

planning  
architecture  
culture & heritage

1030 - 470 granville street  
vancouver bc canada | v6c 1v5  
t. (604) 683-1903  
f. (604) 683-7494  
info@arlingtongroup.ca



## SUNSHINE COAST REGIONAL DISTRICT KEY OPPORTUNITY SUMMARY

**Project:**  
Zoning Bylaw 310 Update

**Date:**  
30 November 2018

**Client:**  
Sunshine Coast Regional District

*Sunshine Coast Regional District is undergoing an update of Zoning Bylaw 310.*

*The following summary provides information on some of the key areas that will be reviewed through the update. The corresponding questions will be provided to the community for their feedback and input on these key areas.*

## What is a Zoning Bylaw?

A Zoning Bylaw is a key tool used by Local Governments to regulate how land is used.

Each property is within a zone that specifies how that property can be used and what can be built on it, this includes both groups of properties in the same zone as well as individual site-specific zoning. Examples of uses permitted through zoning include different forms of housing, retail stores, industrial uses and agriculture.

A Zoning Bylaw also regulates the setbacks and height of buildings and structures that are permitted in each zone and the density of land use. Other regulations include how much off-street parking is required, home occupations and use of buildings and dwellings.

## *Who uses a Zoning Bylaw?*

The Zoning Bylaw is intended for a range of users. Property owners and those considering buying property and developers refer to the Zoning Bylaw to determine how they can use their land, whether they can build an additional dwelling or suite, how far back a structure needs to be from a neighbouring property or a watercourse, whether they can keep livestock or run a business.

Regional District staff use it to determine whether land and buildings are being used appropriately and to assess development proposals and rezoning applications. Staff reference the bylaw to help community members understand what they can build, where they can start commercial businesses and how neighbouring properties can be used.

## *Where does Zoning Bylaw 310 apply?*

The Sunshine Coast Regional District has two Zoning Bylaws.

Zoning Bylaw 310 applies to four of the five rural electoral areas within the Sunshine Coast Regional District: Halfmoon Bay (Electoral Area B), Roberts Creek (Electoral Area D), Elphinstone (Electoral Area E) and West Howe Sound (Electoral Area F).

Electoral Area A (Egmont/Pender Harbour) is covered by Zoning Bylaw 337, which is not under review at this time.

## Why is Zoning Bylaw 310 being updated?

Zoning Bylaws are very important tools for protecting community assets such as resource, recreational and agricultural lands, and for ensuring a stable and appropriate supply of residential, commercial and industrial lands to support a healthy, vibrant and productive community.

Zoning Bylaw 310 has been in place for nearly 30 years. A comprehensive update is required to ensure its regulations align with key community policies and goals, particularly those set out in the Sunshine Coast Regional Sustainability Plan “We Envision One Coast: Together in Nature, Culture and Community” (2011) and the current Official Community Plans for Halfmoon Bay (2014), Roberts Creek (2012), Elphinstone (2008), West Howe Sound (2011), Twin Creeks (2005 and currently under review) and Hillside/Port Mellon (1995).

### *Community Goals*

The intent of the Zoning Bylaw 310 update is to make sure that there is an appropriate range of zones and permitted uses to allow the community to meet its goals and objectives for the future, rather than re-draw zoning boundaries.

The land-use principles of We Envision, the Regional Sustainability Plan, provide a strong framework for building a community that is vibrant and active, provides affordable housing options and access to locally grown food. Additional issues including short term rental accommodation and the regulation of cannabis production and sale have emerged in recent years. The Zoning Bylaw can implement these land use principles, and assist the community to achieve their goals in these key areas:

- Create opportunities for diverse housing types and design;
- Expand the number of zones that allow growing food to further develop a sustainable local food system and economy;
- Diversify the range of home occupations to enhance the local economy;
- Regulate short term rental accommodation; and
- Regulate the production and sale of cannabis in the community.

### *Usability*

As a community resource, it is important that the format of the Zoning Bylaw 310 is accessible and functional for a range of users. An update provides an opportunity to simplify and clarify the zoning regulations and ensure the bylaw content is easy to navigate. Options for improving the usability of Zoning Bylaw 310 are also included in this document.

## Key Opportunity 1

### Housing Diversity

Adequate and affordable housing is essential to community well-being. Ensuring a range of housing types to meet the needs of different family types, life stages and income levels is important to keeping the region vibrant, diverse and inclusive.

The majority of housing in the Sunshine Coast Regional District consists of detached single family homes, supported by policies that require large property sizes and encourage low-density neighbourhoods. Finding ways to increase housing diversity, while maintaining the character, identity and lifestyle of the rural areas of the Sunshine Coast, is an important goal of the Zoning Bylaw 310 update.

#### *How does Zoning Bylaw 310 impact housing choice and availability?*

Zoning Bylaw 310 provides the regulations and guidelines around where homes can be built, and which properties may also include an additional suite or detached dwelling unit, or even a second home. The bylaw also includes zones that allow for multi-family homes, such as apartments, townhouses and mobile home parks, as well as zones of different densities for subdivision purposes.

#### *What could be improved?*

- Ensure size regulations for additional suites and detached dwellings meet practical needs, technical requirements and community expectations.
- Review width requirements for homes in residential zones to ensure that regulations do not prevent smaller homes.
- Support the appropriate inclusion of social housing such as transition houses in select zones.
- Review the density of multi-family residential zones to ensure they support diverse housing forms and appropriate development within local centres.

## QUESTIONS:

1. Should dwellings smaller than 6m in any dimension, such as mobile homes and small, pre-fabricated homes be permitted in all residential zones?
2. What are your thoughts on size requirements for houses? Should there be either a minimum or maximum floor area requirement?
3. How should we accommodate secondary housing (i.e. secondary suites within a dwelling and auxiliary or 2<sup>nd</sup> dwelling on a property)? Should such housing be permitted in any residential zone and property size?
4. Should the maximum size of an auxiliary dwelling (guest cottage) be increased from 55m<sup>2</sup> (592ft<sup>2</sup>) to 90m<sup>2</sup> (969ft<sup>2</sup>)?
5. Should carriage houses (an auxiliary dwelling combined with a garage) be permitted?
6. Should we permit components of a dwelling (e.g. a bedroom, a living room, etc.) be detached from each other on the same property?
7. Should more than 2 dwellings be permitted on larger parcels exceeding 7000 m<sup>2</sup>? (This would allow more dwellings on larger parcels in R1 and R2 zones without subdivision).
8. Apartments are currently permitted in the Residential Multiple zone. However, the current zoning regulation in this zone only allows one unit per 750 square metres. This regulation effectively prevents any form of residential multiple development. Should the regulations be changed to allow townhouses or apartments in this zone?
9. How could we increase housing diversity within the Zoning Bylaw?
10. Do you have any additional thoughts on this topic?

## Key Opportunity 2

### Residential Agriculture

Encouraging a robust and sustainable local food system is an objective of the Sunshine Coast Regional District. Currently only a very minimal amount (around 1% to 3%) of the food consumed on the Sunshine Coast is produced here. While this number is not dissimilar to national trends, the Sunshine Coast offers a favourable climate and abundant growing potential. As a ferry-dependent region, establishing a strong local food system would strengthen food security for the community.

In September 2016, the SCRD updated zoning regulations for the Agricultural Land Reserve to better reflect the provincial legislations and Agricultural Land Commission guidance. This review of Bylaw 310 will focus on food production on residential and rural properties not in the ALR.

#### *How does Zoning Bylaw 310 effect food production?*

Zoning Bylaw 310 regulates a range of aspects related to residential agriculture. The bylaw determines where agricultural uses are permitted and states clear guidelines around the use of land, buildings and structures on those properties. The bylaw also determines the zones in which poultry, honeybees and livestock can be kept and regulations concerning the sale of their products such as eggs, honey or meat.

#### *What could be improved?*

The update offers an opportunity to ensure that the Zoning Bylaw supports the growing of food in a range of zones, while balancing environmental protection and potential neighbour concerns.

Considerations include:

- Regulations to permit the keeping of hens and honeybees in all zones, except for multi-family residential zones.
- Clarifying zones and regulations for the keeping of roosters.
- Ensuring farmer's markets are a permitted use in select zones.
- Reviewing the maximum parcel coverage for properties in the Agriculture zone.
- Reviewing the regulations that limit the retailing or wholesaling of produce grown in specific zones.

#### QUESTIONS:

1. Should the keeping of honeybees be permitted in all zones, except multi-family residential zones, with appropriate regulations? If so, what regulations would you suggest? (parcel size, setback, number of beehives)
2. Should the keeping of hens be permitted in all zones, except multi-family residential zones, with appropriate regulations? If so, what regulations would you suggest? (parcel size, setback, number of hens)
3. What are your thoughts on roosters? (permitted anywhere there are chickens, rural properties only, etc?)
4. Should the Zoning Bylaw restrict the sale of the food produced on a property, such as eggs or honey?
5. Are there other barriers to producing food on the Sunshine Coast that the Zoning Bylaw should address, particularly on lands located outside of ALR?
6. Do you have any additional thoughts on this topic?

## Key Opportunity 3

### Home Based Business

The Sunshine Coast is home to many entrepreneurs, artists, artisans and small business owners. With the support of technology, many residents are able to work from home, either full-time or part-time and this can make working or running a business from home an appealing choice for many.

The zoning bylaw can support a flourishing entrepreneurial community while also striving to ensure business is compatible with residential character.

#### *How does Zoning Bylaw 310 effect home occupations?*

Zoning Bylaw 310 provides regulations for home offices, home businesses and home industries, including how much of a residential property can be used for the business, the signage allowed to advertise the business, and condition for the keeping of materials, equipment or products. The Zoning Bylaw also regulates the number of employees allowed and on-site parking.

#### *How could it be improved?*

Home occupations and businesses take a range of forms and have very different requirements. An update to regulations will ensure that the needs of a range of home occupations are supported, while addressing potential neighbour concerns about on-site parking, traffic flow and noise.

- Additional regulations could be added to Zoning Bylaw 310 to better support small-scale assembly home occupations such as dance, music and art lessons and home day-care, to manage potential traffic and noise issues.
- Review the regulation that the area utilized for the home occupation or business does not exceed the area used for residential purposes.
- Consider increasing the number of non-resident employees from one to two, provided that an off-street parking space is provided for each employee.
- Support the needs of e-commerce businesses.

**QUESTIONS:**

1. What are the barriers to establishing a home occupation or business in the Sunshine Coast Regional District?
2. What concerns could there be about a broader range of home occupations and businesses being supported through the Zoning Bylaw?
3. Do you have any additional thoughts on this topic?

## Key Opportunity 4

### Energy Efficient Buildings, Residential Energy Production and Climate Change Resilience

The Sunshine Coast Regional Sustainability Plan and OCPs provide clear goals for reducing greenhouse gas emissions and better preparing for the impacts of climate change. The zoning bylaw can support green building practices that improve energy efficiency in new and existing buildings and permit the expansion of local renewable energy opportunities. The zoning bylaw can ensure that the community becomes more resilient to the impacts of climate change.

#### *How does Zoning Bylaw 310 effect energy efficient buildings, residential energy production and climate change resilience?*

Zoning Bylaw 310 regulates a range of features for buildings and structures, including their maximum floor area, their permitted height (and the projections that may be exempted from this height limit), and where they may be situated on a property. As these regulations affect the form and siting of buildings, they have an impact on whether green building practices are supported and ensure that appropriate setbacks for waterfront development are maintained to mitigate the impacts of sea level rise.

#### *How could it be improved?*

- Floor area definition could be revised to ensure the development potential of a site is not penalized if new buildings have thicker, better insulated walls.
- New definitions around green building features such as natural ventilation and green roofs could be added to reinforce the zoning bylaw's support of such features.
- Height exceptions for solar collectors and making provision for appropriately scaled residential energy production structures (e.g. wind turbines) could be considered, with careful consideration to mitigate impacts on neighbouring properties.
- Refining and consistently applying waterfront setbacks throughout the zoning bylaw area will also ensure the resilience of properties and buildings to the effects of climate change.

#### **STAKEHOLDER WORKSHOP:**

The community has already expressed support for these policy directions through the Regional Sustainability Policy and the Official Community Plans. The technical nature of the updates required in this section means that appropriate solutions will be explored through stakeholder workshops.

## Key Opportunity 5

### Short Term Rental Accommodation

The Sunshine Coast Regional [District](#) is an appealing destination for tourists and visitors. Short term rental accommodation (STRA), which refers to small-scaled, home-based temporary commercial accommodation within a residential dwelling, has grown exponentially in recent years with the popularity of home-sharing websites. Feedback from the public in a 2017 survey indicated that there are mixed reviews pertaining to the issue of short term rental of dwellings within residential zones. It has been identified that there are both positive benefits and negative impacts associated with short term rental of accommodations.

The Sunshine Coast wants to maintain and continue to strengthen its tourism economy, while managing the pressures that short term rental accommodation can put on neighbourhoods and the availability of long term rental accommodation.

#### *How does Zoning Bylaw regulate short term rental accommodation?*

Well-defined temporary accommodation including campgrounds and sleeping units or larger commercial operations such as motels and lodges are defined and permitted in Zoning Bylaw 310. Bed and Breakfast (B&B) is the only type of STRA that is defined in the bylaw with a set of established regulations. Currently other forms of STRA are not regulated.

#### *How could it be improved?*

- A definition of STRA could be added to the bylaw - A small-scaled transient rental accommodation provided in a dwelling and occupied for not more than 26 days in any calendar month, which may include a traditional bed and breakfast but excludes accommodation provided in a campground, a sleeping unit, a housekeeping unit, a motel, a lodge, a hotel or a resort hotel.
- Based on consultation feedback, the average stay in an STRA is approximately one week, and it is common practice for the STRA host to provide cleaning and maintenance service at the end of each stay. It is recommended that an STRA can be occupied for a total of 26 days in any calendar month, cumulatively or consecutively.
- Zoning Bylaw 310 permits bed and breakfast use within Residential and Rural zones. This has been effective in regulating the location of B&Bs and should be the same for all STRAs.
- A requirement could be added to the bylaw to require an on-site operator to operate an STRA.
- Likewise, a requirement could be added to the bylaw for specific conditions where an STRA can operate without the presence of an operator.

QUESTIONS:

1. How can the presence of an on-site operator make a short term rental accommodation more acceptable within a residential neighbourhood?
2. Do you feel there is a significant difference between a bed and breakfast and a short term rental accommodation?
3. Can you recommend a maximum size of building or maximum amount of guests that should be considered within a short term rental accommodation?

## Key Opportunity 6

### Cannabis Production and Retail

The *Cannabis Act*, and in particular legalization of non-medical cannabis, came into force on October 17, 2018. Zoning Bylaw 310 currently provides provisions for cannabis production facilities within select zones. The production and retail of non-medical cannabis is expressly prohibited within residential and rural zones. With the new cannabis legislation, more clarity around where both medical and non-medical cannabis can be produced and sold can be added to the bylaw.

#### *How does Zoning Bylaw 310 regulate the production and retail of cannabis?*

In the zoning bylaw, “cannabis production facility” is defined as a facility used for the cultivation, processing, testing, destruction, packaging and shipping of cannabis as permitted under federal legislation. There are also additional definitions to distinguish between medical and non-medical cannabis.

Currently within Zoning Bylaw No. 310, cannabis production facility is permitted within I7 zone, specific parcels within I1 and I5B zones and AG and RU2 zones only for parcels exceeding 8 hectares in size.

Section 511 was recently added to the zoning bylaw to prohibit production and retail of non-medical cannabis within residential and rural zones. This restriction includes cannabis retail and production within horticultural sales, garden nursery operation and other home based business operations.

#### *How could it be improved?*

In preparation of the passing of the *Cannabis Act*, on October 11, 2018 the SCRD Board adopted several amendments to the zoning bylaw, including:

- Prohibit non-medical cannabis production and retail in residential and rural zones;
- Add an additional provision that prohibits non-medical cannabis production or retail from being a part of other permitted uses in residential and rural zones;
- Update the bylaw terminology to reflect that used in federal and provincial legislation, replacing the words “marihuana” and “marijuana” with “cannabis”;
- To distinguish between medical and non-medical (commercial or recreational) cannabis by adding new definitions to the bylaw;

An opportunity exists now for the public to provide feedback on cannabis production and its sale in retail zones within the review of Zoning Bylaw 310.

**QUESTIONS:**

1. The zoning bylaw can create further regulation or allowance for cannabis retail and production. Do you have ideas of where this use should occur or where it should not occur?
2. Are there examples of where limited production and retail may be acceptable as part of a home base business?
3. If retail regulations are considered for commercial zones can you recommend specific circumstances where it would be acceptable? (distance from schools, proximity to other retail areas, etc.)

## Usability

The Zoning Bylaw is intended to be used by a range of professionals, property owners and Regional District staff. Ensuring that the document can be easily navigated and interpreted is an important goal. As part of the rewriting process, the usability of the Zoning Bylaw could be improved by:

- Adding a purpose statement to each zone;
- Summarising content into easy to interpret table;
- Providing more visual content to use as examples;
- Clearly identifying principal permitted uses and auxiliary permitted uses;

### QUESTIONS:

1. Have you experienced any difficulties in understanding the zoning bylaw as it relates to describing how you can use your property?
2. How could the usability of the Zoning Bylaw be improved?
3. Do you have any additional thoughts on this topic?