

Date: July 24, 2026

To: Gabriola LTC

Re: Draft Gabriola OCP

From: Kees Langereis

DEFINITIONS IN DRAFT OCP

Following is further feedback on some of the definitions in the draft OCP.

TERM DEFINITION	COMMENTS and SUGGESTIONS
Accessory dwelling unit means a dwelling unit <u>accessory to a use</u> that is not residential. Secondary Dwelling Unit means and attached (secondary suite) or detached secondary dwelling unit that is <u>accessory to a principal dwelling</u> on the same lot that is limited in floor area. Secondary Suite means an accessory, self-contained dwelling unit that is within the principal dwelling having equal or lesser floor area than the principal dwelling unit.	How do these 3 definitions interface and do they overlap? The possible circumstances to be covered are: 1 In a Residential zone, the current LUB allows: (a) a dwelling as a principal use, and (b) a dwelling as an accessory use (eg secondary suites). <u>Comments:</u> The in-home suite and/or cottage would be captured as a “secondary dwelling unit” but not as an “accessory dwelling unit”. 2 In a non-residential zone, the current LUB allows: (a) a dwelling as a principal use (eg Agricultural zone in current LUB), and (b) a dwelling as an accessory use (eg Agriculture, Resource and Commercial zones) <u>Comments:</u> The in-home suite and/or cottage would be captured as an “accessory dwelling unit” but also as a “secondary dwelling unit”.

This is premised on “use that is not residential” referring to the name of the zone. For example, the Agricultural or Forestry zones both permit residential use as a principal use but given the titles, they would not be considered a “residential zone”. This is where there is an overlap.

3 in a non-residential zone, the current LUB

(a) Prohibits any residential use, but

(b) Permits residential use as an accessory use. (eg Industrial zone)

Comments: The in-home suite and/or cottage would be captured as an “accessory dwelling unit”

The “secondary suite” is a subset of “secondary dwelling unit” so when “secondary dwelling unit” is cited in a provision it would include the secondary suite.

The draft OCP provision 2.4.2.9.4 (see below) refers to both the accessory dwelling unit and secondary dwelling unit. Consequently, they are intended to be distinct.

While an “accessory dwelling unit” would appear to only capture a dwelling unit allowed as an accessory use in a non-residential zone, the definition of “secondary dwelling unit” would also capture the secondary suite allowed in the AG zone. Part of the problem seems to be that accessory dwelling unit links to “use” whereas secondary dwelling unit links to a dwelling. Secondary suite is also linked to the dwelling.

Just not clear how these 3 definitions interface. Are all 3 needed?

One other comment: the secondary suite definition refers to “having equal or lesser floor area than the principal dwelling unit”. If they are equal in size how would they be distinguished? Usually, the suit is less than the principal dwelling. Allowing them to be equal in size opens the door to argument as to which is principal and which is accessory. Should there be some way to incorporate some other parameter included to determine the distinction if not changed

	I suppose It may not be an issue if all other policies do not distinguish between them, but this would also depend on how the Land Use Bylaw (LUB) policies are drafted. The definitions in the OCP carry into the LUB. <i>“POLICY 2.4.2.9.4: Land use regulations should require potable rainwater catchment systems consistent with installation and maintenance requirements of Island Health for all <u>secondary and accessory dwelling units</u> located in freshwater hazard areas (see Schedule D);”</i> Another question: should “principal dwelling” be defined in the OCP as it is referenced in a number of policies? General drafting comment: the draft OCP uses both “dwelling” and “dwelling unit”. If they are mean the same thing, only one of those terms should be used and believe it would be preferable to use “dwelling unit” in the OCP policies or define both terms.
Community Services uses means uses that support community services to be managed by an established government or registered not for profit organization. Examples include schools, health care facilities, community centre, recycling depot.	Possible redraft: <i>Community Services</i> <i>uses means services that</i> (a) <i>are managed by an established government or registered not for profit organization, and</i> (b) <i>support the community, including but not limited to uses such as schools, health care facilities, community centres or recycling depots.</i> Rationale: easier to read. However, this definition would exclude any if those services provided by a private entity that is not a not-for-profit. I assume this is the intent. Is that correct?
Freshwater Footprint means a spatial planning framework that identifies areas where freshwater quantity, freshwater quality, recharge conditions, saltwater intrusion risk, land use density, and water demand indicate known or potential pressure on freshwater supply.	Suggested redraft: <i>Freshwater Footprint</i> <i>means a spatial planning framework that identifies areas where there is a known or potential negative impact on the freshwater supply due to the area’s</i> (a) <i>freshwater quantity,</i> (b) <i>freshwater quality,</i> (c) <i>recharge conditions,</i> (d) <i>saltwater intrusion risk,</i> (e) <i>land use density, and</i> (f) <i>water demand.</i>
Income, Low means a level of income at which an individual or household has fewer economic	Suggested redraft:

resources than typical members of society, commonly measured as having an adjusted household income below 50% of the median population income, accounting for household size. Income, Moderate means a level of income that falls between the low-income threshold (commonly defined as 50% of median income) and the median income of the population, indicating modest but not severely constrained economic resources.	Income, Low- <i>means an adjusted household income below 50% of the median population income, adjusted for household size.</i> Income, Moderate- <i>means an adjusted household income at or above 50% of the median population income but below the median population income, adjusted for household size.</i> Rationale: the addition of references to economic resources” is not measurable and opens the door to questions such as “what resources”, “what constraints”, how to determine “modest but not severely” etc.
Multi-unit dwelling means a building containing two or more dwelling units (excluding a principal dwelling with a secondary suite), each having their own entrance, which may include an entrance form a common interior corridor or and exterior entrance.	Suggested redraft: "Multi-unit dwelling means a building containing two or more dwelling units, but does not include a principal dwelling containing a secondary suite or other secondary dwelling unit." Rationale: this would capture apartments or duplexes but would exclude the principal dwelling and an in-home suite. Each unit in the building would be a principal dwelling. Is that correct?
Short Term Vacation Rental means short term rental (less than 30 days) of a dwelling or part of dwelling.	Clearer version: Short Term Vacation Rental <i>means the rental of a dwelling or part of a dwelling for a period of less than 30 consecutive days.</i> Rationale: the under 30-day limit and consecutive days are integral. Does placing 30 days in brackets make it less integral to the definition? It seems so.
Special Needs Housing means housing that is purpose-designed or operated to accommodate individuals or households who require additional supports, services, or physical adaptations in order to live safely and independently, including housing for persons with disabilities, seniors requiring assistance, and others with identifiable support needs.	Suggested redraft: Special Needs Housing means housing that is purpose-designed or operated to accommodate individuals or households who require additional supports, services or physical adaptations to live safely and as independently as possible. I deleted the ending because adding them by the “including...” implies they are a different category from the prior description. It seems to me that persons with disabilities, seniors requiring assistance and others would already be captured.