

Zoning Bylaw - 2014 Omnibus Amendment

BYL 2303

1 Medical Marihuana Production

**** Please note that the District has made a decision to remove amendments related to Medical Marihuana Production from the upcoming Zoning Bylaw Omnibus Amendment. They will comprise their own bylaw amendment and will have their own Public Hearing in 2014.**

Council would like the public to comment on allowing medical marijuana production within the District. Currently medical marijuana is permitted on all industrial-zoned lands in the District, including in the Downtown and Oceanfront peninsula. On December 10th, 2013, Council passed the following motion in order to engage the community in providing feedback related to Medical Marihuana Production within the community:

THAT pursuant to section 929(2) of the Local Government Act, Council directs staff to commence preparation of a bylaw to amend the District's Zoning Bylaw No. 2200, 2011, to prohibit the use of any land within the municipal boundaries of the District of Squamish for federally licensed medical marihuana grow operations.

Council would like to hear from the public regarding appropriate locations for this land use, and support or concerns the public may have (ie. farm assessment property tax implications, conflicts with this use in developed areas of the community, conflicts with this use adjacent to residential areas, economic development implications, etc.)

a)	1	MEDICAL MARIHUANA PRODUCTION	The definition for Medical Marihuana is deleted from the Definitions section. It is now defined in Section 4.32 of General Regulations.	Previously there were two definitions relating to Medical Marijuana Production: Medical Marihuana Production and Medical Marihuana Production, Multiple Users. These definitions were specific to the previous federal MMAR regulations. Deletion per Council motion Dec. 10, 2013.
b)	1	INDUSTRIAL	Amend definition to remove Medical Marihuana Production and to include indoor food production use.	Revision
c)	1	LIGHT INDUSTRIAL	Amend definition to remove Medical Marihuana Production and to include indoor food production use.	Revision
d)	4.32	Medical Marihuana Production	General Regulation No. 4.32 is amended to define Medical Marihuana Production and to prohibit Medical Marihuana Production anywhere within District of Squamish boundaries.	Per Council motion Dec. 10, 2013.



2 Urban Agriculture: Bees, Backyard Chickens and Residential Farmgate Sales

**** Please note that the District has made a decision to remove amendments related to Backyard Chickens and Residential Farmgate Sales from the upcoming Zoning Bylaw Omnibus Amendment. They will comprise their own bylaw amendment and will have their own Public Hearing in 2014. The Zoning Bylaw Omnibus Amendment will include keeping of bees as well as clearly prohibiting residential farmgate sales, until the amendment to allow chickens/ farmgate sales is approved by Council.**

Council would like to hear from the public regarding thoughts on backyard chickens, including appropriate locations and support or concerns the public may have. On December 17, 2013, Council passed the following motion:

THAT the following definition be included to the draft proposed zoning omnibus bylaw:

AGRICULTURE, URBAN means the act of growing food on a lot zoned for residential use, in addition to produce grown in a garden; this also includes community gardens, fruit and nut tree production, the keeping of poultry, fowl, or bees; and agricultural retail sales limited to 30 sq. m. in gross floor area, and provided that at least 75% of goods for sale are produced on site.

a)	1	AGRICULTURE, URBAN	Include keeping of bees. Add stipulation that urban agriculture use does not include accessory retail sales.	Re. keeping of bees: As per the Council motion from the July 24, 2012 COW and ratified in the Sept. 4, 2012 Council meeting to include bee apiary as a permitted use in the District; and clarification
b)	4.6	Fencing	electric fence requirements related to bee keeping have been added	Per Council resolution to allow bees
c)	4.33	Agriculture, Urban	Add regulations related to community gardens and bee keeping.	



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5 Accessory Buildings

Amendments were made to this section in order to clarify the language to aid in interpretation. In addition, the maximum size of accessory buildings has been a challenge on certain projects where variances have been sought, and the recommendation is to increase the maximum size of accessory buildings in certain zones. Proposed amendments are as follows:

Previously:

Section 4.4 [Accessory Buildings, Structures and Uses]

(b) One accessory building or structure is permitted per lot in all zones, except as otherwise provided for in this Bylaw.

(c) In relation to Section 4.4 (b), up to 5 buildings, each not exceeding 10 square metres in gross floor area, may be permitted on a lot provided that all the regulations in this section and in the appropriate zone can be satisfied.

(d) All accessory buildings and structures, including accessory buildings and structures permitted on a temporary basis, shall satisfy the following conditions:

v) the gross floor area shall not exceed in total 60 square metres (645 square feet), except as otherwise provided for in this Bylaw;

Proposed amendments

(b) The gross floor area of all accessory buildings on one lot shall not exceed in total 60 square metres (645 square feet), except as otherwise provided for in this Bylaw;

(c) In relation to Section 4.4 (b), up to 5 buildings may be permitted on a lot provided that all the regulations in this section and in the appropriate zone can be satisfied.

1. 60m² (645 square feet) in the RS, RMH and RL-1, C, UC and RE zones
2. 140 m² (1,507 square feet) in the RM, RL-2 and I zones



a)	4.4	Accessory Buildings, Structures and Uses	Amendments were made to this section in order to clarify the language to aid in interpretation, per above.	Clarification
b)	4.4	Accessory Buildings, Structures and Uses	Revise maximum size of accessory buildings in the RM, RL-2 and I zones; to 140 m ² (1,507 square feet) (used to be 60m ² (645 square feet))	Revision
c)	4.4	Accessory Buildings, Structures and Uses	Add language that not permitted in front yard.	Clarification
d)	4.4	Accessory Buildings, Structures and Uses	(f) add in "unless otherwise provided for in this Bylaw" to reflect the higher rural residential heights.	Clarification
e)	14.3/ 15.3	RL-1/ RL-2	change accessory building heights back to 35	Revision, to reflect earlier amendment to height for these zones

6 Shipping Containers

Previously undefined in the Zoning Bylaw, Shipping Containers have now been included in three ways:

1. A definition for Shipping Container has been added.
2. A definition for Temporary Building has been added, which includes a timeframe of one year.
3. Regulations around Shipping Containers have been added to the Accessory Buildings section of General Regulations.

Previously undefined in the Zoning Bylaw, these amendments include addition of a definition for Shipping Container, a definition for Temporary Building (1 year), and regulations for Shipping Containers added to the Accessory Buildings section of General Regulations. In addition, P-3 zone now includes Community and Event Storage as a principal use to accommodate community group storage.

A shipping container is an accessory building if it is not a temporary building as defined in this Bylaw. Shipping containers shall:

- (a) adhere to the BC Building Code and to the District of Squamish Building Bylaw requirements, and all enactments applicable to electrical and fire safety;
- (b) be used for auxiliary storage purposes only, and not be reconstructed, altered or modified in any way to be used for living accommodation or human habitation for either personal or business purposes;
- (c) not be used to store animals, refuse or contaminated or hazardous materials;
- (d) not be stacked one upon another;
- (e) not occupy required parking and loading spaces or interfere with the circulation of vehicles or pedestrians;
- (f) comply with the setback requirements for accessory buildings in the applicable zone; and
- (g) comply with all other applicable provision contained within this bylaw.



a)	1	SHIPPING CONTAINER	Add definition	Previously undefined
b)	1	TEMPORARY BUILDING	Add definition	Previously undefined. Definition aligns with DOS Building Bylaw.
c)	4.4	Accessory Buildings, Structures and Uses	Shipping containers - add regulations.	Previously undefined.

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7 Incorporation of alternative vehicle fuels and electric charging stations

Definitions are added for Alternative Fuel Station, Electric Vehicle Charging Station and Vehicle Fueling Service Station (this includes both gasoline and alternative fuels);

The C-2 zone (previously Gasoline Service Station Commercial) is amended to become "Vehicle Fueling Service Station Commercial" to capture alternative fuels as well as gasoline service stations.

Regulations are added to Section 4 General Regulations for Electric Vehicle Charging Stations.

1 off-street parking stall is required for each electric vehicle charging station bay.

a)	1	ALTERNATIVE FUEL SERVICE STATION	Add definition	Previously undefined
b)	1	ELECTRIC VEHICLE CHARGING STATION	Add definition. Permit in all zones but residential zones.	Previously undefined
c)	1	VEHICLE FUELING STATION	Add definition	Previously undefined.
d)	1	AUTOMOBILE-ORIENTED COMMERCIAL	Edit definition	Revise 'gasoline service station' to 'vehicle fueling station', to allow for alternative fuel stations as well.
e)	23	C-2	Amend zone name from 'Gasoline Service Station Commercial' to 'Vehicle Fueling Station Commercial'	Update the zone to reflect a wider choice of fuel station.
f)	23	C-2	Amend intent of the zone to reflect alternative fuels as well as gasoline.	Update the zone to reflect a wider choice of fuel station.
g)	23.1	C-2	Amend principal permitted use from 'gasoline service station' to 'vehicle fueling station'	Update the zone to reflect a wider choice of fuel station.
h)	4.16	Mixed Commercial and Residential Use	Revise 'gasoline service station' to 'vehicle fueling station', to allow for alternative fuel stations as well.	
i)	4.31	Electric Vehicle Charging Stations	Add regulations	New section to reflect increase in electric vehicle charging station interest.
j)	5.1	Zone Designations	Amend zone name from 'Gasoline Service Station Commercial' to 'Vehicle Fueling Station Commercial'; and amend zone intent to include alternative fuels.	
k)	40.7	Off-Street Parking Requirements	Amend 'Gasoline Service Station' to 'Vehicle Fueling Station', and add requirement for 1 off-street parking stall for each electric vehicle service bay.	Update the zone to reflect a wider choice of fuel station.



8 Off-Street Parking

a)	40.11 (d) (viii)	Off-Street Parking Design Criteria]	(d) Access - Add item (viii): The access to all off-street parking in the form of driveways shall not be less than 6 metres (19.7 ft) in length, measured from back of sidewalk.	We should have a minimum driveway length to ensure vehicles do not encroach or park on the sidewalk.
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9 Pet Care

Currently pets are addressed in the Zoning Bylaw with a definition for kennel and pet grooming as a permitted use in I-1. There is no definition for pet daycares, nor inclusion of pet daycares in any zone.

Currently grooming of domestic dogs and cats is a permitted use in I-1 only. There are at least two such establishments in I-1. The proposed amendment is to consider removing this use from I-1, as it is questionable whether it is an industrial use and therefore suitable for valuable industrial lands. This proposed amendment is under review. If it goes forward, existing establishments would operate as pre-existing, non-conforming use. Pet grooming use may align better with Personal Service Establishment. If included in definition of Personal Service Establishment, pet grooming would be permitted in the following zones: C-1, C-4, CD-27, CD-37, CD-48, and CD-71 Zones.

Pet daycare - The amendment creates a definition (currently undefined), and permits pet daycare where kennel use is currently permitted (in rural residential and resource land). The amendment clarifies kennel definition to overnight boarding of four or more dogs. In addition, amendment to Home Occupation, Residential to allow pet daycare if less than three dogs in a single-unit or two-unit dwelling is also a consistent approach to the District of North Vancouver.

a)	1	PET DAYCARE	Add definition	Previously undefined
b)	1	PET GROOMING	Add definition	Previously undefined, but called "Grooming of domestic dogs and cats" in I-1 permitted uses.
c)	1	KENNEL	Clarify that it is four or more dogs, and that it means overnight boarding (as opposed to pet daycare).	Clarification
d)	1	PERSONAL SERVICE ESTABLISHMENT	Include "grooming of domestic dogs and cats" and "tattoo parlour"	Clarification. This will now allow pet grooming in all zones that permit Personal Service Establishment, these include: C-1, C-4, CD-27, CD-37, CD-48, and CD-71 Zones.
e)	14.3/ 15.3	RL-1/ RL-2	Add 'pet daycare' as a principle use	Revision
f)	21	RE	Add 'pet daycare' as a principle use	Previously, pet daycare not defined
g)	32.1	I-1	Remove "grooming of domestic cats and dogs" as a principal use	Rather than allowing in I-1, suggest to amend Bylaw to allow under definition of 'Personal Service Establishment', thereby allowing anywhere that Personal Service Establishment is a principal use in a zone.



10 Alcoholic Beverage Manufacturing

Distillery/ Brewery/ Winery – Changes to provincial liquor laws in March 2013 allow on-site lounges or tasting rooms. Staff recommends making Alcoholic Beverage Manufacturing use, together with tasting room use and sales of liquor manufactured on-site that are permitted under accessory retail sales, explicit in the Zoning Bylaw. This has been done by adding a definition for Alcoholic Beverage Manufacturing which comprises a tasting room and accessory retail sales, and allowing this use in I-1 and C-4. C-4 (Downtown) does not typically have manufacturing uses in it, but for smaller operations that do not require a lot of space and can add to the downtown transformation with a tasting room, this amendment would be in keeping with the Brew Pub use that is already a success in the Downtown area.

a)	1	ALCOHOLIC BEVERAGE MANUFACTURING	Add definition	Previously undefined
b)	1	LIQUOR STORE	Clarification that an accessory retail sale of alcohol that is manufactured on-site by an Alcoholic Beverage Manufacturer use is not considered a liquor store.	Clarification
c)	25.1	C-4	Add alcoholic beverage manufacturing as a principal use	To allow for brewery, distillery or winery with tasting room Downtown
d)	32.1	I-1	Add Alcoholic Beverage Manufacturing as a principal use	To allow for brewery, distillery or winery as a light manufacturing use.



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11 Heat Pumps

There have been conflicts between neighbours regarding the increase of heat pumps that are located within side-yard setbacks. The recommendation is to provide a required distance of 15'-0" from property line, and not permit heat pumps in front yards. This amendment will result in heat pumps being located in the rear yards of a standard RS-1 or RS-2 lot.

a)	4.12	Utility Siting	Added in heat pump siting requirements	There have been complaints between neighbours regarding the noise of heat pumps located within side yard setbacks.
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12 Definitions - New and Revised Existing

These are new definitions being added to the Zoning Bylaw, and existing definitions being revised.

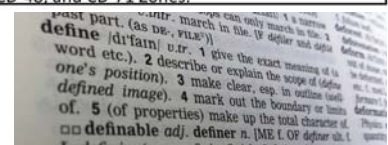
Note: additional new and revised definitions are being proposed, as shown on the themed display panels

New Definitions

a)	1	ACCESSORY RESIDENTIAL DWELLING	Add definition	Previously undefined
b)	1	ACCESSORY USE	Add definition	Previously undefined
c)	1	BUILDING AREA	Add definition to match BC Building Code definition	Previously undefined
d)	1	CINEMA	Add definition	Previously undefined
e)	1	COMMUNITY GARDEN	Add definition	Previously undefined
f)	1	FLOOR AREA	Add definition to match BC Building Code definition	Previously undefined
g)	1	INDOOR FOOD PRODUCTION	Add definition	Previously undefined
h)	1	NEIGHBOURHOOD ENERGY UTILITY	Add definition	Previously undefined
i)	1	NURSERY	Add definition	Previously undefined

Revise Existing Definitions

a)	1	ACCESSORY BOARDING	Edit definition	Clarification
b)	1	AGRICULTURE, URBAN	Include keeping of bees. Add stipulation that urban agriculture use does not include accessory retail sales.	Re. keeping of bees: As per the Council motion from the July 24, 2012 COW and ratified in the Sept. 4, 2012 Council meeting to include bee apiary as a permitted use in the District; and clarification. While backyard chickens and residential farmgate sales are being considered under a separate Zoning Bylaw amendment, the omnibus amendment will add in bees and prohibit farmgate sales.
c)	1	GARAGE	Delete last few words of definition.	Typo.
d)	1	HEIGHT	Revise how height calculations are determined, from 'eaves' to 'top of top floor walls'.	Max height needs a definition of exactly where a measurement from the "eaves" is taken. The eaves is defined as that portion of the roof between the wall and the end of the rafters. This leaves room for interpretation as to what part of that we measure from. A builder could also extend his over hangs as far as possible to allow for greater rise on the main roof.
e)	1	HOME OCCUPATION, RESIDENTIAL	Edit definition	Clarification surrounding what types of businesses are considered Home Occupation, Residential
f)	1	PERSONAL CARE SERVICE	Edit definition. Previously said that "allows building residents" but the wording building residents is extraneous to the definition, so that wording was removed.	Clarification
g)	1	PERSONAL SERVICE ESTABLISHMENT	Include "grooming of domestic dogs and cats" and "tattoo parlour"	Clarification. This will now allow pet grooming in all zones that permit Personal Service Establishment, these include: C-1, C-4, CD-27, CD-37, CD-48, and CD-71 Zones.



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13 Housekeeping Amendments				
These are minor amendments (of a housekeeping nature) being made to the General Regulations, Zones, and Off-Street Parking sections of the Zoning Bylaw				
General Regulations				
a)	4.2	General Regulations	Six sections were re-organized in order to group similar items in the General Regulations for ease of reference.	For ease of use
b)	4.2	Uses Permitted in All Zones	Interpretive signage was permitted if located within municipal road allowances or municipal park - remove the location specified to allow interpretive signage anywhere in the District.	Revision
c)	4.2	Uses Permitted in All Zones	Add "trails" as a permitted use in all zones.	Makes sense
d)	4.2	Uses Permitted in All Zones	"including community gardens" has been deleted from urban agriculture here because it was already included in the definition of urban agriculture.	Redundant
e)	4.3	One Building on Any One Lot	This information is contained within the zones themselves and is therefore redundant. Suggest to remove this section.	Not more than one principal building shall be located on any lot within a residential zone, except in an RM 1, RM 2, RM 3, CD, RMH 1, or RMH 2 Zone or as otherwise provided for in this Bylaw.
f)	4.11	Projections into Required Setback	(a) add eaves which incorporate a guard to exemptions.	
g)	4.12	Utility Siting	Renamed 'Satellite Dishes' to 'Utility Siting'	To capture wider breadth of siting requirements for satellite dishes as well as heat pumps and otherwise.
h)	4.18	Home Occupation	remove reference to size of agricultural operation	
i)	4.25	GFA	Revise to ensure GFA exclusion for concealed parking areas for multi-unit residential buildings	
Zones				
a)		RS-1, RS-1A, RS-2, RL-1, RL-2(confirm), C-1, C-2, C-4, C-5, C-6, C-7	Delete reference to Section 4.2 - because it is referencing the wrong section, and because the reference does not state anything different than what is already stated in each zone: that one principal building is permitted per lot.	Clarification
b)	8.2	RS-2	(c) The minimum lot width is 18.36 metres (60 feet) for single unit dwellings and two-unit dwellings where one unit is above the other (vertical duplex) or front-and-back (lane-way duplex). (d) The minimum lot width is 23 metres (75 feet) for two-unit dwellings where the two units are side by side (horizontal duplex).	Revised wording for clarity. Was:(c) The minimum lot width is 18.36 metres (60 feet) for single-unit dwellings and two-unit dwellings where one unit is above the other (vertical duplex) or back-to-front (lane-way duplex). (d) The minimum lot width is 23 metres (75 feet) for two-unit dwellings where the two units are side by side or front and back (horizontal duplex).
c)	15.1	RL-2	Reference numbers in items (j) (k) (m) were all off by one number.	Typo
d)	30.1	C-9	Removed "accessory off street parking and loading" identified as a permitted use.	Because parking is a regulation (regulated in Section 40 of the Zoning Bylaw)
e)	32.1	I-1	Amend (c) business and Professional Office, Minor use from "subject to section 4.21", to "subject to section 32.13"	Typo
f)	33.1	I-2	Removed "accessory off street parking and loading" identified as a permitted use	Because parking is a regulation (regulated in Section 40 of the Zoning Bylaw)
g)	35.10	I-4	Remove reference to asphalt and cement plant	Because they are no longer permitted uses in I-4 Zone.
h)	39L	CD-12	Amend 'multiple unit dwellings' to Multiple-unit residential (appears several times in this zone)	Revise. A remnant from previous ZB omnibus.
i)	39GG	CD-37	Entertainment is "subject to 4.25" which is Gross Floor Area - this does not relate so the reference to 4.25 has been removed	Clarification
Off-Street Parking				
a)	40.5 (a)	Spaces for Persons with Disabilities	Numbers in the left hand column of table should read 111 – 170, and then 171 – 390.	typo - Transposing error in the last two rows.
b)	40.11 (d)(vi)	Design criteria	Renumbered - Previously, this incorrectly referenced section 40.10 (d)(i) - should be 40.11(d)(i)	Clarification