

**BOWEN ISLAND MUNICIPALITY
BYLAW NO. 414, 2016**

A Bylaw to amend Bowen Island Land Use Bylaw No. 57, 2002

WHEREAS, “Bowen Island Land Use Bylaw No. 57, 2002” establishes zoning classifications and regulations for land within the municipality; and

WHEREAS “Bowen Island *Official Community Plan* Bylaw No. 282, 2010” establishes a Development Permit Area for the regulation of detached secondary suite development; and

WHEREAS, Council wishes to amend Bowen Island Land Use Bylaw No. 57, 2002 to permit *detached secondary suites* as an accessory use in residential zones:

THEREFORE be it resolved that the Council for Bowen Island Municipality in open meeting assembled enacts as follows:

1.0 CITATION

1.1 This bylaw may be cited for all purposes as “Bowen Island Municipality Land Use Amendment Bylaw No. 414, 2016”.

2.0 DEFINITIONS

2.1 Bowen Island Municipality Land Use Bylaw No. 57, 2002 is amended by:

(a) adding the following definitions to Section 1.1 Definitions under Part 1 - INTERPRETATION:

“ACCESSORY RESIDENTIAL USE” means a *detached secondary suite* or a *secondary suite*”

and

“SECONDARY SUITE, DETACHED” means a self-contained *dwelling unit*, located within an *accessory building*, that is secondary, incidental and associated with a *primary detached dwelling* on the same *lot*.”

(b) removing and replacing the definition of “SECONDARY SUITES” in Section 1.1 Definitions under Part 1 - INTERPRETATION with the following:

“**SECONDARY SUITE**” means a self-contained *dwelling unit* that is secondary, incidental and associated with a *primary dwelling* located within the same building.”

- (c) removing and replacing the definition of “DWELLING, ATTACHED” in Section 1.1 Definitions under Part 1 - INTERPRETATION with the following:

“**DWELLING, ATTACHED**” means a building used for residential purposes that consists of two (2) or more primary *dwelling units*, and for the purposes of this Bylaw, includes *supportive housing*.”

- (d) removing and replacing the definition of “DWELLING, DETACHED” in Section 1.1 Definitions under Part 1 - INTERPRETATION with the following:

“**DWELLING, DETACHED**” means a detached building used for residential purposes that consists of one (1) primary *dwelling unit*, and where permitted by this Bylaw, one *secondary suite*.”

3.0 AMENDMENTS

- 3.1 Bowen Island Municipality Land Use Bylaw No. 57, 2002 is amended by:

- (a) deleting section 3.54 under Part 3 – General Regulations and replacing it with the following:

“ACCESSORY RESIDENTIAL USE

- 3.54 Where permitted in a *zone*, an *accessory residential use* shall comply with the following regulations:

1. not more than one (1) *accessory residential use* shall be permitted on a *lot*;
2. in addition to the parking requirements set out in Part 5 of this Bylaw, at least one *parking space* must be provided on the *lot* for each *secondary suite or detached secondary suite*;
3. no *bed and breakfast* or *commercial guest accommodation* is permitted on a *lot* that contains an *accessory residential use*;
4. a *detached secondary suite* shall not exceed a total *floor area* of 65 square metres plus 0.625% of lot area to a maximum of 115 square metres;

5. the minimum size of *lot* on which a *detached secondary suite* may be located is 0.36 hectares;
6. a *secondary suite* shall not exceed a total *floor area* of 90 square metres; and
7. a *secondary suite* shall not occupy more than 40% of the *habitable floor area* of the *primary detached dwelling*.

(b) adding the following as section 3.55 under Part 3 – General Regulations:

3.55 Subject to the exemptions set out in Section 7.6 of this Bylaw, a development permit shall be required for the construction of, addition to or alteration of a *detached secondary suite* in those areas of Bowen Island designated under Bowen Island Municipality Official Community Plan Bylaw No. 282, 2010 as Detached Secondary Suite Permit Area and the issuance of such a development permit shall be subject to the guidelines set out in Section 7.6 of this Bylaw;

(c) with respect to the tables set out in sections 4.1.1(1)[RR1, RR2, RR3], 4.5.1(1) [SR1, SR2], 4.14.1 (1) [CD1], 4.15.1(1) [Area 1 and Area 2], 4.15.4(1) [Area 3 and Area 4], 4.16.1(1) [CD3], 4.17.1(1) [CD4], 4.19.1(1) [CD7], 4.20.1(1) [CD8], 4.21.1(1) [CD6], 4.22.1(1) [CD9], 4.24.1(1) [CD10] and 4.29.1(1) [CD17]:

- (i) deleting the words “Secondary Suite” under “Accessory Use of Land, Buildings and Structures” and replacing them with the words “Accessory Residential Use”; and
- (ii) replacing the words “Maximum number of dwellings on any lot” or “Maximum number of dwellings on any strata lot” and replacing them with “Maximum number of primary dwellings on any lot” or “Maximum number of primary strata dwellings on any lot”;

(d) adding the following row under “Permitted Buildings and Structures” in the table set out in section 4.2.1(1):

<i>Dwelling, detached</i>	◆	◆
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(e) deleting the words “Dwelling, detached” under “Permitted Buildings and Structures” from the table set out in section 4.4.1(1);

(f) adding the word “sited” under “Conditions of Use” from the table set out in section 4.4.2(1) so that it reads as follow:

“*Dwelling use* shall be sited on a floor above a *permitted use*”;

- (g) deleting the table set out in 4.26.1(1) [CD12] and replacing it with the following:

Lot Coverage	Sub Area 1	Sub Area 2
Maximum combined <i>lot coverage</i> of all <i>buildings, structures</i> , and impervious surfaces	300 m ²	n/a
Number of Units and Site Areas	Sub Area 1	Sub Area 2
Maximum number of <i>primary dwellings</i> on any <i>lot</i>	1	1
Maximum number of <i>primary dwellings</i>	22	1
Maximum number of <i>accessory secondary suites</i> or <i>detached secondary suites</i>	7	1
Maximum number of accessory <i>buildings</i> on any <i>lot</i>	2	2
Maximum number of accessory <i>buildings</i> on any <i>lot</i> that may be used for <i>home occupation</i>	1	1
Maximum size of all <i>buildings</i> , excluding garage and uninhabited accessory <i>buildings</i>	230 m ²	n/a
Despite subsections 3.54.6, and 3.54.7, maximum size of <i>detached secondary suite</i>	75 m ²	75 m ²
Height		
Maximum <i>height</i> of a <i>primary building</i> or <i>structure</i> (metres)	9	9
Maximum <i>height</i> of an <i>accessory building</i> or <i>structure</i> (metres)	9	9
Setbacks		
Minimum <i>setback</i> from <i>side lot lines</i> (metres)	3	3
Minimum <i>setback</i> from <i>front lot lines</i> (metres)	3	7.5
Minimum <i>setback</i> from <i>rear lot lines</i> (metres)	7.5	7.5

- (h) deleting section 4.26.5(1) Definition of Accessory Residential Use.

3.4 Bowen Island Municipality Land Use Bylaw No. 57, 2002 is amended by adding a new Section 7.6 Detached Secondary Suites Development Permit Area as follows:

"7.6 Detached Secondary Suite Development Permit Area

Information Note: *The purposes of the Detached Secondary Suite Development Permit Area are to maintain neighbourhood character and minimize potential impacts to adjacent neighbours. Landscaping plays an important part in maintaining privacy, enhancing the visual aesthetics of the lot and character of the neighbourhood, as well as managing passive energy gain and water conservation.*

Guidelines:

The following guidelines apply to the Detached Secondary Suite Development Permit Area:

Layout and Design

- 1) With respect to site layout, building orientation and design, the *detached secondary suite* shall:
 - a) Reflect the form and character of the primary dwelling in terms of design, scale and proportion and through appropriate choice of finishes, materials and colours.
 - b) Establish and maintain privacy with respect to the adjacent lots through the location and orientation of decks, external stairs, doors, windows and balconies.

Be sensitive to existing development on adjacent lots to minimize over view and shadowing, and to minimize impacts on established views.
 - c) Be unobtrusive and not compete visually with the primary dwelling unit.

Landscaping and Screening

- 2) Landscaping should blend with existing natural features to achieve site unity, coherence and balance.
- 3) Existing mature trees and significant landscape features on the property shall be kept wherever possible.
- 4) Alteration of existing grade and natural site features to accommodate the *detached secondary suite* should be minimized.
- 5) Private outdoor space such as a patio deck or garden area should include landscaping and screening to ensure privacy.

- 6) Additional landscape screening between the *detached secondary suite* and neighbouring lots should be considered especially where the neighbouring lot has a primary dwelling that overlooks the *detached secondary suite*.
- 7) Landscape screening shall include a range of vegetation including but not limited to evergreen trees, hedges, bushes as well as ground cover vegetation like grasses and flowers. Vegetation should be native and drought tolerant.
- 8) Additional landscape and screening shall screen garbage storage areas from being directly viewed from the street or adjacent lots.

Exemptions:

- 9) A development permit shall not be required in the Detached Secondary Suite Development Permit Area for the following conditions:
 - a) Interior alterations to an existing *detached secondary suite* with an approved Detached Secondary Suite Development Permit that do not result in changes to the exterior;
 - b) Alterations that do not affect the exterior appearance of an existing *detached secondary suite* with an approved Detached Secondary Suite Development Permit including, but not limited to, replacement of siding; replacement of windows or doors, and repainting or re-staining the exterior;
 - c) Expansion of an existing *detached secondary suite* with an approved Detached Secondary Suite Development Permit, where the expansion does not increase the floor area by more than 10% of the original floor area, and any new addition complies with the terms of the approved Detached Secondary Suite Development Permit;
 - d) Replacement of a *detached secondary suite* with an approved Detached Secondary Suite Development Permit where the detached secondary suite was destroyed by natural causes and where the replacement complies with the terms of the approved Detached Secondary Suite Development Permit;
 - e) Creation of a *detached secondary suite* in an accessory building constructed with a valid Building Permit before December 2016
 - f) A *detached secondary suite* constructed a minimum of 30 metres from any lot line.
 - g) A *detached secondary suite* not exceeding 5 metres in height and constructed a minimum of 10 metres from any lot line.

READ A FIRST TIME this 25th day of July, 2016;

READ A SECOND TIME this 27th day of February, 2017;

RE-READ A SECOND TIME AS AMENDED this 13th day of March, 2017;

PUBLIC HEARING held this 24th day of April, 2017;

READ A THIRD TIME this 29th day of May, 2017;

FINALLY ADOPTED this 10th day of July, 2017.

Murray Skeels
Mayor

Hope Dallas
Deputy Corporate Officer