

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1310, 2022

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.

(Zoning amendments to replace *Bed & Breakfast* with *Accessory Residential Dwelling Unit* uses in most residential zones).

WHEREAS Section 479 and other parts of the *Local Government Act* authorize zoning and other development regulations;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

1. Text Amendments:

Schedule “B” of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

- A. By replacing within Division 100 – Enactment and Interpretation, Section 103 Definitions the definition of *Accessory Residential Dwelling Unit* so that the new definition reads as follows:

“Accessory Residential Dwelling Unit” (“ADU”) means one *accessory building* used as a *dwelling unit* for *residential* purposes only, accessory to a *single family dwelling* on the same *lot*, and may be occupied by the property owners, their family members, caretakers, tenants or non-paying guests.”

- B. By amending Division 400 – Supplemental Regulations to make the following changes:

- i. within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(2)(c) containing the following:

“(c) an *accessory residential dwelling unit* in a *Zone* that lists such as a permitted use.”

- ii. within Section 404 - Bed & Breakfasts by replacing subsection 404.1(1)(a) with the following:

“(a) in a *single family dwelling* on a lot identified in the B&B Overlay as set out in Schedule “D” ”

- iii. within Section 404 - Bed & Breakfasts by replacing subsection 404.1(2) with the following:

“(2) A maximum of three (3) guest rooms may be used for the *bed and breakfast* with a maximum occupancy of two (2) guests per room.”
- iv. within Section 404 - Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(6) containing the following:

“(6) A *bed and breakfast* must be administered by a permanent resident of the *single family dwelling* for whom the *single family dwelling* is their principal residence.”
- v. within Section 404 - Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(7) containing the following:

“(7) The gross floor area devoted to the *bed and breakfast* use must not exceed 35% of the habitable area of the *single family dwelling* in which it is located.”
- vi. within Section 405 – Guest Houses and Guest Cottages by deleting “*accessory residential dwelling unit*” from subsection 405.3(3); and,
- vii. by adding a new Section 408 – Accessory Residential Dwelling Units in alphanumerical order containing the following:

“408 ACCESSORY RESIDENTIAL DWELLING UNIT (ADU)

408.1 Where a Zone specifically includes an *Accessory Residential Dwelling Unit* as a permitted secondary use, one *Accessory Residential Dwelling Unit* use is permitted if all the following conditions are satisfied for the establishment and continued use of the *Accessory Residential Dwelling Unit*.

- (1) *Accessory Residential Dwelling Units* are only permitted in the *Zones* where *single family dwelling* is listed as a *principal permitted use* and *Accessory Residential Dwelling Unit* is identified as a *secondary permitted use*.
- (2) The *gross floor area* of the *Accessory Residential Dwelling Unit* must not exceed 7% of the lot area to a maximum of 90 m².
- (3) The *gross floor area* of the *Accessory Residential Dwelling Unit* can be excluded from the calculation of maximum size for accessory buildings in the regulations specific to each zone.
- (4) An *Accessory Residential Dwelling Unit* shall only be located to rear of a principal *single family dwelling*.

- (5) A minimum outdoor space equal to the gross floor area of the *Accessory Residential Dwelling Unit* shall be provided as a dedicated space for use by residents of the *Accessory Residential Dwelling Unit*.
- (6) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (7) A clear pathway with a minimum width of 1.0m shall be provided from the sidewalk or street to the front door of the *Accessory Residential Dwelling Unit*.
- (8) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.
- (9) An *Accessory Residential Dwelling Unit* is only permitted where the owner of the lot has registered a covenant under section 219 of the *Land Title Act* against the title of the lot, in favour of the District of Ucluelet and satisfactory in its form and priority of registration, providing that the *Accessory Residential Dwelling Unit* must not be subdivided from the lot containing the principal building, whether pursuant to the *Strata Property Act*, the *Land Title Act*, or otherwise.
- (10) Off-street parking must be provided in accordance with Division 500.
- (11) An *Accessory Residential Dwelling Unit* must be located a minimum of 3m from any lot line and a minimum 4m from the principal dwelling.
- (12) Despite subsection (1) *Accessory Residential Dwelling Units* are also permitted in some Industrial and Commercial zones according to the regulations of those zones.

408.2 In addition to minimum height requirements of other parts of this bylaw:

- (1) For an *Accessory Residential Dwelling Unit* whose roof pitch is equal to or greater than 3:12, the maximum height shall not exceed 4.2m.
- (2) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the maximum height shall not exceed 3.75m.
- (3) The height of an *Accessory Residential Dwelling Unit* may be increased by 0.3m vertical distance for every 0.6m increase in excess of the minimum setbacks established by this bylaw, to a maximum height of 6.5m.
- (4) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the area of a second floor shall be no greater than 60% of the total floor area beneath it.

408.3 For greater certainty, notwithstanding other provisions of this Bylaw, an *Accessory Residential Dwelling Unit* :

- (1) Must not contain a *home occupation* if the principal *single family dwelling* contains a *home occupation*.
- (2) Must not be established or operate on a property where the principal *single family dwelling* contains a *Secondary Suite*, or has been issued a business licence for a *Bed & Breakfast*.
- (3) Must not contain any type of *commercial tourist accommodation* use.
- (4) Must not be established or operate in addition to the maximum number of *dwelling units* in the form of *Guest Cottages* on a property in the GH – Guest House zone.”

C. By deleting “*Bed and Breakfast*” as a permitted secondary use from the list of permitted uses in the following subsections within the Zones:

- i. R-1.1.1.1(2)(a) [R-1 Single Family Residential]
- ii. R-2.1.1(2)(a) [R-2 Medium Density Residential]
- iii. R-4.1.1(2)(a) [R-4 Small Lot Single Family Residential]
- iv. RU-1.1(2)(b) [RU Rural Residential]
- v. CD-1.1.1(2)(a) [CD-1 Eco-Industrial Park]
- vi. CD-2A.1.1(2)(a) [CD-2A Big Beach - District Lot 281]
- vii. CD-3A.1.1(2)(a) [CD-3A Rainforest - District Lot 282]
- viii. CD-5B.1.1(2)(a) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]
- ix. CD-5C.1.1(2)(a) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

D. By inserting “*Accessory Residential Dwelling Unit*” as a permitted secondary use into the list of permitted uses in the following subsections within the Zones:

- i. R-1.1.1.1(2)(a) [R-1 Single Family Residential]
- ii. R-2.1.1(2)(a) [R-2 Medium Density Residential]
- iii. R-4.1.1(2)(a) [R-4 Small Lot Single Family Residential]
- iv. RU-1.1(2)(b) [RU Rural Residential]
- v. GH-1.1(2)(b) [GH Guest House]
- vi. CD-1.1.1(2)(a) [CD-1 Eco-Industrial Park]
- vii. CD-2A.1.1(2)(a) [CD-2A Big Beach - District Lot 281]
- viii. CD-3A.1.1(2)(a) [CD-3A Rainforest - District Lot 282]
- ix. CD-5B.1.1(2)(a) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]

- x. CD-5C.1.1(2)(a) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

E. By deleting subsection R-1.1.1(3); and,

F. By deleting subsection CD-3A.1.1(3).

2. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022”.

READ A FIRST TIME this day of , 2021.

READ A SECOND TIME this day of , 2021.

PUBLIC HEARING held this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022.”

Mayco Noël
Mayor

Paula Mason
Deputy Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Paula Mason
Deputy Corporate Officer