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MEMORANDUM

TO: Geoff Garbutt
General Manager, Strategic and Community Development

DATE: January 17, 2014

FROM: Paul Thompson
Manager of Long Range Planning

FILE: 6970 20 SESU

SUBJECT: Revisions to Bylaw 1285.19 – Secondary Suites

PURPOSE

To consider Amendments to Bylaw 1285.19 first presented to the Electoral Area Planning Committee at its January 14, 2014 meeting.

BACKGROUND

Proposed zoning amendments to Bylaw 1285 and a proposed Board Policy were presented to the Electoral Area Planning Committee at its January 14th meeting. The zoning bylaw amendment is required to allow secondary suites in the electoral areas. The Director for Electoral Area 'F' requested that some minor changes be made to the bylaw. These changes removed restrictions related to home based business and are included in the attached Bylaw 1285.19, 2014 in Appendix A.

ALTERNATIVES

1. To proceed with Zoning Bylaw Amendment No. 1285.19 in consideration of first and second reading.
2. To not proceed with the Bylaw readings and refer back to staff.

STRATEGIC PLAN IMPLICATIONS

The proposed bylaw is consistent with Goals 1 and 3 of the Strategic Plan in relation to the provision of affordable housing in the region.

SUMMARY/CONCLUSION

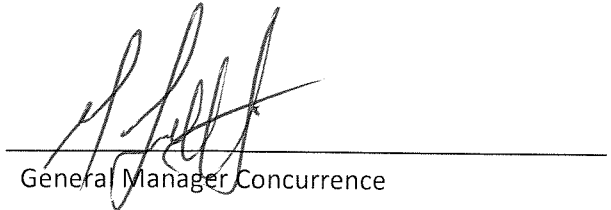
Bylaw 1285.19 was presented to the Electoral Area Planning Committee at its January 14, 2014 meeting. The zoning bylaw amendment is required to allow secondary suites in the electoral areas. The Director for Electoral Area 'F' requested that some minor changes be made to the Bylaw. These changes removed restrictions related to home based business and are included in the attached Bylaw 1285.19, 2014 in Appendix A.

RECOMMENDATIONS

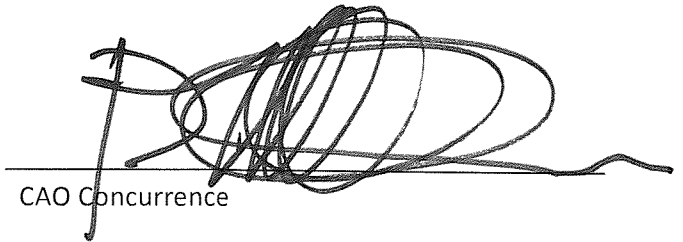
1. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014” be introduced and read two times.
2. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014” proceed to Public Hearing.
3. That the Public Hearing on “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014” be delegated to Director Fell or his alternate.



Report Writer



General Manager Concurrence



CAO Concurrence

Appendix A

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1285.19

**A Bylaw to Amend Regional District of Nanaimo
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002**

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

A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014”.

B. The “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”, is hereby amended as follows:

1. By adding the following after Section 2 – General Regulations 2.15 Home Based Business – Regulations (5)(p):

6. Home Based Business shall not be permitted within a secondary suite.

7. Bed and Breakfast shall not be permitted on a lot that contains a suite.

8. Where a secondary suite is located on a lot less than 8,000 m² in area, the Home Based Business must be limited to professional practice or office.

2. By adding the following after Section 2 – General Regulations 2.17 Parking:

2.18 Secondary Suites

1. Secondary suites shall be permitted as a Permitted Accessory Use in the following zones: A-1, R-1, R-2, R-3.

2. A maximum of one (1) secondary suite is permitted per single dwelling unit to a maximum of two (2) per parcel of which only one (1) may be detached.

3. Secondary suites shall be subject to the following requirements:

a) secondary suites within a principal dwelling unit must not exceed 40% of the habitable floor space of the building that it is located in nor 90 m² of total floor space, whichever is lesser;

b) must not be located within a duplex, manufactured home, or multiple dwelling unit development;

c) must provide at least two (2) additional designated off-street parking spaces (at least one (1) must have direct access to the street);

- d) shall be maintained under the same legal title as the principal dwelling unit to which it is accessory;
 - e) must meet minimum setback requirements for a dwelling unit located in the applicable Zone Classification.
 - f) must be limited to a maximum of two bedrooms and one cooking facility;
 - g) must, on parcels without community sewer services, have the approval of the local Health Authority with respect to the provision of sewage disposal;
 - h) must have its own entrance separate from that of the principal dwelling unit; and,
 - i) must not be used for short term (less than one month) rentals.
4. A Secondary suite may be located within an accessory building subject to the following:
- a) The minimum site area requirement shall be 800 m² for parcels serviced with community water and community sewer or 8,000 m² in all other cases.
 - b) The maximum floor area of an accessory building containing a secondary suite shall not exceed 40% of the habitable floor space of the principal dwelling unit which it is associated with nor 90 m² of total floor space, whichever is lesser.
 - c) The secondary suite shall contain no interior access to any part of the accessory building and the means of access and egress must be external to the structure.
5. Home Based Business shall be in accordance with Section 2.15.
6. Despite any regulation in this Bylaw, land established as “Agricultural Land Reserve” pursuant to the ***Agricultural Land Reserve Act*** is subject to the ***Agricultural Land Reserve Act*** and ***Regulations***, and applicable orders of the Land Reserve Commission.
3. By adding ‘Secondary Suite’ as a Permitted Accessory Use as follows:
- a) Section 4.1 – Agriculture 1 Zone after c) Home Based Business
 - b) Sections 4.13 – 4.15 Rural 1 – Village Residential 3 zones after b) Home Based Business

4. By adding the following definition in Section 5 after the definition of School:

Secondary Suite means one or more habitable rooms and a cooking facility for residential accommodation, consisting of a self-contained unit with a separate entrance but which is clearly accessory to a principal dwelling unit located on the same lot as the secondary suite and may not be subdivided under the *Strata Property Act*.

Introduced and read two times this ____ day of _____ 2014.

Public Hearing held this ____ day of _____ 20 ____.

Read a third time this ____ day of _____ 20 ____.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ____ day of _____ 20 ____.

Adopted this ____ day of _____ 20 ____.

Chairperson

Corporate Officer