



REQUEST FOR DECISION

Electoral Area D Zoning Bylaw No. 540, 1994, Amendment
Bylaw No. 1371-2015

Meeting dates: February 11, 2015 & February 25, 2015

To: Electoral Area Directors Committee / SLRD Board of Directors

RECOMMENDATION:

1. THAT Bylaw No. 1371-2015, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1371-2015" be introduced and be read a first and second time.
2. THAT Bylaw No. 1371-2015, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1371-2015" be referred to the appropriate First Nations, the District of Squamish, and provincial agencies including the Vancouver Coastal Health Authority, the Ministries of Forests, Lands, and Natural Resource Operations, and Transportation & Infrastructure, for comment.
3. THAT pursuant to s. 890(4) of the *Local Government Act*, the public hearing regarding Bylaw No. 1371-2015, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1371-2015" be waived.
4. THAT notice of the waiver of the public hearing regarding Bylaw No. 1371-2015, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1371-2015" be given in accordance with s. 893 of the *Local Government Act*.

KEY ISSUES/CONCEPTS:

The proposed zoning amendment bylaw includes a number of housekeeping changes for Zoning Bylaw No. 540, 1994, which covers a portion of Electoral Area D. As the Area D Zoning Review proceeds during 2015, a number of issues have been identified that can be dealt with through housekeeping amendments in advance of the new Area D Zoning Bylaw being adopted. Such amendments would address existing zoning issues as well as lay some groundwork for the new Area D Zoning Bylaw that will replace the three existing zoning bylaws.

RELEVANT POLICIES:

Electoral Area D Official Community Plan Bylaw No. 1135-2014
Electoral Area D Zoning Bylaw No. 540, 1994

BACKGROUND:

Numerous issues have been identified in the Britannia Beach Residential 1 and 2 zones that apply to Britannia Beach as part of Zoning Bylaw No. 540, 1994. It was determined that these minor issues could be addressed in advance of the completion of the Area D Zoning Bylaw. A housekeeping amendment bylaw has been drafted which includes a zoning change to address a lot line adjustment (subdivision) that has resulted in two unintentionally split zoned parcels, new and revised common definitions, minor setback changes and fence height provisions, clarification on certain provisions, and fixing of incorrect section references.

ANALYSIS:

The following outlines the zoning amendments being proposed in further detail:

Zoning

A lot line adjustment subdivision approved by the MOTI has resulted in two lots becoming split zoned and has unintentionally resulted in the Britannia Beach Residential 2 zone applying to parcels beyond the original intended lot. The original parcel to which the Britannia Beach Residential 2 zone applied had the lot lines it shared between two adjacent parcels shifted. This shift in lot lines resulted in the zone now applying to a portion of each of the two adjacent parcels. This change does not affect existing use as the Britannia Beach Residential 2 zone is intended to apply to a certain lot only and the Britannia Beach Residential 1 zone now includes those two smaller parcels (see Schedule 1 to Bylaw No. 1371-2015 attached to this report) that benefited from the lot line adjustment.

Definitions

Revised definitions include secondary suite, setback, parcel area, and parcel lines. As part of the Area D Zoning Review following work done as part of the Area B Zoning Review, it was determined that there is a need for common definitions for terms employed in SLRD zoning bylaws. There are numerous instances of existing terms having very different definitions depending on which zoning bylaw in which electoral area they occur. Clarity around parcel line terms and application is achieved through the elimination of the existing combined yard setbacks. The existing provisions have both individual side parcel line setbacks and a combined yard setback (one side is X, the other Y, and together less than Z) that creates an unnecessarily complicated situation for the public and staff. The amendment would simplify the setbacks to just an interior parcel line and an exterior parcel line setback. Updating the definition of secondary suite to align with the current BC Building Code definition is another change that will be applied to all SLRD zoning bylaws as required.

Setbacks

Building setbacks: Alterations to the setback distances in the Britannia Beach Residential 1 zone are proposed concurrently with the revised setback definition. The removal of roof overhangs from the setback calculation, such that the setback applies to the foundation wall instead of the roof overhang, requires a slight exemption (0.6 m) for existing roof overhangs. In the same vein,

the 0.6 m has been added to the parcel line setback distances in that zone to address future buildings.

Watercourse setbacks: Currently, there is a 30 m setback from watercourses. This was put in place prior to the implementation of a Development Permit Area (DPA) in the Area D Official Community Plan and the introduction of the Provincial Riparian Area Regulations (RAR). In the proposed zoning amendment bylaw, the 30 m watercourse setbacks has been removed as these provisions are now redundant. As watercourse setbacks are required by the RAR, and are set on a case by case basis by a Qualified Environmental Professional (as specified by RAR), there is no need to have a 30 m (or lesser distance) setback in the zoning bylaw as it unnecessarily triggers the need for property owners to apply for development variance permits in addition to the need for a RAR DP, when a RAR DP is sufficient.

Building separation setbacks: A minimum separation distance of 1.6 m between buildings in Residential zones is also being added, similar to that proposed in Area B, at the request of the Building Inspector.

Height

In the Britannia Beach Residential 1 zone, in section 8.1.8, maximum height provisions offer a choice between a figure in metres or a figure in storeys, for example in Section 8.1.8(1):

Area 1 – Single family dwellings shall not exceed 8.5 m or two storeys in height.

By offering a choice between metres or storeys, these provisions have resulted in several conflicts where the figure in storeys exceeds the max height in metres and yields a building that could negatively affect viewscales and other issues. Typically in SLRD zoning bylaws, maximum heights are listed in metres only (or in feet in the older bylaws). This provides a clear and unequivocal figure for both the public and staff to refer to, whereas the addition of storeys could lead to ambiguity and debate. Therefore the 'storeys' language is proposed to be removed from the height provisions, which will leave only a clear figure in metres.

Secondary suites

Some inconsistencies with secondary suites and other references are proposed to be addressed in the Britannia Beach Residential 2 zone. These inconsistencies include references to secondary suites being permitted in detached buildings, which they should not be, as well as allowing a lower maximum floor area for suites than the current BC Building Code (75 m² instead of 90 m²). In all SLRD zoning bylaws, secondary suites are required to be in the dwelling, or in garage (or other construct) that is structurally attached to the dwelling.

Fence height

An exemption to the fence height provision is proposed to address visibility issues in the front yard area where fence heights must be kept lower to allow sight lines along and around roads.

Accessory buildings

The current zones at Britannia Beach set a maximum gross floor area for accessory buildings, however, they do not set limits on the number of accessory buildings, and this is considered to have been an oversight in the original zoning bylaw. To address the negative effects of a proliferation of small accessory buildings on lots in Britannia Beach, especially the smaller lots, a maximum of two accessory buildings is proposed in the Britannia Beach Residential 1 zone. The maximum floor area provisions currently in the BBR1 zone in the bylaw that pertain to accessory buildings will remain the same as Section 8.1.7(2) (table excerpt below). Without a limit on the number of accessory buildings, there are few tools to address regulatory and neighbour concerns, especially regarding the construction of buildings less than 10 m², which do not require a building permit. The potential for large numbers of accessory buildings combined with outdoor storage of materials and parking of multiple vehicles and boats results in conflict between neighbours and crowding on small lots.

Parcel Area	Maximum Permitted Combined Gross Floor Area of All Accessory Buildings
(a) less than 1,000m ²	40m ²
(b) 1,000m ² -2,000m ²	75m ²
(c) 2,000m ² -4,000m ²	125m ²
(d) over 4,000m ²	250m ²

Medical marihuana

In order to clarify a provision regarding medical marihuana in Zoning Bylaw No. 540, 1999, it is necessary to add the words “for a medical marihuana production facility” to the maximum floor area clause in Section 6.1.2.

Public Hearing waiver

It is recommended then that the public hearing be waived for this amending bylaw, pursuant to Section 890(4) of the *Local Government Act*, which states that a local government may waive a public hearing on a proposed bylaw if the proposed amendment is consistent with the OCP. While there are many different changes proposed in this amendment bylaw, staff are confident that the proposed changes are relatively minor in nature and simply serve to update and clarify the existing zoning bylaw without substantially altering permitted uses and the amendments are considered to be consistent with the new Electoral Area D Official Community Plan Bylaw No. 1135-2103. The notice of waiver must be advertised and public comments can still be received and will be presented to the Board.

Ministry of Transportation & Infrastructure (MOTI) Approval

Under Section 52 of the *Transportation Act*, MOTI approval is required for all zoning bylaws & amendments that include land within 800 m of a controlled access highway. This approval is required after a bylaw received 3rd reading and before it is adopted.

OPTIONS:**Option 1 (PREFERRED OPTION)**

Give the bylaw first and second reading, initiate the referral process, and waive the public hearing.

Option 2

Give the bylaw first and second reading and initiate the referral process and do not waive the public hearing

Option 3

Do not give the bylaw any readings and refer back to staff for more information.

FOLLOW UP ACTION:

As per Board decision.

ATTACHMENTS:

Zoning Amendment Bylaw No. 1371-2015

Prepared by: I. Holl, Planner

Reviewed by: K. Needham, Director of Planning and Development

Approved by: L. Flynn, Chief Administrative Officer

SQUAMISH-LILLOOET REGIONAL DISTRICT
ZONING AMENDMENT BYLAW NUMBER 1371-2015

A bylaw of the Squamish-Lillooet Regional District to amend Squamish-Lillooet Regional District
Zoning Bylaw No. 540, 1994.

The Board of Directors of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as the “Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1371-2015”.
2. The Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994 is hereby amended as follows:
 - a. By deleting the phrase “which may be contained in a free standing building” from Section 12.1.1(1)(b).
 - b. By renumbering the section reference in Section 12.1.2 from “where permitted in section 11.1.1” to “where permitted in section 12.1.1”.
 - c. By deleting the phrase “and secondary suites” from Section 12.1.6(2).
 - d. By replacing the figure “75” in Section 12.1.11(3) with the figure “90”.
 - e. By replacing the existing Section 12.1.11(5) with a new Section 12.1.11(5), as follows:

12.1.11(5) The maximum combined floor area of a cottage and parking use is 195 m².
 - f. By deleting Section 12.1.8 and Section 12.1.12, and renumbering Section 12.1 Britannia Beach Residential Two (R2) Zone accordingly.
 - g. By renumbering the section reference in Section 14.2.4 from “Section 7.2.2” to “Section 14.2.2”.
 - h. By deleting the phrase “or any part thereof” from Section 8.1.9(1).
 - i. By adding the following new subsection (0.10) to Section 4.4 Siting Exemptions after subsection 4.4.9 as follows:

.10 roof overhangs, to a maximum of 0.6 m, measured horizontally.
 - j. By deleting Section 8.1.10 Siting and Elevation of Buildings Adjacent to Waterbodies, Watercourses, and 8.1.11 Setback Reductions.
 - k. By deleting the two “watercourse (natural boundary)” setbacks from Section 6.1.2 for the “minimum setback of a principal building from” and “minimum setback of an accessory building from” subsections.
 - l. By deleting Section 7.1.5(b).
 - m. By deleting Section 13.2.12 in Table 1 of Section 13.1.

- n. By deleting the reference “[Section 11 Bylaw NO. 1085, 2008 – PENDING] that follows Section 11.1.7.
- o. By replacing the phrase “the principal building” in Section 4.6.5 with the new phrase “the building”.
- p. By replacing the word “parking” in Section 4.6.1 with the word “a garage”.
- q. By adding a new subsection 4.6.6 in the existing Section 4.6 Floor Area Calculations as follows:
- .6 carports
- r. By deleting the phrase “or two storeys” from Section 8.1.8(1), and also deleting the phrase “or two and one half storeys”.
- s. By adding the following new subsection to existing Section 4.12 Fence Height after subsection 4.12.1 as follows:
- .2 Notwithstanding Section 4.12, fences shall be a maximum of 1.2 m along the front parcel line and 1.2 m along the portion of each side parcel line from the front parcel line to the front parcel line setback distance applicable in the relevant zone.
- t. By adding a new definition of “Garage” in the Definitions section as follows:
- GARAGE** means a roofed *structure* used for the storage or parking of motor vehicles that has more than 60% of the total perimeter of the *structure* enclosed by walls, doors, or windows.
- u. By replacing the existing definition of “Secondary Suite” in the Definitions section with the following:
- SECONDARY SUITE** means an additional *dwelling unit* contained within a *single family dwelling*. *Secondary suites* are not permitted in a *duplex*. The following conditions apply to a secondary suite:
- Has a total floor space of not more than 90 m² in area
 - Has a floor space less than 40% of the habitable floor space of the building
 - Is located within a building of residential occupancy containing only one other dwelling unit
 - Is located in and part of a building which is a single real estate entity (i.e. a single title)
- v. By deleting the existing definition of “Setback” in Section 2 Definitions, and replacing it with the following new definition of “Setback”:
- SETBACK** means the required minimum distance between a *building or structure* and each of the respective *parcel lines*. Setbacks are measured as follows for:
- All buildings measured to the outside surface of the exterior walls or posts.
 - All structures, other than buildings, measure to their extreme outer limits.
- w. By deleting the existing definitions of “Parcel Area”, “Parcel Line”, “Parcel Line, Side”, “Parcel Line, Front” and “Parcel Line, Rear” in Section 2 Definitions, and replacing it with the following new definitions of “Parcel Area”, “Parcel Line”, “Parcel Line, Exterior Side”, “Parcel Line, Interior Side”, “Parcel Line, Front” and “Parcel Line, Rear”.

PARCEL AREA means the total horizontal area within the *parcel lines*.

PARCEL LINE means any boundary of a parcel.

PARCEL LINE, EXTERIOR SIDE means a *parcel line*, other than a *front* or *rear parcel line*, which is common to the parcel and a highway other than a *lane* or walkway.

PARCEL LINE, FRONT means:

- a) the shortest *parcel line* common to a parcel and a highway other than a *lane*.
- b) The waterfront, where the parcel is not accessible by a highway.

PARCEL LINE, INTERIOR SIDE means a *parcel line* other than a *front parcel line* or *rear parcel line* which is not common to a highway other than a *lane*.

PARCEL LINE, REAR means:

- a) the *parcel line* that is opposite to, most distant from, and is not connected to the *front parcel line*, or
- b) where the rear portion of the *parcel* is bounded by intersecting side *parcel lines*, is the point of intersection.

- x. By replacing the existing table of setbacks in Section 8.1.9(1) with the following table:

	BB R1 Area 1 Principal Buildings	BB R1 Area 2 Principal Buildings	BB R1 Area 1 & 2 Accessory Buildings
<i>Front parcel line</i>	5.6 m	8.1 m	3.6 m
<i>Rear parcel line</i>	5.6 m	8.1 m	2.1 m
<i>Interior side parcel line</i>	2.1 m	4.1 m	2.1 m
<i>Exterior side parcel line</i>	4.5 m	7.5 m	4.5 m

- y. By deleting the existing section 8.1.9(2) and its two subsections 8.1.9(2)(a) & (b), and replacing them with a new section 8.1.9(2) as follows:

(2) Notwithstanding the provisions of section 8.1.9(1), the following parcel line setback provisions apply to the parcels as identified in each subsection:

- (a) For PID 026-457-601, Lot 2, District Lot 891, Plan BCP20004, Group 1, NWD:

- (i) The front parcel line setback shall be 3.6 m
- (ii) The rear parcel line setback shall be 2.75 m

- (b) For PID 026-457-768, Lot 22, District Lot 891, Plan BCP20004, Group 1, NWD:

- (i) The front parcel line setback shall be 4.6 m
- (ii) The rear parcel line setback shall be 3.6 m

- z. By inserting a new Section 4.14 Minimum distance between buildings in Residential zones immediately following the existing Section 4.13 Split Zoned Parcels, as follows:

Minimum distance between buildings in Residential zones

4.14 For all buildings in Residential zones in this bylaw, there is a minimum distance of 1.6 m between buildings, or part thereof.

- aa. By inserting a new Section 4.15 Watercourse Setbacks and Riparian Area Regulations (RAR) immediately following the new Section 4.14 added by (u) above, as follows:

Watercourse Setbacks and Riparian Area Regulations (RAR)

4.15 Watercourse setbacks are determined by a Qualified Environmental Professional (QEP) in accordance with RAR through the Development Permit process. RAR has been enacted through a Development Permit Area in the Electoral Area D Official Community Plan (OCP) Bylaw No. 1135-2013, as amended from time to time. Any development activity (building, land clearing, vegetation removal, soil disturbance, etc.) within 30 m of a watercourse requires a Development Permit.

bb. By inserting the phrase “for a *medical marihuana production facility*” after the existing phrase “Maximum floor area” in the table under section 6.1.2

cc. By inserting the new section 8.1.7(3) immediately following the existing section 8.1.7(2) as follows:

(3) A maximum of 2 accessory buildings is permitted on a parcel.

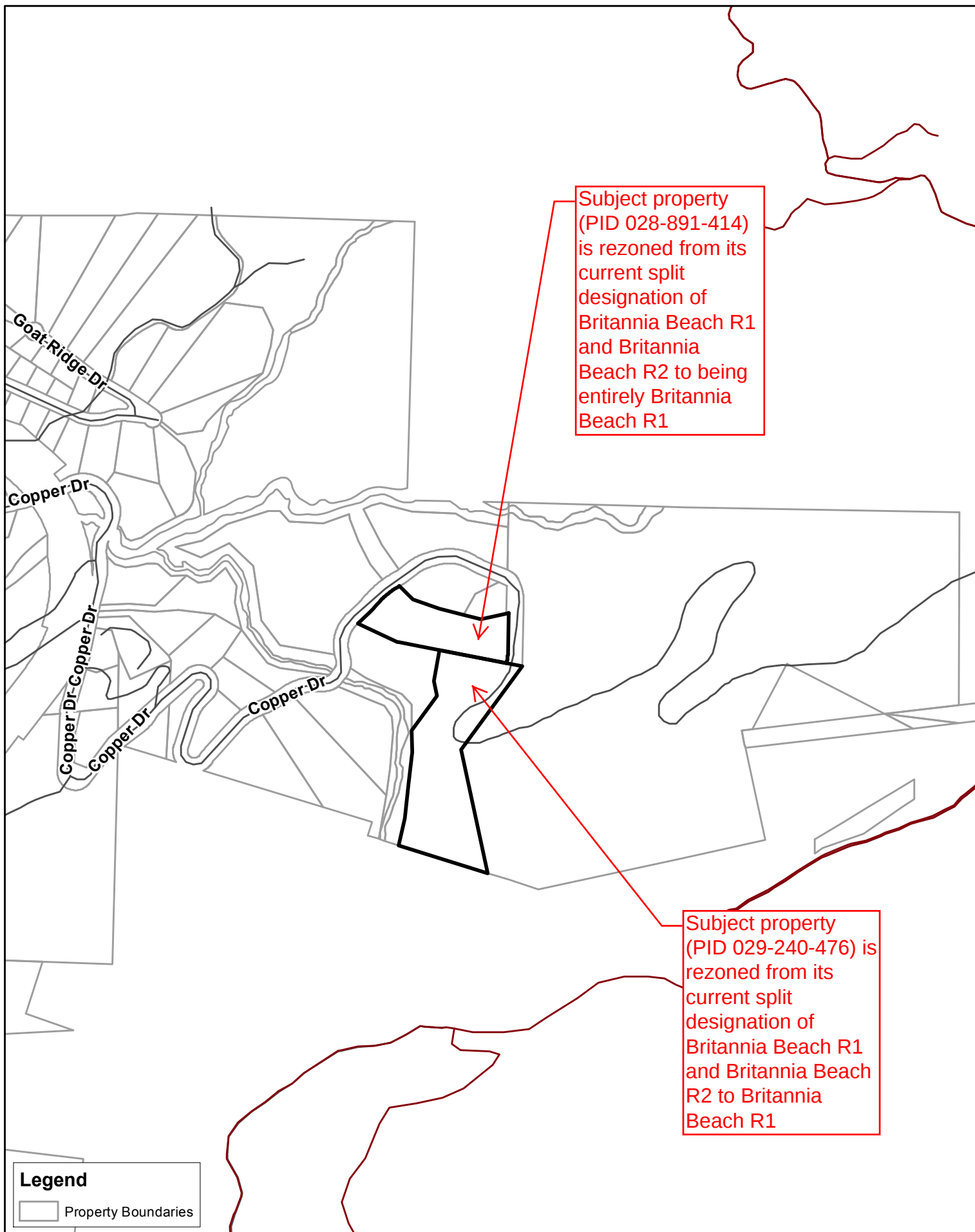
dd. By rezoning that portion of land (two separate parcels) outlined in bold on Schedule 1, which is attached to and forms part of this bylaw, from the current split designation of Britannia Beach R1 and Britannia Beach R2 to Britannia Beach R1.

ee. By updating the table that summarizes the amendments to the bylaw in the front of Zoning Bylaw No. 540, 1994 to include this bylaw.

READ A FIRST time this	25 th day of	FEBRUARY, 2015
READ A SECOND time this	25 th day of	FEBRUARY, 2015
PUBLIC HEARING WAIVED this	25 th day of	FEBRUARY, 2015
READ A THIRD time this	day of	, 2015
PER s.52 (3)(a) of the <i>Transportation Act</i> , APPROVED by the MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE this	day of	, 2015
ADOPTED this	day of	, 2015

Jack Crompton
Chair

Peter DeJong
Secretary



Legend

Property Boundaries