

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4825

A Bylaw to amend the *Zoning Bylaw No. 3531, 1986*

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts that *Zoning Bylaw, 1986*, being *Bylaw No. 3531* as amended, is further amended as follows:

1. By removing the following definition in Part 2 Interpretation:

"DWELLING, ONE-FAMILY" means a detached building used exclusively for residential purposes and consisting of one (1) dwelling unit.

2. By adding the following definition to Part 2 Interpretation:

"DWELLING, ONE-FAMILY" means any detached building used exclusively for residential purposes and consisting of one (1) dwelling unit and, where permitted, a One-Family Dwelling may include a fully enclosed Secondary Suite as an independent dwelling unit located within the principal building.

3. By adding the following to the definition of "FAMILY":

For the purposes of this definition, a family also includes one caregiver providing services to the household.

4. By adding the following definition to Part 2 Interpretation:

"SECONDARY SUITE" means a dwelling unit that is a Secondary Use to a One-Family Dwelling for use as a separate and independent residence, with sleeping facilities, sanitary facilities, and cooking facilities that are for the exclusive use of the occupant(s) of the suite.

5. By removing the following wording from section 4.6 Regulation for the Size, Shape, and Siting of Building and Structures:

4.6.3 A part of a building that is separated from the major portion of the building by a space or non-habitable room shall be deemed to be a separate building.

6. By adding the following wording to section 4.6 Regulation for the Size, Shape, and Siting of Building and Structures:

4.6.3 A part of a building that is separated from the major portion of the building by a space or non-habitable room shall be deemed to be a separate building. This provision does not apply to a Secondary Suite that is connected to the primary dwelling unit by a bathroom, utility room, workroom, storage room, closet, pantry, bath or toilet room or laundry room and similar spaces except a breezeway or enclosed hallway.

7. By adding the following wording to section 5.1 Prohibited Uses of Lands, Buildings and Structures:

5.1.1(20) Use of a private residential dwelling unit (or part of a dwelling unit) for short term accommodations that are rented to a person or persons on a temporary basis for a period of less than 30 consecutive days.

8. By adding the following to the RS-1 One Family Residential Use, under Subsection 6.1.2 Secondary Use Permitted:

Secondary Suite use conforming to 4.2.13

9. By adding the following to the RS-2 One Family Residential Use, under Subsection 6.2.2 Secondary Use Permitted:

Secondary Suite use conforming to 4.2.13

10. By adding the following to the RS-3 One Family Residential Use, under Subsection 6.3.2 Secondary Use Permitted:

Secondary Suite use conforming to 4.2.13

11. By adding the following to the RS-4 One Family Residential Use, under Subsection 6.4.2 Secondary Use Permitted:

Secondary Suite use conforming to 4.2.13

12. By adding the following to the RS-5 One Family Residential Use, under Subsection 6.5.2 Secondary Use Permitted:

Secondary suite use conforming to 4.2.13

13. By adding the following wording to Section 4.2. *Permitted Uses of Lands, Buildings and Structures*:

4.2.13 A Secondary Suite use, where permitted, must conform to the regulations of this section:

4.2.13.(1) Shall be wholly contained within an integral part of the One Family Dwelling.

4.2.13.(2) Shall not be connected to the primary dwelling unit by a breezeway or enclosed hallway.

4.2.13.(3) Shall only be permitted in an owner-occupied One-Family Dwelling. The registered owner(s) of the property shall:

(a) occupy either the primary dwelling unit or the Secondary Suite dwelling unit as their principal residence; and

(b) submit to the Municipality a completed and signed "Owner's Declaration of Secondary Suite".

4.2.13.(4) Shall meet all BC Building Code requirements for Secondary Suites within newly constructed buildings or the alternate compliance methods for alterations to existing buildings to add a secondary suite.

4.2.13.(5) No more than one Secondary Suite is permitted per lot or per One-Family Dwelling.

4.2.13.(6) Where a One-Family Dwelling contains both a Secondary Suite, and a Boarding Use within the primary dwelling unit, the total number of unrelated individuals living in the building must not exceed six.

4.2.13.(7) A Secondary Suite shall not contain a Boarding use.

This Bylaw may be cited as *Zoning Bylaw No. 3531, 1986, Amendment Bylaw No. 4825, 2022*.

READ a first and second time by the Municipal Council on July 18, 2022

PUBLIC HEARING held on September 8, 2022

READ a third time by the Municipal Council on September 19, 2022

ADOPTED AND FINALLY PASSED by the Municipal Council on September 20, 2022

Mayor

Director of Corporate Services

Sealed with the Seal of The Corporation of
the District of Oak Bay.