



# STAFF REPORT

---

**Meeting of** November 5, 2007

**File No.:** MA-LUB-2007.1

**To:** Mayne Island Local Trust Committee

**From:** Robert Kojima  
Island Planner  
Local Planning Services

---

**Re: Commercial Accommodation Zoning**

## Preliminary Report

**BACKGROUND:** At the regular meeting of October 1, 2007 the Mayne Island Local Trust Committee (LTC) directed staff to prepare new draft Commercial Accommodation (C2) zoning for LTC review. The LTC also asked staff to write to three specific C2 zoned property owners requesting input on the current status and intended uses of the properties.

This report will update the LTC on the status the three specific properties, and attach and comment on draft C2 zoning.

## CURRENT POLICIES AND REGULATIONS:

### Mayne Island Official Community Plan

There are two specific OCP policies that any new zoning should be consistent with:

- 2.4.2.1 Accommodation for visitors shall be at a low density as defined in the Land Use Bylaw and shall be dispersed around the Mayne Island Trust Area.
- 2.4.2.2 There should be regulation in the Land Use Bylaw that would limit the length of stay for visitor accommodation units while acknowledging that the Springwater Lodge and Blue Vista, for example, has for many years allowed works crews to stay for longer durations.

### Mayne Island Land Use Bylaw

The current C2 zoning is attached for reference.

## ISSUES SUMMARY:

### Development Potential

The staff report prepared for the meeting of October 1, 2007, highlighted the significant amount of unrealized potential on several of the lots currently zoned C2: with full build-out the number of units could potentially more than triple to 196 (without subdivision) or 211, with subdivision (see table 1 below).

The bulk of the unrealized development potential is in two locations: the “Bennett” property in Miners Bay and “Marisol Village” in Bennett Bay; the LTC has requested that the owners of these two properties contact staff to provide input on the current and proposed uses of those properties.

**Table 1 - 2007 Commercial Guest Accommodation Inventory and Potential**

NAME	CURRENT TOTAL	ZONE	C2 AREA (ACRES)	UNIT POTENTIAL	POTENTIAL ADDITIONAL UNITS (NO SUB.)	MIN. LOT AREA	SUB. POTENTIAL (# OF LOTS)	TOTAL POTENTIAL UNITS (WITH SUB.)
Blue Vista Resort	4	C2	0.35	5	1	1 acre	0	5
Blue Vista Resort	4	C2	0.35	5	1	1 acre	0	5
Mayne Inn*	26	C2	2.9	26	0	1 acre	2	26
The Oceanwood Country Inn	12	CGH-B	10.2	12	0	10 acres	0	12
The Springwater Lodge	5	C2	0.8	11	6	1 acre	0	11
The Springwater Lodge	4	C2	1	15	11	1 acre	0	15
Marisol Village	3	C2	4	53	50	1 acre	4	60
Troubadour	0	CGH	4.1	8	8	5 acres	0	8
Bennett Property	0	C2	4.7	61	61	1 acre	4	69
Total	58			196	138			211

\* Limited to 26 units by covenant

### Current Zoning Regulations

The existing zoning regulations establish several overlapping limits on density for tourist accommodation uses in the C2 zone:

1. There is a maximum floor area limit for tourist accommodation uses of 1630 m<sup>2</sup> per hectare.
2. There is a total floor area limit of 1630 m<sup>2</sup> per hectare for all uses in three locations in the C2 zone.
3. The maximum number of units is established at 37 per hectare (15 per acre) for the first hectare and 27 per hectare (11 per acre) for any additional lot area over 1 hectare.
4. Individual tourist accommodation units are limited to a maximum floor area of 61m<sup>2</sup> (657 ft<sup>2</sup>) per unit.
5. There is a maximum floor space ratio of 0.25.

6. In addition, the current C2 zoning regulations do not define length of occupancy. In order to address this, the OCP includes a new policy (2.4.2.2), which directs the LTC to consider regulating the length of stay for visitor accommodation units, with provisions for long term stays for work crews.

### **Draft Zoning**

Draft C2 zoning has been prepared that would address the OCP policies and the LTC's concerns about the existing zoning. The draft zoning is attached to the report and would include the following elements:

1. **Uses:** the permitted uses would be essentially the same, with the addition of "Accessory employee housing" as a new use. While this would permit employee housing, it would not oblige construction of employee units. Other uses in the current zoning such as public services, parks and utility lines should be uses permitted in any zone in the general regulations or, in the case of significant service uses, in a service zone only. All uses except "tourist accommodation" would be accessory uses. This means that a C2 zoned property could not be developed or operated for any other use without developing tourist accommodation uses and that the accessory uses must be "incidental, secondary, and exclusively devoted to" the tourist accommodation use.
2. **Density:** both the LTC and the APC commented that the existing C2 density regulations were overly complex and lacked flexibility. The draft zoning attempts to be somewhat less complex and to provide flexibility in the size of units:
  - a. The overall density would continue to be limited by lot coverage of 20%. The current use of floor space ratio would be abandoned in the draft regulations.
  - b. The density of tourist accommodation units would be limited to the existing 37 units per hectare (15.4 per acre). However, the regulation reducing density to 27 units per hectare for additional hectares would be eliminated: the 3 C2 zoned lots greater than 1 hectare would presumably be regulated on a site specific basis (Mayne Inn, Marisol and Bennett property). This would remove the incentive to subdivide.
  - c. The maximum floor area of tourist accommodation units would be limited to the existing 61m<sup>2</sup>; however if an owner wished to reduce the number of units in half (37 per hectare to 19 per hectare), the unit size may be increased to a maximum of 100m<sup>2</sup>. This would provide the ability to construct fewer, but larger units.
  - d. The maximum floor area devoted to retail sales would continue to be limited to 20 m<sup>2</sup>.

- e. Employee housing would be limited to 5 units per hectare (2 per acre) and units would be limited to 61m<sup>2</sup>.
  - f. Accessory dwelling units would continue to be limited to one per lot.
  - g. All other accessory buildings would continue to be limited to four per lot.
3. Siting and Size: height and setbacks would remain the same as the current zoning.
  4. Minimum lot size: minimum lot size for the purposes of subdivision would remain unchanged at 0.4 hectares ( 1 acre)
  5. Site Specific regulations: the draft zoning would designate three locations for site-specific regulations:
    - a. The location of Blue Vista zoned to permit all uses except restaurant, café or licensed premises and limited to 8 tourist accommodation units;
    - b. The location of 'Bennett property' zoned to permit all uses except restaurant, café or licensed premises (the expectation is that the zoning may be amended on this location to a form of comprehensive zoning);
    - c. The location of Mayne Inn zoned to permit all uses except employee housing and limited to 26 tourist accommodation units (consistent with the s. 219 covenant registered on title);
  6. Definitions: three new definitions are proposed with the draft C2 zoning, along with one altered definition:
    - a. "accessory dwelling unit" would move the definition from within the use itself, as it is in the current zoning, to the definitions section.
    - b. "employee housing" would create a new definition for this new use.
    - c. "tourist accommodation unit" would be defined as the form of unit
    - d. "tourist accommodation" would be defined as the provision of accommodation for tourists with specific limits on occupancy over the year as a whole and more specifically in the summer. This seeks to address OCP policy 2.4.2.2.

Country Guest House zoning: the owner of the 'Troupadour Institute' property has indicated that the current and intended use of the property is as the primary residence of the owner. The LTC should consider directing that the zoning on this property be altered accordingly. Staff examined incorporating the other country guest house location (CGH-B) into the C2 zone; however, because of the nature of that zoning as a hybrid between residential and a site-specific accommodation uses, rezoning to C2 would potentially result in the creation of non-conformity.

Once the LTC has reviewed the draft zoning, the LTC should direct staff to make further revisions to the draft C2 zoning if appropriate.

Next Steps:

- (1) Staff will commence a technical review of the LUB (updates to legislation, redundancies, incorporating existing regulations into the LUB template, etc.).
- (2) Once the APC review is complete, staff can provide comments on the APC recommendations for LTC consideration.
- (3) Staff will continue discussions with the owners of two C2 properties (Marisol and Bennett property) and report back to the LTC once landowner input has been received.

---

Respectfully submitted by:

---

Robert Kojima

October 30, 2007

---

Date

Attachments

# DRAFT FOR COMMENT

## Attachment 1 – Draft C2 zoning regulations

---

### 5. Commercial Tourist Accommodation (C2) Zone

---

The purpose of the Commercial Tourist Accommodation Zone is to provide regulations for the development of visitor accommodation and accessory uses.

#### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Tourist accommodation;
  - (b) Accessory dwelling unit;
  - (c) Accessory restaurant, café, or licensed premises;
  - (d) Accessory retail sales;
  - (e) Accessory employee housing;
  - (f) Accessory uses, buildings and structures.

#### Density

- (2) The maximum lot coverage is 20%.
- (3) The maximum density of tourist accommodation units is 37 units per hectare (15.4 per acre).
- (4) The maximum floor area of any tourist accommodation unit is 61m<sup>2</sup> (657 ft<sup>2</sup>); except, where the density of tourist accommodation units is 27 per hectare (11.25 per acre) or less, in which case the maximum floor area of any tourist accommodation unit is 100m<sup>2</sup> (1076 ft<sup>2</sup>).
- (5) The maximum floor area of accessory retail sales uses is 20m<sup>2</sup> per hectare (87ft<sup>2</sup> per acre).
- (6) The maximum number of accessory employee housing units is 5 per hectare (2 per acre). The maximum floor area of any employee housing unit is 61m<sup>2</sup> (657 ft<sup>2</sup>).
- (7) The maximum number of accessory dwelling units is one per lot.
- (8) The maximum number of buildings accessory to tourist accommodation uses is four per lot.

#### Siting and Size

- (9) The minimum setback for any building or structure, except a sign, fence, or pumphouse is:
  - (a) 8 metres from any lot line;
- (10) The maximum height of any building containing tourist accommodation units, an accessory dwelling unit, or a restaurant, café or licensed premises is 9 metres (29.5 ft.) and two storeys. The maximum height of any other accessory building or structure is 5 metres (16.4 ft.).

## Subdivision Lot Area Requirements

- (11) No lot having an area less than 0.4 hectares (1 acre) shall be created by subdivision in the C2 zone.

## Site-Specific Regulations

- (12) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

<b>Table 5.1</b>		
<b>Site-Specific Zone</b>	<b>Location Description</b>	<b>Site Specific Regulations</b>
C2(a)	<p>Lot 14, Section 9, Mayne Island, Cowichan District, Plan 15114 and Lot 15, Section 9 Cowichan District, Plan 15114.</p> <p>563 Arbutus Drive.</p> <p>[Blue Vista]</p>	<p>1. Despite 5.__(1) above, the only uses permitted in this location are those permitted by 5.__(a), (b), (d), (e) and (f).</p> <p>1. Despite 5.__(3) the maximum number of tourist accommodation units permitted in this location is 8.</p>
C2(b)	<p>Part of the East 10 Chains of the Fractional South West ¼, Section 12, Mayne Island, Cowichan District, Except Parts in Plans 13929, 15136, 21821, and 44664.</p> <p>412 Naylor Road.</p> <p>['Bennett' property]</p>	<p>1. Despite 5.__(1) above, the only uses permitted in this location are those permitted by 5.__(a), (b), (d), (e) and (f).</p>
C2(c)	<p>Lot 83, Section 9, Mayne Island, Cowichan District, Plan 14000.</p> <p>494 Arbutus Drive.</p> <p>[Mayne Inn]</p>	<p>1. Despite 5.__(1) above, the only uses permitted in this location are those permitted by 5.__(a), (b), (c), (d), and (f).</p> <p>2. Despite 5.__(3) and (4) the maximum number of tourist accommodation units permitted in this location is 26 and the maximum floor area of any tourist accommodation unit 61m<sup>2</sup>.</p>

## Definitions

<b>Proposed</b>	<b>Current</b>
<p>“Accessory dwelling unit” means a dwelling unit the use of which is limited to accommodation of an owner, operator, or employee of a permitted principal use on the same lot or premises.</p>	
<p>“Employee Housing” means the use of a dwelling unit for occupation only by an employee of a principal use on the same lot or premises, or an individual related by blood, adoption, common-law marriage, foster parenthood to an employee, or cohabiting with an employee in a spousal relationship.</p>	<p><i>none</i></p>
<p>“Tourist Accommodation Unit” means a detached cabin, a room, or a suite of rooms providing tourist accommodation.</p>	<p>"Tourist accommodation unit" means a detached cabin, room or suite of rooms providing accommodation for travellers.</p>
<p>“Tourist Accommodation” means the provision of temporary accommodation for travellers in the form of successive occupancy by different persons where the same person shall not occupy any unit for a time period exceeding 45 days in any calendar year, and the same person shall not occupy any unit for a time period exceeding 14 days between June 1 and September 1.</p>	<p><i>none</i></p>

## Attachment 2 – Current C2 Zoning Regulations

### 9.10 COMMERCIAL ACCOMMODATION ZONE - C2

#### 9.10.1 Permitted Uses

The following uses and no others are permitted in areas designated as Commercial Accommodation C2:

- (1) Tourist accommodation in hotels, motels, lodges and inns
- (2) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted tourist accommodation use
- (3) Accessory restaurant, cafe, and premises licensed under the *Liquor Control and Licensing Act*
- (4) Retail sales uses in connection with a permitted tourist accommodation use
- (5) Public service uses
- (6) Parks
- (7) Utility lines and poles
- (8) Accessory uses, buildings and structures

#### 9.10.2 Despite subsection 9.10.1, the only uses permitted on lands legally described as:

- (1) Lot 14, Section 9, Mayne Island, Cowichan District, Plan 15114
- (2) Lot 15, Section 9, Mayne Island, Cowichan District, Plan 15114
- (3) Lot A, Section 9, Mayne Island, Cowichan District, Plan 6587
- (4) Part of the East 10 Chains of the Fractional South West ¼, Section 12, Mayne Island, Cowichan District, Except Part in Plans 13929, 15136, 21821, and 44664

are those referred to in articles 9.10.1(1), (2), (4), (5), (6), (7) and (8).

#### 9.10.3 Density

- (1) One accessory dwelling unit is permitted per lot.
- (2) The total floor space for all purposes must not exceed 2,500 m<sup>2</sup> per hectare of lot area, of which not more than 1,630 m<sup>2</sup> may be tourist accommodation use and not more than 20 m<sup>2</sup> accessory retail sales area.
- (3) Despite article (2) the total floor space for all purposes on lands referred to in subsection 9.10.2 is 1,630 m<sup>2</sup> per hectare of lot area of which not more than 70 m<sup>2</sup> may be accessory retail sales area.
- (4) The total number of tourist accommodation units must not exceed 37 per hectare in respect of the first hectare of any lot

BL 116

and 27 per hectare in respect of any additional lot area over 1 hectare.

- (5) Individual tourist accommodation units must not exceed 61 m<sup>2</sup> in floor area.
- (6) The maximum number of buildings accessory to a permitted tourist accommodation use is 4.
- (7) The floor space ratio must not exceed 0.25.

#### 9.10.4 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 20% of the lot area.

#### 9.10.5 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any lot line.
- (2) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

#### 9.10.6 Height of Buildings and Structures

- (1) No principal building, dwelling unit, restaurant, cafe or premises licensed under the *Liquor Control and Licensing Act* may exceed 9 metres nor 2 storeys in height.
- (2) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.

#### 9.10.7 Subdivision Requirements

- (1) No lot having an area less than 4000 m<sup>2</sup> may be created by subdivision.