



Memorandum from the Director of Development Services

To: Her Worship Mayor Cooper and Members of Council

Council - May 27/13

Date: May 14, 2013

Subject: Official Community Plan Policy and Zoning Options for Secondary Suites

**Motion for Consideration**

THAT Council consider the options outlined in this report regarding:

1. Existing or revised Official Community Plan policies pertaining to conventional secondary suites;
2. New Official Community Plan Policies pertaining to stand-alone secondary suites (coach houses);

AND THAT Council select the following policy options outlined in this report:

1. Option 1 for conventional secondary suites;
2. Option 2 for stand-alone secondary suites (coach houses);

AND FURTHER THAT Staff proceed with the drafting of Official Community Plan and Zoning Bylaw amendments to reflect Council's decisions, which will include opportunities for public input.

**1.0 Summary of Official Community Plan (OCP) Policy Options and Staff Recommendations**

The tables below summarize the OCP policy options that are examined in detail within this memorandum.

**Table 1 - Conventional Secondary Suite Policy Options**

Option 1	Description	Benefits	Challenges
	Status Quo  (involves current process to rezone property to R-8 within the urban area)	Council, public and neighbourhood awareness  Safety: better ensures compliance with BC Building Code  City continues to build records of legal suites within existing administrative capacity  Records assist with utility billing for additional demands on City services	Perception: regulatory hurdles, costs, timing and uncertainty involved with the rezoning process and decisions  City staff and Council time involved in rezoning application process  Most people with existing or proposed suites do not apply to rezone

Option 2	Description	Benefits	Challenges
	Blanket Support: Urban Residential (i.e. secondary suites would be included as a permitted accessory use within various residential zone)	<p>No rezoning process is required</p> <p>Primary benefit is to property owner and builder</p> <p>Perception: support for affordable housing</p>	<p>Minimal or no Council, public and neighbourhood awareness</p> <p>Safety: uncertainly with BC Building Code compliance</p> <p>Potential for multiple suites in a dwelling and increased neighbourhood complaints</p> <p>Potential costs to City associated with alternate monitoring and compliance program</p>

### 1.1 Staff Recommendation

While Option 2 has its merits, staff recommends that Council select Option 1 - the status quo - in terms of maintaining the present OCP policy for conventional secondary suites. An OCP amendment would not be necessary with this option. Council may select otherwise.

**Table 2 - Coach House Policy Options**

Options	Description	Benefits	Challenges
Option 1	Blanket Support: Urban Residential and Rural	Many urban and rural lots have coach house development potential from a practical point of view	<p>Rural lots: regulatory barriers under the <i>ALC Act</i> would make it difficult for the City to monitor and enforce coach house use / occupancy on ALR lands</p> <p>Rural lots: some technical challenges associated with servicing coach houses (i.e. water, sanitary and managing storm water)</p>
Option 2*	Moderate Support: Urban Residential (Low, Medium and High Density designated areas)	<p>Urban lots usually have a higher level of service compared to rural lots</p> <p>Avenue for increasing density and affordable housing</p>	<p>May reduce future subdivision and / or infill development potential</p> <p>May result in conflicts and privacy concerns in neighbourhoods with smaller lots (Note that zoning would control the size and scale of coach houses)</p>
Option 3*	Narrow Support: Low Density Residential	Larger urban lots have more privacy and possibly less perceived impact by neighbouring properties	May reduce future subdivision and / or infill development potential

\* The two options in Table 2 assume that Council will select a process by which owners would need to apply to rezone a property to a new "coach house zone", similar to rezoning to the R-8 Single Family Residential / Secondary Suite Zone. See Section 3.2 for discussion on coach house zoning.

## **1.2 Staff Recommendation**

Option 1 would work well from a practical point of view; however, given the Agricultural Land Commission regulations that make coach houses in the ALR a difficult proposition, staff recommends that Council select Option 2 which would support coach houses via the rezoning process in the Low, Medium and High Density Residential designated areas of the OCP. Council may select otherwise.

## **2.0 Background**

At the March 25, 2013 Regular Council meeting, several rezoning applications for secondary suites were reviewed. Council commented on the fact that at least 95% of these applications have been approved over the past decade or so, and questions were raised as to whether conventional secondary suites (those wholly contained within a dwelling) should be permitted within various residential zones without the need to rezone. This is a common and ongoing discussion in many communities. At the same meeting, Council requested that staff revisit the idea of stand-alone secondary suites (coach houses).

In response to Council's request, at the April 2, 2013 Development and Planning Services Committee meeting, the Committee reviewed the Development Services Department memorandum dated July 16, 2008 regarding coach houses. The 2008 memorandum explains background, pros, challenges, and various technical / bylaw considerations associated with coach house development. It provided options that remain relevant today concerning coach house related policies and zoning regulations. When that memorandum was originally presented in 2008, the consensus by the Committee / Council of that day was to defer any policy considerations to the OCP Review process which commenced that same year. The 2008 memorandum supplements this memorandum and that 2008 document is available on request.

At the April 2, 2013 Development and Planning Services Committee meeting, staff was directed to update the 2008 memorandum on coach houses with mapping that shows neighbourhoods and properties that could potentially accommodate coach house development. This updated memorandum poses various OCP policy options for Council's consideration. The main intent is to provide further discussion and analysis, and to seek direction from Council on which OCP policy options to carry forward in the form of OCP bylaw amendments.

To be consistent with the *Local Government Act*, the drafting and consideration of zoning bylaw amendments should follow the adoption of OCP policies. Technically, new zoning bylaw amendments could be presented to Council concurrently with associated OCP bylaw amendments, as long as the former are adopted subsequent to the latter. Staff has researched and has sufficient information to draft new coach house zoning regulations (see Section 3.2).

Finally, this memorandum provides an update of the Zoning Bylaw Review project that commenced in February 2012, and discusses how establishing new OCP policies for secondary suites and coach houses could help facilitate in moving that project forward.

### 3.0 Current OCP Policies and Zoning

The last OCP Review commenced in the spring of 2008. During that review, public input and sentiment on secondary suites and coach houses was minimal. At that time, the main policy issue was Urban Containment Boundary expansion along with a wide array of other considerations.

When OCP Bylaw No. 4000 was adopted in November 2011, three policies were included pertaining to conventional secondary suites and coach houses:

Policy 8.3.25 - "Consider secondary suites subject to rezoning in the High, Medium and Low Density designations".

Policy 8.3.26 - "Research opportunities to promote secondary suites and legalize existing secondary suites subject to requirements of the BC Building Code".

Policy 8.3.27 - "Research opportunities to promote coach houses in appropriate areas of the City".

The above recognizes Council's direction in 2011 to maintain the status quo for secondary suites (Policy 8.3.25); but also leaves the door open for future policy development (Policies 8.3.26 and .27).

### 3.1 Current Secondary Suite Zoning

In the urban residential area of the City, secondary suites are a permitted use in the R-8 zone. The regulations for this zone and the definition of *secondary suite* are attached as APPENDIX 1. There are 57 lots (potentially soon to be 60) with R-8 zoning in the City. As well, the entire Maplewoods subdivision located at 24 Street NE between Okanagan Avenue and 5 Avenue was rezoned to a Comprehensive Development Zone (CD-7) allowing secondary suites on lots smaller than what the R-8 zone prescribes.

Developers have the option to apply to rezone land to R-8 or CD-7 in order to allow secondary suites prior to subdivision or development. Interestingly, few developers take advantage of this option. More often than not, rezoning applications are made for site-specific circumstances either for existing dwellings with unfinished basements or with the intent to legalize existing suites.

There are no specific OCP policies applicable to conventional secondary suites in the rural area. However, a conventional *secondary suite* is listed as a permitted use in the three agricultural zones of the City, meaning no rezoning application is required for a suite in the A-1, A-2 or A-3 zones. In order for suites in the rural area to be truly "legal", they need to meet the definition of *secondary suite* in the zoning bylaw and BC Building Code requirements. The Building Department rarely processes building permit applications for suites in the rural area.

Note: If Option 2 concerning conventional secondary suites was selected by Council for a new OCP policy, the present defined use *secondary suite* could be added to the R-1, R-7 and R-9 zones, and there would no longer be a need for the R-8 zone or a rezoning process.

As a side note, if the City's Finance Department becomes aware of a dwelling with a secondary suite anywhere in the City, regardless of zoning, the property is billed for the additional demand on City water and sewer utilities. The City has record of 144 suites known to be in use and all are billed an additional \$263.00 for water and sewer utilities. From a zoning perspective, City staff does not actively seek out and take enforcement action with illegal suites unless neighbourhood complaints are received.

### 3.2 Coach House Zoning

Presently, there are no zoning regulations allowing coach house use and development in the City. In order to establish coach house zoning, the OCP would first need to be amended with policies to support coach house zoning.

It should be noted that in municipalities allowing coach house zoning the use is often considered simply as a stand-alone secondary suite permitted within an accessory building. In other words, a coach house is seen as a type of secondary suite that needs to meet the same BC Building Code requirements (including a maximum floor area of 90 m<sup>2</sup>) as a suite wholly contained within a dwelling.

A definition could be drafted for the use *coach house* that would be consistent with the existing definition for *secondary suite*, except that it would indicate the suite is contained within an accessory building and separate from the single family dwelling. Potentially a new zone could be created, or possibly the regulations for a coach house could be added to the R-8 zone. Depending on which policy option Council decides on for coach houses will determine the best course of action for zoning options.

The following draft development regulations have been contemplated by staff for a new coach house zone. They are consistent with what other communities have for coach house zoning.

<u>Minimum Parcel Area</u>	465 m <sup>2</sup> (5,005 ft <sup>2</sup> ) with lane or secondary street frontage 700 m <sup>2</sup> (7,535 ft <sup>2</sup> ) with no lane or secondary street frontage
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Comment: Additional lot area is needed where there is no lane or secondary street access.

<u>Minimum Parcel Width</u>	15 m (49 ft) with lane or secondary street frontage 20 m (66 ft) with no lane or secondary street frontage
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Comment: Additional lot width is needed where there is no lane or secondary street access.

<u>Maximum Parcel Coverage</u>	10% for all accessory buildings on a lot
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Comment: 10% maximum would be consistent with the maximum parcel coverage permitted for accessory buildings in the R-1 and R-7 zones. The purpose of this regulation is to keep the footprints of accessory buildings in proportion to a lot's total area. The aerial photo on the next page is intended to show how a 46.2 m<sup>2</sup> (497 ft<sup>2</sup>) coach house could fit on a 464 m<sup>2</sup> (5,000 ft<sup>2</sup>) lot and meet the minimum setbacks suggested below.

Minimum Building Setbacks from:

Front Parcel Line	6 m
Exterior Parcel Line	6 m
Rear Parcel Line	3 m or 1 m adjacent to a lane (see photos on next page)
Interior-Side Parcel Line	2 m
Principal Dwelling	Subject to B.C. Building Code



Comment: Keeping privacy issues in mind, these minimum setbacks would be more than what is required for an accessory building (1 m) and a principal dwelling (1.5 m) from interior side yards. Accessory buildings are allowed to be sited a minimum of 1 m from a rear lot boundary in the City's residential zones, while a coach house would need to be sited a minimum of 3 m where there is no lane. Furthermore, the new BC Building Code has updated spatial separation requirements between dwelling units that are more in line with 3 m setbacks.



464 m<sup>2</sup> (5,000 ft<sup>2</sup>) lot with lane access in City of Salmon Arm designated HDR and zoned R-1



Photo Source: Vancouver Sun, May 13, 2013 - Laneway House Smallworks Studios/Laneway Housing Inc., Vancouver Heritage Foundation

Maximum Building Height          6.5 m

Comment: A maximum height of 6.5 m is being considered at this time by staff. The maximum height permitted for an accessory building in the residential zones is 6 m. The accessory building shown in the photo attached as APPENDIX 2, which would be a prime candidate for a coach house, was granted a variance by Council in 2008 to increase the maximum height from 6 m to 6.5 m. A height of 6.5 m enables main level garage with a suite / loft on the second storey and a high-pitched roof design. It should be noted that the heights of laneway houses has recently become somewhat of a privacy issue for some property owners in the City of Vancouver, particularly in neighbourhoods with predominately single storey dwellings.

Parking                                  1 stall per coach house

This is a standard parking requirement for secondary suites.

Other All coach houses shall be accessible by hard surfaced pathways with a minimum width of 2 m, serviced by municipal utilities and constructed in accordance with BC Building Code requirements.

No coach house shall be sited on a lot in which there is a *secondary suite* contained with the principal dwelling, and no *secondary suite* shall be permitted within a principal dwelling on a lot in which there is a coach house.

#### **4.0 Options for Revised OCP Policies - Conventional Secondary Suites**

##### 4.1 Option 1: Status Quo

Comments:

This option would continue with the OCP policies now in effect, which allow Council to consider secondary suites "subject to rezoning" in the High, Medium and Low Density designations. Most often, the zone applied for is R-8. The rezoning application fee is \$500 and the process typically takes 8 weeks, assuming the secondary suite is constructed to BC Building Code. Usually there are four meetings involving Council, including a Public Hearing. If the suite is not constructed to code, or if other conditions need to be met, then final reading of the rezoning bylaw is withheld until the conditions are met.

The benefits of maintaining this policy direction are summarized in Section 1.0 of this memorandum and below:

1. Broader awareness of the location of legal suites and the ability for public input at the rezoning stage prior to Council's decision.
2. Safety: better ensures a suite's compliance with BC Building Code.
3. The City continues to build records of legal suites within its existing administrative capacity (planning, building inspection and finance staff are all currently involved); in turn these records assist with utility billing for additional demands on City services (water and sewer).

4. From an affordable housing perspective, the City does not collect Development Cost Charges (DCCs) for secondary suites, whereas many municipalities do charge DCCs for suites. DCCs for a secondary suite can range from \$3,500 to \$6,500.

#### 4.2 Option 2: Blanket Support – Urban Residential

Example: “The City supports secondary suite construction as an accessory use to and wholly contained within a single family dwelling, subject to zoning bylaw and BC Building Code regulations.”

#### Comments:

This policy approach would support secondary suite construction or suite conversion within a single family dwelling anywhere in the City without the need to rezone, which would be consistent with the manner secondary suites are currently permitted within single family dwellings in the three agricultural zones.

The obvious benefit of this approach for someone planning to construct a secondary suite is the reduction in the regulatory process and no rezoning application fee. From the City’s end, less time and resources would be needed to administer the rezoning process. Ideally, property owners would apply for building permits for their suites. There are also a number of disadvantages with Option 2, the main ones being:

1. The City will end up with fewer records on file confirming the locations of secondary suites. This would lessen the City’s ability to bill the property accordingly for the additional demand on City utilities (water and sewer).
2. Many property owners are unlikely to apply for a building permit for a new or existing suite.
3. Property owners could mistakenly assume that, because the zoning of their property happens to allow secondary suites, their suite is “legal” when in fact it may not be if it does not meet the associated zoning bylaw regulations and the BC Building Code. This can further lead to confusion with the “non-conforming status” of a property under Section 911 of the *Local Government Act* and create uncertainties for home buyers. The City’s building inspection service does not include the inspection of properties to ascertain if suites are legal / conforming for the purpose of home sales.
4. Under the present system, home purchasers and realtors can check the City’s zoning maps to confirm where the legal suites are situated in a neighbourhood. This benefit would be lost.

Ironically, the legalization of secondary suites by some municipalities has led to increased administration, monitoring and enforcement. Some municipalities that have moved to a blanket legalization policy have done so with a full scale program compelling all property owners to declare if their dwelling contains a suite and, if so, if the suite is legal from a BC Building Code perspective.

With the declaration process all suites are inspected by municipal staff for compliance. Owners of properties with non-conforming suites have a time limit to bring their suites up to code. In turn, this creates additional administrative and inspection demands on the local government, which is why these particular programs are usually found in larger municipalities where specialized “inspections teams” may exist. White Rock and Lake Country are examples of a smaller community that have such a program. In Lake Country, one full-time building inspector was needed for this program.



The associated fees for these programs can be consistent with what one would pay for a rezoning application in Salmon Arm (\$500.00). Furthermore, the costs for bringing a non-conforming suite up to code can be in the tens of thousands of dollars.

Section 57 (*Community Charter*) notices of building code contravention may be registered on the titles of those properties with suites that are not brought up to code, and the municipal Councils need to consider whether or not to authorize all of those notices.

The City of Salmon Arm would not necessarily need to adopt such intensive monitoring, compliance and enforcement program. It should also be recognized that: 1) there are hundreds of existing illegal suites in the City; and 2) staff does not take an active role in the enforcement of illegal suites unless complaints are received and either bylaw or code infractions are revealed. Unless a building permit is applied for, it becomes the owner's sole responsibility for ensuring the suite meets BC Building Code requirements.

## **5.0 Options for New OCP Policies - Coach Houses**

Three policy options are presented for Council's consideration with respect to coach house use and development. To reiterate, coach houses are often considered simply as secondary suites within an accessory building. In staff's review of OCPs from other BC municipalities, it was found that many coach house policies are very simplistic and sometimes non-existent even when the respective zoning bylaws permit coach houses.

It is recommended that clear policies pertaining to coach houses be considered that will generally guide what is supported and where. With that, the zoning bylaw can address the site specific regulations. The following options are not in final draft bylaw form. At the very least, they are intended to generate discussion, ideas and direction for staff to proceed to the next stage of drafting OCP amending bylaws.

### **5.1 Option 1: Blanket Support - Urban Residential and Rural**

Example:

"The City supports the development of coach houses as an accessory residential use in the High, Medium and Low Density designations, subject to appropriate zoning, parking, access and site servicing. Coach houses may be supported in areas designated Salmon Valley Agricultural and Acreage Reserve as an accessory residential use on land not within the Agricultural Land Reserve. For land within the Agricultural Land Reserve, coach houses are supported as an accessory residential use for bona-fide farm help subject to appropriate zoning, access, servicing, siting that does not compromise agriculture or farming operations and consistency with the *Agricultural Land Commission Act*."

"Subdivision of coach house sites and buildings is not encouraged."

Comments:

This policy option is the widest open in the sense that it supports coach house use and development within the rural and urban zones that presently allow single family dwellings as a principal use.

The reference to “appropriate zoning” is flexible enough that the zoning bylaw can contain special zones that need to be approved by Council on a site by site basis (similar to the R-8 zone); or as an option to not involve rezoning, a new and clearly defined use for *coach house* could be included as a permitted use accessory to a single family dwelling within various agricultural and residential zones (e.g. the A-1, A-2, A-3, R-1, R-7 and R-9).

The reference to appropriate parking, access and site servicing is intended to highlight the importance of the need to service a coach house with, at a minimum, water and sewer, along with appropriate storm water drainage and private utilities, and to ensure there is adequate on-site parking and access to the accessory building.

This policy option would require approval by the Agricultural Land Commission (ALC) prior to Council adopting an OCP bylaw amendment. It is interesting that the *ALC Act* allows permanent additional dwellings on a parcel of land in the ALR if an additional dwelling is used for farm help. The ALC does not restrict the size or permanency of the second dwelling, as long as it occupied by someone employed on the farm of a property.

Similar to how temporary farm help mobile homes are administered today by the City, one would need to sign a declaration indicating the need for farm help in order for the coach house to be occupied as such. City staff and potentially the ALC would need to be convinced that help is required for the farming operation (see ALC Policy No. 9 attached as APPENDIX 3).

The big gap in the ALC’s Policy No. 9 is that if the use of farm help ceases, then the coach house remains on the lot permanently. If it is subsequently occupied by persons not engaged in farm help, then the use would be in violation of *ALC Act*. Again, this becomes a monitoring and enforcement issue, especially if complaints are lodged to the City which is usually the first point of contact for people.

Another ALC policy allows second dwellings in the ALR for the needs of immediate family members (see ALC Policy 8 attached as APPENDIX 4). The second dwelling is required to be a mobile home (double wide is permitted). The mobile home needs to be removed when it is no longer occupied by an immediate family member. Likewise, the City’s OCP and zoning bylaw supports secondary mobile homes for “compassionate use” subject to Council’s approval of a special needs housing agreement.

If ALC Policies No. 8 and No. 9 did not exist, then staff would be supportive of the idea of allowing coach houses in the rural area. Rural lots are most often larger than urban residential lots, and those that can be serviced could be well suited for coach house development. The benefits attributed to coach development in the rural area (mortgage assistance, rental income, or an ability to provide a permanent second residence or guest house) are self explanatory.

The policy statement to not support coach house subdivision is important for all options. It is intended to lower expectations and clarify the lack of subdivision potential. In other jurisdictions, particularly in regional districts where there is no building inspection, multiple dwellings are often constructed on properties contrary to zoning. At the time of an estate settlement, for example, or the selling of land, there are often expectations by owners or purchasers for subdivision approval of land and buildings, which creates many technical / legal complications (particularly with respect to access, servicing and stratification of previously occupied buildings), which can also lead to increased demands for variances and zoning amendments.

## 5.2 Option 2: Moderate Support - Urban Residential

Example:

"The City supports coach houses in the areas of the City designated Low, Medium and High Density Residential, subject rezoning, parking, access and site servicing."

"Subdivision of coach house sites and buildings is not encouraged."

Comments:

Option 2 would be consistent with the current OCP policy for conventional secondary suites, except the difference would be the stand-alone secondary suite would be supported in an accessory building. This option is recommended by staff.

The reference to "subject to rezoning" would translate to a special coach house zone being drafted / adopted that would need to be approved by Council on a site by site basis prior to coach house use / occupancy (similar to the R-8 zone). As an alternative, Council could negate the rezoning process by adding a new and clearly defined use for *coach house* to various residential zones (R-1, R-7 and R-9). It depends how flexible Council wants the policy to be.

The reference to appropriate parking, access and site servicing is intended to highlight the importance of being able to service a coach house with, at a minimum, water and sewer, along with appropriate storm water drainage and private utilities, and to ensure there is adequate on-site parking and access to the accessory building.

Some of the oldest residential neighbourhoods within the central area of the City are comprised of regular grid, surveyed blocks with lanes and numerous double fronting lots. This old style neighbourhood configuration can result in good access to potential coach house sites (see Photos on Page 6). Most of these lots are designated High Density Residential in the OCP and zoned R-1 (Single Family Residential). Canoe is another residential neighbourhood with these physical characteristics. Most of the residential land in Canoe is designated Medium Density Residential in the OCP.

The 2008 staff memorandum discusses concerns with supporting coach houses within the Medium and High Density designated areas of the City. The main concern was that a proliferation of coach houses could erode the potential land base for higher density residential development. This concern is valid as land assembly is more difficult with more buildings to demolish, especially coach houses that may be occupied by renters or family members in need of that housing. However, if land ever became scarce and valuable enough to develop at a higher density, then that land would be assembled regardless and buildings would be demolished (a common occurrence in larger cities).

Another concern that staff foresees

## 5.3 Option 3: Narrow Support - Low Density Residential

"The City supports coach houses in the areas of the City designated Low Density Residential, subject to rezoning, parking, access and site servicing."

"Subdivision of stand-alone secondary suite sites or buildings is not supported."

## Comments:

The above policy - Option 3 - was the suggested option in the 2008 staff memorandum. At that time, it was thought that the larger, suburban-type residential lots meeting minimum area and dimension requirements would be the most conducive to coach house development. There is a good rationale for sticking to this policy as a starting point for supporting coach houses in the City. Larger lots in the Low Density Residential designated area are good candidates, especially those that are already serviced and have limited subdivision potential.

Again, the reference to "subject to rezoning" would translate to a special coach house zone being drafted / adopted that would need to be approved by Council on a site by site basis prior to coach house use / occupancy (similar to the R-8 zone). As an alternative, Council could negate the rezoning process by adding a new and clearly defined use for *coach house* to various residential zones (R-1, R-7 and R-9). It depends how flexible Council wants the policy to be.

The reference to appropriate parking, access and site servicing is intended to highlight the importance of being able to service a coach house with, at a minimum, water and sewer, along with appropriate storm water drainage and private utilities, and to ensure there is adequate on-site parking and access to the accessory building.

### **6.0 Demand for Coach Houses**

The demand for secondary suites and interest in coach houses generally remains stable in spite of residential construction trends. During the recent downturn in residential construction, staff continued to hear from builders, housing designers, realtors, architects and property owners on the benefits of allowing secondary suites and coach houses throughout the City. It is anticipated that OCP policies to support coach houses, either broadly or narrowly, will lead to coach house construction in the near future.

### **7.0 Coach House Potential**

The map attached as APPENDIX 5 is intended to show general areas and properties with coach house development potential within the High, Medium and Low Density residential areas of the OCP. Several hundred properties are identified for potential based on a number of criteria relating to appropriate access, lot areas and widths, minimum building setbacks, maximum parcel coverage, existing buildings on site and proximity to City services.

Detailed site inspections and background analysis were not conducted for each property; therefore, this mapping information cannot be relied upon as a basis for future approvals.

### **8.0 Zoning Bylaw Review**

It is an appropriate time to update Council on the progress of the Zoning Bylaw Review project, as the idea of updating the zoning bylaw was deemed to be a good opportunity to draft, propose and implement revised secondary suite and new coach house zoning. To reiterate, before new zones or zoning bylaw regulations can be considered, the OCP needs to be amended to contain supporting policies. This memorandum explains how secondary suite and coach house zoning can be considered in conjunction with any related OCP bylaw amendments.

The Zoning Bylaw Review started 14 months ago and work on the project was delegated to the undersigned. Approximately 15% of the project has been completed to date, including a thorough review of 18 residential and commercial zones, and consideration of secondary suites and coach houses. Given what is involved with the remainder of project, the initial timeline thought for completion (by the summer of 2013) is unrealistic. The project is identified in the OCP as a "short-term priority", which means it should be completed by 2015. That timeline is realistic.

If Council decides to select new OCP policies at this time pertaining to secondary suites and coach houses, new zones or zoning regulations could be drafted in conjunction with that process and prior to completion of an entire new zoning bylaw.

## **8.0 CONCLUSION**


There are numerous properties in the City with potential for conventional secondary suite and coach house development. Demand and interest in secondary suites and coach houses remains steady.

Policies of the current OCP support conventional secondary suites within the High, Medium and Low Density residential designated areas subject to rezoning. Staff believes that maintaining the status quo of this OCP policy (8.3.25) is the best route to stay on at this time. If Council agrees with maintaining the status quo then no OCP amendment would be necessary.

For coach houses, staff recommends a similar OCP policy to that which supports conventional secondary suites; that is, to support coach house development in the High, Medium and Low Density residential designated areas subject to rezoning.

Staff is hopeful that Council will consider the options in this memorandum and set direction for OCP policies pertaining to convention secondary suites and coach houses. With that, staff will be in a position to draft formal policies and zoning regulations in the form of bylaw amendments.

For consultation, staff would advertize the proposed initiatives on the City's website, arrange for a public open house and solicit citizen input prior to Council's review of bylaw amendments. The bylaw amendments themselves would involve a Statutory Public Hearing.

  
Kevin Pearson, MCIP, RPP  
Director of Development Services



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## SECTION 13 - R-8 - SINGLE-FAMILY/SECONDARY SUITE RESIDENTIAL ZONE

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### Purpose

- 13.1 The purpose of the R-8 Zone is to permit a *secondary suite* within a *single family dwelling*.

### Regulations

- 13.2 On a *parcel zoned R-8*, no *building* or *structure* shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the R-8 Zone or those regulations contained elsewhere in this Bylaw.

### Permitted Uses

- 13.3 The following uses and no others are permitted in the R-8 Zone:

- .1 *boarders*, limited to two;
- .2 *family childcare facility*;
- .3 *group childcare*;
- .4 *home occupation*;
- .5 *public use*;
- .6 *public utility*;
- .7 *single family dwelling*;
- .8 *accessory use*, including *secondary suite*.

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### Maximum Number of Single Family Dwellings

- 13.4 The maximum number of *single family dwellings* shall be one (1) per *parcel*.

### Maximum Number of Secondary Suites

- 13.5 The maximum number of *secondary suites* shall be one (1) per *parcel*.

### Maximum Height of Principal Building

- 13.6 The maximum *height* of the *principal building* shall be 10.0 metres (32.8 feet).

### Maximum Height of Accessory Buildings

- 13.7 The maximum *height* of an *accessory building* shall be 6.0 metres (19.7 feet).

### Maximum Parcel Coverage

- #2811 13.8 The total maximum *parcel coverage* for *principal* and *accessory buildings* shall be 45% of the *parcel area*, of which 10% shall be the maximum parcel coverage for *accessory buildings*.

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SECTION 13 - R-8 - SINGLE-FAMILY/SECONDARY SUITE RESIDENTIAL ZONE - CONTINUED

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**Minimum Parcel Area**

13.9 The minimum *parcel area* shall be 450.0 square metres (4,843.9 square feet).

**Minimum Parcel Width**

13.10 The minimum *parcel width* shall be 14.0 metres (45.9 feet).

**Maximum Floor Area Ratio**

13.11 The maximum *floor area ratio* of a *single family dwelling* shall be 0.65.

**Minimum Setback of Principal Building**

13.12 The minimum *setback* of the *principal building* from the:

- .1 *Front parcel line* shall be 6.0 metres (19.7 feet)
- .2 *Rear parcel line* shall be 6.0 metres (19.7 feet)
- .3 *Interior side parcel line* shall be 1.5 metres (4.9 feet)
- .4 *Exterior side parcel line* shall be 6.0 metres (19.7 feet)
- .5 Notwithstanding Sections 13.12.2 and 13.12.3., a *principal building* on a corner *parcel* may be sited not less than 1.5 metres (4.9 feet) from the *rear parcel line* provided the combined total of the *rear* and *interior side yards* shall be not less than 6.0 metres (19.7 feet).
- .6 Refer to Section 4.9 for "Special Building Setbacks" which may apply.

**Minimum Setback of Accessory Buildings**

13.13 The minimum *setback* of accessory *buildings* from the:

- .1 *Front parcel line* shall be 6.0 metres (19.7 feet)
- .2 *Rear parcel line* shall be 1.0 metre (3.3 feet)
- .3 *Interior side parcel line* shall be 1.0 metre (3.3 feet)
- .4 *Exterior side parcel line* shall be 6.0 metres (19.7 feet)
- .5 Refer to "Pound and Animal Control Bylaw" for special setbacks which may apply.

**Parking**

13.14 Parking shall be required as per Appendix I.

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## SECTION 2 - DEFINITIONS - CONTINUED

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#3517 **RESORT ACCOMMODATION** means a resort-oriented building or buildings containing *accommodation units* for either the temporary accommodation of the travelling public, or for the temporary occupancy by an owner or occupier.

#2782 **RESTAURANT** means an eating establishment where food and beverages are sold to the public.

#2966 **REST HOME** means a *boarding home* or other institution licensed by the Province of British Columbia, where food or lodging, together with care or attention are furnished, with or without charge, for two or more persons who, on account of age, infirmity, physical or mental defect, or other disability, require attention or care, excepting a home maintained by a person to whom the occupants are related by blood or marriage.

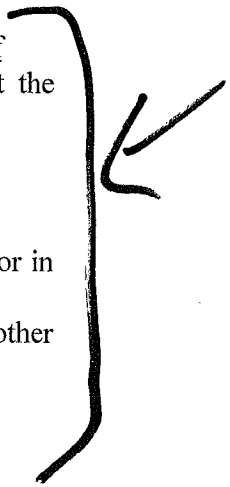
#2788 **RETAIL STORE** means a *building* where goods, wares, merchandise, substances, articles or things are offered or kept for sale, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store and includes but is not limited to: appliance stores, furniture stores, hardware stores, pet shops, video stores and second hand stores.

#3545 **RETAINING WALL** means a *structure* constructed for the purpose of retaining, stabilizing or supporting an earthen bank as a result of differences in lot *grades*.

#2789 **ROOMING HOUSE** means a *building* of residential occupancy (as defined by the B.C. Building Code) in which the operator supplies, for a fee, lodging and may supply meals, for up to 12 *boarders*. Lodging is limited to *sleeping units* with no cooking facilities. The operator may not provide meals to persons other than the *boarders*. The *boarders* are intended to be independent persons who do not require care. A *dwelling unit* for the operator is permitted as an *accessory use* within the *rooming house building*. The property owner or operator must reside on-site.

**SANITARY LANDFILL** means the deposit resulting from the disposal of solid waste by spreading it in layers and covering it with soil to control vectors, odours and wind blown litter and may include a *recycling depot*.

#2683  
#3761 **SECONDARY SUITE** means a *dwelling unit* conforming to the Building Regulations of British Columbia which is accessory to the principal *dwelling unit* and must meet the following criteria:

- a) cannot exceed a maximum floor space of 90 square metres (968.8 square feet);
  - b) cannot exceed a maximum of 40% of habitable floor space of the building;
  - c) must have a separate entrance;
  - d) must be an integral part of the building and have at least one heated wall or floor in common with the principal dwelling unit;
  - e) must be located within a building of residential occupancy containing only one other principal dwelling unit; and
  - f) must be located in and part of a building which is a single real estate entity.
- 



Principal Dwelling

Accessory Building in Front Yard  
with Coach House Potential

Variance granted in October 2009  
to increase building height from 6 m to 6.5 m


Residential Property with  
Coach House Potential

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 <b>Agricultural Land Commission Act</b>	<p style="text-align: right;"><b>Policy #9 March 2003</b></p> <p style="text-align: center;"><b>ADDITIONAL RESIDENCES FOR FARM USE</b></p>
<p><i>This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.</i></p>	

#### REFERENCE:

*Agricultural Land Commission Act, 2002, Section 18*

- 18** *Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,*
- (a) a local government, or an authority, a board or another agency established by it or a person or an agency that enters into an agreement under the Local Services Act may not*
  - (ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use*

#### INTERPRETATION:

The Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation do not set a limit on the number of additional residences for farm help per parcel, but all residences must be necessary for farm use. However, see Section 3 (1) (b) of the Regulation which permits a 'manufactured home' for family members of the owner. This Section also permits a secondary suite within a residence. See Commission Policy "Permitted Uses in the ALR: Residential Uses".

Local government must be convinced that there is a legitimate need for an additional residence for farm help. One criteria is that the parcel should have 'farm' classification under the *Assessment Act*. In coming to a determination, a local government should consider the size and type of farm operation and other relevant factors. To help determine the need and evaluate the size and type of farm operation, a permitting officer may wish to obtain advice and direction from staff of:

- a) the Ministry of Agriculture, Food and Fisheries
- b) the Agricultural Land Commission.

Local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help. Some bylaws may automatically permit a second residence on a specified size of parcel in the ALR. This is not an appropriate determination under the Act and should not be used as the basis for issuing a building permit for an additional residence for farm help. Some local governments have adopted detailed guidelines as a basis for determining legitimacy of a request for additional residences for farm help, in which a threshold for different types of agricultural operations is specified. In these instances, it may be appropriate to consider these as factors in interpreting Section 18 of the Act.

If there is any doubt with respect to need, an application under Section 20 (3) of the Act for permission for a non-farm use is required.




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 <p><b>Agricultural Land Commission Act</b></p>	<p style="text-align: right;"><b>Policy #8 March 2003</b></p> <p style="text-align: center;"><b>PERMITTED USES IN THE ALR: RESIDENTIAL USE</b></p>
<p><i>This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.</i></p>	

#### REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation", Section 3 (1) (b)

*Section 3 (1) "the following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw:*

- (b) for each parcel,*
  - (i) one secondary suite within a single family dwelling, and*
  - (ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;*

*Section 1 (1) "immediate family" means, with respect to an owner, the owner's*

- (a) parents, grandparents and great grandparents,*
- (b) spouse, parents of spouse and stepparents of spouse,*
- (c) brothers and sisters, and*
- (d) children or stepchildren, grandchildren and great grandchildren;*

#### INTERPRETATION:

The Regulation permits a secondary suite for residential purposes, wholly contained within a single family dwelling, on a parcel in the ALR. The secondary suite use is not limited as to who occupies the suite. The Regulation also provides for one manufactured home, in addition to a dwelling, on a parcel in the ALR, but only for use by the property owner's immediate family. The maximum width of manufactured or mobile home allowed is 9 metres, which provides for what is commonly known as a 'double-wide'. The Commission may make an exception to the width requirement in the Peace and Northern Rockies Regional Districts to provide for a 'double wide' up to the industry standard width (10 metres).

The Regulation defines "immediate family" as noted above. If the manufactured home is no longer occupied by immediate family of the property owner, it is no longer a permitted use in the ALR and must be removed from the parcel or, if it remains, not used for residential purposes.

It should be noted that Section 18 (a) (ii) of the *Agricultural Land Commission Act* provides for one residence per parcel of land, and more than one residence where "the additional residences are necessary for farm use." See Commission Policy "Additional Residences for Farm Use".

Related uses that are not permitted in the Act or Regulation for residential use require application to

and approval from the Commission.

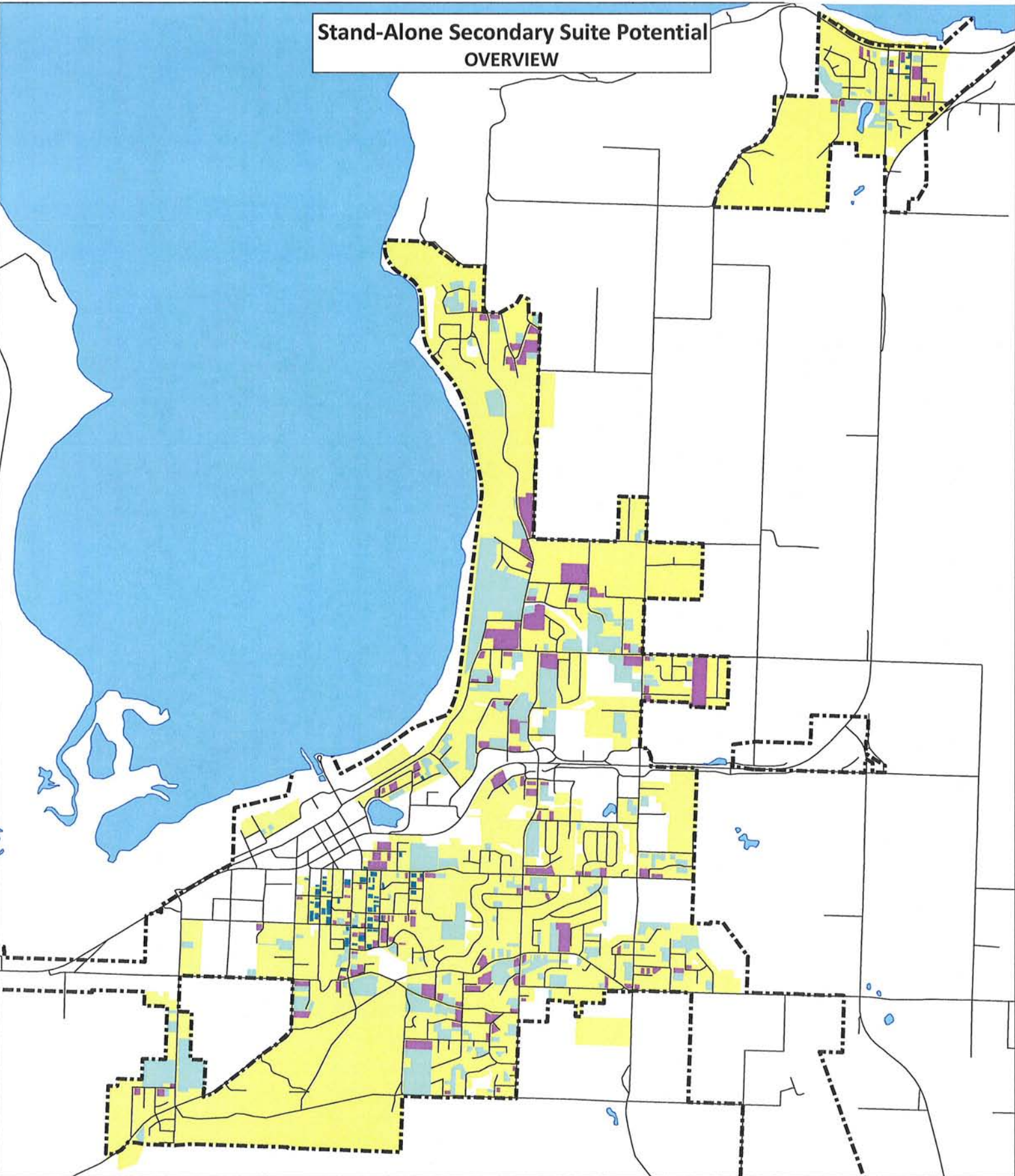
**Where a zoning bylaw is in place, this use must be specifically permitted by the bylaw.**

**TERMS:**

**Secondary suite** — means an area set aside for residential use, within the footprint of a single family dwelling, and secondary or ancillary to the residential use of that single family dwelling.

**Manufactured home** — means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.

## Stand-Alone Secondary Suite Potential OVERVIEW



0 500 1,000 1,500 2,000  
Meters

Detailed site inspections and background analysis were not conducted for each of these properties; therefore, this information cannot be relied upon as a basis for approvals

Residential Designations	<700 sq. m lane access (101 Lots)
≥700 sq. m lane access / double frontage (187 Lots)	≥700 sq. m no lane access / single frontage (387 Lots)