



REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MAY 20, 2014

SUBJECT **PROPOSED AMENDMENTS TO THE JUAN DE FUCA LAND USE BYLAW, 1992, BYLAW NO. 2040 (AMENDMENT BYLAW NO. 3849)**

ISSUE

Amendments to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 are proposed to remove the requirement that accessory buildings be one-storey, to add the provision for suites to the Forestry (AF) and Agricultural (AG) zones and to address housekeeping items.

BACKGROUND

At their meeting of February 18, 2014, the Land Use Committee (LUC) considered proposed Bylaw No. 3849 to allow two-storey accessory buildings while maintaining the height requirement, adding the provision for a secondary suite or detached accessory suite in the AF and AG zones and to address housekeeping items.

At its meeting of March 12, 2014, the CRD Board considered the LUC recommendation and directed staff to refer proposed Bylaw No. 3849 to appropriate CRD departments and the following agencies for comment:

- | | |
|---|---|
| Agricultural Advisory Planning Commission | Otter Point Fire Department |
| Agricultural Land Commission | Pacheedaht First Nation |
| BC Hydro | RCMP |
| District of Sooke | Scia'new First Nation |
| East Sooke Advisory Planning Commission | Shirley/Jordan River Advisory Planning Commission |
| East Sooke Fire Department | Shirley Fire Department |
| Island Health | Sooke School District #62 |
| Ministry of Agriculture | T'Sou-ke First Nation |
| Ministry of Transportation and Infrastructure | |
| Otter Point Advisory Planning Commission | |

Comments were received from BC Hydro, CRD Integrated Water Services, CRD Regional Parks, CRD Regional Planning, Island Health, Ministry of Transportation and Infrastructure, School District #62 and Ministry of Agriculture (Appendix 1). The proposed bylaw was considered by the Agricultural Advisory Planning Commission at their meeting held on March 27, 2014, by the East Sooke Advisory Planning Commission at their meeting held on March 31, 2014, by the Shirley/Jordan River Advisory Planning Commission at their meeting held on April 2, 2014 and by the Otter Point Advisory Planning Commission at their meeting held on April 7, 2014. During these meetings it was noted that the Community Facility Camp Barnard zone P-2CB also needed to be added to the institutional zone definition.

ALTERNATIVES

1. Recommend to the CRD Board that proposed Bylaw No. 3849, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 112, 2014" proceed for first and second readings and to direct the bylaw to public hearing.
2. Recommend that the CRD Board not approve proposed Bylaw No. 3849, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 112, 2014".
3. Request more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 879 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Pursuant to Section 881 of the *LGA*, a proposed amendment to a zoning bylaw must be referred to the school district. Where an amendment or new land use and subdivision bylaw will apply to land within 800 m of a controlled access highway, the bylaw must be referred to the Ministry of Transportation and Infrastructure.

PUBLIC CONSULTATION IMPLICATIONS

Should the proposal proceed, a public hearing pursuant to Section 890 of the *LGA* will be required subsequent to the amendments passing second reading by the CRD Board. The notice of public hearing will be advertised in the local newspaper and on the website.

REFERRAL COMMENTS

Referrals were forwarded on March 13, 2014 to those agencies specified by the CRD Board. BC Hydro, School District #62, CRD Regional Parks and Ministry of Transportation and Infrastructure indicated their interests are unaffected. Island Health has no objections provided they continue to receive referrals regarding increases to living space in residences and suites. CRD Regional Planning stated there are no issues with respect to the Regional Growth Strategy. CRD Integrated Water Services indicated that water system capacity may be an issue if the number of secondary suites is sufficiently large. The Ministry of Agriculture provided reference to the *Agricultural Land Commission (ALC) Act* and the Bylaw Standard for Residential Uses in the Agricultural Land Reserve (ALR), stating that ALC approval is required for additional residences on a parcel in the ALR and the residences should support farm business needs.

The Agricultural Advisory Planning Commission (AAPC) considered the proposed bylaw at their meeting on March 27, 2014 and passed a resolution in support of the proposed bylaw amendments related to secondary suites and detached accessory suites in the AG zone. They also supported the removal of the one-storey provision for accessory buildings and suites.

The East Sooke Advisory Planning Commission considered the proposed bylaw at their meeting on March 31, 2014 and passed a resolution in support of the proposed amendments to the definitions and general regulations sections and in support of the proposed amendments to the AG zone. As there are no parcels zoned AF in East Sooke, the Commission did not provide advice on this matter.

The Shirley/Jordan River Advisory Planning Commission considered the proposed bylaw at their meeting on April 2, 2014 and passed a resolution in support of the proposed amendments to the definitions, general regulations and the addition of the provision for suites in the AF and AG zones. The Commission expressed concern over the proposed removal of the 300 m buffer between silviculture practices and the highway, recommending that the text be changed to a 40 m buffer. The Commission advised that the establishment of enforceable buffers be investigated for the major review of Bylaw No. 2040.

The Otter Point Advisory Planning Commission considered the proposed bylaw at their meeting on April 7, 2014 and passed resolutions in support of the proposed bylaw amendments to the definitions and general regulations sections. The Commission supported the proposed amendments to the AF zone related to secondary suites and yard requirements. The Commission advised that more study is needed to develop an effective regulation for buffers as part of the major review of Bylaw No. 2040. With respect to the proposed amendments to the AG zone, the Commission recommended the wording be amended to permit options for a maximum of two dwelling units as presented in the example from Metchosin.

PLANNING ANALYSIS

The proposed bylaw amendments to the definitions section include clarifying how height is calculated, adding P-4 to the institutional zone definition, and RR-AK and RR-3K to the rural residential zone definition. During the APC meeting it was noted that the Community Facility Camp Barnard zone P-2CB needed to be added to the institutional zone definition and this is included in the proposed bylaw.

The proposed amendment to the height requirement for accessory buildings and detached accessory suite retains the height measurement but removes the one-storey restriction. Although there was discussion at the APC meetings about the potential impacts of two-storey accessory buildings on privacy, many supported the cost-savings and design options in two-storey construction. The APCs supported the amendment.

Currently, the AF zone permits “silviculture except within 300 m of a highway.” Staff felt this clause was vague as silviculture refers to both the production and harvesting of timber and is not enforceable as written. Further, silviculture typically is conducted on parcels within a Tree Farm License (TFL) on Crown

land or Private Managed Forest Land (PMFL) where local government bylaws do not apply. Both the Shirley/Jordan River and Otter Point APCs advised retaining the statement until a broader review of enforceable buffers can be conducted as part of the major review of the Juan de Fuca Land Use Bylaw. Staff support revisiting the issue as part of a subsequent bylaw review.

The proposed addition of a secondary suite or detached accessory suite to the AF zone would not apply to parcels less than 0.4 ha in size for suites or to parcels designated as PMFL or TFL lands. Discussion at the APC meetings regarding suites on AF parcels included both concern for additional residential density and support for the ability to generate rental income. The APCs indicated support for the proposed amendments to the AF zone.

The proposal to add the provision for a secondary suite or detached accessory suite to the AG zone would apply to 124 parcels. Comments received from the Ministry of Agriculture state that while the provision of secondary suites is encouraged for farm worker housing, the benefits of the proposed amendments to agriculture business are not clear. Additional residences on a parcel in the ALR would require approval from the ALC. The AAPC supported the addition of suites in the AG zone to provide accommodation for farm employees. The Otter Point APC supported a total of two dwelling units in the AG zone, similar to Metchosin's land use regulations.

Staff revised the proposed Bylaw No. 3849 to reflect the comments received from the referral agencies, AAPC and APCs (Appendix 2) and recommend that the bylaw proceed to first and second readings and on to public hearing.

CONCLUSION

Bylaw amendments are proposed to clarify institutional and rural residential zone definitions to acknowledge newly created zones and to revise the definition of height. The proposed bylaw would also permit two-storey accessory buildings and detached accessory suites while maintaining the height requirement, permit secondary suites and detached accessory suites in the Forestry and Agricultural zones. Staff has considered agency and public comments and has revised the proposed bylaw.

RECOMMENDATION

That the Land Use Committee recommends to the CRD Board that:

1. Proposed Bylaw No. 3849, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 112, 2014" be introduced and read a first time and read a second time; and
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 the Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 3849.

****ORIGINAL SIGNED****

Emma Taylor, MA
Planner, Local Area Planning

June Klassen, MCIP, RPP
Manager, Local Area Planning

Kevin Lorette, P.Eng, MBA
General Manager,
Planning and Protective Services

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Appendix 1 – Referral Comments
Appendix 2 – Proposed Bylaw No. 3849
Appendix 3 – Proposed Bylaw No. 3849 Track Changes


Appendix 1: Referral Comments

RESPONSE SUMMARY –BYLAW NO. 3849

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments: On behalf of BC Hydro, Property Rights Services Department, I herewith confirm
that BC Hydro interests are not affected on the proposed amendments to the Juan de Fuca Land
Use Bylaw, 1992, Bylaw No. 2040 to remove the requirement that accessory buildings be
one-story, and to address housekeeping items.

Signed	 Elaine Mann	Title	Property Coordinator
Date	March 13, 2014	Agency	British Columbia Hydro and Power Authority

RESPONSE SUMMARY –BYLAW NO. 3849

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

WATER SYSTEM CAPACITY COULD BE
AN ISSUE IF THE NUMBER OF POSSIBLE
SECONDARY SIDES IS SUFFICIENTLY LARGE.
DO WE KNOW HOW MANY NEW
DWELLING UNITS WOULD BE POSSIBLE
UNDER THE PROPOSED CHANGES?

Signed QQA Title SR MSR, IE
Date MAR 14/14 Agency CAD IWS IE

1501802

RESPONSE SUMMARY –BYLAW NO. 3849

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

Comments: Amendments do not affect Regional Parks interests

_____ Jeff Ward Signed	_____ Manager, Planning, Resource Management and Development Title
_____ March 14, 2014 Date	_____ Regional Parks Agency

Wendy Miller

From: Jeff Weightman
Sent: Thursday, April 10, 2014 4:43 PM
To: Wendy Miller
Cc: Signe Bagh
Subject: RE: Proposed Bylaw No. 3849 - CRD Referral

Hi Wendy,
I have reviewed these changes and cannot find any issues with regards to the RGS.

Thanks,

Jeff

From: Signe Bagh
Sent: Friday, March 14, 2014 8:25 AM
To: Jeff Weightman
Subject: FW: Proposed Bylaw No. 3849 - CRD Referral

Jeff,
For your review and direct response please, with a copy to me.

Thanks.

Signe

From: Wendy Miller
Sent: Thursday, March 13, 2014 2:35 PM
To: Signe Bagh
Subject: Proposed Bylaw No. 3849 - CRD Referral

Good Afternoon,

Please find attached a referral letter and staff report for proposed amendments to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 to remove the requirement that accessory buildings be one-storey, and to address housekeeping items.

Comment from CRD Regional Planning is requested by April 10, 2014.

Thank you,

Wendy Miller

Administrative Clerk | JDF Electoral Area Planning | 250.642.8100
JDF Local Area Services Building | Capital Regional District
3 – 7450 Butler Road, Sooke, BC V9Z 1N1

Web: www.crd.bc.ca/jdf



Please consider the environment before printing this email.

Wendy Miller

From: Evanoff, Ryan TRAN:EX <Ryan.Evanoff@gov.bc.ca>
Sent: Monday, March 17, 2014 10:22 AM
To: Wendy Miller
Subject: RE: Proposed Bylaw No. 3849 - CRD Referral

Wendy,

Please accept this email as an official response to your bylaw amendment referral below, Ministry file **2014-01097**.

The Ministry has no objections to the proposed bylaw amendment(s) as presented, and has no additional requirements for approval.

If you require any additional documentation please feel free to contact myself directly.
The certified bylaw forms can be forwarded to myself for stamp/signature at your convenience.

Thank you,

RYAN EVANOFF | DISTRICT DEVELOPMENT TECHNICIAN | BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE | VANCOUVER ISLAND DISTRICT | 240-4460 CHATTERTON WAY, VICTORIA, BC V8X 5J2 |
T 250.952.4495 | **F**: 250.952.4508
WEBSITE FOR DEVELOPMENT APPROVALS:
www.th.gov.bc.ca/Development_Approvals/home.htm | MINISTRY WEBSITE: <http://tranbc.ca/>

 Please consider the environment before printing this email.

From: Wendy Miller [<mailto:wmiller@crd.bc.ca>]
Sent: March-13-14 2:12 PM
To: Evanoff, Ryan TRAN:EX
Subject: Proposed Bylaw No. 3849 - CRD Referral

Good Afternoon,

Please find attached a referral letter and staff report for proposed amendments to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 to remove the requirement that accessory buildings be one-storey, and to address housekeeping items.

Comment is requested by April 10, 2014.

Thank you,

Wendy Miller

Administrative Clerk | JDF Electoral Area Planning | 250.642.8100
JDF Local Area Services Building | Capital Regional District
3 – 7450 Butler Road, Sooke, BC V9Z 1N1

Web: www.crd.bc.ca/jdf

 Please consider the environment before printing this email.

RESPONSE SUMMARY –BYLAW NO. 3849

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

Comments:

No objections to bylaw revision provided this office continues to receive referrals for comments for increased living space to residences or secondary suites



Signed

(Mary Bese) EFO

Title

March 17, 2014

Date

VIMA (Zona Health)

Agency



Emma Taylor
Planner – Local Area Planning
Juan de Fuca EA – Capital Regional District
3-7450 Butler Road
Sooke BC V9Z 1N1

2014-04-17

Subject: Proposed Bylaw No. 3849 to amend Land Use Bylaw 2040

Thank you for the opportunity to comment on the proposed Bylaw No. 3849.

It is encouraging to see the proposed bylaw could allow secondary suites that might be used for farm worker housing, however the *Agricultural Land Commission Act (ALC Act)* indicates local governments may not approve more than one residence on a parcel in the ALR unless the additional residences are necessary for farm business needs.

The benefits to agriculture businesses with the proposed bylaw amendments are not clear. Increasing the residential area of small parcels often raises the total capital cost of those parcels for future agricultural production.

Please consider providing the Land Use Committee and Agricultural Advisory Planning Commission members with a copy of the Ministry of Agriculture January 2011 [*Bylaw Standard for Residential Uses in the Agricultural Land Reserve*](#) and feel free to contact me should you require further information.

Rob Kline, P. Ag.
Regional Agrologist
Sector Development Branch
BC Ministry of Agriculture

cc. Bronwyn Sawyer, Ministry of Agriculture
Gord Bednard, Agriculture Land Commission
Elizabeth Sutton, Agriculture Land Commission

Ministry of Agriculture

**Regional Agrologist
Sector Development Branch**

Mailing Address:
808 Douglas Street
Victoria, BC V8W 2Z7

Telephone: 250 356-5861

Web address:
<http://www.al.gov.bc.ca>

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3849

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

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

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended:
 - A. **Schedule A, Part 1, Section 2.0 DEFINITIONS**
 - (a) By amending the definition of "HEIGHT" by inserting the words "of the highest roof plane" after the words "mean level";
 - (b) By amending the definition of "INSTITUTIONAL ZONE" by adding the word "P-2CB" after the word "P-2" and adding the word "P-4" after the word "P-3";
 - (c) By amending the definition of RURAL RESIDENTIAL zone by inserting the word "RR-AK" after the word "RR-A" and by inserting the word "RR-3K" after the word "RR-3".
 - B. **Schedule A, Part 1, Section 4.0 GENERAL REGULATIONS**
 - (a) By deleting from Section 4.01 (2) (a) the words "for a one storey building" after the word "height".
 - (b) By deleting from Section 4.20 DETACHED ACCESSORY SUITES subsection (g) the words "of a one storey detached building" after the word "roof".
 - (c) By deleting from Section 4.20 DETACHED ACCESSORY SUITES subsection (h) the word "front," after the word "same".
 - C. **Schedule A, Part 2, Section 3.0 FORESTRY ZONE – AF**
 - (a) By adding to Section 3.01 a new permitted use (f) which states:
(f) Secondary Suite pursuant to Part 1, Subsection 4.19;
 - (b) By adding to Section 3.01 a new permitted use (g) which states:
(g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20.
 - (c) By deleting from Section 3.03 the title "Number of Dwelling Units" and adding a new title "Density" and adding the words "One secondary suite or one detached accessory suite per lot is permitted."
 - (d) By deleting from Section 3.07 the words ", except that for lots larger than 1 ha and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 15 m each side" after the word "15m".
 - D. **Schedule A, Part 2, Section 4.0 AGRICULTURAL ZONE - AG**
 - (a) By adding to Section 4.01 a new permitted use (i) which states:
(i) Secondary Suite pursuant to Part 1, Subsection 4.19;
 - (b) By adding to Section 4.01 a new permitted use (j) which states:
(j) Detached Accessory Suite pursuant to Part 1, Subsection 4.20 on ALR lands with the approval of the Agricultural Land Commission;
 - (c) By adding to Section 4.01 a new permitted use (k) which states:
(k) Detached Accessory Suite pursuant to Part 1, Subsection 4.20 on non-ALR lands without an additional dwelling pursuant to section 4.07.

Appendix 3: Proposed Bylaw No. 3849 Track Changes

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

HABITABLE AREA means for the purposes of Part 5 of this Bylaw, any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater;

HEALTH SERVICES means uses and buildings providing for physical and mental health services on an out-patient basis; services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature; includes medical and dental clinics and offices, health clinics and counselling services;

HEAVY EQUIPMENT SALES, RENTALS AND/OR CONTRACTING means uses and buildings providing for the sale or rental or contracting out of heavy equipment or vehicles typically used in building, roadway, pipeline, mining, construction or agriculture;

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 of the highest roof plane between the eaves and the ridge 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. For the purposes of Part 4 of this Bylaw, height means the vertical distance from the finished grade of that portion of the lot where a sign is to be located to the highest point of the sign;

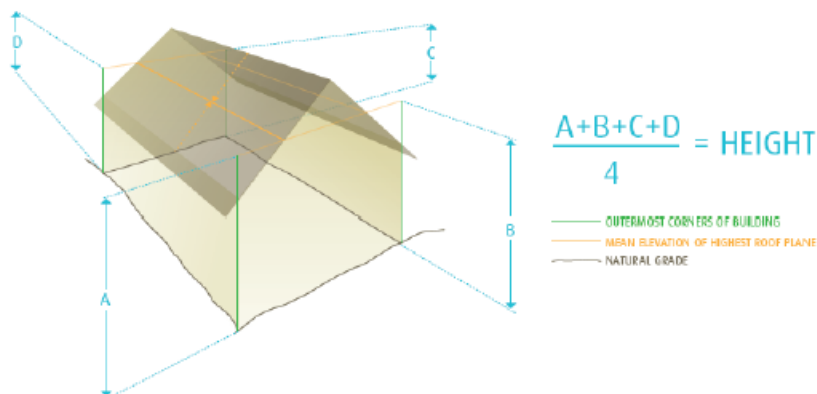


FIGURE 1 - Illustration of calculation of height

Bylaw 3705

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

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

INDUSTRIAL USE, LIGHT means a use or structure for the warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound, and includes artisan and manufacturing shops and retail sales accessory to the principal use; excludes all uses that create dust, heat, odour, noise, gas, smoke, recurrent generated vibrations, fire hazard, electrical disturbance, particulate matter or radiation; specifically excludes all salvage yards, wrecking operations, manufacturing and industrial processing activities, trade contractors, refuse and garbage dumps, burning of vehicles and other things for salvage purposes, uses for which a permit is required under the *Waste Management Act or Regulations*;

INDUSTRIAL USE, MARINE means an industrial use which is marine-oriented and dependent on a waterfront location; includes but is not limited to boat building, repairs and storage;

INDUSTRIAL ZONE means M-1, M-2, M-3, M-4;

INSTITUTIONAL ZONE means P-1, P-2, P-2CB, P-3, P-4;

INTENSIVE AGRICULTURE means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms; includes but is not limited to mushroom, poultry and poultry egg farming, piggeries, fur farms, dog breeding and boarding kennels, bees and apiary products, the keeping of pigeons, rabbits, and doves, feedlots and manure storage piles;

INTERMITTENT (in terms of accommodation or residency) means a total period not to exceed six months of the calendar year;

INTERSECTION means the intersection of highways and the intersection with a highway of an access way of a lot created pursuant to Section 4(b) of *B.C. Regulation 199/70*;

JUAN DE FUCA COMMUNITY PLANNING DEPARTMENT means the Juan de Fuca Community Planning Service of the Capital Regional District;
Bylaw 3705

KENNEL means a lot where more than four dogs and/or cats are kept, trained, cared for, bred and/or boarded and where a kennel license has been approved under Capital Regional District Animal Regulation and Impounding Bylaw No. 1465;
Bylaw 3705

KITCHEN means an area within a building used for preparing and cooking food for eating and includes facilities for washing utensils, and may include food storage, serving facilities;

LANE means a highway less than 10m in width open to vehicular traffic;

LEG means a lot created pursuant to Section 411(1)(b) of *B.C. Reg. 334/79* under the *Land Title Act* and that part of a highway at an intersection which radiates out from the point of intersection;
Bylaw 3705

LICENSED ESTABLISHMENT has the same meaning as in the *Liquor Control and Licensing Act*;
Bylaw 2951

LIVESTOCK includes beef cattle, sheep, swine, horses, ponies, llamas, mules or goats or any other domesticated animals bred for their meat or hides or hair, including the breeding and grazing of any and all of the above but excluding Intensive Agriculture;

LOCAL ROAD means a highway used primarily to provide access to adjacent land;

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Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

- RETAIL STORE means a building where goods, wares, merchandise, 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 the goods, wares, merchandise, substances, articles or things, sufficient only to service the store, but does not include any other retail use specifically permitted by this bylaw except Retail Sales;
- RETAINING WALL means a wall designed and used to maintain differences in ground elevations by holding back a bank of material;
- ROOF SIGN means any sign erected over or above a roof or parapet of a building;
- RURAL ZONE means A, A-1, AG, AG-1, AF, AW, RL; *Bylaw 3009/Bylaw 3797/Bylaw 3759*
- RURAL RESIDENTIAL ZONE means RR-1, RR-A, ~~RR-AK~~, RR-2, RR-2A, RR-3, ~~RR-3K~~, RR-4, RR-5, RR-6, RR-OB, WT-1, WT-2, WT-3, WT-4, JR-1; *Bylaw 3583/Bylaw 3689/Bylaw 3705/ Bylaw 3759*
- SCREEN means a fence, wall, berm, continuous planting of vegetation or other similar barrier or any combination thereof, that effectively obstructs the view or denies physical access to the area enclosed; *Bylaw 2951*
- SECONDARY SUITES means an accessory dwelling unit not exceeding 90m² in floor area, capable of being occupied year round with living facilities, including provision for sleeping, cooking, sanitation, food storage and preparation, contained within a single family dwelling approved by building permit pursuant to the *B.C. Building Code* or where the secondary suite predates the adoption of the authorizing bylaw, the suite shall comply with Part 1, Section 4.19 of this bylaw; *Bylaw 2674/Bylaw 3605*
- SERVICE STATION means a use providing for the retail sale of motor fuels and lubricants as its principal use; may include the servicing and mechanical and/or electrical repairing of vehicles, the sale of automobile accessories and the ancillary sales of retail products; does not include wholesale sales or vehicle structural or body repairs or painting or vehicle sales;
- SETBACK means the distance that a use or building or structure or a specified portion of it, must be set back from a lot line; a setback is not a yard;
- SHOPPING CENTER means a commercial use incorporating a group of commercial establishments planned, constructed, or managed as an entity having common or shared parking available to all customers and employees;
- SHORT TERM USE COTTAGE means a building having a total floor area of not more than 125m² used for:
(i) accommodation accessory to a use of land permitted under Section 25A.01(b), (c) or (d);
(ii) a tourist cabin;
but not as a permanent dwelling unit; *Bylaw 2646*
- SIGHT TRIANGLE means the triangular area of a lot formed by the intersection of the highway right-of-way boundaries or those boundaries produced, and a line joining the two points on those boundaries of the lot 6m from the point of intersection;

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Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

Residential R-2 Zone, or Village Residential R-3 Zone, and is split into separate parts by a highway or railroad, the Approving Officer may approve a subdivision which recognizes these separate parts, providing that in all other respects the subdivision complies with this Bylaw and providing the Approving Officer is satisfied that such a subdivision would not injuriously affect the established amenities of adjoining or adjacent properties or be against the public interest.

Bylaw 2171/Bylaw 3583/Bylaw 3689/Bylaw 3705

- (7) Side lot lines of lots created by a proposed subdivision shall be substantially at right angles or radial to street lines unless the Approving Officer is satisfied that it is impractical to comply.

4.0 GENERAL REGULATIONS

4.01 ACCESSORY BUILDINGS AND STRUCTURES

- (1) General Regulations for all Zones
- (a) No accessory building or structure shall be erected until the structure or building or use 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 by a breezeway, 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;
Bylaw 3705
 - (c) An accessory building or structure shall not be used as a dwelling unit, except as otherwise provided for in the Bylaw;
 - (d) No accessory building shall be located closer to the front lot line than the principal building, except that where the distance between the principal building and the front lot line is greater than 15m, the accessory building shall be not less than 15m from the front lot line;
 - (e) No accessory building shall be located less than 1m from any other building or structure;
Bylaw 3705
 - (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;
 - (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;
 - (h) Accessory buildings shall be located:
 - (i) in Residential, Rural Residential, and Rural Zones, not less than 1m clear to the sky from side and rear lot lines, except where a mutual garage is erected on the common lot line;
 - (ii) adjacent to flanking lot lines, not less than the minimum side yard required under this Bylaw for the principal building, provided that, where the vehicle doors of a garage face the flanking street, the distance between the garage and the flanking street shall be not less than 4.6m clear to the sky;
 - (iii) in Commercial, Industrial and Multiple Family Residential Zones, not less than 3m from a lot line of an adjoining lot in a Rural, Rural Residential, Multiple Family Residential, or Residential Zone;
 - (iv) as specified elsewhere in the Bylaw;

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Schedule "A" of Capital Regional District Bylaw No. 2040
 Juan de Fuca Land Use Bylaw

- (2) Regulations for Residential, Multiple Family Residential, Rural Residential and Rural Zones
- (a) An accessory building in a Residential, Multiple Family Residential, Rural Residential, or Rural Zone shall not exceed 6m in height ~~for a one-storey building~~, except as otherwise provided for in this Bylaw; *Bylaw 3831*
 - (b) A building accessory to a residential principal use may be used as a dwelling unit during the construction phase of the principal building, provided that:
 - (i) The building permits for both the principal and accessory buildings are applied for at the same time; and
 - (ii) The period during which the accessory building is used as a dwelling unit does not exceed one year and is thereafter returned to the accessory use;
 - (iii) A method of sewage disposal acceptable to the Medical Health Officer is provided; and
 - (iv) An acceptable supply of potable water is available;
 - (c) In Residential, Multiple Family Residential, Rural Residential, and Rural Zones, the combined total floor area of all accessory buildings and structures on a lot shall not exceed either the Lot Coverage permitted in the Zone in which they are located, or the following:

Lot Size	Maximum Combined Total Floor Area (all floors) of All Accessory Buildings and Structures
Less than 2,000m ²	60m ²
2,000m ² to less than 5,000m ²	100m ²
5,000m ² or greater	250m ²

Bylaw 3831

4.02 AGRICULTURAL LAND RESERVE

Notwithstanding anything contained in this Bylaw, land designated as "Agricultural Land Reserve" pursuant to the *Agricultural Land Commission Act*, shall be subject to:

- (a) the *Agricultural Land Commission Act*; and
- (b) regulations made under the *Agricultural Land Commission Act*; and
- (c) relevant orders of the Provincial Agricultural Land Commission made under the *Agricultural Land Commission Act*;

that is to say, without limiting the generality of the foregoing, where land within an "Agricultural Land Reserve" is also within a zone established under this Bylaw, the Bylaw shall be binding only insofar as it is not inconsistent with the *Agricultural Land Commission Act* and regulations or an order of the *Agricultural Land Commission Act* and regulations or an order of the Agricultural Land Commission.

4.03 CONVERSION OF BUILDINGS

Buildings may be converted, altered or remodelled for another use, provided that:

- (a) The Chief Building Inspector has been satisfied that the building is structurally suitable for such conversion;
- (b) The converted building and use shall be a permitted use and shall conform to all the provisions and regulations prescribed for the zone in which it is located.

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- (c) The secondary suite shall not occupy more than 40% of the habitable floor area of the single family dwelling unit; *Bylaw 3605*
 - (d) The floor area of a secondary suite shall not exceed 90m²; *Bylaw 3605*
 - (e) Only one secondary suite or one detached accessory suite shall be permitted per lot; *Bylaw 3605*
 - (f) An owner of the lot must occupy either the secondary suite or the single family dwelling; *Bylaw 3605*
 - (g) The keeping of boarders and lodgers shall not be permitted within a single family dwelling containing a secondary suite. *Bylaw 3605*
- (2) A building permit must be obtained for a secondary suite. An assessment of the property's ability to accommodate an increase in onsite sewerage capacity i.e., that the system is capable of supporting the additional effluent flow produced by the suite is required. An Authorized Person as defined in the *Public Health Sewerage System Regulation* is to conduct the assessment and determine whether an expansion of the existing system would be possible and submit a letter either authorizing the existing system is satisfactory or requiring specific upgrades; *Bylaw 3605*
- (3) One off street parking space in addition to those required for the principal residential use shall be provided;
- (4) Secondary suites shall only be permitted in those zones in this bylaw which allow secondary suites;
- (5) Proof of source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1400 litres per day. *Bylaw 3605*

4.20 DETACHED ACCESSORY SUITES

Bylaw 3605

- (a) A detached accessory suite shall only be permitted in those zones in this bylaw which allow detached accessory suites, and if the parcel size is 0.4ha or greater;
- (b) Only one detached accessory suite or one secondary suite shall be permitted per lot;
- (c) The detached accessory suite can be freestanding or combined with an accessory building;
- (d) A building permit must be obtained for a detached accessory suite. An assessment of the property's ability to accommodate an increase in onsite sewerage capacity i.e., that the system is capable of supporting the additional effluent flow produced by the suite is required. An Authorized Person as defined in the *Public Health Sewerage System Regulation* is to conduct the assessment and determine whether an expansion of the existing system would be possible and submit a letter either authorizing the existing system is satisfactory or requiring specific upgrades;
- (e) Proof of source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1400 litres per day;
- (f) The floor area of a detached accessory suite shall not be smaller than 33.4m² and not exceed 90m²;
- (g) The maximum height of an accessory building used for a detached accessory suite shall be 7m to the peak of the roof ~~of a one-storey detached building~~;

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- (h) Detached accessory suites must be located within the same ~~front~~ side and rear yard setbacks as the principal dwelling;
- (i) One additional on-site parking space shall be provided for a detached accessory suite;
- (j) 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; *Bylaw 3705*
- (k) The detached accessory suite may be in the form of manufactured or modular home but shall not exceed a length of 13m, but does not include a Recreation Vehicle or Travel Trailer;
- (l) An owner of the lot must occupy either the detached accessory suite or the principal dwelling;
- (m) The keeping of boarders and lodgers shall not be permitted within a single family dwelling on a lot containing a detached accessory suite;
- (n) A bed and breakfast use shall only be permitted in the principal dwelling unit on a lot containing a detached accessory suite;
- (o) A detached accessory suite is not permitted on a lot with a two-family dwelling. *Bylaw 3705*

5.0 TITLE

5.01 This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992".

Bylaw 3705

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3.0 FORESTRY ZONE - AF

3.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Forestry AF Zone:

- (a) Silviculture except within 300m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Two Boarders or lodgers;
- ~~(f) Secondary Suite pursuant to Part 1, Subsection 4.19;~~
- ~~(g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20.~~

3.02 Minimum Parcel Size for Subdivision Purposes

The minimum lot size is 4ha;

3.03 Number of Dwelling Units Density

One one-family dwelling per lot is permitted.
~~One secondary suite or one detached accessory suite per lot is permitted.~~

3.04 Height

Maximum height shall be 11m.

3.05 Lot Coverage

Maximum lot coverage shall be 10 percent.

3.06 Maximum Size of for Residential Buildings

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (i) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

3.07 Yard Requirements

For all structures, the front, side, rear and flanking yards shall be a minimum of 15m, ~~except that for lots larger than 1 ha and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 16m each side.~~

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4.0 AGRICULTURAL ZONE - AG

4.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Agricultural AG Zone:

- (a) Agriculture;
- (b) Intensive Agriculture;
- (c) One-family dwellings;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Farm Buildings;
- (f) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (g) Accessory uses such as on-site logging, and pole- or post- or shake-cutting, from trees grown on the lot;
- (h) Two boarders or lodgers;
- ~~(i) Secondary Suite pursuant to Part 1, Subsection 4.19;~~
- ~~(j) Detached Accessory Suite pursuant to Part 1, Subsection 4.20 on ALR lands with the approval of the Agricultural Land Commission;~~
- ~~(k) Detached Accessory Suite pursuant to Part 1, Subsection 4.20 on non-ALR lands without an additional dwelling pursuant to section 4.07.~~

4.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size shall be 4ha.

4.03 Number of Dwelling Units Density

~~On non-ALR lands, one one-family dwelling plus one additional dwelling unit is permitted on a lot.~~

~~On ALR lands, one one-family dwelling plus two additional dwelling units are permitted on a lot with the approval of the Agricultural Land Commission.~~

4.04 Height

Maximum height shall be 11m.

4.05 Lot Coverage

The maximum lot coverage shall be 20 percent.

4.06 Maximum Size of Residential Buildings

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral *Bylaw 3705*

- (i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

4.07 Additional Dwellings

Notwithstanding Section 4.03 above, one additional one-family dwelling for the sole purpose of housing employees may be located on a lot classified as a

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- farm pursuant to the *Assessment Act* where such lot is 4ha or more in area, and where approved by the B.C. Agricultural Land Commission.
- 4.08 Yard Requirements, Agriculture and Farm Buildings**
- (a) Front yards shall be a minimum of 30m;
 - (b) Side, rear and flanking yards shall be a minimum of 15m.
- 4.09 Yard Requirements for Intensive Agriculture uses and Buildings**
- (a) Front yards shall be a minimum of 90m;
 - (b) Side, flanking and rear yards shall be a minimum of 30m.
- 4.10 Yard Requirements for All Other Permitted Uses and Buildings**
- (a) Front yards shall be a minimum of 7.5m;
 - (b) Side yards shall be a minimum of 6m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 15m each side;
 - (c) Flanking yards shall be a minimum of 6m CTS;
 - (d) Rear yards shall be a minimum of 10m.