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# MEMORANDUM

**TO:** Paul Thompson  
Manager, Long Range Planning

**DATE:** April 10, 2014

**FROM:** Greg Keller  
Senior Planner

**FILE:** 6970 20 SESU

**SUBJECT:** Secondary Suites Zoning Amendments – Bylaws No. 500.389, 2014 and 1285.19, 2014  
Third Reading Report

## PURPOSE

To receive the report summarizing the report of the Public Hearing held on April 7, 2014, and the submissions received and to consider Amendment Bylaws No. 500.389, 2014 and 1285.19, 2014, for third reading.

## BACKGROUND

Amendment Bylaws No. 500.389 and 1285.19 were introduced and given first and second reading on January 28, 2014. Following first and second reading two information sessions were held on February 26<sup>th</sup> and February 27<sup>th</sup> to provide an opportunity to present and obtain input on the proposed amendment bylaws prior to the public hearing. Approximately eighteen people attended the two events. Overall the community response to the draft secondary suites proposal was positive.

Further discussions with the Electoral Area Directors identified some further changes to Bylaw No. 500.389. In response, Bylaw No. 500.389 was given amended second reading on March 25, 2014. This was followed by a Public Hearing held on April 7, 2014. The summary of the minutes and submissions is attached for the Board’s consideration (see Attachment 1).

### *Bylaw Referrals*

The Bylaws were referred to adjacent municipalities and Regional Districts, First Nations, Improvement and Waterworks Districts, Fire Protection Districts and Departments, and Provincial Ministries. Responses from referral agencies were available prior to and at the Public Hearing for public inspection and are included as part of the written submissions and comments included in Attachment 2.

## ALTERNATIVES

1. To receive the report of the Public Hearing and give third reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.389, 2014” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014”.
2. To receive the report of the Public Hearing and not give third readings and provide staff with further direction.

**INTERGOVERNMENTAL IMPLICATIONS**

Should the Board grant third reading to Bylaw No. 500.389 and 1285.19 (See Attachment 3), the Bylaws will be referred to the Ministry of Transportation and Infrastructure (MOTI) for approval.

Following third reading and MOTI approval, the Board may consider adoption of Bylaw No. 500.389 and 1285.19.

**SUMMARY/CONCLUSIONS**

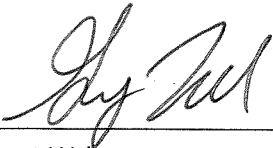
The Board gave first and second reading to Bylaw No. 500.389 and 1285.19 on January 28, 2014. Further discussions with the Electoral Area Directors identified some further changes to Bylaw No. 500.389. In response, Bylaw No. 500.389 was given amended second reading on March 25, 2014.

A Public Hearing was held on April 7, 2014, with six people in attendance. The report of the Public Hearing and written submissions are attached for the Board's consideration.

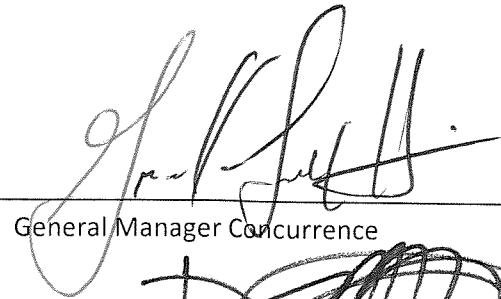
All requirements of the *Local Government Act* have been fulfilled and Bylaw No. 500.389 and 1285.19 may now be considered for 3<sup>rd</sup> reading.

**RECOMMENDATIONS**

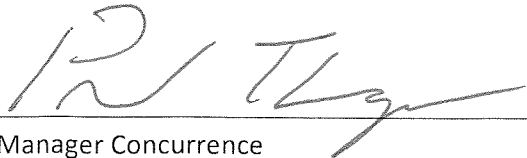
1. That the report of the Public Hearing held on April 7, 2014, on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.389, 2014" and "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.389, 2014" be read a third time and forwarded to the Ministry of Transportation and Infrastructure for approval.
3. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014" be read a third time and forwarded to the Ministry of Transportation and Infrastructure for approval.



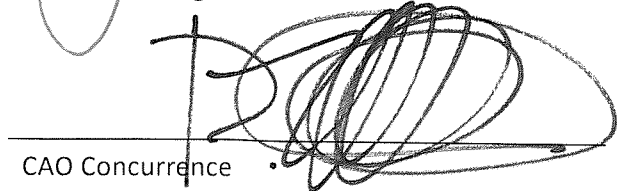
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Attachment 1**

**Report of the Public Hearing**

**Held in the RDN Board Room, 6300 Hammond Bay Road, Nanaimo BC**

**Monday, April 7, 2014 at 7:00 PM**

**To Consider Regional District of Nanaimo Zoning Amendment Bylaw Nos. 500.389, 2014 and 1285.19, 2014**

*Note: That this report is not a verbatim recording of the proceedings, but a summary of the comments of those in attendance at the Public Hearing.*

**PRESENT:**

Joe Stanhope	Co-Chair, Director, Electoral Area 'G'
Julian Fell	Co-Chair, Director, Electoral Area 'F'
Alec McPherson	Director, Electoral Area 'A'
Maureen Young	Director, Electoral Area 'C'
George Holme	Director, Electoral Area 'E'
Paul Thompson, RDN	Manager of Long Range Planning
Greg Keller, RDN	Senior Planner, Recording Secretary

Six members of the public attended the meeting.

Director Fell called the hearing to order at 7:00 pm, introduced those present representing the Regional District, and outlined the procedures to be followed during the hearing.

Greg Keller provided an explanation of the proposed amendment bylaws.

Director Stanhope called for formal submissions with respect to Amendment Bylaw No. 500.389, 2014 and 1285.19, 2014.

No written submissions or comments were received.

Director Stanhope called for further submissions for the second time.


No written submissions or comments were received.

Director Stanhope called for further submissions a third and final time.

No written submissions or comments were received.

There being no further submissions, the Chair adjourned the hearing at 7:09 pm.

Certified true and accurate this 8<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Greg Keller  
Recording Secretary

## Attachment 2

### Written Submissions and Comments

**From:** Johnson, Stuart TRAN:EX <Stuart.Johnson@gov.bc.ca>  
**Sent:** Wednesday, February 26, 2014 2:09 PM  
**To:** Keller, Greg  
**Subject:** RE: Regional district of Nanaimo secondary suites zoning amendment bylaws

Thanks Greg.

Stu Johnson  
District Development Technician  
Ministry of Transportation and Infrastructure  
3rd Floor - 2100 Labieux Road  
Nanaimo, B.C. V9T 6E9  
Phone 250-751-3270  
Fax 250-751-3289

**From:** Keller, Greg [<mailto:GKeller@rdn.bc.ca>]  
**Sent:** Wednesday, February 26, 2014 2:04 PM  
**To:** Johnson, Stuart TRAN:EX  
**Subject:** RE: Regional district of Nanaimo secondary suites zoning amendment bylaws

Hi Stuart. The intent was to ensure that there are onsite opportunities to park. Suites will not require an additional driveway. Although it is likely that some detached suites, especially on larger rural parcels could have separate driveways.

Greg

**From:** Johnson, Stuart TRAN:EX [<mailto:Stuart.Johnson@gov.bc.ca>]  
**Sent:** Wednesday, February 26, 2014 2:02 PM  
**To:** Keller, Greg  
**Subject:** re: Regional district of Nanaimo secondary suites zoning amendment bylaws

Hi Greg

I have a quick question on this amendment's requirement for two off-street parking spaces with at least one having direct access to the street. Does this requirement imply the secondary suite must have its own driveway? I'm not interpreting it as such, but thought it would be best to clarify. If I'm correct in assuming that this requirement doesn't mean a secondary driveway is necessary, then the ministry has no concerns regarding the proposed amendment.

Thanks,

Stu Johnson  
District Development Technician  
Ministry of Transportation and Infrastructure  
3rd Floor - 2100 Labieux Road  
Nanaimo, B.C. V9T 6E9  
Phone 250-751-3270  
Fax 250-751-3289

**From:** Courtney Simpson <CSimpson@islandstrust.bc.ca>  
**Sent:** Monday, March 17, 2014 10:57 AM  
**To:** Keller, Greg  
**Subject:** Secondary Suites Zoning Bylaw Amendment Bylaws Referral

Hello Greg,

Pursuant to your letter of February 11, 2014, the Gabriola Local Trust Committee considered your referral of bylaws 500.389, 2014 and 1285.19, 2014 at their regular business meeting on March 13. Their response is that their interests are unaffected by the bylaws.

Regards,  
Courtney

*Courtney Simpson, MCIP, RPP*  
*Regional Planning Manager*  
Islands Trust Northern Office  
700 North Road  
Gabriola Island, BC V0R 1X3  
Tel: (250) 247-2209  
Or toll free through Enquiry BC 1-800 663-7867

**From:** Mike Tippett <mtippett@cvrd.bc.ca>  
**Sent:** Thursday, February 13, 2014 2:48 PM  
**To:** Keller, Greg  
**Cc:** External Mary Marcotte  
**Subject:** proposed secondary suites amendment - RDN

Dear Greg,

Thank you for referring the Regional District of Nanaimo proposed secondary suites bylaws to the CVRD.

Our interests are unaffected by this bylaw.

I would also note that the CVRD has had (for around twenty years) similar provisions concerning secondary suites and accessory dwelling units in each of our nine electoral areas, including Area H – North Oyster Diamond, which abuts your Electoral Area A. I think it is fair to say that our Board has found these provisions to be useful in addressing housing affordability matters in rural communities over the time these provisions have been in force at the CVRD.

Best regards,

-Mike

Mike Tippett MCIP, RPP

Manager, Community and Regional Planning Division  
Planning and Development Department  
Cowichan Valley Regional District  
175 Ingram Street, Duncan BC V9L 1N8

Telephone: (250) 746-2602 or 1-800-665-3955 toll-free in BC



COMMUNITY SAFETY & DEVELOPMENT DIVISION

2014-FEB-17

Via email: [gkeller@rdn.bc.ca](mailto:gkeller@rdn.bc.ca)

Greg Keller, MCIP  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo BC V9T 6N2

Attention: Mr. Greg Keller

Re: RDN Secondary Suite Zoning Amendment Referral

Thank you for including the City of Nanaimo in your referral process for zoning amendment bylaws "500.389, 2014" and "1284.19, 2014" regarding the inclusion of secondary suites for most residential and rural zones within the Regional District of Nanaimo (RDN). As you are most likely aware, the City of Nanaimo has permitted secondary suites within a single family dwelling since February, 2005 and within an accessory building since August, 2008. Since the adoption of the original amendment bylaw legal secondary suites have represented a significant portion of the City's rental housing stock and as of 2009 represented 11% of all new residential construction.

Generally, the allowance of both attached and detached secondary suites has been successful in the City of Nanaimo; however, the City has in the past experienced problems related to on-street parking and driveway access for small lot properties with limited frontage. As part of the adoption of the City's Zoning Bylaw in 2011, secondary suites are no longer permitted on lots less than 370m<sup>2</sup> in area.

As the proposed RDN bylaws are similar to the City's secondary suite regulations we do not have any concerns and wish you luck with the proposed amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Stewart".

Dave Stewart, MCIP, M. Plan  
Planner, Planning & Design Section  
**Community Safety & Development**

DS/pm

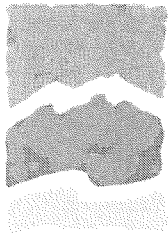
cc: Bruce Anderson, Manager, Planning & Design Section

Our File: ZA1-22

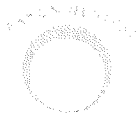
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**\*\*Please note: this is the only copy of this correspondence you will receive, if you require an original, please contact the sender.\*\***

411 Dunsmuir Street, Nanaimo, British Columbia • Phone: 250-754-4251 • Fax: 250-755-4439  
Mailing Address: 455 Wallace Street, Nanaimo, British Columbia, Canada V9R 5J6



REGIONAL  
DISTRICT  
OF NANAIMO



CLIMATE ACTION  
COMMUNITY

February 11, 2014

Bow Horn Bay Fire Protection District  
RR1, Site 190, C-6  
Bowser, BC V0R 1G0

Attention: Mr. Steve Anderosov

Re: Regional District of Nanaimo Secondary Suites Zoning Amendment Bylaws

Following an extensive region-wide community planning process, the Regional District of Nanaimo (RDN) Board granted 1<sup>st</sup> and 2<sup>nd</sup> reading to zoning amendment Bylaws "500.389, 2014" and "1285.19, 2014". The purpose of the proposed zoning amendment bylaws is to allow secondary suites in most residential and rural zones within Electoral Areas A, C, E, F, G, and H.

Currently, secondary suites are considered a dwelling unit and as such are only permitted on parcels which are zoned for more than one dwelling unit. This generally means that secondary suites are not allowed on most residential zoned parcels and rural parcels smaller than 2.0 hectares.

We are requesting comments on the attached proposed amendment bylaws as it relates to your agency's responsibilities. Please send your comments to the email address below or by mail to the RDN Planning Department located at 6300 Hammond Bay Road, Nanaimo, BC, V9T 6N2. We respectfully request your comments no later than Friday March 14<sup>th</sup>, 2014. If we do not receive your comments by this date we will assume that your agency has no objections to the proposed amendment bylaws.

If you have any questions or require clarification, please do not hesitate to contact me by telephone or by email at [ekeller@rdn.bc.ca](mailto:ekeller@rdn.bc.ca). Additional information on the RDN secondary suites project is on the project web site at [www.rdnsecondarysuites.ca](http://www.rdnsecondarysuites.ca).

Sincerely,

Greg Keller, MCIP  
Senior Planner

WE HAVE NO PROBLEM WITH  
THE AMENDMENT BYLAW BUT  
YOUR RECORDS NEED TO BE  
UPDATED. WE ARE NO LONGER  
A PROTECTION DISTRICT, SINCE  
2004 WE ARE BOW HORN BAY  
FIRE DEPARTMENT, A SERVICE  
AREA UNDER THE RDN. THE MAIL  
SHOULD BE ADDRESSED TO:-  
BOW HORN BAY FIRE DEPT.  
220 LIONS WAY  
QUALICUM BEACH BC V9K 2E2

6300 Hammond Bay Rd  
Nanaimo, BC  
V9T 6N2

Ph: (250) 390-4111  
Fax: (250) 390-4111  
Toll: 250-390-4142

RDN Website: [www.rdn.bc.ca](http://www.rdn.bc.ca)



600 Comox Road, Courtenay, BC V9N 3P6  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



File: 6470-20

March 17, 2014

Sent via email only: [gkeller@rdn.bc.ca](mailto:gkeller@rdn.bc.ca)

Mr. Greg Keller  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Mr. Keller:

Re: **Regional District of Nanaimo secondary suites zoning amendment  
bylaws (#500.389, 2014 & #1285.19, 2014)**

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Thank you for referring the above-noted amendment bylaws to the Comox Valley Regional District (CVRD) for comment.

Please be advised that the CVRD does not have any specific comments on the proposed amendments.

Generally, however, the proposed amendments are consistent with the regulation of secondary suites (accessory dwelling units) within the CVRD and similarly reflect the intent of the CVRD's growth management policies to enable the provision of affordable housing through accessory dwelling units within the electoral areas.

Sincerely,

***A. Mullaly***

Alana Mullaly  
Manager of Planning Services  
Property Services Branch

**REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 500.389**

**A Bylaw to Amend Regional District of Nanaimo  
Land Use and Subdivision Bylaw No. 500, 1987**

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 Land Use and Subdivision Amendment Bylaw No. 500.389, 2014".

B. The "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

1. In **Part 2 Interpretation Section 2.1 Definitions** by adding the following definition after 'seafood processing'.

**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 parcel as the secondary suite and may not be subdivided under the *Strata Property Act*.

2. In **Part 3 – Land Use Regulations Section 3.3 General Regulation** is amended by adding the following after Section 3.3.12(h):

- i. Home Based Business shall not be permitted within a secondary suite nor by the occupants of a secondary suite elsewhere on the subject property.

- j. Bed and Breakfast shall not be permitted on a parcel that contains a suite.

- k. Where a secondary suite is located on a parcel less than 4,000 m<sup>2</sup> in area, the Home Based Business must:

- i) be limited to one (1) business; and,
- ii) not include any non-resident home based business employees.

3. In **Part 3 – Land Use Regulations Section 3.3 General Regulation** is amended by adding the following after Section 3.3.15:

- 16) Secondary Suites

- a) Secondary suites shall be permitted in the following zone classifications: RS1, RS1.1, RS2, and RU1 – RU10 (Inclusive).

- b) 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.

- c) Notwithstanding Section 2.1, a secondary suite shall be permitted within an accessory building.

- d) Secondary Suites shall be subject to the following requirements:
  - i) 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 m<sup>2</sup> of total floor space, whichever is lesser;
  - ii) must not be located within a duplex, manufactured home, or multiple dwelling unit development;
  - iii) must provide at least two (2) additional designated off-street parking spaces (at least one (1) must have direct access to the street);
  - iv) shall be maintained in the same real estate entity as the principal dwelling unit to which it is accessory;
  - v) must meet minimum setback requirements for a dwelling unit located in the applicable Zone Classification.
  - vi) must be limited to a maximum of two bedrooms and one cooking facility;
  - vii) must, on parcels without community sewer services, have the approval of the local Health Authority with respect to the provision of sewage disposal;
  - viii) must have its own entrance separate from that of the principal dwelling unit; and,
  - ix) must not be used for short term (less than one month) rentals.
- e) A Secondary Suite may be located within an accessory building subject to the following:
  - i) The minimum site area requirement shall be 800 m<sup>2</sup> for parcels serviced with community water and community sewer or 8,000 m<sup>2</sup> in all other cases.
  - ii) Notwithstanding any other provision in this Bylaw, the maximum height of a building containing a suite shall be 8.0 metres;
  - iii) 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 m<sup>2</sup> of total floor space, whichever is lesser.
  - iv) 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.
- f) Home Based Business shall be in accordance with Section 3.3.12.

g) 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.***

4. In **Part 3 – Land Use Regulations Section 3.4 Regulations for Each Zone** is amended by adding ‘Secondary Suite’ as a Permitted Use as follows:

- I. Section 3.4.61 – 3.4.61.1 Residential 1 and Residential 1.1 Zone after b) Residential Use.
- II. Section 3.4.62 0 – Residential 2 Zone after b) Residential Use- per dwelling unit.
- III. Section 3.4.81- Rural 1 Zone – after f) Silviculture.
- IV. Section 3.4.82 – Rural 2 Zone – after i) Silviculture.
- V. Section 3.4.83 – Rural 3 Zone – after g) Wood Processing.
- VI. Section 3.4.84 – 3.4.89 Rural 4 – Rural 9 Zones – after f) Silviculture.
- VII. Section 3.4.810 – Rural 10 Zone – after b) Home Based Business.

Introduced and read two times this 28<sup>th</sup> day of January 2014.

Read a second time as amended this 25th day of March 2014.

Public Hearing held this \_\_\_ day of \_\_\_\_\_ 20XX.

Read a third time this \_\_\_ day of \_\_\_\_\_ 20XX.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this \_\_\_ day of \_\_\_\_\_ 20XX.

Adopted this \_\_\_ day of \_\_\_\_\_ 20XX.

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Chairperson

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Corporate Officer

**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 m<sup>2</sup> in area, the Home Based Business must be contained in a building.
  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 m<sup>2</sup> 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 m<sup>2</sup> for parcels serviced with community water and community sewer or 8,000 m<sup>2</sup> 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 m<sup>2</sup> 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 28th day of January, 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