



Making a difference...together

PROPOSED BYLAW NO. 3874

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JUNE 18, 2013**

**SUBJECT AMENDMENTS TO THE LANGFORD ELECTORAL AREA ZONING BYLAW, 1981,
BYLAW NO. 980 (AMENDMENT BYLAW NO. 3874)**

ISSUE

To consider an amendment to the Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980, (for the Malahat area) to revise definitions as well as clarify general regulations for accessory building height and maximum floor area, and add regulations for secondary suites, detached accessory suites, and bed and breakfasts.

BACKGROUND

The referral agencies considered the proposed amendments outlined in proposed Bylaw No. 3874 (Appendix 1) and as tracked changes to Bylaw No. 980 (Appendix 2). The proposed changes included:

- An updated bylaw title and citation to more accurately reflect the area covered by the bylaw;
- Revised definitions;
- Proposed amendments to the Administration and Enforcement sections;
- The proposed addition of Greenbelt zones to the general regulations for accessory building height and maximum floor area;
- The proposed addition of general regulations for Secondary Suites, Detached Accessory Suites and Bed and Breakfasts;
- The proposed addition of Secondary Suites, Detached Accessory Suites, and Bed and Breakfasts as permitted uses in the Greenbelt zones; and
- The proposed addition of general regulations regarding lots divided by a zoning boundary.

At the February 19, 2013 meeting, the Juan de Fuca Land Use Committee (LUC) directed staff to refer proposed Bylaw No. 3874, which amends Bylaw No. 980 to CRD Departments and the following agencies for comment:

- | | |
|-----------------------------------|---|
| BC Hydro | Malahat First Nation |
| City of Langford | Ministry of Transportation and Infrastructure |
| City of View Royal | Penelakut Tribe |
| Cowichan Tribes | RCMP |
| Cowichan Valley Regional District | Scia'new First Nation |
| District of Highlands | Cowichan School District No. 79 |
| Halalt First Nation | Stz'uminus First Nation |
| Hul'qumi'num Treaty Group | Te'Mexw Treaty Association |
| Lake Cowichan First Nation | T'Sou-ke First Nation |
| Lyackson First Nation | Vancouver Island Health Authority |
| Malahat Fire Department | |

A public information meeting was held at the Shawnigan Lake Community Centre to discuss the bylaw with residents of the Malahat area.

ALTERNATIVES

1. Proceed with the proposed Bylaw No. 3874 to amend the Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980 and forward to the CRD Board for first and second readings and on to public hearing;

2. Not proceed with the proposed amendments to the Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980;
3. Refer proposed Bylaw No. 3874 back to staff for further information.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 890 of the *Local Government Act*, an amendment to a zoning bylaw requires that a public hearing be held subsequent to the amendment passing second reading by the Capital Regional District Board. The public hearing will be advertised in the local newspaper and on the CRD website.

Pursuant to Section 237.1(2) of the *Local Government Act*, a public hearing may be held outside the boundaries of the Regional District where so authorized by resolution. Planning staff recommend that the public hearing be held at the Shawnigan Lake Community Centre.

REFERRAL COMMENTS

Comments were received from ten agencies (Appendix 3) and from members of the public at the Malahat public information meeting.

Agency Comments

BC Hydro: Interests unaffected by the proposed changes.

City of Langford: Proposed amendments are similar to many that have already been adopted by the City of Langford. Interests unaffected by proposed changes.

Cowichan Tribes: Advised that the Malahat area is within the territorial interest of the Cowichan Tribes, and expressed concern that the bylaw does not limit the construction of in-ground septic/sewage systems within 30 m of the natural boundary of watercourses and water bodies.

Cowichan Valley Regional District: Proposed amendments similar to regulations in effect for those areas of the Malahat that are within CVRD jurisdiction.

District of Highlands: Interests unaffected by the proposed changes. Noted that some of the lakes named in Section 2.1.05 of the bylaw are outside the Malahat area of the Juan de Fuca.

Ministry of Transportation and Infrastructure: Interests unaffected by the proposed changes.

RCMP: No policing issues foreseen with the proposed amendments.

School District #79: Interests unaffected by the proposed changes.

Town of View Royal: Confirmed receipt of the referral and forwarded no further comment.

Vancouver Island Health Authority: Provided suggested wording changes to the Secondary Suites, Detached Accessory Suites and Bed and Breakfast sections regarding to the *Sewerage System Regulation*. Provided a suggested additional subsection under the Bed and Breakfast section related to the provision of drinking water for domestic purposes servicing anything other than a single-family residence. Suggested that a building permit is required for the bed and breakfast units.

Malahat Public Information Comments

The proposed amendments were considered at a public information meeting held at the Shawnigan Lake Community Centre on April 22, 2013. Attending members of the public were generally supportive of the proposed changes. An increase in the maximum height of detached accessory suites, such that it not exceed the maximum height specified by the zone, was suggested. Changing the definition of "Height" to conform with the definition provided in Juan de Fuca Land Use Bylaw No. 2040 was discussed and supported.

PLANNING ANALYSIS

Staff have reviewed the comments received from referral agencies and have made several changes to the originally proposed amendment. These changes are outlined in revised Bylaw No. 3874 (Appendix 1), which includes the proposed zoning map, and are shown as tracked changes to Bylaw No. 980 (Appendix 2).

Based upon the discussion and comments received at the Malahat public information meeting, staff recommend that the maximum height of an accessory building used for a detached accessory suite be

the maximum height specified by the zone, and that the definition of “Height” be amended such that it conforms with the definition provided in Juan de Fuca Land Use Bylaw No. 2040.

With regards to VIHA’s suggested wording change concerning the requirement for building permits for bed and breakfast units, Planning staff advise that a building permit is not required for a bed and breakfast unit, except in cases involving structural changes to the building in which they are located, or for new buildings. Other wording changes suggested by VIHA have been incorporated into the proposed bylaw amendment and are supported by Planning staff.

Finally, Planning staff recommends that a new section 2.19 be added to clarify the applicable uses, densities and/or regulations other than building setbacks that pertain to lots divided by a zone boundary. The proposed wording for this section is taken from Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040.

CONCLUSION

The intent of the amendments to Bylaw No. 980 is to make several minor house-keeping changes, including clarifying the maximum height of accessory buildings in the Greenbelt zones and providing a definition of height that is consistent with other areas of the Juan de Fuca Electoral Area. Other proposed changes include the addition of secondary suites, detached accessory suites and bed and breakfast uses to the Greenbelt zones.

Based on the comments received from the public information meeting and through the referral process, Planning staff recommend that the proposed amending bylaw be forwarded to the CRD Board for first and second reading, and that a public hearing be held at the Shawnigan Lake Community Centre to consider the interests of persons who feel that their property may be affected by the proposed bylaw.

RECOMMENDATION

That the Land Use Committee recommends to the Capital Regional District Board:

1. That proposed Bylaw No. 3874, “Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980, Amendment Bylaw No. 143, 2013” be introduced and read a first time and read a second time;
2. That in accordance with the provisions of Section 890 and 891 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 3874, “Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980, Amendment Bylaw No. 143, 2013”; and
3. That in accordance with Section 237.1(2) of the *Local Government Act*, the Board authorize that the Public Hearing with respect to Bylaw No. 3874, be held at the Shawnigan Lake Community Centre, which is located outside the Capital Regional District Boundary.

****ORIGINAL SIGNED****

Iain Lawrence
Planner

June Klassen, MCIP
Manager, Local Area Planning
Concurrence

Marg Misek-Evans, MCIP
Acting General Manager
Planning and Protective Services
Concurrence

Robert Lapham, MCIP
Chief Administrative Officer
Concurrence

- Appendix 1: Proposed Bylaw No. 3874
Appendix 2: Amended Sections of Bylaw No. 980 shown as tracked changes
Appendix 3: Agency Referral Comments

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3874**

A BYLAW TO AMEND BYLAW NO. 980, THE "LANGFORD ZONING BYLAW, 1981"

The Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1. Bylaw No. 980 being the "Langford Zoning Bylaw, 1981" is hereby amended:

A. TITLE

1. By deleting the title in its entirety and replacing with the following:

"Malahat Land Use Bylaw, 1981, Bylaw No. 980"

"A Bylaw to regulate land use and subdivision for a portion of the Juan de Fuca Electoral Area of the Capital Regional District pursuant to the provisions of Part 26 of the *Local Government Act*."

B. By inserting "SCHEDULE 'A'" above "Table of Contents"

C. SCHEDULE A

1. By deleting the words "*Municipal Act*" and replacing with the words "*Local Government Act*", wherever they appear; and
2. By deleting those section numbers that reference the *Municipal Act, R.S.B.C. 1979*, and replacing with the corresponding section numbers that reference the *Local Government Act, R.S.B.C. 1996*.

D. TABLE OF CONTENTS

1. By inserting the words "3.4A Greenbelt 3A (Gb3A) Zone (BL 3696)" below "3.4 Greenbelt 3 (Gb3)";

E. SECTION 1.2 – DEFINITIONS

1. By adding a new definition for "BED AND BREAKFAST" before the word "BOARDER" as follows:
"BED AND BREAKFAST" means a use within a principal dwelling or accessory building, where permitted by this Bylaw, which provides temporary accommodation to the travelling public for periods of less than one month, but which does not provide meals, other than breakfast, and does not provide cooking facilities for guests;"
2. By adding a new definition for "BED AND BREAKFAST UNIT" before the word "BOARDER" as follows:
"BED AND BREAKFAST UNIT means temporary accommodation provided in a bed and breakfast, which consists of a sleeping room, a bathroom or shared bathroom, and may include a sitting room or a share in a sitting room, but which specifically excludes cooking facilities and kitchens;"
3. By adding a new definition for the word "CHIEF COMMUNITY PLANNER" before the word "CHURCH" as follows:
"CHIEF COMMUNITY PLANNER means the General Manager of Planning and Protective Services of the Capital Regional District;"
4. By adding a new definition for "DETACHED ACCESSORY SUITE" before the word "DEVELOPMENT" as follows:
"DETACHED ACCESSORY SUITE means an accessory dwelling unit that is contained in an accessory building and that is approved by a building permit pursuant to the BC Building Code;"

CRD Bylaw No. 3874

2

5. By deleting the definition for "HEIGHT" in its entirety and replacing with the words:
"HEIGHT" means the average vertical distance from natural grade at the outermost corners of a building or structure to the highest point of the roof surface of a flat roof, or to the mean level between the eaves and the ridge of the highest roof plane of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure, as shown in Figure 1. Where it is not possible to determine natural grade, the height shall be measured from average grade;

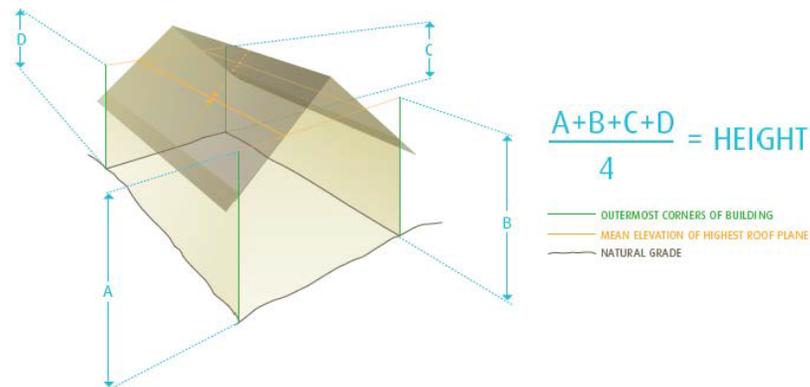


FIGURE 1 - Illustration of calculation of height

6. By adding a new definition for "SECONDARY SUITE" before the word "SHOPPING CENTRE" as follows:
"SECONDARY SUITE means an accessory dwelling that is contained within the principal dwelling and that is approved by a building permit pursuant to the BC Building Code,"
 7. By deleting the definition of "STOREY" in its entirety and replacing with the words:
"STOREY means that portion of a building which is situated between the top of any floor and top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and ceiling above it,"
- F. SECTION 1.3.03 – NON-CONFORMING USES**
1. By deleting the number "970" after the word "Section" and replacing with the number "911".
- G. SECTION 1.3.04 – APPEAL**
1. By deleting the words "Section 962" and replacing with the word "Sections 901 and 902".
- H. SECTION 1.3.08 – AREA COVERED BY BYLAW**
1. By deleting the words "the Electoral Area of Langford" and replacing with the words "that part of the Juan de Fuca Electoral Area outlined on Schedule 'B', Map 1: Malahat Land Use Bylaw Area".
- I. SECTION 1.3.10 – OFFICIAL ZONING MAPS**
1. By amending Section 1.3.10(1) in its entirety and replacing with the following:

CRD Bylaw No. 3874

3

Schedule 'B', hereto, being a map (herein sometimes referred to as "Official Zoning Maps") marked "Malahat Land Use Bylaw, 1981, Bylaw No. 980, including explanatory material thereon, is hereby made and declared to be an integral part of this Bylaw.

2. By amending Section 1.3.10(2) by deleting the words "Schedule "A", 1988", and replacing with "Schedule 'B': Zoning Map of a Portion of the Juan de Fuca Electoral Area – Malahat Area".

J. SECTION 2.1.06 – ACCESSORY BUILDINGS AND STRUCTURES

1. By amending Section 2.1.06(2)(a) by adding "An accessory building in a Greenbelt Zone shall not exceed the maximum height of a building specified by the zone." after the word "Bylaw."
2. By amending Section 2.1.06(2)(b) by add the words "The floor area of accessory buildings on any lot in a Greenbelt Zone shall be limited by the lot coverage specified by the zone." after the word "60 m²."

K. SECTION 2.1.16 – SECONDARY SUITES

1. By adding a new Section 2.1.16 as follows:

2.1.16 Secondary Suites

- (1) Secondary suites shall only be permitted in the principal single-family dwelling.
- (2) Secondary suites shall not be permitted in an accessory building, two-family dwellings (duplexes), townhouses or mobile homes.
- (3) The secondary suite shall not occupy more than 40% of the habitable floor area of the single-family dwelling unit.
- (4) The floor area of a secondary suite shall not exceed 90 m².
- (5) Only one secondary suite or one detached accessory suite shall be permitted per lot.
- (6) An owner of the lot must occupy either the secondary suite or the single-family dwelling.
- (7) The keeping of boarders and lodgers shall not be permitted within a single-family dwelling containing a secondary suite.
- (8) A building permit must be obtained for a secondary suite. An assessment of the property's ability to accommodate the increase in on-site sewage produced by the suite is required. An Authorized Person (AP), as defined by the *Sewerage System Regulation*, is to conduct the assessment, determine whether the existing system is adequate for the proposed increase in sewage, and must submit the required documentation to the local Health Office (Vancouver Island Health Authority, VIHA).
- (9) One additional off-street parking space shall be provided for the secondary suite.
- (10) Proof of a source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1,400 litres per day shall be required for the secondary suite.
- (11) Secondary suites shall only be permitted in those zones in this Bylaw that allow secondary suites.

L. SECTION 2.1.17 – DETACHED ACCESSORY SUITES

1. By adding a new Section 2.1.17 as follows:

2.1.17 Detached Accessory Suites

- (1) A detached accessory suite shall only be permitted in those zones of this Bylaw that allow detached accessory suites, and if the parcel size is 0.4 ha or greater.

CRD Bylaw No. 3874

4

- (2) Only one detached accessory suite or one secondary suite shall be permitted per lot.
- (3) A detached accessory suite may be free standing or combined with another accessory use.
- (4) A building permit must be obtained for a detached accessory suite. An assessment of the property's ability to accommodate the increase in on-site sewage produced by the suite is required. An Authorized Person (AP), as defined by the *Sewerage System Regulation*, is to conduct the assessment, determine whether the existing system is adequate for the proposed increase in sewage, and must submit the required documentation to the local Health Office (Vancouver Island Health Authority, VIHA).
- (5) Proof of a source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1,400 litres per day shall be required for the detached accessory suite.
- (6) The floor area of a detached accessory suite shall not be less than 33.4 m² and shall not exceed 90 m².
- (7) The maximum height of an accessory building used for a detached accessory suite shall not exceed the maximum height of a building specified by the zone.
- (8) Detached accessory suites must be located within the setbacks specified by the zone for the principal dwelling.
- (9) One additional off-street parking space shall be provided for the detached accessory suite.
- (10) Access to the detached accessory suite is to be provided from the same road access that provides access to the principal dwelling. In cases where a separate access for the detached suites is required, this access must first be approved by the Ministry of Transportation and Infrastructure prior to access construction or final approval by the Capital Regional District.
- (11) The detached accessory suite may be in the form of a manufactured or modular home not exceeding a length of 13 m, but shall not be in the form of a recreation vehicle or travel trailer.
- (12) An owner of the lot must occupy either the detached accessory suite or the principal dwelling.
- (13) The keeping of boarders and lodgers shall not be permitted within the principal dwelling unit on a lot containing a detached accessory suite.
- (14) A bed and breakfast use shall only be permitted in the principal dwelling on a lot containing a detached accessory suite.
- (15) A detached accessory suite is not permitted on a lot with two or more dwelling units.

M. SECTION 2.1.18 – BED AND BREAKFAST

1. By adding a new Section 2.1.18 as follows:

2.1.18 Bed and Breakfast

- (1) A bed and breakfast shall not cause or result in any variation or alteration in the external residential appearance of the land and premises in which it is carried on.
- (2) A bed and breakfast may occur in conjunction with another home occupation, provided that all such combined uses do not exceed the regulations for those uses.

CRD Bylaw No. 3874

5

- (3) Parking shall be provided in accordance with these regulations and shall be screened from adjacent lots and from highways. Spaces to be provided in excess of those required by the principal use shall be provided on the lot for which they are required.
- (4) Bed and breakfast units may be located in the principal dwelling unit.
- (5) On lots of 0.2 ha or greater, bed and breakfast units may be located in an accessory building.
- (6) On lots of less than 0.4 ha, not more than three bed and breakfast units shall be permitted on a lot, provided that the sewage disposal system conforms to the *Sewerage System Regulation*, and the maximum number of persons sleeping in a dwelling unit shall not exceed ten (10).
- (7) On lots of 0.4 ha or greater, not more than four bed and breakfast units shall be permitted on a lot, provided that the sewage disposal system conforms to the *Sewerage System Regulation*, and the maximum number of persons sleeping in a dwelling unit shall not exceed twelve (12).
- (8) Only breakfast meals may be served to guests of a bed and breakfast.
- (9) A bed and breakfast shall not increase vehicular traffic flow and parking by more than one vehicle at a time for each bed and breakfast unit, nor shall they involve the use of commercial vehicles for the delivery of materials to or from the premises, or be parked on the property, except for those occasional deliveries consistent with the normal residential use of the property.
- (10) There shall be no display or unenclosed storage of materials, tools, equipment, containers or finished products associated directly or indirectly with the bed and breakfast.
- (11) Side and rear yards for an accessory building used for bed and breakfast units shall be the same as those specified by the zone for the principal dwelling.
- (12) The total floor area of any accessory building devoted to bed and breakfast units shall not exceed 45 m².
- (13) A bed and breakfast unit may not contain a kitchen or cooking facilities.
- (14) A bed and breakfast shall only be permitted in the principal dwelling unit on a lot containing a detached accessory suite.
- (15) Any properties that are not connected to a Permitted Water Supply System by VIHA and that are providing drinking water to be used for domestic purposes, utilizing a source that is servicing anything other than a single-family residence, are subject to the *Drinking Water Protection Act and Regulation* and require permitting through VIHA.

N. SECTION 2.19 – LOTS DIVIDED BY A ZONE BOUNDARY

2. By adding a new Section 2.1.19 as follows:

2.1.19 Lots Divided by a Zone Boundary

Where a lot is included in more than one zone, the zone boundary as shown on the map accompanying and forming part of this Bylaw shall be deemed to be a lot boundary for the purposes of determining applicable uses, densities and/or regulations other than building setbacks contained in this bylaw.

O. SECTION 3.2 – GREENBELT 2 (Gb2) ZONE

1. By adding Section 3.2.01(11) as follows: "Secondary suite"
2. By adding Section 3.2.01(12) as follows: "Detached accessory suite"

CRD Bylaw No. 3874

6

3. By adding Section 3.2.01(13) as follows: "Bed and breakfast"

P. SECTION 3.4 – GREENBELT 3 (GB3) ZONE

1. By adding Section 3.4.01(12) as follows: "Secondary suite"
2. By adding Section 3.4.01(13) as follows: "Detached accessory suite"
3. By adding Section 3.4.01(14) as follows: "Bed and breakfast"

Q. SECTION 3.4A – GREENBELT 3A (Gb3A) ZONE

1. By adding Section 3.4A.01(14) as follows: "Bed and breakfast"

R. SECTION 10.1 – SHORT TITLE

1. By deleting Section 10.1.01 in its entirety and replacing it with the following:
10.1.01 This bylaw may be cited as "Malahat Land Use Bylaw, 1981"

S. SCHEDULE 'B' ZONING MAP

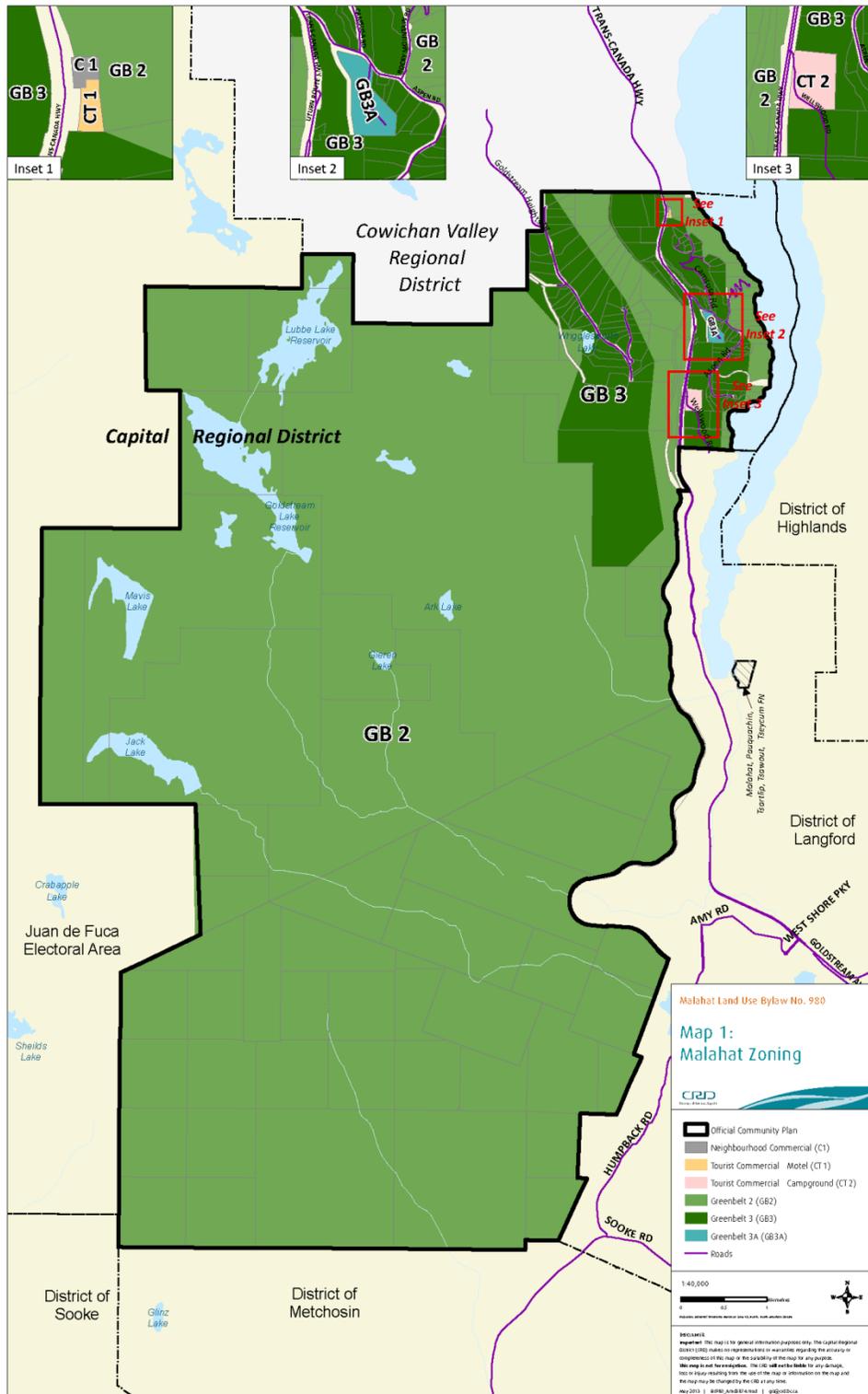
1. Rename "Schedule A, 1988, as "Schedule 'B': ZONING MAP".
 2. Rename the title "Capital Regional District Zoning Bylaw No. 980, Schedule "A", 1988" as "Malahat Land Use Bylaw No. 980, 1981: Malahat Zoning"
2. This bylaw may be cited as Bylaw No. 3874, "Malahat Land Use Bylaw, 1981, Amendment Bylaw No. 143, 2013".

READ A FIRST TIME	THIS	DAY OF	2013
READ A SECOND TIME	THIS	DAY OF	2013
READ A THIRD TIME	THIS	DAY OF	2013
APPROVED by the Minister of Transportation and Infrastructure	THIS	DAY OF	2013
ADOPTED	THIS	DAY OF	2013

CHAIR

CORPORATE OFFICER

Schedule "B" - Zoning Map



Appendix 2: Amended Sections of Bylaw No. 980 shown as tracked changes

SCHEDULE “A”

TABLE OF CONTENTS

SECTION	PAGE
1.1 Purpose	1
1.2 Definitions	2
1.3 Administration and Enforcement.....	9
2.1 General Provisions.....	13
2.2 Off-Street Parking	22
2.3 Off-Street Loading.....	26
3.1 Greenbelt 1 (Gb1) Zone (BL 1660).....	27
3.2 Greenbelt 2 (Gb2) Zone (BL 1660).....	29
3.3 Greenbelt 2A (Gb2A) Zone (BL 1145, BL1660).....	31
3.4 Greenbelt 3 (Gb3) Zone (BL 1660).....	33
3.4A Greenbelt 3A (Gb3A) Zone (BL 3696).....	35
3.5 Greenbelt Residential 1 (GR1) Zone (BL 1660).....	37
3.6 Greenbelt Residential 2 (GR2) Zone (BL 1660).....	39
3.7 Greenbelt Residential 3 (GR3) Zone (BL 1660).....	41
3.8 Greenbelt Residential 4 (GR4) Zone (BL 1660).....	42
4.1 Agricultural 1 (AG1) Zone	44
4.2 Agricultural 2 (AG2) Zone	46
4.3 Agricultural 3 (AG3) Zone	48
5.1 Rural 1 (A1) Zone.....	50
5.2 Rural Residential 1 (AR1) Zone	52
5.3 Rural Residential 2 (AR2) Zone	54
5.6 Residential 1 (R1) Zone	56
5.7 One-Family Dwelling (R2) Zone.....	59
5.7A Residential Service (R3) Zone (BL 1415).....	61
5.8 Mobile Home Park (RH1) Zone.....	63
6.1 Low Density Attached Housing (RM1) Zone.....	64
6.2 Attached Housing (RM2) Zone	66
6.3 Apartment (RM3) Zone	68
6.4 Apartment [Senior Citizen] (RM4) Zone.....	70
6.5 Residential Service [Attached] (RM5) Zone.....	72
6.6 Residential Service [Apartment] (RM6) Zone	73
7.1 Neighbourhood Commercial (C1) Zone	75
7.2 Community Commercial (C2) Zone	77

7.3	District Commercial (C3) Zone.....	80
7.4	Apartment Commercial (C4) Zone	83
7.5	Office Commercial (C5) Zone	86
7.6	Service Commercial (CS1) Zone	88
7.6A	Neighbourhood Public House (C6) Zone (BL 1543)	90
7.6B	Professional Office (C7) Zone (BL 1794).....	91
7.7	Highway Commercial (CS2) Zone	93
7.8	Commercial Industrial (CS3) Zone.....	95
7.8A	Nursery Commercial (CS4) Zone (BL 1860).....	98
7.9	Tourist Commercial – Motel (CT1) Zone.....	100
7.10	Tourist Commercial – Campsite (CT2) Zone	102
7.11	Commercial Recreation (CR1) Zone.....	104
7.12	Marina Commercial (CR2) Zone	106
8.1	Light Industrial (M1) Zone	107
8.2	General Industrial (M2) Zone	109
8.3	Heavy Industrial (M3) Zone.....	111
9.1	Neighbourhood Institutional (P1) Zone	113
9.2	Community Institutional (P2) Zone.....	115
9.3	Public Utility (P3) Zone	117
9.4	Parks and Open Space (P4) Zone.....	118
9.5	Solid Waste Disposal (P5) Zone	117
10.0	Short Title.....	118

SECTION 1.2

DEFINITIONS

ACCESSORY BUILDING means a building, the use or intended use of which is ancillary or subordinate to that of the principal building;

ACCESSORY USE means a use which is ancillary or subordinate to the principal use;

AGRICULTURAL ZONE means the AG1 or AG2 Zones;

AGRICULTURE means a use providing for growing, rearing, producing and harvesting of agricultural products; includes the storage and sale of an individual farm of the products harvested, reared, or produced on that farm and the storage of farm machinery and implements used on that farm, specifically excludes intensive agriculture and all manufacturing, processing, storage and repairs not specifically included in this definition;

ANIMAL HOSPITAL means any building in which animals are medically treated or hospitalized;

APARTMENT means a building divided into not less than three dwelling units other than Attached Housing, specifically excludes a building used for a Hotel or Motel;

APARTMENT (SENIOR CITIZENS) means an apartment providing accommodation for persons over 55 years of age and constructed under provincial and/or federal cost sharing or funding programs and operated by provincial, federal, or municipal governments, or non-profit societies; (BL 1074)

ASSEMBLY USE means a use providing for the assembly of persons for religious, charitable, philanthropic, cultural, private recreational, or private educational purposes; includes auditoriums, youth centres, social halls, group camps, excludes churches;

ATTACHED HOUSING means a building (or buildings) divided into not less than three dwelling units with each dwelling unit having direct access to the outside at grade, specifically excludes a building used for Hotel or Motel;

AVERAGE PARCEL SIZE means the area obtained by dividing the area of the lot to be subdivided, less the area of any dedicated roads, by the number of lots to be created by the plan of subdivision; (*BL 1660*)

[BED AND BREAKFAST means a use within a principal dwelling or accessory building where permitted by this Bylaw, which provides temporary accommodation to the travelling public for periods of less than one month, but which does not provide meals, other than breakfast, or cooking facilities for guests;](#)

[BED AND BREAKFAST UNIT means temporary accommodation provided in a bed and breakfast, which consists of a sleeping room, a bathroom or shared bathroom, and may include a sitting room or a share in a sitting room, but which specifically excludes cooking facilities and kitchens;](#)

BOARDER means an individual who for consideration receives accommodation together with meals;

BUILDING means any structure used or intended for supporting or sheltering any use or persons, animals or property;

CAMPSITE means a facility approved pursuant to the “Campsite Regulations” of the *Health Act*, specifically excludes a Mobile Home Park;

CHIEF BUILDING INSPECTOR means the Chief Building Inspector of the Capital Regional District;

[CHIEF COMMUNITY PLANNER means the General Manager of Planning and Protective Services of the Capital Regional District](#)

CHURCH means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship;

CIVIC USE means a use providing for public functions under the auspices of a government body; includes offices, public schools and colleges, public hospitals, community centres, libraries, museums, jails and prisons, courts of law;

COMMERCIAL ZONE means the C1, C2, C3, C4, C5, C6, C7, CS1, CS2, CS3, CS4, CR1, CR2, CT1, CT2 Zones; (*BL 998, BL 1543, BL 1794, BL 1860*)

COMMUNITY CARE FACILITY means a facility licensed pursuant to the *Community Care Facility Act*;

CORNER LOT means a lot at the intersection or junction of two or more highways;

[DETACHED ACCESSORY SUITE means an accessory dwelling unit contained in an accessory building and that is approved by a building permit pursuant to the *BC Building Code*;](#)

DEVELOPMENT PERMIT AREA means an area so designated by the Regional Board, in which an owner of land shall, prior to the commencement of a development other than one of three or less self-contained dwelling units, obtain or hold a development permit;

DRIVE-IN BUSINESS means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven onto the site where such business is carried on and where normally the customer remains in the vehicle for service, specifically excludes drive-in theatres and gasoline service stations;

DWELLING, ONE-FAMILY means a RESIDENTIAL USE in a building which is used for only one dwelling unit;

DWELLING, TWO-FAMILY means a RESIDENTIAL USE in a building which is divided into two dwelling units which are either placed one above the other (known as up-and-down) or side by side (known as side-by-side) sharing a floor calling assembly or a common wall dividing habitable space, each unit of which is occupied or intended to be occupied as the permanent home or residence of one family, specifically excludes dwelling units attached by carport, sundeck, breezeway or other similar structures; (BL 2113)

DWELLING UNIT means one or more rooms for the use of one of more persons as a housekeeping unit with cooking, eating, living, sleeping and sanitary facilities;

FAMILY means one or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit;

FLANKING STREET means the highway abutting the side yard of a lot;

FLOOR AREA means the space on any storey and/or basement of a building from exterior wall to exterior wall, excludes garages, carports and sundecks; includes all habitable areas; (BL 2113)

FLOOR AREA RATIO means the figure obtained when the Gross Floor Area of all the buildings on a lot is divided by the area of the lot, except that the following shall not be included as floor area for the purpose of computing floor area ratio;

- (1) Any portion of a storey used for parking purposes, unless such parking is a principal use;
- (2) Any portion of a basement or cellar containing heating, laundry, recreational or storage facilities, but excluding areas used for habitable accommodation, and necessary access to habitable accommodation;
- (3) Swimming pools and open sun decks;
- (4) Any portion of a penthouse containing elevator or ventilating machinery;

FRONT BUILDING LINE means the extended line of the wall of a building which faces the front lot line;

FRONTAGE means that part of a parcel boundary which borders on a highway, other than a lane or walkway; (BL 1660)

GARAGE OR CARPORT means a detached accessory building or a portion of a principal building whose principal or intended use is for the parking or temporary storage of motor vehicles and in which there is not facilities for repairing or servicing such vehicles;

GREENBELT ZONE means the Gb1, Gb2, Gb2A, Gb3, Gb3A, GR1, GR2, GR3 and GR4 Zones; (BL 1660, BL 3696)

GROSS FLOOR AREA means the sum of the total floor area of each storey in each building including exterior walls;

HEIGHT means the average vertical distance from natural grade at the outermost corners of a building or structure to the highest point of the roof surface of a flat roof, or to the mean level between the eaves and the ridge of the highest roof plane of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure, as shown in Figure 1. Where it is not possible to determine natural grade, the height shall be measured from average grade;

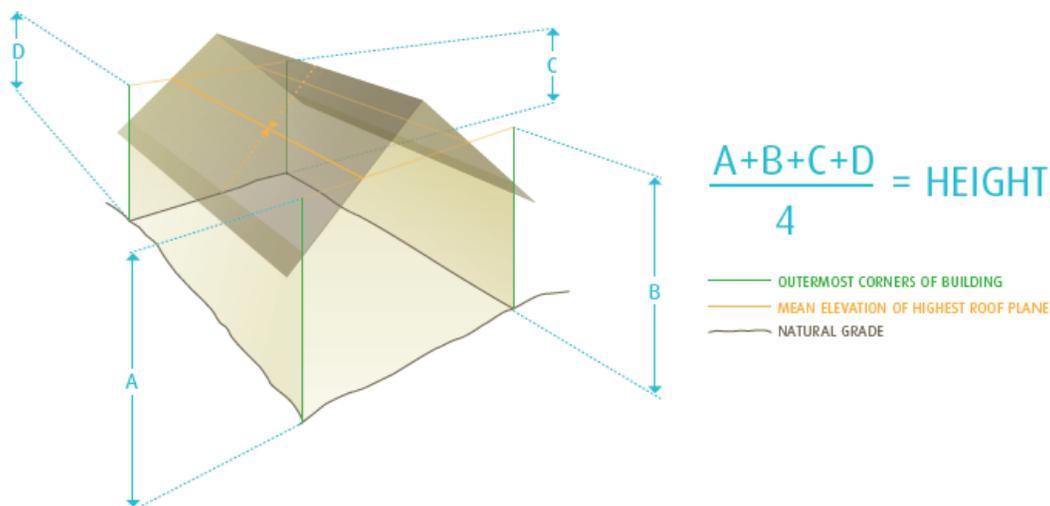


FIGURE 1 - Illustration of calculation of height

~~the vertical distance from the average finished ground level at the perimeter of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of the structure without a roof to the highest point of the structure;~~

HIGHWAY includes a street, road, lane, bridge, viaduct, and any other way open to the use of the public, but does not include a private right-of-way on private property;

HOME OCCUPATION means an occupation or profession which is clearly incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling;

HOTEL means a building or buildings providing accommodation for the travelling public only, in units without cooking facilities each of which has its own sanitary facilities including water closet and wash basin, in respect of which

- (1) a guest register is required to be kept pursuant to the *Hotel Guest Registration Act*,
- (2) a public dining room or café is associated;

IMPLEMENT OF HUSBANDRY means a vehicle used exclusively in the conduct of an agricultural use, but does not include a vehicle used primarily for the transportation of persons or property on a highway;

INDUSTRIAL USE means a use providing for the processing, fabrication, assembling, storing, transportation, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods, materials, or things, and the selling of heavy industrial equipment and retail uses incidental to a principal industrial use; includes the operation of truck terminals, docks, railways;

INDUSTRIAL ZONE means the M1, M2 and M3 Zones;

INTENSIVE AGRICULTURE means piggeries, feed lots, mushroom farms, mink farms, and the keeping of animals which are other than farm livestock and manure storage piles; (BL 1146)

INSTITUTIONAL ZONE means the P1, P2, P3 and P4 Zones;

LANDSCAPE CONTRACTOR means a person who requires the use of land, buildings or structures for the supply of landscape services in conjunction with a nursery, with or without equipment, machinery and material used for growing of bedding plants, flowers, shrubs and trees for the business; (BL 1860)

LANDSCAPE SCREEN means an opaque visual barrier formed by a row of shrubs or trees, a wooden fence, or a masonry wall, or a combination thereof;

LANDSCAPING means the planting of lawns, shrubs and trees, and the addition of fencing, walks, drives, or other structures and materials used in landscape architecture;

LODGER means an individual who for consideration receives accommodation but not meals;

LOT means any lot, block, or other area in which real property is held or into which real property is subdivided, and includes a strata lot created under the *Bare Land Strata Regulations* pursuant to the *Condominium Act*, but specifically excludes any other strata lot created pursuant to the *Condominium Act* or highway or portion thereof; (BL 1275)

LOT COVERAGE means the horizontal area within the vertical projection of the outermost walls of the buildings and structures on a lot, expressed as a percentage of the lot area;

LOT LINE means a line which marks the boundary of a lot and in particular:

- (1) Front Lot Line means the lot line that divides the lot from the highway, provided that in the case of a corner lot, the shorter lot line that abuts the highway shall be deemed to be the front lot line. In the case of a through lot, the lot lines abutting two parallel or approximately parallel highways shall be considered as front lot lines;
- (2) Front Lot Line – Panhandle Lot means any lot line adjoining and approximately perpendicular to the access strip, but excluding any lot line in the access strip;
- (3) Side Lot Line means a lot line other than a front or rear lot line;
- (4) Rear Lot Line means the lot line opposite to and most distant from the front lot line, or where the rear portion of the lot is bounded by intersecting side lot lines; it shall be the point of such intersection;

MOBILE HOME means a transportable dwelling unit meeting minimum CSA-Z240 standards or equivalent, suitable for long-term occupancy, which upon arriving at the lot or site for location is, apart from incidental operations such as placement on foundation supports and connection to utilities, ready for occupancy; does not include modular housing or a prefabricated dwelling meeting CSA-A277 standards or equivalent;

MOBILE HOME PARK means a lot on which are installed, or intended to be installed, for use as dwelling units, two or more mobile homes;

MOTEL means a building or buildings providing accommodation for the travelling public only, each unit of which has its own sanitary facilities including water closet and wash basin, in respect of which a guest register is required to be kept pursuant to the *Hotel Guest Registration Act*;

MULTIPLE-FAMILY RESIDENTIAL ZONE means the RM1, RM2, RM3, RM5 and RM6 Zones;

(BL 1416, BL 1417)

NATURAL BOUNDARY means the visible high-water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the body of the lake, river, stream, or body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself;

NON-CONFORMING USE means any lawful use existing at the time of the adoption of this Bylaw which does not conform to all the provisions of this Bylaw for the zone in which such building or use is located;

NURSERY means the inclusion of the use of land principally involved in horticulture and accessory product sales, but specifically excludes the sale of garden equipment and pesticides; (BL 1860)

PANHANDLE LOT means any lot, the building area of which is serviced and gains frontage through the use of a relatively narrow strip of land which is an integral part of the lot (hereinafter called "the access strip");

PERSONAL CARE USE means a use providing for the care of the sick, injured, young, or aged, other than in a public hospital; may or may not be licensed under the *Community Care Facility Act*;

PIGGERY means a premises keeping more than one sow or gilt of breeding age and more than 14 feeder pigs;

PRINCIPAL BUILDING means a building which is the chief or main one among the buildings on the lot;

PRINCIPAL USE means the primary and chief purpose for which land, buildings and structures are located;

PROFESSIONAL OFFICE means the business premises of an individual whose occupation is limited by law to persons qualified to practice in a specified field, and includes the office of a Member of Parliament of Canada or a Member of the Legislative Assembly of British Columbia; (BL 1794)

PUBLIC UTILITY USE means a use providing for public utility facilities for water, sewer, electrical, telephone, and similar services where such use is established by one of the levels of government, a Crown Corporation, or by a company regulated by a government commission;

RECREATION VEHICLE means a motor vehicle or trailer designed or used primarily for accommodation during travel or recreation;

RESIDENTIAL BUILDING means a one-family dwelling, two-family dwelling, attached housing or apartment;

RESIDENTIAL USE means the occupancy or use of a building or part thereof as a dwelling unit;

RESIDENTIAL ZONE means the A1, A2, AR1, AR2, R1, R2, RH1 and R3 Zones;

(BL 1415, BL 1505, BL 1660)

RETAIL STORE means a building where goods, wares, merchandize, substances, articles or things are offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such stores, but does not include any other retail use specifically permitted by this Bylaw;

[SECONDARY SUITE means an accessory dwelling unit contained within the principal dwelling, and that is approved by a building permit pursuant to the BC Building Code;](#)

SHOPPING CENTRE means commercial facilities in one or more buildings designed as an integrated unit;

SHOPPING CENTRE, NEIGHBOURHOOD means a shopping centre having a gross leasable area of more than 2500 m² but less than 700 m²; (BL 1637)

SHOPPING CENTRE, COMMUNITY means a shopping centre having a gross leasable area of 7000 m² or more but less than 17,000 m²;

SHOPPING CENTRE, MAJOR means a shopping centre having a gross leasable area of 17,000 m² or more;

SIGHT TRIANGLE means the area formed by a triangle in the angle formed by the highway right-of-way boundaries or boundaries produced and two points on those boundaries 6 m from the point of intersection;

STOREY [means that portion of a building which is situated between the top of any floor and top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and ceiling above it shall be for the purpose of this Bylaw not including a basement or cellar;](#)

STRUCTURE means anything constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, includes a satellite dish antenna; excludes concrete or asphalt or similar surfacing of a lot, fences, signs and underground sewage disposal facilities; (BL 1299)

TAXI OFFICE means an office from which taxis are dispatched by radio to pick up fares;

THROUGH LOT means a lot abutting two parallel or approximately parallel highways of 10 m or more in width;

UNENCLOSED STORAGE means an area not contained within a building where construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, equipment or machinery are stored, baled, placed, piled or handled. Unenclosed storage shall not include an automobile wrecking yard or a junk yard;

UPLAND ZONE (deleted) (BL 1145, BL 1660)

USABLE OPEN SPACE means an area available for safe and convenient use by occupants of the building. Usable open space shall have a compact, level surface, have no dimension of less than 6 m, and shall provide for recreational space and other leisure activities normally carried on outdoors. This area shall not include areas used for off-street parking or loading, areas used for sewage disposal, driveway and required front yards; USE means the purpose or function to which land, the surface of water, buildings, or structures are designed, intended to be put, or put;

WATERCOURSE is any natural or man-made depression with well-defined banks and a bed 0.6 m or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of 2 km² or more or as required by a designated official of the Ministry of Environment of the Province of British Columbia;

YARD, FRONT means the area of a lot between the principal building and the front lot line in depth and between side lot lines in width;

YARD, REAR means the area of a lot between the principal building and the rear lot line in depth and between the side lot lines in width;

YARD, SIDE means the areas of a lot between the principal building and the side lot lines in width and from the front yard to the rear yard in depth.

1.3.03 Non-conforming Uses

The regulations governing non-conforming uses are set forth in the [Local Government Act/Municipal Act](#).

- (1) The lawful use of any land, building or structure existing at the time of the adoption of this Bylaw may be continued (subject to the provisions of Section 91170 of the [Municipal Local Government Act](#)), although such use does not conform with the provisions of this Bylaw.

1.3.04 **Appeal**

The Board of Variance duly established under a Bylaw of the Capital Regional District shall hear and determine any appeal permitted by Sections [90162 and 902](#) of the [Local Government Municipal Act](#).

1.3.08 **Area Covered by Bylaw**

This Bylaw applies to ~~the Electoral Area of Langford that part of the Juan de Fuca Electoral Area outlined on Schedule 'B': Map 1 – Malahat Land Use Bylaw Zoning.~~
(BL 1280, BL 1660)

1.3.10 **Official Zoning Maps**

- (1) ~~Schedule "A", 1988 hereto, being maps (herein sometimes referred to as "Official Zoning Maps") marked "Capital Regional District Zoning Bylaw No. 980 Schedule "A", 1988", including explanatory material thereon, are hereby made and declared to be an integral part of this Bylaw. Schedule "B", hereto, being a map (herein sometimes referred to as "Official Zoning Maps") marked "Malahat Land Use Bylaw, 1981, Bylaw No. 980: Malahat Zoning" including explanatory material thereon, is hereby made and declared to be an integral part of this Bylaw.~~
- (2) The location of the Zones established by this Bylaw are shown on Schedule "[AB](#)", ~~1988~~.
- (3) When the zone boundary is designated on the Official Zoning Maps as following a road allowance, creek or railway right-of-way, the centre line of such road allowance, creek or railway line shall be the zone boundary.
- (4) Where a zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the Official Zoning Maps. (BL 1660)

2.1.06 **Accessory Buildings and Structures**

(3) General Regulations for All Zones

- a. No accessory building or structure shall be erected on any lot unless the principal building to which the accessory building is ancillary and subordinate has been erected or will be erected simultaneously with said accessory building.
- b. Where an accessory building or structure is attached to the principal building, it is to be considered a part of the principal building and shall comply in all respects with the requirements of the Bylaw applicable to the principal building.
- c. An accessory building or structure shall not be used as a dwelling unit, except as otherwise provided for in this Bylaw.

- d. No accessory building shall be located less than 15 m from a front lot line unless it complies with the front yard requirements applicable to the principal building.
- e. No accessory building shall be located less than 1 m from any principal building.
- f. A satellite dish antenna installed on the roof of a building shall not extend above the maximum height permitted for the building upon which it is located. (BL 1299)
- g. A satellite dish antenna installed on the ground shall be subject to the siting, site coverage and height regulations for accessory buildings and structures for the zone in which it is located. (BL 1299)

(4) Regulations for Greenbelt Zones, Agricultural Zones, Residential Zones and Multiple Family Residential Zones (BL 1660)

- a. An accessory building in a Residential or Multiple Family Residential Zone shall not exceed 4m in height, except as otherwise provided for in this Bylaw. [An accessory building in a Greenbelt Zone shall not exceed the maximum height of a building specified by the zone.](#)
- b. The total combined floor area of accessory buildings on any lot in a Residential Zone shall not exceed 60m². [The floor area of accessory buildings on any lot in a Greenbelt Zone shall be limited by the lot coverage specified by the zone.](#)
- c. No accessory building shall be located less than 1 m from a side or rear lot line except where a mutual garage is erected on a common lot line, provided, however, that an accessory building in a Multiple Family Residential Zone shall be located not closer than 3m to a lot line of an adjoining lot in an Upland, Agricultural or Residential Zone.
- d. Notwithstanding Subsection (1) and Clauses (a), (b) and (c), the following regulations shall apply also to accessory buildings on corner lots:
 - i. An accessory building on a corner lot in Greenbelt, Agricultural, Residential or Multiple Family Residential Zone shall be located not closer to the flanking street than the side yard prescribed for the principal building. (BL 1660)
 - e. An accessory building on a corner lot in a Greenbelt, Agricultural, Residential or Multiple Family Residential Zone shall be located not closer than 2m from the rear lot line, when such rear lot line abuts the side yard of an adjacent lot in a Greenbelt Agricultural, Residential or Multiple Family Residential Zone. (BL 1660)

(5) Regulations for Commercial Zones, Industrial Zones and Institutional Zones

- a. On a corner lot an accessory building shall be located not closer to the flanking street than the principal building on the same lot.
- b. An accessory building shall be located not closer than 3 m to the rear property line of an adjoining lot in a Greenbelt, Agricultural, Residential or Multiple Family Residential Zone.

2.1.14 **Issuance of Development Permits**

The Regional Board may, pursuant to Section 998 of the *Municipal Act*, by resolution, amend Development Permits issued on or before July 7, 1986, so as to regulate or require any of the following: (BL 1660)

- (1) Regulate the dimensions and siting of buildings and structures on the land.

- (2) Regulate the siting and design of off-street parking and loading facilities in accordance with the provisions of the permit.
- (3) Require that landscaping or screening be established around different uses in accordance with the standards set out in the permit.
- (4) Require the pavement of roads and parking areas in accordance with the standards set out in the permit.
- (5) Require the land be developed, including
 - (a) the provision of sewerage, water and drainage facilities, and
 - (b) the construction of highways, street lighting, underground wiring, sidewalks and transit service facilities.
- (6) Subject to Section ~~740-692~~ of the ~~Municipal Act~~ *Local Government Act*, require the construction of buildings and structures in accordance with the specifications, terms and conditions of the permit.
- (7) Require the preservation or dedication of natural water courses and the construction of works to preserve and beautify them in accordance with the terms and conditions specified in the permit.
- (8) Require that an area of land specified in the permit above the natural boundary of streams, rivers, lakes, or the ocean remain free of development, except that specified in the permit.
- (9) Require the provision of areas for play and recreation.
- (10) Limit the number, size and type and specify the form, appearance and construction of signs.
- (11) Regulate the exterior finishing of buildings, other than residential buildings containing three or less self-contained dwelling units, having due regard for requirements made under Subsection 3.

2.1.15

Subdivision

- (i) No lot shall be created by subdivision under the *Land Title Act* or the *Condominium Act* unless,
 - (i) the lot has an area equal to, or greater than, the minimum parcel size prescribed by this Bylaw;
 - (ii) where a frontage requirement is prescribed by this Bylaw, the lot has a frontage equal to, or greater than, the prescribed frontage, unless the lot is exempted under Section ~~994~~4 of the ~~Municipal Act~~ *Local Government Act*;
 - (iii) where an average parcel size is prescribed by this Bylaw, the average parcel size of the lots created by the plan of subdivision is greater than or equal to the prescribed average parcel size; and
 - (iv) where a minimum lot width is prescribed by this Bylaw, the width of the lot at its narrowest point is at least as wide as the minimum width requirement.

- (ii) Notwithstanding the minimum parcel area requirements prescribed in this Bylaw, the approving officer may permit a reduction in the parcel area requirements of not more than 5%, provided that in other respects the subdivision complies with this Bylaw and with Bylaw No. 986, being the “Langford Subdivision Bylaw, 1982”, and the approving officer is satisfied that because of unusual terrain or the size or the configuration of the land, the minimum parcel area cannot be achieved.
- (iii) Notwithstanding Subparagraph 2.1.15 (1)(a), the minimum parcel area requirements prescribed by this Bylaw shall not apply
 - (1) where the parcel being created is to be used solely for the unattended equipment necessary for the operation of:
 - i. A community water system;
 - ii. A community sewer system;
 - iii. A community gas distribution system;
 - iv. A community radio or television receiving antenna;
 - v. A radio or television broadcasting antenna;
 - vi. A telecommunication relay station;
 - vii. An automatic telephone exchange;
 - viii. An air or marine navigational aid;
 - ix. Electrical substations or generating stations;
 - x. Any other similar public service or utility; or
 - (2) where a parcel is created pursuant to Section 4 of BC Regulation 199/70; or
 - (3) where the land proposed to be subdivided is within a zone where none of the uses permitted will generate sewage and the owner enters into a covenant pursuant to Section 215 of the *Land Title Act* satisfactory to the Approving Officer prior to the deposit of the subdivision plan in the Land Title Office; or
 - (4) where a parcel being created is for park use only.
- (iv) Where a subdivision consolidates parcels into a lesser number of parcels and where the smallest parcel created is larger than any of those parcels being subdivided, the Approving Officer may approve the subdivision notwithstanding the minimum width requirements or parcel area requirements specified in this Bylaw. (BL 1660)
- (v) Notwithstanding the minimum parcel requirements prescribed in this Bylaw, existing parcels which are smaller than permitted in these regulations may be consolidated and re-subdivided into the same or a lesser number of new parcels, provided that:
 - (a) all parts of all new parcels are contiguous;
 - (b) no additional parcels are created;
 - (c) the boundary change does not result in the reduction of any affected parcel by 20% or more of its original size;
 - (d) all the other requirements of this Bylaw are complied with. (BL 1943)

2.1.16 Secondary Suites

(1) Secondary suites shall only be permitted in the principal single-family dwelling.

- (2) Secondary suites shall not be permitted in an accessory building, two-family dwellings (duplexes), townhouses or mobile homes.
- (3) The secondary suite shall not occupy more than 40% of the habitable floor area of the single-family dwelling unit.
- (4) The floor area of a secondary suite shall not exceed 90 m².
- (5) Only one secondary suite or one detached accessory suite shall be permitted per lot.
- (6) An owner of the lot must occupy either the secondary suite or the single-family dwelling.
- (7) The keeping of boarders and lodgers shall not be permitted within a single-family dwelling containing a secondary suite.
- (8) A building permit must be obtained for a secondary suite. ~~An assessment of the property's ability to accommodate the increase in on-site sewage produced by the suite is required. An Authorized Person (AP), as defined by the Sewerage System Regulation, is to conduct the assessment, determine whether the existing system is adequate for the proposed increase in sewage, and must submit the required documentation to the local Health Office (Vancouver Island Health Authority, VIHA). An assessment of the property's ability to accommodate the increase in on-site sewerage produced by the suite is required. An Authorized Person, as defined by the Public Health Sewerage System Regulation, is to conduct the assessment, determine whether an expansion of the existing system would be possible, and submit a letter either authorizing the system as satisfactory, or requiring specific upgrades.~~
- (9) One additional off-street parking space shall be provided for the secondary suite.
- (10) Proof of a source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1,400 litres per day shall be required for the secondary suite.
- (11) Secondary suites shall only be permitted in those zones of this Bylaw that allow secondary suites.

2.1.17 Detached Accessory Suites

- (1) A detached accessory suite shall only be permitted in those zones of this Bylaw that allow detached accessory suites, and if the parcel size is 0.4 ha or greater.
- (2) Only one detached accessory suite or one secondary suite shall be permitted per lot.
- (3) A detached accessory suite may be freestanding or combined with another accessory use.
- (4) A building permit must be obtained for a detached accessory suite. ~~An assessment of the property's ability to accommodate the increase in on-site sewage produced by the suite is required. An Authorized Person (AP), as defined by the Sewerage System Regulation, is to conduct the assessment, determine whether the existing system is adequate for the proposed increase in sewage, and must submit the required documentation to the local Health Office (Vancouver Island Health Authority, VIHA). An assessment of the property's ability to accommodate the increase in on-site sewerage produced by the suite is required. An Authorized Person, as defined by the Public Health Sewerage System Regulation, is to conduct the assessment, determine whether an expansion of the existing system would be possible, and submit a letter either authorizing the existing system as satisfactory, or requiring specific upgrades.~~

- (5) Proof of a source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1,400 litres per day shall be required for the detached accessory suite.
- (6) The floor area of a detached accessory suite shall not be less than 33.4 m² and shall not exceed 90 m².
- (7) The maximum height of an accessory building used for a detached accessory suite shall not exceed the maximum height of a building specified by the zone. ~~7 m to the peak of the roof of a one-storey building.~~
- (8) Detached accessory suites must be located within the setbacks specified by the zone for the principal dwelling.
- (9) One additional off-street parking space shall be provided for the detached accessory suite.
- (10) Access to the detached accessory suite is to be provided from the same road access that provides access to the principal dwelling. In cases where a separate access for the detached accessory suite is required, this access must first be approved by the Ministry of Transportation and Infrastructure prior to access construction or final approval by the Capital Regional District.
- (11) The detached accessory suite may be in the form of a manufactured or modular home not exceeding a length of 13 m, but shall not be in the form of a recreation vehicle or travel trailer.
- (12) An owner of the lot must occupy either the detached accessory suite or the principal dwelling.
- (13) The keeping of boarders and lodgers shall not be permitted within a single-family on a lot containing a detached accessory suite.
- (14) A bed and breakfast use shall only be permitted in the principal dwelling unit on a lot containing a detached accessory suite.
- (15) A detached accessory suite is not permitted on a lot with two or more dwelling units.

2.1.18 Bed and Breakfast

- (1) A bed and breakfast shall not cause or result in any variation or alteration in the external residential appearance of the land and premises in which it is carried on.
- (2) A bed and breakfast may occur in conjunction with another home occupation, provided that all such combined uses do not exceed the regulations for those uses.
- (3) Parking shall be provided in accordance with these regulations and shall be screened from adjacent lots and from highways. Spaces to be provided in excess of those required by the principal use shall be provided on the lot for which they are required.
- (4) Bed and breakfast units may be located in the principal dwelling unit.
- (5) On lots of 0.2 ha or greater, bed and breakfast units may be located in an accessory building.

- (6) On lots of less than 0.4 ha, not more than three bed and breakfast units shall be permitted on a lot, provided that the sewage disposal system conforms to the Sewerage System Regulation, and the maximum number of persons sleeping in a dwelling unit shall not exceed ten (10).
- (7) On lots of 0.4 ha or greater, not more than four bed and breakfast units shall be permitted on a lot, provided that the sewage disposal system conforms to the ~~Public Health~~ Sewerage System Regulation, and the maximum number of persons sleeping in a dwelling unit shall not exceed twelve (12).
- (8) Only breakfast meals may be served to guests of a bed and breakfast.
- (9) A bed and breakfast shall not increase vehicular traffic flow and parking by more than one vehicle at a time for each bed and breakfast unit, nor shall they involve the use of commercial vehicles for the delivery of materials to or from the premises, or be parked on the property, except for those occasional deliveries consistent with the normal residential use of the property.
- (10) There shall be no display or unenclosed storage of materials, tools, equipment, containers or finished products associated directly or indirectly with the bed and breakfast.
- (11) Side and rear yards for an accessory building used for bed and breakfast units shall be the same as those specified by the zone for the principal dwelling.
- (12) The total floor area of any accessory building devoted to bed and breakfast units shall not exceed 45 m².
- (13) A bed and breakfast unit may not contain a kitchen or cooking facilities.
- (14) A bed and breakfast shall only be permitted in the principal dwelling unit on a lot containing a detached accessory suite.
- (15) Any properties that are not connected to a Permitted Water Supply System by VIHA and that are providing drinking water to be used for domestic purposes, utilizing a source that is servicing anything other than a single-family residence, are subject to the Drinking Water Protection Act and Regulation and require permitting through VIHA.

2.19 Lots Divided by A Zone Boundary

Where a lot is included in more than one zone, the zone boundary as shown on the map accompanying and forming part of this Bylaw shall be deemed to be a lot boundary for the purposes of determining applicable uses, densities and/or regulations other than building setbacks contained in this bylaw.

SECTION 3.2

GREENBELT 2 (Gb2) ZONE (BL 1660)

3.2.01 Permitted Uses

In addition to the uses permitted by Section 2.1.10 of this Bylaw, the following uses and no others shall be permitted in the Greenbelt 2 (Gb2) Zone: (BL 1660)

- (1) Agriculture
- (2) Intensive agriculture
- (3) Dog boarding and breeding kennels (BL 1146)
- (4) Community care facility
- (5) One-family dwelling
- (6) The keeping of not more than 4 boarders or lodgers in a dwelling unit
- (7) Home occupation
- (8) Public utility use
- (9) Silviculture
- (10) Accessory buildings and uses
- (11) [Secondary suite](#)
- (12) [Detached accessory suite](#)
- ~~(10)~~(13) [Bed and breakfast](#)

3.2.02 Number of Residential Buildings

There shall be not more than one one-family dwelling on a lot. (BL 1660)

3.2.03 Height of Buildings

- (a) The height of a building shall not exceed 10.5 m.
- (b) Notwithstanding Subsection (1), the height of a building for an agriculture use or intensive agriculture use shall not exceed 12 m.

3.2.04 Yard Requirements

- (a) A front yard shall be provided of not less than 7.5 m in depth.
- (b) Side yards shall be provided of not less than 3 m in width.
- (c) A rear yard shall be provided of not less than 10 m in depth.
- (d) Notwithstanding Subsections (1), (2) and (3), buildings and structures for an agriculture use shall be not less than 30 m from the front lot line and not less than 15 m from any other lot line.
- (e) Notwithstanding Subsections (1), (2) and (3), buildings and structures for an intensive agriculture use shall not be less than 90 m from the front lot and not less than 30 m from any other lot line.

3.2.05 Minimum Lot Area for Intensive Agriculture and Dog Boarding and Breeding Kennels

The minimum lot area required for an intensive agriculture or dog boarding and breeding kennel use is 4 ha. (BL 1146)

3.2.06 Lot Coverage

The maximum coverage shall be 20% of the lot.

SECTION 3.2

GREENBELT 2 (Gb2) ZONE (BL 1660)

3.2.06A **Minimum Parcel Requirement**

The minimum parcel size shall be 12 ha. (BL 1660)

3.2.06B **Subdivision**

Notwithstanding Subsection 3.2.06A and 3.2.06B, parcels in the Greenbelt 2 (Gb2) Zone existing before the adoption of this Bylaw that are in excess of 2 ha may be subdivided once into two parcels neither of which shall be less than 1 ha. Each parcel created must have a proven source of potable water and provision for on-site sewage disposal.

(BL 1660)

3.2.07 **General**

The relevant provisions of Division 2 of this Bylaw shall apply.

SECTION 3.4

GREENBELT 3 (Gb3) ZONE (BL 1660)

3.4.01 Permitted Uses

In addition to the uses permitted by Section 2.1.10 of this Bylaw, the following uses and no others shall be permitted in the Greenbelt 3 (Gb3) Zone: (BL 1660)

- (1) Agriculture
- (2) Intensive agriculture
- (3) Dog boarding and breeding kennel (BL 1146)
- (4) Aviaries
- (5) Community care facility
- (6) One-family dwelling and two-family dwelling
- (7) The keeping of not more than 4 boarders or lodgers in a dwelling unit
- (8) Home occupation
- (9) Public utility use
- (10) Silviculture
- (11) Accessory buildings and uses
- ~~(11)~~(12) [Secondary suite](#)
- (13) [Detached accessory suite](#)
- (14) [Bed and breakfast](#)

3.4.02 Number of Residential Buildings

There shall be not more than one one-family dwelling or one two-family dwelling on a lot.

3.4.03 Height of Buildings

- (1) The height of a building shall not exceed 10.5 m.
- (2) Notwithstanding Subsection (1), the height of a building for an agriculture use or intensive agriculture use shall not exceed 12 m.

3.4.04 Yard Requirements

- (1) A front yard shall be provided of not less than 7.5 m in depth.
- (2) Side yards shall be provided of not less than 3 m in width.
- (3) A rear yard shall be provided of not less than 10 m in depth.
- (4) Notwithstanding Subsections (1), (2) and (3), buildings and structures for an agriculture use shall be not less than 30 m from the front lot line and not less than 15 m from any other lot line.
- (5) Notwithstanding Subsections (1), (2) and (3), buildings and structures for an intensive agriculture use shall not be less than 90 m from the front lot line and not less than 30 m from any other lot line.

3.4.05 Minimum Lot Area for Intensive Agriculture Use and Dog Boarding and Breeding Kennels

The minimum lot area required for an intensive agriculture and dog boarding and breeding kennel use is 4 ha. (BL 1146)

SECTION 3.4

GREENBELT 3 (Gb3) ZONE (BL 1660)

3.4.06 **Lot Coverage**

The maximum coverage shall be 10% of the lot.

3.4.06A **Minimum Parcel Requirement**

The minimum parcel size shall be 12 ha. (BL 1660)

3.4.06B **Greenbelt Residential Development**

Notwithstanding Subsection 3.4.06A of this Bylaw, a parcel having an area in excess of 20 ha may be subdivided provided that the average parcel size created by the subdivision is at least 2 ha and no parcel is less than 0.8 ha. (BL 1660)

3.4.07 **General**

The relevant provisions of Division 2 of this Bylaw shall apply.

SECTION 3.4A

GREENBELT 3A (Gb3A) ZONE (BL 3696)

3.4A.01 Permitted Uses

In addition to the uses permitted by Section 2.1.10 of this Bylaw, the following uses and no others shall be permitted in the Greenbelt 3A (Gb3A) Zone:

- (1) Agriculture
- (2) Intensive agriculture
- (3) Dog boarding and breeding kennel
- (4) Aviaries
- (5) Community care facilities
- (6) One-family dwelling
- (7) The keeping of not more than 4 boarders or lodgers in a dwelling unit
- (8) Home occupation
- (9) Public utility use
- (10) Silviculture
- (11) Accessory buildings and uses
- ~~(11)~~(12) [Bed and breakfast](#)

3.4A.02 Number of Residential Buildings

There shall be not more than three one-family dwellings on a lot.

3.4A.03 Height of Buildings

- (1) The height of a building shall not exceed 10.5 m.
- (2) Notwithstanding Subsection (1), the height of a building for an Agriculture use or Intensive agriculture use shall not exceed 12 m.

3.4A.04 Yard Requirements

- (1) A front yard shall be provided of not less than 7.5 m in depth.
- (2) Side yards shall be provided of not less than 3 m in width.
- (3) A rear yard shall be provided of not less than 10 m in depth.
- (4) Notwithstanding Subsections (1), (2) and (3), buildings and structures for an Agriculture use shall be not less than 30 m from the front lot line and not less than 15 m from any other lot line.
- (5) Notwithstanding Subsections (1), (2) and (3), buildings and structures for an Intensive agriculture use shall not be less than 90 m from the front lot line and not less than 30 m from any other lot line.

3.4A.05 Minimum Lot Area for Intensive Agriculture Use and Dog Boarding and Breeding Kennels

The minimum lot area required for an intensive agriculture and dog boarding and breeding kennel use is 4 hectares.

SECTION 3.4A

GREENBELT 3A (Gb3A) ZONE (BL 3696)

3.4A.06 **Lot Coverage**

The maximum coverage shall be 10% of the lot.

3.4A.06A **Minimum Parcel Requirement**

The minimum parcel size shall be 12 ha.

3.4A.06B **Greenbelt Residential Development**

Notwithstanding Subsection 3.4A.06A of this Bylaw, a parcel having an area in excess of 20 ha may be subdivided provided that the average parcel size created by the subdivision is at least 2 ha and no parcel is less than 0.8 ha.

3.4A.07 **General**

The relevant provisions of Division 2 of this Bylaw shall apply.

SECTION 10.1

SHORT TITLE

10.1.01

Short Title

This Bylaw may be cited as "[Langford Zoning Bylaw, 1981](#)~~Malahat Land Use Bylaw, 1981~~".

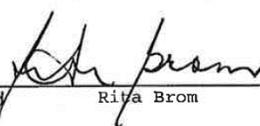
(BL 1280, BL 1660)

READ A FIRST TIME THIS	16 th	DAY OF	December 1981
READ A SECOND TIME THIS	27 th	DAY OF	January 1982
READ A THIRD TIME THIS	27 th	DAY OF	January 1982
RECONSIDERED AND FINALLY ADOPTED THIS	10 th	DAY OF	February 1982

RESPONSE SUMMARY – PROPOSED BYLAW NO. 3874

- Interest Affected by Proposal for Reasons Outlined Below
- Interest Unaffected by Proposal

Comments: I herewith confirm that the interest of BC Hydro is unaffected by the proposed amendments to Bylaw No. 3874 as outlined in your email and attachments dated April 3, 2013.

Signed 	Property Coordinator, Property Rights Services Title (Task 1079998)
April 22, 2013	British Columbia Hydro and Power Authority
Date	Agency

1350912

RESPONSE SUMMARY – PROPOSED BYLAW NO. 3874

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

THE CITY OF LANGFORD HAS APPROPRIATELY
REFLECTED MANY OF THE CHANGES YOU ARE
PROPOSING TO OUR ZONING BYLAW (FORMERLY
OLD BYLAW NO. 900). I WOULD BE
HAPPY TO DISCUSS SUCCESS STORIES PARTNER
IF NECESSARY.

ONE NOTE, HOWEVER, YOUR STAFF REPORT REFERS
TO "LANGFORD ZONING BYLAW" IN THE CONCLUDING
PARAGRAPH. COULD THIS BE CORRECTED TO
READ: LANGFORD ELECTORATE AREA ZONING BYLAW?



Signed

DIRECTOR OF PLANNING
Title

APRIL-10-2013
Date

CITY OF LANGFORD
Agency

Wendy Miller

From: Tracy Fleming <Tracy.Fleming@cowichantribes.com>
Sent: Thursday, April 04, 2013 9:35 AM
To: Referral Coordinator; Wendy Miller
Cc: caroline.mawbey@cowichantribes.com; Eamon Gaunt;
HelenReid.PO_CTO.Cowichan_Tribes@cowichantribes.com
Subject: Re: Attention Chief and Council - Proposed Bylaw No. 3874

Good Morning Wendy:

The Malahat area is within the territorial interest of Cowichan Tribes. We have one specific concern regarding Bylaw No. 3874: Section 2.1.05 Flood Control and Environmental Protection speaks to no structures within 30 m of named lakes and creeks, and 15 m of unnamed ponds, and other watercourses. However, there does not seem to be mention of restrictions in siting of in-ground septic/sewage systems near watercourses and water bodies. Cowichan Tribes would like to see wording that specifically limits construction of the services/systems within at least 30 m of the natural boundaries of watercourses and water bodies.

Huy ch q'u (Thank-you)

Tracy Fleming, M.Sc., R.P.Bio.
Referral Coordinator
Cowichan Tribes
5760 Allenby Road
Duncan, BC V9L 5J1

250-748-3196 (ext 358)

>>> Wendy Miller <[wmiller@crd.bc.ca](mailto:wmill@crd.bc.ca)> 4/3/2013 3:32 PM >>>

Good Afternoon,

Please find attached a staff report for proposed Bylaw No. 3874 to amend the Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980 (for the Malahat area) to revise definitions as well as to clarify general regulations for accessory building height and maximum floor area, and proposed regulations for secondary suites, detached accessory suites, and bed and breakfasts.

Comment is requested by May 1, 2013.

Thank you,

Wendy Miller

Administrative Clerk | JDF Electoral Area Planning | 250.642.1500, local 208
Capital Regional District | 2-6868 West Coast Road, PO Box 283, Sooke BC V9Z 0S9

Web: www.crd.bc.ca/jdf



Please consider the environment before printing this email.

This e-mail and any attachments are for the use of the intended recipient only and must not be distributed, disclosed, used or copied by or to anyone else. This e-mail and any attachments may be confidential, privileged and/or subject to the Freedom of Information and Protection of Privacy Act. If you receive this message in error, please delete all copies and contact the sender.

Thank you.

Please consider the environment before printing this message.

RESPONSE SUMMARY – PROPOSED BYLAW NO. 3874

Interest Affected by Proposal for Reasons Outlined Below

(BYLAW 3874)

Interest Unaffected by Proposal

Comments:

This appears to be a very reasonable set of amendments that are similar to regulations that are in effect on the CVRD side of the border. No objection!



Signed

MANAGER COMMUNITY & REG. PLANNING

Title

29 April 2013

Date

C.V.R.D.

Agency

RESPONSE SUMMARY – PROPOSED BYLAW NO. 3874 (Malahat)

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

And, for information, draw your attention to updating section 2.1.05 regarding the names of lakes and creeks – many of these are outside of the Malahat area.

Highlands Council resolution passed April 15, 2013.

Laura Beckett, MCIP, RPP
Signed

Municipal Planner
Title

April 16, 2013
Date

District of Highlands
Agency

Wendy Miller

From: Deveau, Ross TRAN:EX <Ross.Deveau@gov.bc.ca>
Sent: Thursday, May 02, 2013 2:55 PM
To: Wendy Miller
Subject: RE: Proposed Bylaw No. 3874

Good afternoon Wendy. The MOT's interests are unaffected. Thank you for the opportunity to comment. Ross Deveau
Dev. Tech. MOT

From: Wendy Miller [<mailto:wmill@crd.bc.ca>]
Sent: Thursday, May 2, 2013 11:33 AM
To: Deveau, Ross TRAN:EX
Subject: FW: Proposed Bylaw No. 3874

Good Morning,

I understand that this request was forwarded to your attention.

Submissions were requested by May 1. However, more time can be made available if you wish to make comment.

Thank you,

Wendy Miller

Administrative Clerk | JDF Electoral Area Planning | 250.642.1500, local 208
Capital Regional District | 2-6868 West Coast Road, PO Box 283, Sooke BC V9Z 0S9

Web: www.crd.bc.ca/idf



Please consider the environment before printing this email.

From: Wendy Miller
Sent: Wednesday, April 03, 2013 3:18 PM
To: Evanoff, Ryan TRAN:EX (Ryan.Evanoff@gov.bc.ca)
Subject: Proposed Bylaw No. 3874

Good Afternoon,

Please find attached a staff report for proposed Bylaw No. 3874 to amend the Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980 (for the Malahat area) to revise definitions as well as to clarify general regulations for accessory building height and maximum floor area, and proposed regulations for secondary suites, detached accessory suites, and bed and breakfasts.

Comment is requested by May 1, 2013.

Thank you,

Wendy Miller

Administrative Clerk | JDF Electoral Area Planning | 250.642.1500, local 208
Capital Regional District | 2-6868 West Coast Road, PO Box 283, Sooke BC V9Z 0S9

Wendy Miller

From: DANNY WILLIS <Danny.Willis@rcmp-grc.gc.ca>
Sent: Monday, April 15, 2013 8:18 AM
To: Wendy Miller
Subject: Re: Proposed Bylaw No. 3874

Hi Wendy

I do not see any policing issues.

S/Sgt D.F. (Danny) WILLIS
Operations NCO
West Shore RCMP
wk:250-474-8754 cell:250-812-8014
>>> Wendy Miller <wmillier@crd.bc.ca> 4/3/2013 3:20 PM >>>
Good Afternoon,

Please find attached a link to a staff report for proposed Bylaw No. 3874 to amend the Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980 (for the Malahat area) to revise definitions as well as to clarify general regulations for accessory building height and maximum floor area, and proposed regulations for secondary suites, detached accessory suites, and bed and breakfasts.

<http://www.crd.bc.ca/reports/juandefucalandusecom /2013 /02february /ppsjdf20130219bylaw3/ppsjdf20130219bylaw3.pdf>

Comment is requested by May 1, 2013.

Thank you,

Wendy Miller

Administrative Clerk | JDF Electoral Area Planning | 250.642.1500, local 208
Capital Regional District | 2-6868 West Coast Road, PO Box 283, Sooke BC V9Z 0S9

Web: www.crd.bc.ca/jdf



Please consider the environment before printing this email.

This e-mail and any attachments are for the use of the intended recipient only and must not be distributed, disclosed, used or copied by or to anyone else. This e-mail and any attachments may be confidential, privileged and/or subject to the Freedom of Information and Protection of Privacy Act. If you receive this message in error, please delete all copies and contact the sender.

Thank you.



TOWN OF VIEW ROYAL

45 View Royal Avenue, Victoria, BC, Canada V9B 1A6
Ph. 250-479-6800 • Fx. 250-727-9551 • E. info@viewroyal.ca • www.viewroyal.ca



April 8, 2013

CRD
Juan de Fuca Electoral Area Planning
PO Box 283-2-6888 West Coast Road
Sooke, BC
V9Z 0S9

Attention: June Klassen, Manager, Local Area Planning

Dear Ms. Klassen:

**Re: Proposed Amendment to the Langford Electoral Area Zoning Bylaw, 1981,
Bylaw No. 980 for the Malahat Area**

At the Council meeting held April 16, 2013, Council was in receipt of your letter dated April 3, 2013 regarding the proposed amendment to Bylaw No. 980.

If you have any further questions or concerns, please do not hesitate to contact this office.

Yours truly,
TOWN OF VIEW ROYAL

Elena Bolster
Deputy Municipal Clerk





Excellent care - for everyone, everywhere, every time.

April 12, 2013

June Classen, MCIP
Manager, Local Area Planning
JDF Electoral Area

Re: Proposed Bylaw No. 3874

Further to the referral for the aforementioned proposed Bylaw, dated April 3, 2013, which was received by email by this office on April 9, 2013 this office provides the following comments:

1. Section 2.1.16 – Secondary Suites “Section (8)” should read as follows:
A building permit must be obtained for a secondary suite. An assessment of the property’s ability to accommodate the increase in on-site sewage produced by the suite is required. An Authorized Person (AP), as defined by the *Sewerage System Regulation*, is to conduct the assessment, determine whether the existing system is adequate for the proposed increase in sewage and must submit the required documentation to the local Health Office (Vancouver Island Health Authority VIHA).
2. Section 2.1.17 – Detached Accessory Suites “Section (4)” should read as follows:
A building permit must be obtained for a detached accessory suite. An assessment of the property’s ability to accommodate the increase in on-site sewage produced by the suite is required. An Authorized Person (AP), as defined by the *Sewerage System Regulation*, is to conduct the assessment, determine whether the existing system is adequate for the proposed increase in sewage and must submit the required documentation to the local Health Office (Vancouver Island Health Authority VIHA).
3. Section 2.1.18 – Bed and Breakfast “Section (6)” the following comments should be added to this section:
A building permit must be obtained for a bed and breakfast unit(s). An assessment of the property’s ability to accommodate the increase in on-site sewage produced by the suite is required. An Authorized Person (AP), as defined by the *Sewerage System Regulation*, is to conduct the assessment, determine whether the existing system is adequate for the proposed increase in sewage and must submit the required documentation to the local Health Office (Vancouver Island Health Authority, VIHA).
4. Section 2.1.18 – Bed and Breakfast “Section (7)” the following comments should be added to this section:
A building permit must be obtained for a bed and breakfast unit(s). An assessment of the property’s ability to accommodate the increase in on-site sewage produced by the suite is required. An Authorized Person (AP), as defined by the *Sewerage System Regulation*, is to conduct the assessment, determine whether the existing system is adequate for the proposed increase in sewage and must submit the required documentation to the local Health Office (Vancouver Island Health Authority VIHA).

Gateway Office

201 - 771 Vernon Avenue, Victoria, BC • V8X 5A7

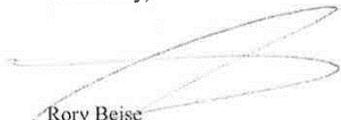
Tel: 250.519.3401 • Fax: 250.519.3402

CRD Bylaw Referral 3874
April 12, 2013

Page 2 of 2

5. Section 2.1.18 – Bed and Breakfast the following comments should be added as a new sub-section under this section:
Any properties that are not connected to a Permitted Water Supply System by VIHA and are providing drinking water to be used for domestic purposes, utilizing a source that is servicing anything other than a single family residence, are subject to the *Drinking Water Protection Act* and *Regulation*, therefore require permitting through VIHA.

Yours truly,



Rory Beise
Environmental Health Officer

RB/gch