



City of Richmond

Report to Committee

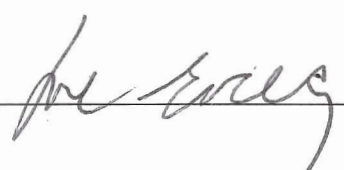

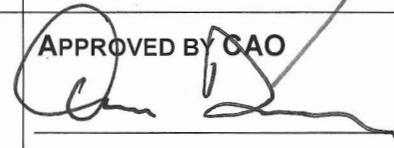
To: Planning Committee
From: Wayne Craig
Director, Development
Date: April 27, 2017
File: 08-4430-01/2017-Vol
01
Re: Proposed Zoning Bylaw Housekeeping Amendments

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9699 to make housekeeping amendments be introduced and given first reading.


Wayne Craig
Director, Development
(604-276-4625)

Att. 1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Building Approvals	<input checked="" type="checkbox"/>	
Business Licence	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	
Community Services	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO 

Staff Report

Origin

This report introduces a bylaw to bring forward a number of housekeeping amendments to Richmond Zoning Bylaw 8500. These amendments are intended to bring the Zoning Bylaw up-to-date, and are the fifth set of zoning housekeeping amendments since Zoning Bylaw 8500 was adopted in November 2009. The proposed amendments are intended to improve the clarity of the Zoning Bylaw and make it easier to interpret and implement.

The proposed amendments have been grouped into four categories:

1. Proposed Updates to “Child Care Program” Definition and Specific Use Regulations;
2. Proposed Updates to “Agri-tourist Operation” and “Farm-based Winery” Definitions;
3. Proposed Updates to “Assembly (ASY)” zone regarding “Private Clubs” within the ALR; and;
4. Minor Proposed Amendments to Zoning Bylaw 8500.

This report supports Council’s 2014-2018 Term Goal #3 A Well-Planned Community:

Adhere to effective planning and growth management practices to maintain and enhance the livability, sustainability and desirability of our City and its neighbourhoods, and to ensure the results match the intentions of our policies and bylaws.

3.1. Growth and development that reflects the OCP, and related policies and bylaws.

3.2. A strong emphasis on physical and urban design.

This report supports Council’s 2014-2018 Term Goal #8 Supportive Economic Development Environment:

Review, develop and implement plans, policies, programs and practices to increase business and visitor appeal and promote local economic growth and resiliency.

8.1. Richmond’s policies, programs, and processes are business-friendly.

Analysis

The proposed zoning housekeeping amendments are described below.

1. Proposed Updates to “Child Care Program” Definition and Specific Use Regulations

Child care program is permitted in all of Richmond’s residential zones as a home business. Two amendments are proposed to align the Zoning Bylaw child care program provisions with the BC *Community Care and Assisted Living Act*, and the *Child Care Licensing Regulation* (“the Regulation”). Whereas the Richmond Zoning Bylaw definition currently refers to a maximum of 10 children, the Regulation allows:

- no more than 7 children in a “Family Child Care” program (where the provider is a responsible adult); and
- no more than 8 children in an “In-Home Multi-Age Child Care” program (where the provider must be an early childhood educator).

The proposed Zoning Bylaw definition would update the maximum number of permitted children in a child care program and provide a full reference to the provincial Act and Regulation. A minor amendment is also required in Section 5, Specific Use Regulations, of the Zoning Bylaw to delete the reference to a child care program with a maximum of 10 children.

Private child care businesses serving less than 10 children are not required to obtain a business license from the City. Provincial legislation, however, requires that child care programs offering care for more than two children be licensed by the local health authority. All provincially licensed child care programs are inspected by Vancouver Coastal Health.

Currently, Richmond has approximately 65 child care programs being delivered in residential homes providing close to 500 child care spaces.

Attachment 1 identifies the current and proposed definitions of “child care program”.

2. Proposed Updates to “Agri-tourist Operation” and “Farm-based Winery” Definitions

On August 2, 2016, the Provincial Government amended the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (“ALR Regulation”) to clarify certain farm and non-farm uses that can take place on ALR land. Staff propose two amendments to align the Zoning Bylaw definitions of “agri-tourist operation” and “farm-based winery” with the revised ALR Regulation.

A. *Agri-tourist Operation*

As set out in the ALR Regulation, “agri-tourism, other than accommodation” is considered a farm use and cannot be prohibited by a local government. “Agri-tourist operation” is currently permitted in Richmond Zoning Bylaw 8500 as a secondary use in the Agriculture (AG1) zone. According to the updated ALR Regulation, agri-tourist operations are no longer required to be seasonal or limited to promotion and education. The Regulation also lists a variety of permitted agri-tourism activities such as exhibits, farm tours, tractor rides, harvest festivals and corn mazes.

Attachment 1 identifies the current and proposed Zoning Bylaw definition of “agri-tourist operation”.

It should be noted that “agri-tourist accommodation” is also defined in the Zoning Bylaw and included as a permitted secondary use in the Agriculture (AG1) zone. As per the ALR Regulation, “accommodation for agri-tourism on a farm” is a non-farm use that is permitted in the ALR unless otherwise prohibited by a local government bylaw. In conjunction with amendments currently under consideration by Council related to Short Term Rentals, “agri-tourist accommodation” is proposed to be removed from the

Agriculture (AG1) zone and permitted on a case-by-case basis through a rezoning application. On April 18, 2017, Council gave third reading to Richmond Zoning Bylaw 8500, Amendment Bylaw 9647, which proposes removing “agri-tourist accommodation” from the AG1 zone. Final adoption of Bylaw 9647 is expected for May 8, 2017.

B. Farm-based Winery

Wineries that meet specified conditions are designated as a farm use under the ALR Regulation and cannot be prohibited by local governments. Accordingly, “farm-based winery” is included as a permitted secondary use in Richmond’s Agriculture (AG1) zone. The August 2016 changes to the ALR Regulation added new permitted ancillary uses to farm-based wineries (e.g., cooking classes and event gatherings). It also confirmed that farms more than 2 hectares in size must grow at least 50% of the product used to make the wine or cider on the farm or both on the farm and on another farm in BC with which there is at least a 3 year contract.

Attachment 1 identifies the current and proposed Zoning Bylaw definition of “farm-based winery”. The proposed definition refers to the ALR Regulation and therefore does not need to list each of the permitted ancillary activities (e.g., retail sales, tours, food and beverage service lounge, cooking classes and event gatherings). Should the ALR Regulation be further amended in the future regarding permitted ancillary uses, an amendment to the Richmond Zoning Bylaw definition would not be required.

3. Proposed Updates to “Assembly (ASY)” zone regarding “Private Clubs” within the ALR

A zoning amendment is proposed to the Assembly (ASY) zone to better regulate “private club” uses in this zone. The proposed amendment would limit “private club” as secondary to the principal use on the lot, for all properties zoned Assembly (ASY) and which are located within the ALR. For all other properties zoned Assembly (ASY) a “private club” would remain a permitted principal use.

Currently, “private club” is a permitted principal use in the Assembly (ASY) zone and is defined in Section 3 of the Zoning Bylaw as follows:

“Private club means a facility for the meeting, social, educational or recreational activities of members of a philanthropic, social service, non-profit, athletic, **business** or fraternal organization, and which may include rooms for eating, drinking and general assembly, but does not include gaming facilities, **casino** or retail sales activities.”

Staff have received a number of recent inquiries about the potential to develop private wellness and athletic/sporting clubs in the ALR, for lands zoned Assembly (ASY) and within the ALR – specifically the No. 5 Road Backlands Policy area of the Official Community Plan (OCP). In staff’s opinion, private recreation facilities are not considered appropriate land uses within the No. 5 Road Backlands Policy area, as these lands are specifically identified for community institutional uses, which are institutions engaged in religious, educational or cultural activities.

This proposed amendment to the Assembly (ASY) zone, which would apply to properties in the ALR only, is consistent with the City's objective of protecting the agricultural land base.

4. Minor Proposed Amendments to Zoning Bylaw 8500

Attachment 2 identifies eight relatively minor proposed amendments to various aspects of Zoning Bylaw 8500. These changes are proposed to improve the readability of the bylaw and provide for consistent interpretation. The proposed amendments are minor in nature and do not substantially affect the respective zoning provisions.

Consultation

Given that the proposed housekeeping amendments include potential changes to agricultural and child care provisions that are affected by senior government legislation, City staff liaised with their counterparts at Vancouver Coastal Health (VCH) and the Agricultural Land Commission (ALC).

VCH staff advised that the proposed changes to "child care program" are acceptable. They further advised that 7 or 8 children, as set out in the *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation* is a reasonable and appropriate in-home limit in most circumstances.

Staff at the Agricultural Land Commission suggested wording refinements to the proposed bylaw amendments. These included emphasizing the requirement that an agri-tourist operation be on land classified as a farm. City staff have incorporated the ALC's feedback into the proposed amendments. The ALC will be provided with a follow-up copy of the Zoning Bylaw housekeeping amendments prior to Public Hearing and after final adoption. While there is no statutory requirement to refer these amendments to the ALC, consultation with Commission staff helps to ensure that the City's bylaws are consistent with the shared objectives of protecting farmland.

Should the Planning Committee endorse this report and Council grant first reading to Richmond Zoning Bylaw, Amendment Bylaw 9699, the Bylaw will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment.

Public notification for the Public Hearing will be provided as per the *Local Government Act*.

Financial Impact

None.

Conclusion

This report proposes several Zoning Bylaw housekeeping amendments. Richmond Zoning Bylaw 8500, Amendment Bylaw 9699 proposes to revise the current definitions of child care programs, agri-tourist operations and farm-based wineries to align with recent senior government updates. Bylaw 9699 also proposes to allow private clubs as a secondary use only on Assembly (ASY) zoned parcels within the Agricultural Land Reserve. Finally, a number of minor changes to the Zoning Bylaw are proposed to enhance its quality, accuracy and clarity. Together, the proposed amendments are expected to make the interpretation of the Zoning Bylaw easier for businesses, applicants, the public and staff.



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Attachment 1: Current and Proposed Zoning Bylaw Definitions

Attachment 2: Summary of Minor Proposed Amendments to Zoning Bylaw 8500

**Current and Proposed Zoning Bylaw Definitions
(Proposed Amendment Bylaw 9699)**

Item No.	Term	Current Zoning Bylaw Definition	Proposed Zoning Bylaw Definition
1.	Child care program	means a home business having a maximum capacity of 10 children, including operations licensed under the <i>Community Care and Assisted Living Act</i> and license-not-required child care operations.”	means a home business with a maximum of 8 children either (a) licensed in compliance with the <i>Community Care and Assisted Living Act</i> and the <i>Child Care Licensing Regulation</i> (both as amended from time to time), or (b) a license-not-required child care operation.”
2.	Agri-tourist operation	means a tourist activity, service or facility which is accessory to a farm operation and/or farm business , and is a temporary, seasonal and/or regular seasonal use to promote or market farm products grown, raised or processed on the farm and/or provide public education about the farm operation and agriculture in the region.”	means an activity defined as “agri-tourism” under the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i> (as amended from time to time), which is carried out on land used as a farm operation and/or farm business , and classified as a “farm” under the <i>Assessment Act</i> , to which the public are invited and where permanent facilities are not constructed or erected and includes ancillary services.”
3.	Farm-based winery	means a British Columbia licensed winery or cidery, and includes directly associated processing and storage, if the: <ul style="list-style-type: none"> a) wine or cider produced and offered for sale is made from farm product and: <ul style="list-style-type: none"> i) at least 50% of that farm product is grown on the farm on which the winery or cidery is located; or ii) the farm that grows the farm products used to produce wine or cider is more than 2.0 ha in area; and 	means a British Columbia licensed winery or cidery, and includes directly associated processing and storage, if: <ul style="list-style-type: none"> a) at least 50% of the farm product used to make the wine or cider produced each year is grown on the farm on which the winery or cidery is located, or b) the farm on which the winery or cidery is located is more than 2 ha in area and at least 50% of the farm product used to make the wine or cider produced each year is grown: <ul style="list-style-type: none"> i) on the farm, or ii) both on the farm and on another farm located in

ATTACHMENT 1

Item No.	Term	Current Zoning Bylaw Definition	Proposed Zoning Bylaw Definition
		<p>iii) at least 50% of the total farm product for processing is provided under a minimum 3 year contract for a farm in British Columbia, unless otherwise authorized by the Provincial Agricultural Land Commission; and</p> <p>b) other ancillary uses involving the following activities:</p> <p>i) retail sales;</p> <p>ii) tours; and</p> <p>iii) a food and beverage service lounge, if the area does not exceed 125.0 m² indoors and 125.0 m² outdoors.”</p>	<p>British Columbia that provides that farm product to the winery or cidery under a contract having a term of at least 3 years; and</p> <p>c) other ancillary uses as set out in the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i>.</p>

**Summary of Minor Proposed Amendments to Zoning Bylaw 8500
(Proposed Amendment Bylaw 9699)**

Item No.	Zoning Bylaw Section(s)	Proposed Amendment(s)	Justification/Comments
1.	4.4.1c Calculation of Density in Town Housing Zones	Remove references to first and second floors in Section 4.4.1 c to clarify that the 10m ² floor area exemption for staircases and the main interior entry areas adjacent to the stairs applies to all storeys in a townhouse.	Facilitates interpretation of the Bylaw by clarifying that the minor floor area exemption for staircases and main interior entries is available for all storeys in townhouses. (Applications for townhouses with more than 3 floors have been received.)
2.	4.4.1d Calculation of Density in Town Housing Zones	Add a new Section 4.4.1 d to state that an area up to 10 m ² on the highest storey of a townhouse that is open to the staircase below is also excluded from floor area ratio.	Facilitates interpretation of the Bylaw by clarifying that a floor area exemption is also permitted for the highest storey.
3.	4.4.2 Calculation of Density in Town Housing Zones	Add a new Section 4.4.2 d to provide a 5.0 m height limit beyond which areas with high ceilings will be considered as two floors and included in floor area.	Allows vaulted ceilings but provides a reasonable limit: any area higher than 5 m would be included twice in floor area. Applies same exemption that is currently allowed in single family zones.
4.	8.1.7.4 Single Detached (RS1/A-H, J-K; RS2/A-H, J-K) Zone	Replace reference in Section 8.1.7.4 to "Section 8.1.7.4" with "Section 8.1.7.3", which is the correct preceding section.	Corrects section reference.
5.	8.3.4.4 Coach Houses (RCH, RCH1) Zone	Amend wording to clarify that <u>up to</u> 10% of total floor area may be excluded from maximum FAR for covered areas that are open on two or more sides.	Clarifies that the exemption is not mandatory and that up to 10% may be excluded from FAR.
6.	8.3.10.2 Coach Houses (RCH, RCH1) Zone	Amend description of driveway by removing reference to <u>non-porous</u> surfaces.	Provides consistency with landscaping requirement (Section 8.3.9.5 b) for driveways between parking spaces and lanes that have curb and gutter to incorporate high quality permeable materials.

ATTACHMENT 2

Item No.	Zoning Bylaw Section(s)	Proposed Amendment(s)	Justification/Comments
7.	9.3.11.1.a) Downtown Commercial (CDT1, CDT2, CDT3) Zone	Correct address for site specific retail liquor 1 store from 7331 to 7311 Westminster Hwy.	Corrects address.
8.	9.4.3 and 9.4.11 d) Residential/Limited Commercial (RCL1, RCL2, RLC3, RCL4, RCL5) Zone	Add restaurant as a permitted secondary use in the RCL2 zone and limit the use to the first storey.	Permits restaurant use in the RCL2 zone, which already allows retail uses.



**Richmond Zoning Bylaw 8500
Amendment Bylaw 9699
(Housekeeping Amendments)**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 3.4 [Use and Term Definitions] by deleting the definition of “**Agri-tourist operation**” in its entirety and replacing it with the following:

“Agri-tourist operation

means an activity defined as “agri-tourism” under the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (as amended from time to time), which is carried out on land used as a **farm operation** and/or **farm business**, and classified as a “farm” under the *Assessment Act*, to which the public are invited and where permanent facilities are not constructed or erected and includes ancillary services.”

2. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 3.4 [Use and Term Definitions] by deleting the definition of “**Child care program**” in its entirety and replacing it with the following:

“Child care program

means a **home business** with a maximum of 8 children either (a) licensed in compliance with the *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation* (both as amended from time to time), or (b) a license-not-required **child care operation**.”

3. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 3.4 [Use and Term Definitions] by deleting the definition of “**Farm-based winery**” in its entirety and replacing it with the following:

- “Farm-based winery** means a British Columbia licensed winery or cidery, and includes directly associated processing and storage, if:
- a) at least 50% of the farm product used to make the wine or cider produced each year is grown on the farm on which the winery or cidery is located, or
 - b) the farm on which the winery or cidery is located is more than 2 ha in area and at least 50% of the farm product used to make the wine or cider produced each year is grown:
 - i) on the farm, or
 - ii) both on the farm and on another farm located in British Columbia that provides that farm product to the winery or cidery under a contract having a term of at least 3 years; and
 - c) other **ancillary uses** as set out in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.”

4. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 4.4 [Calculation of Density in Town Housing Zones] by:

a) Deleting Section 4.4.1(c) in its entirety and replacing it with the following:

- “c) an area of up to 10 m² used exclusively for staircase purposes and the main interior entry area if it is located **adjacent** to the stairs for vertical circulation; and”

b) Adding a new Section 4.4.1 (d) as following:

- “d) an area of up to 10m² on the highest **storey** of a townhouse unit that is open to the staircase area below.”

c) Adding a new Section 4.4.2 as following:

- “4.4.2 Any portion of **floor area** in a **principal building** with a **ceiling height** which exceeds 5.0 m shall be considered to comprise two floors and shall be measured as such for the purposes of calculating **density** in all **residential zones** and **site specific zones** that permit **town housing**, the following **floor area** shall be considered to comprise one floor:

- a) a maximum of 10 m² of **floor area** with a **ceiling height** which exceeds 5.0 m, provided such **floor area** is exclusively for interior entry and staircase purposes.”
5. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 5.2 [Home Businesses and Home-Based Businesses] by deleting 5.2.7 (a) in its entirety and renumbering the remaining sections accordingly.
6. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 8.3 [Coach Houses (RCH, RCH1)] by:
- a) Deleting Section 8.3.4.4 in its entirety and replacing it with the following:
- “4. For the purposes of this **zone** only, up to 10 % of the **floor area** total calculated for the **lot** in question is not included in the calculation of maximum **floor area ratio**, provided that the **floor area** is used exclusively for covered areas of the **single detached housing** or **coach house** which are open on two or more sides, with the maximum exemption for the **coach house** being 6.0 m².”
- b) Deleting Section 8.3.10.2 and replacing it with the following:
- “2. For the purposes of this **zone** only, a driveway is any surface of the **lot** that is used to provide space for **vehicle** parking or **vehicle access** to or from a public **road** or **lane**.”
7. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 8.1 [Single Detached (RS1/A-H, J-K; RS2/A-H, J-K)] by deleting the reference to “Section 8.1.7.4” in Section 8.1.7.4 and replacing it with “Section 8.1.7.3”.
8. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 9.3 [Downtown Commercial (CDT1, CDT2, CDT3)] by deleting “7331 Westminster Hwy” in Section 9.3.11.1 (a) and replacing it with “7311 Westminster Highway”.
9. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 9.4 [Residential/Limited Commercial (RCL1, RCL2, RCL3, RCL4, RCL5)] by:
- a) Amending Section 9.4.11.1 (a), by adding “**restaurant** in the RCL2 **zone** only” to the list of permitted secondary uses; and
- b) Adding a new Section 9.4.11.1 (d) as follows:
- “d) For the RCL2 **zone**, a **restaurant** must be located on the **first storey** of the **building**.”

10. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 13.3 [Assembly (ASY)] by:

- a) adding "**private club**" to the list of secondary uses in Section 13.3.3 between "**housing, single detached**" and "**residential security/operator unit**"; and
- b) adding a new Section 13.3.11.3 in "Other Regulations" as follows:

"3. **Private club** shall only be permitted as (a) a **primary use** for land not contained in the **Agricultural Land Reserve**, and (b) a **secondary use** for land contained in the **Agricultural Land Reserve**."

11. This Bylaw may be cited as "**Richmond Zoning Bylaw 8500, Amendment Bylaw 9699**".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

MAY 08 2017

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER