

Report

Date July 16, 2025

File: ZB000270

Subject Zoning Amendment Bylaw No. 4021, 2025 for first three readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 4021, 2025, which proposes to add bed and breakfast as a permitted use on 7851 and 7853 Osborne Bay Road.

BACKGROUND

7851 Osborne Bay Road and 7853 Osborne Bay Road are two separate residential properties owned by the same property owners. The lots are located at the southern end of Crofton and have areas of 0.389 hectares (0.96 acres) and 0.275 hectares (0.68 acres), respectively. Both properties are zoned as The Commons Comprehensive Development Zone (CD20) in [Zoning Bylaw 1997 No. 2950](#), designated as neighbourhood residential in [Official Community Plan No. 3900, 2022](#), and are located within the Urban Containment Boundary and the [Crofton Local Area Plan](#) (Attachments 1, 2 and 3).

At the regular Council meeting on October 3, 2018, the subject properties were rezoned from Rural Residential Zone (R1) to CD20 as part of a 12-phase mixed bare land/building strata called 'the Commons at Osborne Bay'. The CD20 zoning is secured from 2018 to 2028 through a phased development agreement (PDA). Rezoning or rezoning amendments are permitted on the subject properties under Section 1.b) – 'Bylaw Amendments Not to Apply' of the PDA:

"For the term of this Agreement, any amendment or repeal of section 80.7 [Commons Comprehensive Development Zone], of the Municipality's Zoning Bylaw No. 2950, shall not apply to the Land, except:

- a) as provided in section 905.1 (6) of the Local Government Act; or*
- b) to the extent that the Land Owner of any parcel comprising the Land agrees in writing that the amendment or repeal shall apply to that Land."*

The subject properties are developed fee simple lots and are highly unlikely to be redeveloped during future development of the CD20 area.

7853 Osborne Bay Road is surrounded by CD20-zoned parcels on all sides. 7851 Osborne Bay Road is abutted by CD20-zoned parcels to the north, east, and west, and R1-zoned properties to the south. Municipal water and sewer systems service both properties. 7851 Osborne Bay Road is subject to Development Permit Area (DPA) 3 – Natural Environment due to a riparian area and wetland on the southeast corner of the parcel. 7853 Osborne Bay Road features steep slope areas and may be located in a DPA 4 – Natural Hazard Area. A development permit is not required for the proposed application.

Both properties have previously been used for bed and breakfast home businesses under the preceding R1 zoning designation; however, *bed and breakfast* is not a permitted use under the current CD20 zone. A condition in the CD20 zone to maintain the bed and breakfast use on the subject properties was not identified during the initial rezoning process in 2018.

Proposal

The applicant has submitted a site-specific rezoning application to enable *bed and breakfast* as a permitted use on 7851 and 7853 Osborne Bay Road. No additional development on the properties is proposed as part of this application. The applicant has provided a letter of rationale in Attachment 4, and proposed Zoning Amendment Bylaw No. 4021, 2025 is included as Attachment 5.

DISCUSSION

Official Community Plan

The Residential Neighbourhood land use designation supports low-impact home-based businesses that are accessory to a principal residential use:

Residential Neighbourhood Designation 3.2.7 f) "Facilitate home-based business zoning regulations to include a range of low-impact business activities within the interior of a dwelling, but also preserve residential function and amenity."

The proposed site-specific rezoning amendment will not involve an increase in density or a change to the residential use of the subject properties. A bed and breakfast would be an accessory use to the residential dwelling on each property.

Zoning Bylaw Compliance

The subject properties comply with the uses, lot size, setbacks, and density permitted in the CD20 zone. Proposed Zoning Amendment Bylaw No. 4021, 2025, would add *bed and breakfast* as an additional permitted use on both properties.

Crofton Local Area Plan

The subject properties are classified as 'Plan Area 4 Comprehensive Development Zone' (PA4CDZ), which supports low and medium density residential and home-based businesses. The PA4CDZ policies generally apply to larger-scale development applications and were considered during the development of the CD20 zone. The Crofton Local Area Plan does not restrict home-based business uses.

Short-Term Rental Accommodations Act

In May 2024, the Province enacted the *Short-Term Rental Accommodations Act* to limit short-term rentals to a host's principal residence plus one secondary suite or accessory dwelling unit on the same property. Proposed Zoning Amendment Bylaw No. 4021, 2025 includes the following conditions of use for bed and breakfasts:

- Bed and Breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
- Bed and Breakfast uses may have no more than three sleeping units.

OPTIONS

1. **(Recommended Option)** THAT Council:

- (1) gives first and second readings to Zoning Amendment Bylaw No. 4021, 2025, and
- (2) directs staff to schedule a public hearing for Zoning Amendment Bylaw No. 4021, 2025.

2. THAT Council denies Zoning Amendment application number ZB000270, which proposes to add bed and breakfast as a permitted use on 7851 and 7853 Osborne Bay Road.

IMPLICATIONS

If Council approves the application, the property owner would be required to apply for a separate business licence for each of the subject properties before operating a bed and breakfast business on either parcel. The bed and breakfast operations would be subject to the corresponding conditions of use of proposed Zoning Amendment Bylaw No. 4021, 2025 (listed above).

If Council denies the application, the property owners would not be permitted to operate bed and breakfast businesses on the subject properties.

ANALYSIS AND RATIONALE

Staff support the proposed site-specific zoning amendment for the following reasons:

1. Limited Impact on Surrounding Properties

The application will not increase residential density on either property, and the *bed and breakfast* use would be accessory to the single-family dwelling use on each parcel. If the application is approved, the property owner would be required to apply for a separate business licence for each of the subject properties prior to operating a bed and breakfast business.

2. Compliance with Official Community Plan and Zoning Bylaw

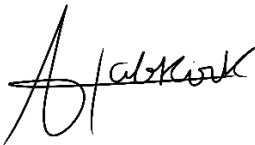
The application is supported by OCP policies. The properties comply with siting and density regulations in the CD20 Zone.

RECOMMENDATION

THAT Council:

- (1) gives first and second readings to Zoning Amendment Bylaw No. 4021, 2025, and
- (2) directs staff to schedule a public hearing for Zoning Amendment Bylaw No. 4021, 2025.

Report prepared by:



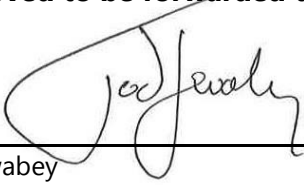
Amanda Habkirk
Development Planner

Report reviewed by:



Amanda Young
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Letter of Rationale
- (5) Zoning Amendment Bylaw No. 4021, 2025
- (6) The Commons at Osborne Bay Site Plan