

# Summary of Text Amendments

The following pages provide an excerpt of the draft zoning bylaw amendment presented in track changes format. This is a sample only; additional changes will be made throughout all zones as explained in the staff report and attachments.

The excerpt shows the proposed changes to the following sections:

- Definitions
- General Provisions
- R2 Zone
- R3 Zone

The Definitions and General Provisions are applicable to all zones. The R2 and R3 zones are two of the more common residential zones within the urban containment boundary where the minimum required density is four units per parcel. The same text changes to the R2 and R3 zones will be replicated throughout all restricted zones and do not need repeating here.

The track changes format is read as follows:

- Proposed additions are shown in red underlined text.
- Proposed deletions are shown in red struck through text.
- "..." indicates a portion of the full zoning bylaw that is not shown in the excerpt (for clarity this does not indicate that those sections of the bylaw are intended to be removed).

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### **Part 5 – Zones**

#### **Division 2 – Zones**

57 Residential Restricted Zone (R2)

58 Residential One and Two-family Zone (R3)

Sample (Draft)

**PART 3 – DEFINITIONS**  
**Definitions**

12 In this Bylaw:

...

~~“accessory dwelling unit, coach house” means a single storey, self-contained dwelling unit that has direct access to the outside at grade by a set of internal stairs, and forms the second storey of a detached accessory garage building in the rear of a lot;~~ [BL3333]

~~“accessory dwelling unit, garden suite” means a single storey, self-contained dwelling unit that has direct access to the outside at grade, where the main floor is no more than 1.0 m (3.28’) above grade in a detached accessory building in the rear of a lot;~~ [BL3333]

~~“accessory dwelling unit” means a dwelling unit which is subordinate to, and associated with, and attached to the principal use;~~ [BL3562]

~~“accessory dwelling unit, detached” means a self-contained dwelling unit in a detached accessory building, and includes manufactured homes placed on a permanent foundation;~~

...

~~“multi-family residence” means a building divided into more than two dwelling units and may include townhouse, and stacked townhouse and two-family dwelling containing one or more secondary suites;~~ [BL3495]

...

~~“secondary suite” means an additional dwelling unit which is accessory to a single-family dwelling or a two-family dwelling, and meets the requirements set out in section 40.4;~~ [BL3033, BL3674]

...

~~“single-family dwelling” means any building, consisting of one dwelling unit, used or intended to be used as the residence of one family, and includes manufactured homes placed on a permanent foundation but does not include manufactured homes;~~ [BL3367]

...

~~“two-family dwelling” means a building, containing two dwelling units which, if joined by a party wall, is primarily adjoined by habitable space rather than a carport, located on a single lot or on two strata lots, and which is used or intended to be used as the residence of two (2) families. Despite the foregoing, suites, granny flats, or in-law suites, and the like are permitted, provided that the unit number of 2 is not exceeded.~~

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**PART 4 – GENERAL REGULATIONS**

...

**Off-street Parking**

- 17** (1) (a) Off-street parking facilities shall be provided and maintained for all developments in accordance with sections 17-24.
- (b) All required off-street parking areas, driveways, and accesses shall be paved, marked, numbered, bumpered, illuminated, and drained to the standard established by the Municipal Engineer.
- (2) Off-street parking facilities for Single-Family Residences and Two-Family Residences are hereby exempted from the standards set out in section 17 (1) (b).
- (3) Off-street parking facilities for Mobile Home Park are required to follow the standards set out in the "Mobile Home Park Bylaw 1978", No. 1775.
- (4) Off-street parking facilities for institutional uses which are located within the Agricultural Zone (A1) or Rural Zone (A2), are hereby exempted from the above paving, marking, and numbering standards. However, such parking facilities must be graveled, illuminated, and bumpered.
- (5) Where there is more than one use of a lot, required off-street parking spaces shall be calculated and provided for each use.
  
- 18** (1) All required off-street parking shall be located on the same lot as the building or use for which the parking is required, except where an owner or occupier has paid for parking instead of providing off-street parking, pursuant to a Bylaw adopted under the *Municipal Act*.
- (2) No off-street parking is permitted in the required front yard of the following zones:
  - (a) Residential Multi-Family Zone (R7);
  - (b) Residential Ground-Oriented Multi-Family Zone (R7-A);
  - (c) Residential Multi-Family Apartment Zone (R8). [BL3427]
  
- 19** The minimum setback for off-street parking for Commercial, Industrial, and Institutional uses for the Yard, Front is .6m (1.96').
  
- 20** All required visitor parking spaces must be designated as such by appropriate signs.
  
- 20.1** At most, 25% of the number of off-street parking spaces required by this bylaw may be for small cars. [BL3150]
  
- 21** The minimum number of required off-street parking spaces for each use category shall be as follows:
  - (1) Residential

Assisted Living, Supportive Housing, and Community Care Facilities with a maximum of 10 residents	1 space per 3 resident rooms plus the single-family requirements
Bed and Breakfast	1 space per guest room plus the single-family requirements
Boarding and Rooming House	1 space per boarder plus the single-family requirements
Accessory Dwelling Unit	2 spaces
Congregate Housing	1 space per 3 resident rooms plus 15% of the total number of rooms designated as visitor and staff parking
<del>Detached Accessory Dwelling Unit, Secondary Suite Two-Family Dwelling</del>	<del>4 spaces 1 space</del>

Home-based Business	1 space per 46 m <sup>2</sup> (495.16 sq. ft.) gross floor area plus the single-family requirements
Mobile Home on Lot	2 spaces
Mobile Home in Park	1.5 spaces
Mobile Home Office in Park	3 spaces
Modular Home	2 spaces
Multi-Family <del>Residential</del> , Apartment <del>containing five or more dwelling units or more than one residential building</del>	1.5 spaces per dwelling unit <del>plus 15% of the total number of units designated as visitor parking plus spaces designated as visitor parking equal to 15% of the total number of units.</del>
Multi-Family <del>Residential</del> , Townhouse <del>containing five or more dwelling units or more than one residential building</del> , <del>Two-Family Dwelling</del>	2 spaces per dwelling unit <del>plus 15% of the total number of units designated as visitor parking plus spaces designated as visitor parking equal to 15% of the total number of units.</del>
<del>Multi-Family Residential containing four or fewer dwelling units.</del>	<del>1 space per dwelling unit.</del>
<del>Multi-family, Single-family dwelling, Single-family dwelling with Secondary Suite</del>	<del>2 spaces per Single-family dwelling unit plus 1 space for each secondary suite plus 15% of the total number of units designated as visitor's parking spaces</del>
Single-Family Dwelling, <del>Two-Family Dwelling</del>	2 spaces <del>per unit</del>
<del>Complex containing two or more Single-Family Dwellings or Two-Family Dwellings</del>	<del>The spaces required for each dwelling unit plus spaces designated as visitor parking equal to 15% of the total number of units.</del>
Temporary Mobile Home	2 spaces

[BL3302, BL3367, BL3457, BL3754]

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### Projections into Required Yards/Setbacks

- 33** (1) All required setback areas must be kept free of buildings and structures, excluding permitted projections.
- (2) Where a principal or accessory building, or any portion thereof, is situated wholly below ground, no setbacks are required in the yards, side, or the yard, rear, to that building or portion of that building situated wholly below ground.
- 34** A swimming pool shall not be located within 1.5 m (4.92') of any lot line.
- 35** (1) The following may project not more than 0.6 m (1.97') into ~~any~~ required yard:
- (a) a step;
  - (b) an eave;
  - (c) an awning;
  - (d) a canopy;
  - (e) an open, cantilevered balcony without a roof;
  - (f) a porch;
  - (g) a chimney;
  - (h) a cornice;
  - (i) a gutter;

- (j) a pilaster;
  - (k) a sill; and
  - (l) a bay window without any habitable floor area. [BL3457]
- (2) The following may project into the front yard:
- (a) a step accessing a primary entrance;
  - (b) a ramp that is providing an accessible route to a primary entrance;
  - (c) a deck, canopy, awning, porch, or balcony, provided that such projections do not exceed 2.0 m (6.56 ft.)
- (3) Despite ~~the previous~~ subsections 35 (1) and 35 (2), a step, canopy, or cantilevered balcony may project not more than 1.2 m (3.93') into a required front or rear yard of an apartment or townhouse.
- ~~(4)~~(3) Despite subsection 35 (1) and 35 (2) upper storey deck, porch or balcony projections are not permitted in the front yard of a lot accessed by a panhandle.
- (5) Despite the previous two subsections, land within 4.5 m (14.76') from a property line must not be used for the placement of a generator, a heat pump or an air conditioner. [BL3754, BL3764]
- ~~(6)~~(4) For certainty, a projection designed to accommodate furniture (e.g. a dining room hutch) must meet every yard requirement.

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#### **Secondary Suites and Detached Accessory Dwelling Units**

- 40.4** (1) A secondary suite must have:
- ~~(a) a gross floor area that is no greater than 90 m<sup>2</sup> or 40% of the habitable gross floor area of the building in which it is located, whichever is less,~~
  - (a) no more than 2 bedrooms, and
  - (b) driveway access that is shared with the access to the single-family dwelling, unless the lot fronts two streets or a lane, in which case a secondary suite may have a separate access onto the second street or lane. [BL3674]
- (2) The maximum size for a detached accessory dwelling unit is 120 m<sup>2</sup> (1,292 sq. ft.) of gross floor area.
- (3) The maximum size for an accessory building that contains a dwelling unit is 120 m<sup>2</sup> (1,292 sq. ft.) of gross floor area.
- (4) The maximum height for a detached accessory dwelling unit is 6.5 m (21.33'), or up to 7.5 m (24.61') where the building has a pitched roof with a minimum pitch of 6:12.
- (5) If any portions of an accessory building containing a dwelling unit are higher than 5.0 m, the following setbacks apply to those portions of the building:
- Yard, Front, 6.0 m (19.68')
  - Yard, Side, 3.0 m (9.84')
  - Yard, Rear, 3.0 m (9.84')
  - Yard, Rear, when adjacent to a lane 1.5 m (4.92')
- For clarity, the accessory building setbacks identified in the zone apply to any portion of the building that are 5.0 m (16.40') in height or less.
- (6) For walls and roofs of a detached accessory dwelling unit that are above the ground storey and

facing a neighbouring lot, transparent surfaces must not exceed the greater of:

(a) 1.0 m<sup>2</sup> (16 sq. ft.), or

(b) 20% of the total wall or roof area.

(7) Excluding ground storey decks and balconies, decks and balconies on detached accessory dwelling units may not exceed 2.0 m in depth and must face the interior of the lot, a road, lane, municipal park, or other publicly accessible space.

(8) A detached accessory dwelling unit must be provided with exterior at-grade amenity space that is:

(a) accessible from the entry of the dwelling unit, and

(b) not less than 18.5 m (199.13 sq. ft) in area and 3.0 m (9.84 ft) in width.

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Sample (Draft)

## PART 5 – ZONES

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### Division (2) – Zones

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#### Residential Restricted Zone (R2)

##### Permitted Uses

- 57 (1) The permitted uses for the R2 zone are as follows:
- Assisted Living
  - Bed and Breakfast
  - Community Care Facility
  - Detached Accessory Dwelling Unit
  - Home-based Business
  - Multi-Family Residence
  - Secondary Suite
  - Single-Family Dwelling
  - Supportive Housing [BL3302, BL3323, BL3674]
  - Two-Family Dwelling

##### Minimum Lot Size

- (2) The minimum permitted lot size for the R2 zone is 890 m<sup>2</sup> (9,580 sq. ft.).

##### Minimum Frontage

- (3) The minimum permitted frontage for the R2 zone is 21.0 m (68.90').

##### Density

- (4) The maximum permitted density for the R2 zone is as follows:
- (a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.
  - (b) The number of dwelling units shall not exceed:
    - (i) Three in the case of lots that are less than 280 m<sup>2</sup> (3,014 sq. ft.) in area.
    - (ii) Four in the case of lots that are at least 280 m<sup>2</sup> (3,014 sq. ft.) but not more than 4,050 m<sup>2</sup> (1 acre) in area.
    - (i) Two in the case of lots that are greater than 4,050 m<sup>2</sup> (1 acre) in area.
- The maximum permitted floor space ratio for the R2 zone is 0.5:1. [BL3383]

##### Maximum Lot Coverage

- ~~(1)~~ ~~(5)~~ The maximum permitted lot coverage of the R2 zone is as follows:
- ~~(a)~~ 30% of the lot area where a lot contains one residential building and up to two dwelling units.
  - ~~(a)~~ 35% of the lot area where a lot contains three or more dwelling units or contains a detached accessory dwelling unit.

##### Minimum Setbacks

- (6) The minimum permitted setbacks for the R2 zone are as follows:
- (a) Principal Buildings



Yard, Front, 6.0 m (19.68')  
Yard, Side, ~~3.0 m (9.84')~~ 1.5 m (4.92')  
Yard, Side when adjacent to a lane or street, 3.0 m (9.84')

Yard, Rear, 8.0 m (26.25')

- (b) Accessory Buildings and Structures (Excluding Fences)

Yard, Front, 6.0 m (19.68')

Yard, Side, 1.0 m (3.28')

Yard, Rear, 1.5 m (4.92')

- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

### Maximum Building Height

- (7) The maximum permitted building heights for the R2 zone are as follows:
- (a) Principal Buildings, 9.0 m (29.53')
  - (b) Accessory Buildings, 5.0 m (16.40')

### Conditions of Use

- (8) The conditions of use for the R2 zone are as follows:
- (a) [Repealed. BL3891]
  - (b) [Repealed. BL3891]
  - (c) [Repealed. BL3891]
  - (d) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
    - (i) the number of residents does not exceed three, and
    - (ii) the use is within a single-family dwelling unit only. [BL3302]
  - (e) Bed and Breakfast uses may have no more than three sleeping units. [BL3323]
  - (f) Bed and Breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use. [BL3302; BL3323]

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## Residential One and Two-Family Zone (R3)

### Permitted Uses

- 58 (1) The permitted uses for the R3 zone are as follows:
- Agriculture
  - Assisted Living
  - Bed and Breakfast
  - Community Care Facility
  - Detached Accessory Dwelling Unit
  - Home-based Business
  - Multi-Family Residence
  - Secondary Suite
  - Single-Family Dwelling
  - Supportive Housing
  - Two-Family Dwelling [BL3302]

### Minimum Lot Size

- (2) ~~The minimum permitted lot size in the R3 zone is 670 m<sup>2</sup> (7,212 sq. ft.). A lot in the R3 zone must meet the minimum area requirements for the purposes of subdivision and use of the lot for permitted uses as follows:~~
- ~~(a) Single-family dwelling, 450 m<sup>2</sup> (4,844 sq. ft.)~~
  - ~~(b) Single-family dwelling with a secondary suite, 450 m<sup>2</sup> (4,844 sq. ft.)~~
  - ~~(c) Two-family dwelling, 700 m<sup>2</sup> (7,535 sq. ft.) [BL3647, BL3674]~~
- ~~(2.1) Despite section 58 (2) (b), a single-family dwelling with a secondary suite is permitted on 3133 Cook Street (Parcel Identifier: 027-873-200) with a lot area of 510 m<sup>2</sup> (5,490 sq. ft.) [BL3663]~~
- ~~(2.2) Despite section 58 (2) (c), a two-family dwelling is permitted on Lot 15 of Plan 5756, on Sayward Road (PID: 001-503-120) with a lot area of 669 m<sup>2</sup> (7,201 sq. ft.) [BL3684]~~

### Minimum Frontage

- (3) The minimum permitted frontage in the R3 zone is 18.0 m (59.06') as follows:
- ~~(a) Single-family dwelling, 15 m (49.21')~~
  - ~~(b) Single-family dwelling with a secondary suite, 15 m (49.21')~~
  - ~~(c) Two-family dwelling, 23.0 m (75.46') [BL3083, BL3674]~~

### Density

- (4) The maximum permitted density for the R3 zone is as follows:
- ~~(a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.~~
  - ~~(b) The number of dwelling units shall not exceed:~~
    - ~~(i) Three in the case of lots that are less than 280 m<sup>2</sup> (3,014 sq. ft.) in area.~~
    - ~~(ii) Four in the case of lots that are at least 280 m<sup>2</sup> (3,014 sq. ft.) but not more than 4,050 m<sup>2</sup> (1 acre) in area.~~
    - ~~(i) Two in the case of lots that are greater than 4,050 m<sup>2</sup> (1 acre) in area.~~
  - ~~(b) The maximum permitted floor space ratio is 0.5:1.~~
  - ~~(c) The number of residential units per building shall not exceed two. For strata buildings/lots, each strata unit constitutes one residential unit.~~

~~(d) [Repealed, BL3754]~~

~~(e) Despite the foregoing, a maximum of 2 residential buildings, with a total combined maximum of 2 residential dwelling units, is permitted on 3340 Cowichan Lake Road (PID: 001-375-482). [BL3668]~~

### Maximum Lot Coverage

(5) Where a lot contains one residential building and up to two dwelling units the maximum permitted lot coverage in the R3 zone is as follows:

The maximum permitted lot coverage for the R3 zone is as follows:

- (a) 30% of the lot area for lots of 650 m<sup>2</sup> (7,000 sq. ft.) or larger; and
- (b) 35% of the lot area for lots less than 650 m<sup>2</sup> (7,000 sq. ft.).

(5.1) Where the lot contains three or more dwelling units or contains a detached accessory dwelling unit the maximum permitted lot coverage in the R3 zone is as follows:

- (a) 35% of the lot area for lots of 650 m<sup>2</sup> (7,000 sq. ft.) or larger;
- (b) 40% of the lot area for lots less than 650 m<sup>2</sup> (7,000 sq. ft.) but larger than 500 m<sup>2</sup> (5,382 sq. ft.); and
- (c) 45% of the lot area for lots less than 500 m<sup>2</sup> (5,382 sq. ft.).

### Minimum Setbacks

(6) The minimum permitted setbacks for the R3 zone are as follows:

- (a) Principal Buildings
  - Yard, Front, ~~4.5 m (14.76')~~ 5.0 m (16.40')
  - Yard, Side, ~~1.5 m (4.92')~~ 2.0 m (6.56')
  - Yard, Side when adjacent to a lane or street, 3.0 (9.8')
  - Yard, Rear, ~~7 m (22.97')~~ 7.5 m (24.6') [BL3323]
- (b) Accessory Buildings and Structures (Excluding Fences)
  - Yard, Front, 5.0 m (16.40')
  - Yard, Side, 1.0 m (3.28')
  - Yard, Rear, 1.5 m (4.92') [BL3323]

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

### Maximum Building Height

(7) The maximum permitted building heights for the R3 zone are as follows:

- (a) Principal Building, 9.0 m (29.53')
- (b) Accessory Building, 5.0 m (16.40')

### Conditions of Use

(8) The conditions of use for the R3 zone are as follows:

- (a) [Repealed, BL3891]
- (b) [Repealed, BL3891]
- (c) [Repealed, BL3891]
- (d) Bed and breakfast uses may have no more than three sleeping units.
- (e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
- (f) [Repealed, BL3758]
- (g) [Repealed, BL3674]
- ~~(h) For a lot created prior to March 31, 2000, a single-family dwelling, two-family dwelling, or~~

- ~~secondary suite is permitted on any lot.~~ [BL3323, BL3418]
- (i) Limited farm sale of agricultural products may be sold directly to the public provided that:
    - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
    - (ii) the covered retail sales area does not exceed 100 m<sup>2</sup> (1076.4 sq. ft.); and
    - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
  - (j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
    - (i) the number of residents does not exceed three, and
    - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]

**Driveway Width**

- (9) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.