

REPORT TO: Council

FOR: Regular

REPORT FROM: Development Services (Planning)

PRESENTED: February 16, 2016

FILE: Zoning Update Minibus

SUBJECT: District of Squamish Official Community Plan Bylaw No. 2100, 2009, Amendment Bylaw (**Garibaldi Springs Golf Course**) No. 2432, 2016 and Zoning Bylaw No. 2200, 2011, Amendment Bylaws (**2016 Zoning Update Minibus**) No. 2433, 2434, 2435 and 2436, 2016

Recommendation:

That Council approve the following resolutions:

THAT District of Squamish Official Community Plan Bylaw No. 2100, 2009, Amendment Bylaw (Garibaldi Springs Golf Course) No. 2432, 2016 and Zoning Bylaw No. 2200, 2011, Amendment Bylaws (2016 Zoning Update Minibus) No. 2433, 2434 and 2435, 2016 be given first and second readings;

AND THAT a Public Hearing Date for District of Squamish Official Community Plan Bylaw No. 2100, 2009, Amendment Bylaw (Garibaldi Springs Golf Course) No. 2432, 2016 and Zoning Bylaw No. 2200, 2011, Amendment Bylaws (2016 Zoning Update Minibus) No. 2433, 2434 and 2435, 2016 be scheduled for March 16, 2016 at 6:00pm;

AND THAT District of Squamish Zoning Bylaw No. 2200, 2011, Amendment Bylaw (2016 Zoning Update Minibus 2) No. 2436, 2016 be given first reading.

1. Executive Summary:

This report introduces five bylaws that form the District's 2016 Zoning Bylaw update for first and second readings. Comprehensive zoning bylaws are living regulations that require annual maintenance in order to keep up with changing community needs, alignment with other bylaws and policies, and general housekeeping. The proposed updates include:

- increasing secondary suite size and options,
- expanding home occupation provisions,
- adjusting building space and height restrictions affected by flood construction levels,
- relaxing requirements for agricultural use,
- relaxing setbacks for attached solar energy devices,
- expansion of areas where health and veterinary clinics, and pet grooming, are permitted,
- expansion and regulation of temporary food and commercial vending areas,
- expansion of areas where outdoor recreation storage facilities, as well as recreation facilities, are permitted, and
- removal of minimum building size restrictions for residential buildings.

Two community engagement sessions were held on the more significant changes. Overall, community feedback has been positive. Staff recommend proceeding with the Bylaw readings and scheduling of a public hearing.

2. Background:

The 2016 Zoning Bylaw update project was initiated in July of 2015 in order to address evident issues in the current Bylaw. Working with the Community Development Standing Committee (CDSC), staff drafted a number of Zoning Bylaw amendments and one property-specific Official Community Plan (OCP) amendment. Proposed changes were publicized through the District's website, newspaper article, and two community engagement sessions.

3. Project Information:

Secondary Suites

Rental housing availability in Squamish is currently suffering from a significant shortage with an estimated vacancy rate at 0%. Existing zoning regulations pertaining to secondary suites are fairly restrictive when compared to some jurisdictions, particularly when it comes to detached accessory dwelling units, which are strictly limited in size, form and location. Detached units can only be located on the second storey of an accessory building. Properties containing a secondary suite are also limited when it comes to home based businesses; only a home office is currently permitted. Increasing secondary suite size options on larger parcels presents an opportunity to facilitate greater energy efficiency and contribute towards reducing greenhouse gas emissions in Squamish through a land use incentive program (in accordance with Official Community Plan (OCP) Policy 22-11).

Proposed Bylaw Amendments:

- a) Expand accessory suite housing options by increasing the maximum floor area of detached suites to 70m² (currently 56m²).
- b) As a density bonus subject to higher insulation standards, increase the maximum floor area of detached suites to 90m² on parcels equal to or larger than 0.2ha.
- c) Allow detached secondary dwellings at ground level outside of floodplain areas.
- d) Allow secondary suites outside of community sewer and water service areas.
- e) Allow secondary suites in conjunction with home-based business activity.
- f) Apply appropriate setbacks to detached suites, same as principal dwelling setbacks for front and side yard, 3m for rear yard and 0.6m where there is a rear lane, and 6m from the rear and 0.6m where there is a rear lane on properties equal to or larger than 0.2ha.

Home Occupation

Home-based businesses provide live-work opportunities for many residents in Squamish. Currently, provisions of the Zoning Bylaw that apply to home-based businesses are limiting particularly when it comes to operating a home-based business on a property that contains a secondary suite. The Bylaw does not currently permit a "Home Occupation, Residential" use on properties that contain a secondary suite or in two unit dwellings. The size of the home occupation use is limited to 10% of the Gross Floor Area of the principal dwelling unit to a maximum of 23m² (250 ft²).

Proposed Bylaw Amendment:

- a) Allow Home Occupation Residential on properties also containing a Secondary Suite.
- b) Allow Home Occupation Office within secondary suites.

- c) Allow Home Occupation Residential in two unit dwellings.
- d) Eliminate the 10% Gross Floor Area limitation and increase the maximum floor area for a Home Occupation to 400ft².
- e) Allow the Child Care Residential use as a Home Occupation in two unit dwellings.
- f) Allow the Child Care Residential use in Secondary Suites provided there is only one per property.

Flood Construction Level

The District of Squamish has adopted a 5.0-metre (geodetic elevation) flood construction level (FCL) as an interim measure to account for new primary flood protection requirements. The FCL affects developments in floodplain areas throughout Squamish (excluding areas like Hospital Hill and Valleycliffe) setting the minimum elevation requirements for habitable space for buildings. It affects residential buildings in particular making it hard to squeeze two floors between the new FCL and the existing maximum building height requirements, which vary across the District.

Another regularly encountered challenge with the current FCL-specific provisions of the Zoning Bylaw is the lack of flexibility when it comes to the type of space permitted below the FCL. Currently only garages, entrance foyers and crawl spaces are permitted. Crawl space is limited in height to 1.5 metres creating an incentive to show large parking areas below the FCL on building plans and later convert them to other storage space.

Resolving the FCL related constraints on height presents an opportunity to facilitate greater energy efficiency and contribute towards reducing greenhouse gas emissions in Squamish through a land use incentive program (in accordance with Official Community Plan (OCP) Policy 22-11).

Proposed Bylaw Amendment:

- a) Subject to higher insulation standards for the structure, permit a 1.5-metre increase in the maximum building height within floodplain areas where the FCL exceeds 1.5 metres above the natural grade. This will allow for height flexibility in floodplains. Higher insulation incentive would apply to new construction or new additions only.
- b) Subject to certification by a Qualified Professional (QP), permit non-habitable floor space below the FCL by including allowance for non-habitable floor space below the FCL other than parking and entrance foyers and by removing the reference to the 1.5-metre crawlspace.

Agriculture

In 2015, the District adopted the Squamish Food Charter prepared by the Squamish Climate Action Network (CAN). The Charter is a declaration of collective will of the District and Community to protect and promote a healthy, just and ecologically resilient food system. At its core, the Charter recognizes the importance of local food systems including local food production to community health and local economic resilience. The Zoning Bylaw already has a number of provisions that allow for agricultural use on rural and resource lands, and allow for

urban agriculture on residential properties. However, there are still a number of limitations on lot coverage, gross floor area and number of buildings that present some barriers for agriculture in both urban and rural parts of Squamish. Greenhouses are also somewhat difficult to establish given the accessory building limitations in terms of number, size and location.

Proposed Bylaw Amendment:

- a) Remove provisions that limit agriculturally-used buildings to one per lot on properties where agricultural use is permitted as a principal use.
- b) Remove maximum size and gross floor area limitations for greenhouses used as an accessory structure in all areas and allow for 20% of the lot area to be covered by greenhouses in addition to lot coverage limits.
- c) Reduce interior side and rear setbacks for greenhouses from 1.52m to 1.0m.

Solar Energy Devices

The District has received a number of requests to relax setback regulations for wall-mounted solar energy devices. Under the current Bylaw, such devices need to maintain a setback associated with the building they are attached to. Residential buildings, particularly on smaller parcels tend to be built to take full advantage of the buildable area and setbacks with no room to accommodate solar attachments. Solar energy devices have minimal impact on adjacent property privacy.

Proposed Bylaw Amendment:

- a) Allow a 1.83m intrusion into all setback areas for attached solar energy devices.

Health and Pet Care

The current Zoning Bylaw limitations on pet care, particularly veterinary clinics and grooming, are inadvertently almost prohibitive. Pet grooming is only permitted in the I-1, I-8 and I-9 zones. Veterinary clinics are only permitted in the CD-40 zone, which currently applies to an undeveloped area. These provisions mean that pet care businesses cannot operate downtown contrary to historic use and ordinary land use practice. Further, the unintentional restriction on veterinary clinics (by listing the use in one zone) means that a veterinary clinic cannot initiate in Squamish at this time. Health clinics suffer from the same condition as veterinary clinics. The use is only allowed in Assembly P-2 zone and one CD zone.

Proposed Bylaw Amendment:

- a) Allow Pet Grooming in Downtown Commercial C-4 zone provided that in mixed use buildings sound proofing is provided.
- b) Allow Veterinary Clinics and Health Clinics in all zones where Personal Service Establishments are permitted.

Temporary Food and Commercial Vending

Temporary outdoor food vendors (for immediate consumption and retail) are currently permitted and licensed under the Squamish Business License Bylaw, but the uses have not been addressed in the Zoning Bylaw. The draft Business License Bylaw updates have been finalized, this report presents corresponding zoning changes.

Proposed Bylaw Amendment:

- a) Include definitions of “Portable Food Vending” (for immediate consumption) and “Temporary Commercial Vending” (sale of goods).
- b) Permit Portable Food Vending where retail sales or restaurant use is permitted, during Special Events, as well as on public property and on parkland with District Approval. No distance limit to other businesses.
- c) Permit Temporary Commercial Vending (limited to 100ft²) where Retail Store or Retail Sales are permitted, as well as on parkland or public property with District Approval. Not permitted within 100m of a facility that sells the same type of product.

Recreation Storage and Facilities

Outdoor adventure is the cornerstone of the Squamish brand and culture. According to the current Zoning Bylaw, outdoor recreation related facilities are only permitted in P-3 (park/institutional) and two Comprehensive Development zones. This limitation has generated location challenges for commercial and non-profit outdoor recreation operators and clubs, particularly as it relates to storage of recreational equipment close to natural amenities. Recreational Facility is currently a permitted accessory use in the P-3 zone, which does not reflect existing principal uses in some District parks where the use is a principal use. In addition, a Recreational Facility would be a good companion use on the District-owned property that currently houses the Adventure Centre.

Proposed Bylaw Amendment:

- a) Define outdoor recreational storage facilities.
- b) Permit outdoor recreational storage facilities in any zone where residential use is not a principal use.
- c) Permit Recreational Facilities as a principal use in the P-3 (Brennan Park) zone, as well as permit the use in the C-3 zone for the Adventure Centre property only.

Small Homes

Housing affordability in Squamish has been declining in recent years reaching an unprecedented low. While housing affordability is a wicked problem that will require a well-resourced long-term strategy to manage, some building form barriers can be addressed through this Zoning Bylaw update. The current bylaw contains a number of fairly conventional limitations on minimum building width and minimum dwelling size within some single detached and multi residential zones. The current minimum dwelling size provisions do not align with the maximum permitted size limits of secondary suites. Given land values and market demand for high quality housing, it is unlikely that eliminating these provisions would result in significant change in residential building form, but it may facilitate more uptake in building more affordable forms of housing.

Proposed Bylaw Amendment:

- a) Eliminate minimum building width provisions in all zones.
- b) Eliminate minimum dwelling unit size provisions in all zones.

Other Amendments

A number of less significant amendments are proposed in the five bylaws, much of which deal with property-specific and housekeeping matters. These amendments are outlined in the Table 1.

Table 1. Other amendments

Garibaldi Springs Golf Course	A correction of OCP designation and zoning is proposed to remedy a zoning error. In 2009, part of the Golf Course property, 2.6 hectares) was redesignated and rezoned to allow for residential development (from CD-12 to RS-1). However, when the current OCP and Zoning Bylaw were adopted in 2010 and 2011 respectively, the designation and zoning reverted back to the original “Greenways” and CD-12. Current Bylaws propose to reinstate the previous designation and zoning.
Xwu’nekw Park (formerly known as Lot 1)	The property at 37956 Loggers lane is a District-owned park parcel that is subject to historic industrial zoning (I-3) common Downtown Squamish. There are several recreational uses on this parcel that have been permitted via the Temporary Use Permit (TUP) process. A parkland zone is well suited for this parcel. Proposed rezoning the land parcel to Park, Recreational, and Institutional Use (P-3).
40320 Government Road	The property at 40320 Government Road has been historically and continues to be used for light industrial purposes despite its zoning change in 2011 to Tourist Commercial C-3. Since the zoning change there has been no up-take on the property to transition to tourist-related commercial uses. The property is currently being used by a number of small businesses for industrial equipment rentals and cellular phone repair. The current uses are in-line with the recommendations of the Employment Lands Strategy. Proposed bylaws would allow “Building Supply Outlet” as a use specific to this parcel in the C-3 zone and allow “Personal Service Establishments” as a use specific to this parcel in the C-3 zone.
40446 Government Road	This property is zoned Tourist Commercial (C-3). The property contains an outdoor sports gear shop that is currently operating despite the lack of appropriate zoning. The gear retail use has been in place since 1995 under a previous Zoning Bylaw. The use is in line with the Squamish Brand and in this case compliments tourist related uses envisioned through zoning for the area. Proposed Bylaw would allow “Retail Sales” as a use permitted specific to this parcel in the C-3 zone.

Artisan Building Downtown	The Artisan C-10 zoning affects five units in one mixed use building Downtown. The zone was intended to provide for a broad mix of uses, including living, working, selling of goods and leisure activities. The Artisan zone is recent and has had limited take-up by the building's occupants. One massage therapy business has been negatively impacted by the new zoning and Council granted an amendment for that unit in 2015. In order to facilitate the commercial use of affected units, staff propose to replace the C-10 zone with C-4, which allows for a wider spectrum of uses. Proposed Bylaws would replace C-10 zoning designation on the Artisan Building with C-4.
1861 Mamquam Road (On the Farm)	CD-71 zone contains a prescriptive site plan for the uses. Lack of flexibility has come up as a challenge for making small changes to the layout of permitted uses. The proposed Bylaw would include language that requires 'general' conformance to the CD-71 site plan.
University Housing – 1 (UH-1) Height	The zone currently allows the same height for single detached dwellings as multifamily buildings (10.68 metres). Given that there are no FCL constraints and a number of existing dwellings constructed to a 9-metre height, the proposed Bylaws would lower the maximum height to 9.0 metres consistent with RS-1 and RS-2 zoning.
Comprehensive Development Zone 43	It appears that at the time of adoption of the current Zoning Bylaw, Comprehensive Development Zone 43 was unintentionally excluded from adoption. The Zone applies to a number of parcels downtown at 37830 Third Avenue. The proposed amendments would reinstate the CD-43 Zone.
38310 Buckley Avenue	The parcel is currently zoned Light Industrial (I-1), which is a common residual zoning designation in Downtown Squamish. I-1 zoning is unsuitable at this location given that the property is located at the entrance to the Downtown. The parcel is currently subject to active Development Permit and split-rezoning applications to develop part of the site to an industrial use and to rezone the rest of it to Downtown Commercial C-4. Maintaining industrial zoning on the remainder of the parcel is not in line with revitalization plans for Downtown. A stand-alone bylaw, part of the Minibus batch of bylaws, proposes to rezone the whole parcel to Downtown Commercial (C-4) while recognizing that the existing precursor Development Permit application needs to be presented to Council for a decision before final rezoning. Only first reading is proposed at this time.

Child Care Facilities in RM zones	Squamish is experiencing a shortage of child care spaces. In addition to permitting child care facilities in a number of zones, the Zoning Bylaw allows licensed residential-scale child care facilities in single-unit and two-unit dwelling zones. If current demographic and population growth trends continue, Squamish will likely continue to experience a significant shortage of child care facilities. This issue was subject to the 2013 Zoning Bylaw update and community engagement; however, the amendment was not followed through. The Bylaw proposes to permit Child Care Residential in multifamily zones (RM-1 to 3).
Cash in Lieu of Bike Parking	Current Zoning Bylaw requirements for bicycle parking provide an option to opt out of parking requirements via cash in lieu payment of \$100 per space. The cash in lieu amount is considerably lower than the actual cost of securing and installing bicycle parking. Proposed Bylaws would clarify bike parking requirements and would eliminate the cash in lieu option.
Metric Standard	The current Bylaw uses both metric and imperial measurement standards. A number of measurement discrepancies exist throughout the Bylaw related to conversion. In order to eliminate any discrepancies, following best bylaw practices, proposed Bylaws would remove any references to the imperial measurement units.
Split Zoned Properties	Currently the Bylaw treats split-zoned properties as a single parcel causing challenges with respect to density and setback provisions as each zone normally limits the amount of principal buildings and varying setback requirements. As per zoning best practice, the Bylaws propose to treat split-zoned parcels as separate lots in order to deal with density and setback issues.

9. **Implications:**

a) **Budget:**

All advertising costs required for public hearing notification will be the responsibility of the District. If proposed Bylaws are adopted, there may be a reduction in variance application and fee revenue. Some minor expenses were incurred for holding community engagement sessions.

b) **Organizational Impact:**

If proposed Bylaws are adopted, there may be a reduction in variance applications and workload.

c) **Policy:**

The proposed amendments are aligned with a number of OCP policies and criteria. The following is a list of OCP objectives and policies that the proposed amendments have potential to contribute towards:

16-6 Community Livability The District will strive to enable a high quality of life for its residents, where everyone enjoys a safe, vibrant and healthy community and has access to education, jobs, public services, culture, recreation and the natural environment.

17 - 14 The District will undertake a review of a range of development incentives to encourage sustainable building design and construction, including but not limited to a review of the Development Cost Charges bylaw and density bonus options for multiunit residential and mixed residential/commercial developments.

17 - 15 Socio-economic diversity is acknowledged as central to community livability. In an effort to enhance livability, the District shall encourage development of a range of housing forms, tenure options, and affordability options.

17 - 23 The District will support the development of secondary suites within areas zoned to permit single detached dwellings, in order to provide a range of housing choice and foster affordable housing.

d) **Environment:**

NA.

e) **Council Priority and Strategic Plan Alignment:**

The proposal is aligned with Council's priorities including Community and Economy.

f) **Citizen Engagement**

The IAP2 level of community engagement for this project is 'Consult', meaning that proposed issues and solutions were presented to community soliciting feedback, feedback was received and certain adjustments were made as a result.

Multiple methods were utilized to engage the community in the Zoning Bylaw update process. An article was published in the Squamish Reporter outlining the range of changes that are being proposed and advertising two community engagement events. A project web page was created including a comments submission and viewing sections. The project was advertised on social media. Two pop-up community engagement events were held in December (December 10th and 14th) at the Brennan Park Recreational Centre and the Library Downtown. Both events were well attended as the events were organized in well-traveled areas. Overall, the response from the community has been very positive. All of the comments received before February 9th are provided in Attachment 1.

Further engagement will be limited to notification for the Public Hearing as required by the Local Government Act unless Council desires additional reach out to community.

g) **Implementation**

Staff will initiate public hearing notification should initial bylaw readings be given.

10. Attachments:

1. Public Comments received by February 9, 2016.

11. Alternatives to Staff Recommendation:

THAT District of Squamish Official Community Plan Bylaw No. 2100, 2009, Amendment Bylaw (Garibaldi Springs Golf Course) No. 2432, 2016 and Zoning Bylaw No. 2200, 2011, Amendment Bylaws (2016 Zoning Update Minibus) No. 2433, 2434, 2435 and 2436, 2016 be referred back to staff for further review.

12. Staff Review

Prepared By:

Jonas Velaniskis, Director of Development Services

Reviewed By:

Gary Buxton, General Manager of Development Services & Public Works

Robin Arthurs, General Manager of Corporate Services

CAO Recommendation:

That the recommendation of the Planning Department be approved.

Linda Glenday, CAO