

**DENMAN ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 211**

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A bylaw to amend the Land Use Bylaw to allow secondary suites and secondary housing units on lands zoned "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource).

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The Denman Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

- 1 Denman Island Land Use Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008", is amended as detailed on attached Schedule 'A' of this amending bylaw.
- 2 This Bylaw may be cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014"

READ A FIRST TIME this 7<sup>th</sup> day of May , 2014

PUBLIC HEARING this 10<sup>th</sup> day of June , 2014

READ A SECOND TIME this 15<sup>th</sup> day of July , 2014

READ A THIRD TIME this 16<sup>th</sup> day of September , 2014

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST  
this 7<sup>th</sup> day of October , 2014

ADOPTED this 28<sup>th</sup> day of November , 2014

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Chairperson

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Secretary

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**Schedule 'A'**

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1. Part 1, "Administration", is amended by:

Deleting the existing definitions of "secondary dwelling unit" and "secondary suite" and adding the following definitions in Section 1.1, "Definitions", in alphabetical order:

*"Moveable housing unit* means a dwelling unit capable of being moved from location to location which does not require a permanent foundation;

*Secondary suite* means an accessory, self-contained dwelling unit, located within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a lesser floor area than the principal dwelling unit;

*Secondary dwelling unit* means a dwelling unit, which may be a moveable housing unit, that is accessory to a permitted principal dwelling unit and which is limited in floor area;"

2. Section 2.1, "Uses, Buildings and Structures" of Part 2, "General Regulations" is amended by inserting the text, "or as a secondary dwelling unit approved by a Temporary Use Permit" in point 6 after the word "unit" and deleting bullet three.
3. Section 2.1, "Uses, Buildings and Structures" of Part 2, "General Regulations" is amended by the addition of a new section entitled "Secondary Suites and Dwelling Units" as shown below, following regulation 3 of "Principal Dwelling Units" and renumbering the subsequent points.
- 4 Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource). Secondary suites are generally permitted within these zoning designations without the need for a Temporary Use Permit.
- 5 A secondary suite is permitted within a dwelling unit provided that:
- a) Either the dwelling unit or secondary suite is occupied by the owner of the dwelling unit; or the dwelling unit or the secondary suite is 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;
  - b) There is a maximum of one secondary suite permitted per lot;
  - c) The secondary suite is contained within the walls of a permitted dwelling unit;
  - d) The secondary suite shall have an external access only which is separate from that of the principal dwelling;
  - e) The floor area permitted for a secondary suite is no more than 40% of the floor area of the dwelling unit to a maximum of 90 square metres;
  - f) One off-street parking space is provided for the exclusive use of the secondary suite; and
  - g) The secondary suite is not subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.

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**INFORMATION NOTE:** Any time two dwellings share a common water supply they are considered to be a "community water system" under the provisions of the *Health Act* and must comply with the requirements of the Act.

- 6 Where permitted by a Temporary Use Permit a secondary dwelling unit shall:
  - a) Not have a floor area in excess of 140 square metres;
  - b) Shall not be located more than 60 metres from the principal residence unless otherwise approved by the Local Trust Committee as a condition of the permit; and
  - c) Be connected to an approved sewerage system.
  - d) Include a rainwater catchment and storage system for a capacity of at least 1,000 gallons unless otherwise approved by the Local Trust Committee as a condition of the permit.
- 7 A written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water prior to the issuance of any permits to allow the use.
- 8 Where water is supplied to a secondary suite or a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity prior to the issuance of any permits to allow the use.
- 9 Where water is to be supplied from a surface water body, a water license, issued by the Province, must permit the withdrawal of the required amount of water prior to the issuance of any permits to allow a secondary suite or secondary dwelling unit.

**INFORMATION NOTE:** Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.

**INFORMATION NOTE:** Secondary suites and secondary dwelling units are not permitted to be used for short term vacation rental or for the accommodation of paying guests in accordance with Regulation 2.1.2 of the Denman Island Land Use Bylaw.

4. Table 1 of Section 3.3, "Residential Zoning Tables" of Part 3, "Zoning Regulations", is amended by the addition of a new item 9 under "Accessory Uses" as follow:

"9 Secondary suites and secondary dwelling units";

and adding a check mark in the R2 column to be accompanied by an asterisked note stating, "Secondary dwelling units must be approved through a Temporary Use Permit".

5. Table 1 of Section 3.4, "Resource Zoning Tables" of Part 3, "Zoning Regulation" is amended by the addition of a new item 12 under "Accessory Uses" as follow:

"12 Secondary suites and secondary dwelling units";

and adding a check mark in the in the "A", "F" and "RE" columns, each to be accompanied by an asterisked note advising that, "Secondary dwelling units must be approved through a Temporary Use Permit".

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**Schedule 'A'**

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6. Part 5, "Temporary Use Permits", is amended by numbering the existing area as "Area 1" and inserting the following text after that section:

"Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource).

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan.

Guidelines

- Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource) by the Denman Island Land Use Bylaw.
- Guideline 2 Compliance with the requirements of the "Secondary Suites and Accessory Dwellings" regulations of Part 2, "General Regulations", is a condition of approval.
- Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.
- Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.
- Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:
- a) Adequate off-road parking should be provided;
  - b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
  - c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
  - d) Other requirements that the Local Trust Committee may consider appropriate."