



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area D, E, F: Anglemont Zoning Bylaw No. 650, Electoral Area E Zoning Bylaw No. 841, and Rancho/Deep Creek Zoning Bylaw No. 751 Policy Resolution and Proposed Bylaw Amendments

DESCRIPTION: Report from Christine LeFloch, Planner III, dated November 1, 2024. Policy Resolution and Proposed Bylaw Amendments

RECOMMENDATION: THAT: the Board endorse a policy resolution to not enforce Sections 5.4.2(g), 5.4.2(h), 5.5.2(h), 5.5.2(i), 5.6.2(h), 5.6.2(i), 5.7.2(h), 5.7.2(i), 5.8.2(h), 5.8.2(i) of Anglemont Zoning Bylaw No. 650, Section 4.10.4(i) of Rancho/Deep Creek Zoning Bylaw No. 751, and Section 4.13.4(j) of Electoral Area E Zoning Bylaw No. 841;

AND THAT: the Board direct staff to initiate amendments to remove the above noted sections from Anglemont Zoning Bylaw No. 650, Rancho/Deep Creek Zoning Bylaw No. 751, and Electoral Area E Zoning Bylaw No. 841.

Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

Specific sections of Anglemont Zoning Bylaw No. 650, as amended (Bylaw No. 650) which regulate the minimum floor area and dimensions of single detached dwellings, row housing units and multiple dwellings are not permitted by the Local Government Act (LGA) and may be subject to legal challenge. Sections of Rancho/Deep Creek Zoning Bylaw No. 751, as amended (Bylaw No. 751) and Electoral Area E Zoning Bylaw No. 841, as amended (Bylaw No. 841) regulating the minimum floor area of manufactured homes are also not permitted under the LGA. Staff are recommending that the Board endorse a policy resolution to not enforce these sections and direct staff to initiate the appropriate amendments to remove these sections from the applicable bylaws.

BACKGROUND:

The CSRD recently received a building permit application to place a manufactured home on a property in Anglemont that is zoned RS-1. The building is less than 5.0 m wide and does not meet the provisions of Section 5.6.2(i) which regulates the minimum horizontal dimensions of a single detached dwelling. Staff sought further clarification regarding this regulation and learned that Section 5.6.2(i) and Section 5.6.2(h) minimum floor area, net on the largest floor of a single detached dwelling are not permitted under the LGA. Upon further investigation it was found that other zones in BL650 contain the same provisions and there are similar provisions specific to manufactured homes contained in the MHP1 Manufactured Home Park Zone in both Rancho/Deep Creek Zoning Bylaw No. 751 and Electoral Area E Zoning Bylaw No. 841.

POLICY:

[Anglemont Zoning Bylaw No. 650](#)

Definitions:

BUILDING is a structure used or intended for supporting or sheltering a use or occupancy and does not include a recreational vehicle.

FLOOR AREA, NET is the total area of all storeys in a building measured to the outside face of exterior walls, or, as applicable, the area associated with each specific use measured to the outside face of the walls of the area. For portions of buildings without walls, the floor area is measured from the outside edges of posts. Floor area, net does not include balconies, decks, and parking areas.

HORIZONTAL DIMENSIONS are the horizontal distances of length and width of a floor of a building measured to the outside faces of exterior walls.

SINGLE DETACHED DWELLING means a detached building containing only one (1) principal dwelling unit and, where permitted by this Bylaw, one (1) secondary dwelling unit. For the purposes of this Bylaw, a manufactured home is considered a single detached dwelling.

RR-60 Rural Large Lot Zone

- 5.3.2(g) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m²
- 5.3.2(h) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

RR-4 Rural Small Lot Zone

- Section 5.4.2(g) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m²
- Section 5.4.2(h) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

CR Country Residential Zone

- Section 5.5.2(h) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m²
- Section 5.5.2(i) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

RS-1 Residential Zone

- Section 5.6.2(h) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m²
- Section 5.6.2(i) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

RS-5 Residential Summer Home Zone

- Section 5.7.2(h) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m²
- Section 5.7.2(i) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

RM-2 Residential Townhouse Zone

- Section 5.8.2(g) Minimum floor area, net of a row house dwelling unit – 60 m²
- Section 5.8.2(h) Minimum floor area, net of a multiple dwelling unit – 40 m²

[Ranchero/Deep Creek Zoning Bylaw No. 751](#)Definitions:

FLOOR AREA, NET is the total area of all storeys in a building measured to the outside face of exterior walls, or, as applicable, the area associated with each specific use measured to the outside face of the walls of the area. For portions of buildings without walls, the floor area is measured from the outside edges of posts. Floor area, net does not include balconies, decks, and parking areas;

MANUFACTURED HOME is a detached dwelling unit, that is factory built to comply with or exceed the CAN/CSA Z240 MH Series, "Mobile Homes"

MHP1 – Manufactured Home Park Zone

- Section 4.10.4(j) Minimum gross floor area of a manufactured home - 45 m²

[Electoral Area E Zoning Bylaw No. 841](#)

Definitions:

FLOOR AREA, NET is the total area of all storeys in a building measured to the outside face of exterior walls, or, as applicable, the area associated with each specific use measured to the outside face of the walls of the area. For portions of buildings without walls, the floor area is measured from the outside edges of posts. Floor area, net does not include balconies, decks, and parking areas;

MANUFACTURED HOME is either: (a) a detached dwelling unit, that is factory-built to comply with or exceed the CAN/CSA Z240 MH Series (manufactured homes), (b) a detached dwelling unit, that is factory-built to comply with or exceed the CAN/CSAA277 (modular homes);

MHP1 – Manufactured Home Park Zone

- Section 4.13.4(j) Minimum gross floor area of a manufactured home - 45 m²

FINANCIAL:

Financial implications for the CSRD may include costs associated with legal representation and staff time should these sections of Bylaw Nos. 650, 751 and 841 be subject to legal challenge.

KEY ISSUES/CONCEPTS:

Staff recently learned that provisions of Bylaw No. 650 which regulate the minimum area and dimensions of single detached dwellings in the RS-1 Residential 1 Zone in Anglemont are not permitted under the LGA and may be subject to legal challenge on the basis that local governments do not have the authority to require minimum width and minimum floor areas. Bylaw No. 650 was adopted in 1998.

The CSRD has learned that it may regulate the maximum size, width, length, or height with respect to siting, size and dimensions of buildings and structures but it cannot require a minimum. Regulations that set a maximum size or dimension allow for buildings and structures to be designed to be less than the maximum and are therefore not requiring that a building must be constructed to the maximum. Whereas regulations that set a minimum size or dimension require that a building must be constructed to at least the minimum size or dimension. Legislation does not permit local governments to set minimum requirements. As such, the regulations pertaining to minimum horizontal dimensions and minimum floor area with respect to dwellings are not allowed.

In response to this new information, staff have reviewed all CSRD zoning bylaws and found that regulations for the minimum floor area and dimensions of dwellings are in multiple zones contained in Bylaw No. 650. There are also regulations specifying the minimum floor of a manufactured home in Bylaw Nos. 751 and 841. These bylaws were adopted in 2018 and 2022 respectively.

Therefore, staff recommend that the Board endorse a policy not to enforce the applicable sections and further, to direct staff to remove these provisions from Bylaw Nos. 650, 751 and 841.

IMPLEMENTATION:

If the Board agrees with the staff recommendation, the applicable sections of Bylaw Nos. 650, 751 and 841 will not be enforced. Further, staff will initiate bylaw amendments to remove these sections from these bylaws. A subsequent Board report and amending bylaws will be prepared for Board review at a future Board meeting.

COMMUNICATIONS:

If the Board endorses the staff recommendations Development Services staff will be advised of the decision not to enforce sections of Bylaw Nos. 650, 751 and 841 which regulate a minimum floor area and minimum horizontal dimension for dwellings of various types.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2024-11-21_Board_DS_BL650_BL751_BL841_Policy_Resolution.docx
Attachments:	
Final Approval Date:	Nov 14, 2024

This report and all of its attachments were approved and signed as outlined below:



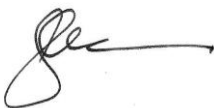
Corey Paiement

No Signature - Task assigned to Gerald Christie was completed by assistant Crystal Robichaud

Gerald Christie

No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud

Jennifer Sham



John MacLean