

## 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).

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**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, *residential rental tenure* tenants or non-paying guests.”

- B. By adding within Division 100 – Enactment and Interpretation, Section 103 Definitions the following in alphabetical order:

“**Principal Residence – Non-Property Owner**” means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licences, personal identification, vehicle registration and utility bills;

“**Principal Residence – Property Owner**” means the dwelling where an individual lives and is the property where the person claims the provincial home owner grant;

C. 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 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(3) containing the following:

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

- iii. by replacing Section 404 - Bed & Breakfasts with the following:

#### **“404 BED & BREAKFASTS**

**404.1** One *bed and breakfast* use is permitted within a *single family dwelling* if all the following conditions are satisfied for the establishment and continued use and operation of the *bed and breakfast*:

- (1) *Bed and Breakfasts* are only permitted:
  - (a) in the Zones where *single family dwelling* is listed as a *principal permitted use* and *bed and breakfast* is identified as a *secondary permitted use*;
  - (b) *accessory* to a permanent *residential* use and must be administered by an occupant of the *single family dwelling* for whom the *single family dwelling* is their *principal residence*;
  - (c) within one *single family dwelling* per lot; and
  - (d) within a *building* and on a *lot* that does not include a *Daycare Centre* or a *Community Care Facility*.
- (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.
- (3) 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.
- (4) The area designated for *Bed and Breakfast* use (including *guest rooms* and any common room provided outside of the *residential* occupant’s personal area) must not contain the following:

- (a) Cooking facilities or appliances, with the exception of a microwave, toaster, kettle and/or coffee maker;
  - (b) 220-volt supply which could be used for larger appliances;
  - (c) Refrigerators in excess of 5.0 cubic feet capacity.
- (5) A valid District of Ucluelet Business Licence is required in order to register a *bed and breakfast*.
  - (6) Off-street parking must be provided in accordance with Division 500.
  - (7) Consistent with a traditional bed and breakfast use a *bed and breakfast* use must include a minimum service of a continental breakfast.
  - (8) A *bed and breakfast* use must be accessed from the main entry of the home in which it operates, and cannot operate remotely utilizing coded entry locks and/or key lock boxes.
  - (9) Any exterior door to rooms used for *bed and breakfast* uses must not be utilized as the principal entrance and exit to the *bed and breakfast* use.
  - (10) A *bed and breakfast* use is an integral part of the home and must not have a separated or locked-off common area.

**404.2** For greater certainty, notwithstanding other provisions of this Bylaw, *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;
- (4) must not be located in an *accessory residential dwelling unit*, in a *secondary suite* or in the area of a *single family dwelling* which was formerly a *secondary suite*.

**404.3** *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;

(4) must not be located in an *accessory residential dwelling unit*, in a *secondary suite* or in the area of a *single family dwelling* which was formerly a *secondary suite*."

- iv. within Section 405 – Guest Houses and Guest Cottages by deleting "*accessory residential dwelling unit*" from subsection 405.3(3); and,
- v. 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 m<sup>2</sup>.
- (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) 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*.
- (5) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (6) 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*.
- (7) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.

- (8) 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.
- (9) Off-street parking must be provided in accordance with Division 500.
- (10) An *Accessory Residential Dwelling Unit* must be located a minimum of 3m from any lot line and a minimum 4m from the principal dwelling.
- (11) 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 contain any type of *commercial tourist accommodation* use.

(3) 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.”

**D.** By amending Division 500 – Off-Street Parking to make the following changes:

**i.** within Section 504 – Off-Street Parking Design Standards by adding in alphanumeric order a new subsection 504.7 containing the following:

“504.7 Off-street parking areas on a lot serving Single Family Dwelling, Duplex Dwelling, Secondary Suite, Accessory Dwelling Unit and/or Bed & Breakfast uses shall be accessed by no more than two driveways from a public road with a maximum total combined driveway crossing width at property line of 7m, except for a corner lot which may be accessed by no more than one driveway from each of the fronting and flanking streets, with maximum driveway crossing widths at property line of 7m and 3m, respectively.”

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

**F.** By deleting subsection R-1.1.1(3);

**G.** By deleting subsection CD-3A.1.1(3); and,

**H.** By deleting subsection 403.1(5).

**2. Citation:**

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

**READ A FIRST TIME** this **31st** day of **May** , 2022.

**READ A SECOND TIME** this **31st** day of **May** , 2022.

**PUBLIC HEARING** held this **28th** day of **June** , 2022.

**SECOND READING RESCINDED** this **2<sup>nd</sup>** day of **August** , 2022.

**AMENDED** this **2<sup>nd</sup>** day of **August** , 2022.

**READ A SECOND TIME AS AMENDED** this **2<sup>nd</sup>** day of **August** , 2022.

**PUBLIC HEARING** held this    day of    , 2022.

**READ A THIRD TIME** this    day of    , 2022.

**ADOPTED** this    day of    , 2022.

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

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Mayco Noël  
Mayor

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Corporate Officer

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

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Corporate Officer