Part 7.14.2, Table 7.14, an attic means the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and a sloping roof. This exception only applies if this unfinished space is created by the use of roof trusses. The unfinished attic space created by the use of attic trusses or rafters in the construction of a residence is not excluded from the calculation of total floor area.
- (b) For the purposes of Part 7.14.2, Table 7.14 a basement means a space below the first floor with a vertical height of more than 1.8 metres, and having more than one-half its vertical height below the average finished grade at the perimeter of a building that does not extend beyond the outer surface of the exterior wall of the first floor.

Table 7.14	
Element	Regulation
<p>Farm Home Plate Area (Maximum)</p> <p>Farm residence</p> <p>Detached accessory dwelling unit or home occupation within an accessory building</p>	<p>0.5 acres (2,023 m²)</p> <p>Additional 0.25 acres (1,000 m²) and does not have to be contiguous with remainder of the farm home plate area</p>
<p>Depth (maximum)</p> <p>Measured from a dedicated road, or if the road is not dedicated, measured from the constructed road</p>	<p>60 metres (196.85 feet) with one boundary of the farm home plate located at a property fronting on a road from which vehicular access is obtained.</p>
<p>Setbacks (minimum)</p> <p>Rear of the farm home plate</p> <p>All lot lines</p>	<p>10 metres (32.81 feet) from the rear face of a farm residence or a detached accessory dwelling unit</p> <p>Subject to established setbacks of zone</p>

<p>Floor Area (maximum)</p> <p>Farm Residence (see gross floor area definition)</p> <p>A detached accessory dwelling unit (see floor area – accessory dwelling unit definition)</p>	<p>500 m² (5,382 ft²)</p> <p>90 m² (968 ft²) on lots less than 40 ha 186 m² (2,000 ft²) on lots 40 ha or greater</p>
<p>Floor Area Exemptions (Maximum)</p> <p>Farm Residence</p> <p>Detached accessory dwelling unit</p>	<p>42 m² (452 ft²) cumulative for attached garages and unenclosed carports</p> <p>Attics, basements, and crawl spaces</p> <p>Attached garages if the accessory dwelling unit occupies the second storey above a one-storey garage</p> <p>Attics and crawl spaces</p>

- v. To remove and replace Part 7.22, Shipping Containers as follows:

7.22 Shipping Containers

- .1 Notwithstanding Section 7.8 Temporary Buildings, the use of a **shipping container** is only permitted as:
- (1) a principal or auxiliary use in the Agricultural (A) zone if the property is classified as a farm under the Assessment Act;
 - (2) an auxiliary use in the:
 - a. Park, Recreation Open Space (P2) zone if the property is;
 - b. Institutional (P1) zone if the property is used for a 'school use';
 - c. Light Industrial (M1), Heavy Industrial (M2), Special Industrial (M3);
- .2 Where permitted, shipping containers shall be:
- (1) subject to a **building permit** upon installation and relocation on site;

- (2) only used for storage of materials related to approved uses on the site except for shipping containers in the A zone which may be used for an agricultural use or storing a licensed and non-licensed farm equipment and vehicles required for the approved uses within the A zone;
- (3) only painted in common colours that are complementary to existing site buildings;
- (4) considered part of the maximum permitted unenclosed storage area within the M1, M2 and M3 zones and part of the maximum permitted accessory building area within the A and P2 zones;

.3 **Shipping containers** shall not be:

- (1) stacked or placed above ground level;
- (2) located in a required parking area and shall not encroach into a required landscape buffer;
- (3) used for the purpose of:
 - a. storing a licensed vehicle within the M1, M2, M3, P1, and P2 Zones;
 - b. screening or fencing;
 - c. enclosed rental storage units;
- (4) placed for the purpose of display or advertising;

.4 Regulations:

The following regulations contained in Table 7.22 apply to **shipping containers**:

Table 7.22	
Element	Regulation
Lot Size (Minimum)	
M1, M2, M3, and P1 zones	not applicable
A and P2 zones	equal to or greater than 0.8 hectares (2.0 acres)
Height (maximum)	
A, M1, M2, M3, P1, and P2 zones	3.28 metres (10 feet)
Length (maximum)	
A, M1, M2, M3, P1, and P2 zones	12.2 metres (40 feet)

<p>Setbacks (minimum)</p> <p>A, M1, M2, M3, P1, and P2 zones</p>	<p>Subject to established accessory building setbacks for each zone</p>
<p>Units (maximum)</p> <p>M1, M2, M3, P1, and P2 zones</p> <p>A zone (lots equal to 2.0 acres to 4.99 acres)</p> <p>A zone (lots equal to 5.0 acres or greater)</p>	<p>10% of the total lot area or 5 containers, whichever is less</p> <p>2 containers</p> <p>5 containers</p>
<p>Screening</p> <p>M1, M2, M3 and A zones</p> <p>P1 and P2 zones</p>	<p>screened from view from abutting residential and commercial properties</p> <p>screened from view from the street and abutting residential and commercial properties</p>

vi. To make the following amendments to Part 9.4, Single-Dwelling Residential 1 Zone (RS1) / Single-Dwelling Residential Short-term Rental Zone (RS1str) as follows:

a. To rename the zone as follows:

9.4 Single-Dwelling Residential 1 Zone (RS1)

b. To remove the short-term commercial accommodation (guest unit) use, short-term commercial (principal residence) use, and short-term commercial accommodation (non-principal residence) use, and associated regulations, from the RS1 Zone.

- vii. Under 9.9, Multiple Dwelling Residential 2 Zone (RM2), add .4 Site Specific Exemptions and Table 9.9.1 as follows:

.4 Site Specific Exemptions

Table 9.9.1 Site Specific Exemptions	
Legal Description	Exemption
Strata Lots 1 to 45 District Lot 19 Yale Division Yale District Strata Plan LMS2580 Together with an interest in the common property in proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	Permit a density of 122 units per hectare maximum
Lot 2 Except: Part Taken Highway SRW Plan 64696 District Lot 19 Group 1 Yale Division of Yale District Plan 3953	Permit a density of 106 units per hectare maximum
Strata Lots 1 to 45 District Lot 19 Group 1 New Westminster District Strata Plan NW1756 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	Permit a density of 133 units per hectare maximum
Lot 105 Section 19 Township 3 Range 28 West of the 6 th Meridian New Westminster District Plan 39575	Permit a density of 88 units per hectare maximum
Strata Lot 6 District Lot 49 Group 1 New Westminster District Strata Plan LMS1342 Together with and Interest in the Common Property in Proportion to the Unit Entitlement of the Strat Lot as Shown on Form 1	Permit a density of 57 units per hectare maximum

- viii. To remove and replace Part 9.18.5 with the following:

.5 An **industrial** use, **service industrial** use and **manufacturing** use is limited to a maximum of twenty percent (20%) of the **gross floor area** devoted to retail sales or display of goods manufactured, assembled, disassembled or repaired on site; retail sales of cannabis are not permitted.

3. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this day of

READ A SECOND TIME this day of

MINISTRY OF TRANSPORTATION APPROVAL this day of

A PUBLIC HEARING WAS HELD this day of

READ A THIRD TIME this day of

FINALLY PASSED AND ADOPTED this day of

CERTIFIED CORRECT:

Sylvia Pranger, Mayor

Wallace Mah, Chief Administrative Officer

CERTIFIED A TRUE & CORRECT COPY
of "District of Kent Zoning Bylaw 1219,
Amendment Bylaw No. 1726, 2023"
adopted on this day of

Clair Lee, Director of Corporate Services