

DATE OF MEETING: October 11, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Chris Hutton, Regional Planning Manager, Salt Spring Island Team
SUBJECT: Proposed Bylaw No. 537 – Accessory Dwelling Units

RECOMMENDATIONS

1. That the Salt Spring Island Local Trust Committee adopts Proposed Bylaw No. 537, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2024.”

BACKGROUND

Proposed Bylaw No. 537, if adopted, will amend Salt Spring Island Land Use Bylaw No. 355 (LUB) to define and regulate accessory dwelling units and update regulations related to secondary suites. The proposed bylaw will also append a new Schedule ‘M’ identifying parcels where accessory dwelling units are permitted.

The proposed bylaw was approved by Executive Committee on February 28, 2024, and is attached here for SS LTC to consider adoption.

Submitted By:	Chris Hutton, Regional Planning Manager	February 28, 2024
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ATTACHMENTS

Appendix 1 Proposed Bylaw No. 537

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 537

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 2, 2023”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

2.1 By adding the following in Section 1.1 “Definitions:”

“Accessory Dwelling Unit” means a dwelling unit accessory to a single-family dwelling unit intended as an independent, separate unit, and subordinate to the principal structure.

2.2 Schedule “M” is appended to and forms part of “Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022”, as shown on attached Plan No. 1

2.3 By replacing Section 3.16 “Secondary Suites” with the following:

3.16 ACCESSORY DWELLING UNITS AND SECONDARY SUITES

Regulations for accessory dwelling units and secondary suites:

3.16.1 *Secondary suites and accessory dwelling units are permitted only on lots that are within or partially within the shaded areas per the following:*

- (1) *Secondary suites - Schedule “I” of this Bylaw;*
- (2) *Accessory dwelling units – Schedule “M” of this Bylaw.*

Information Note: An accessory dwelling unit located within the Provincial Agricultural Land Reserve must also be consistent with the provisions of the Agricultural Land Commission Act and its regulations.

3.16.2 Only one (1) *secondary suite* or one (1) *accessory dwelling unit* is permitted per *lot*.

3.16.3 The *secondary suite* or *accessory dwelling unit* shall not be:

- (1) located within a portion of a *lot* that is identified as a Community Well Capture Zone on Map 22 of the Salt Spring Island Official Community Plan;

- (2) located within a *community water system*, except where written confirmation from the operator of the *community water system* is provided that the site has sufficient capacity to supply a *secondary suite* or an *accessory dwelling unit*;
- (3) operated as a *Bed and Breakfast home-based business*, nor rented on a *temporary* basis.
- (4) subdivided from the dwelling unit, single family to which it is accessory under the Land Title Act or the Strata Property Act.

3.16.4 The *secondary suite* or *accessory dwelling unit* shall be:

- (1) occupied by the owner of the *lot*; or
- (2) occupied by a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbours arising from the occupancy of the property.

Information Note: Pursuant to other provisions of this Land Use Bylaw, short term vacation rentals are not permitted in residential areas.

3.16.5 A building permit must be obtained for any *secondary suite* or *accessory dwelling unit*.

3.16.6 Where water to a *lot* containing a *secondary suite* or an *accessory dwelling unit* is supplied from:

- (1) rainwater collection, the rainwater system must be capable of supplying it with a sufficient quantity of *potable water*;
- (2) Where a *lot* is supplied by groundwater, a *single-family dwelling* containing a *secondary suite*, or an *accessory dwelling unit*, must have sufficient available groundwater.

Information Note: At time of Building Permit application, the Capital Regional District requires specific amounts of potable water be demonstrated, and proof of adequate septic capacity be provided, prior to issuing approvals.

- (3) a combination of sources, a written plan for the supply of water is to be provided under seal of an engineer that demonstrates an adequate supply of potable water;
- (4) a surface water body, a water license, issued or amended after November 30, 1994, must permit the withdrawal of the required amount of water.

Information Note: The provincial Water Management Branch completed a study of surface water availability in November of 1994. Water licenses issued before this time may not be a reliable indication that water is actually available in the necessary quantity.

Accessory Dwelling Unit Regulations

- 3.16.7 The maximum *height* of an *accessory dwelling unit* is 7 metres;
- 3.16.8 The maximum *floor area* of an *accessory dwelling unit* is 56 square metres on *lots equal to or less than 1.2 hectares* in area;
- 3.16.9 The maximum *floor area* of an *accessory dwelling unit* is 90 square metres on *lots greater than 1.2 hectares*;
- 3.16.10 Despite section 4.3, no accessory dwelling unit shall be constructed 4.5 metres from any interior side lot line;
- 3.16.11 The driveway access to the accessory dwelling unit must be shared with access to the principal residence, unless access to the accessory dwelling unit can be provided from a rear lane.
- 3.16.12 The *accessory dwelling unit* can be freestanding or combined with an *accessory building*;
- 3.16.13 The *accessory dwelling unit* must not have a *basement*;
- 3.16.14 The *accessory dwelling unit* including any stairs, decks or porches or other *structures* that are attached to the unit, or that function as part of the unit, should not be located within 6 metres of any other *building* on a *lot*;
- 3.16.15 An *accessory dwelling unit* does not include recreational vehicles, or any *dwelling unit* on wheels.

Secondary Suite Regulations

- 3.16.16 The maximum *floor area* for a *secondary suite* is 90 square metres.
- 3.16.17 The *secondary suite* must be contained within the walls of the *building* that contains the *principal dwelling unit*.
- 3.16.17 The entrance to a *secondary suite* from the exterior of the *building* must be separate from the entrance to the *principal dwelling unit*.

2.4 By adding a change to the table under Subsection 7.1.5 “Minimum Number of Parking Spaces for Automobiles, Disabled Parking and Bicycles” with the following:

TABLE 3 MINIMUM NUMBER OF PARKING SPACES FOR AUTOMOBILES, DISABLED PARKING AND BICYCLES			
LAND USE	Number of Automobile Parking Spaces Required	Number of required Automobile Parking Spaces which must be designed for use by the disabled	Number of Bicycle Parking Spaces Required
RESIDENTIAL			
<i>Seasonal Cottage, Accessory Dwelling Unit or Secondary Suite</i>	1 per unit	0	0

And by making consequential numbering alterations to effect this change.

READ A FIRST TIME THIS 22 DAY OF January 2024
READ A SECOND TIME THIS 22 DAY OF January 2024
READ A THIRD TIME THIS 22 DAY OF January 2024

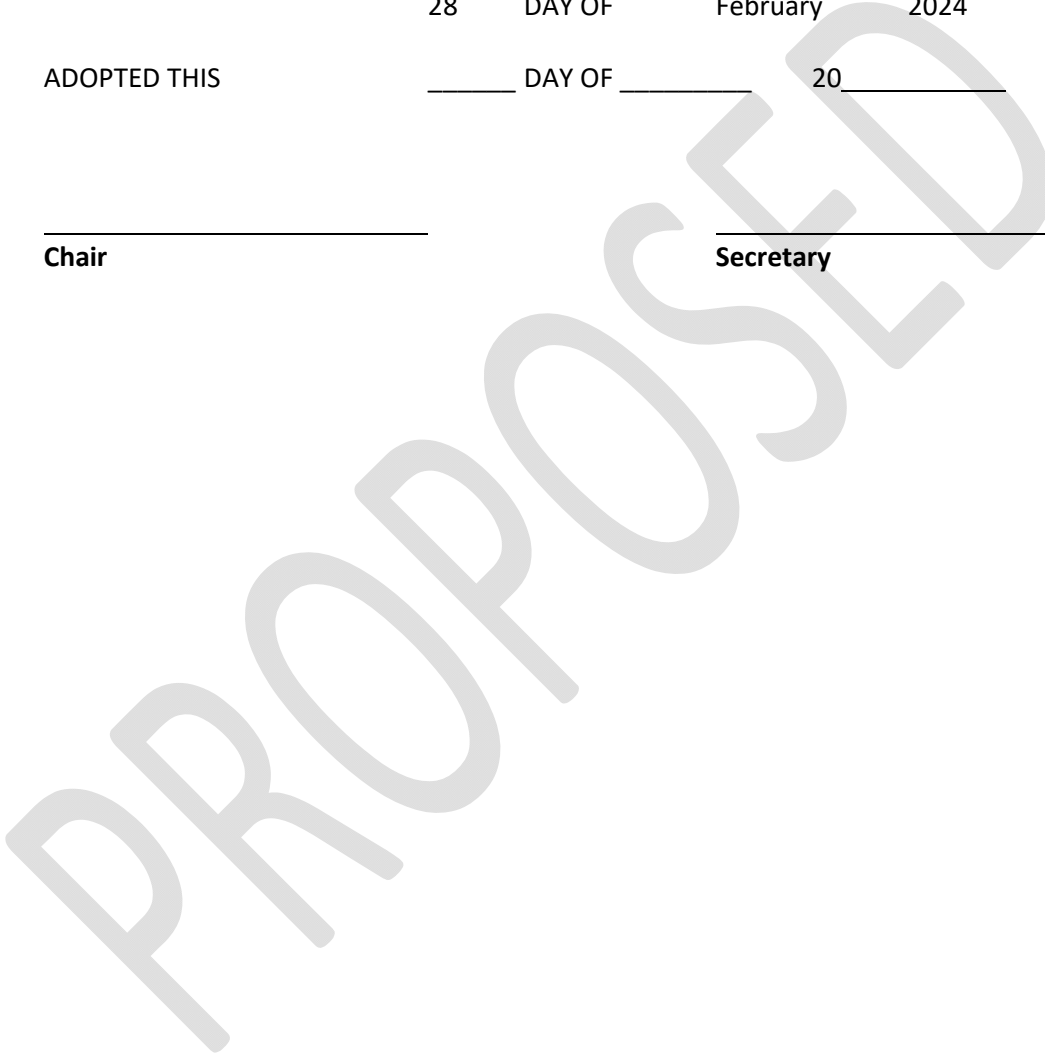
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

28 DAY OF February 2024

ADOPTED THIS _____ DAY OF _____ 20_____

Chair

Secretary



SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 537
Plan No. 1

