

COLUMBIA SHUSWAP REGIONAL DISTRICT

MAGNA BAY ZONING AMENDMENT BYLAW NO. 800-35

A bylaw to amend the "Magna Bay Zoning Bylaw No. 800"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 800;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 800;

NOW THEREFORE the Board of the Columbia Shuswap Regional District in open meeting assembled, HEREBY ENACTS as follows:

1. "Magna Bay Zoning Bylaw No. 800", as amended, is hereby further amended as follows:

A. TEXT AMENDMENT

1. Schedule A, Zoning Bylaw Text, is hereby amended as follows:

a. All instances of "*single family dwelling*" used throughout the bylaw shall be replaced with "*single detached dwelling*".

2. Part 1 Definitions shall be amended by:

a. Deleting the following definitions: BASEMENT SUITE, FAMILY, GUEST ACCOMMODATION, GUEST COTTAGE, and SINGLE FAMILY DWELLING.

b. Adding the following definitions in alphabetical order:

- i. HOUSEHOLD means people living together in one (1) *dwelling unit* using a common kitchen;
- ii. KITCHEN means facilities used or designed to be used for the cooking or preparation of food;
- iii. MULTIPLE DWELLING is a *building* containing three or more *dwelling units* each of which is occupied or intended to be occupied as a permanent home or residence of not more than one *household*, but does not include *row house dwelling*;
- iv. SECONDARY DWELLING UNIT is an additional, self-contained, *dwelling unit* that is accessory to the *single detached dwelling* on a parcel. For clarity, *duplexes*, *multiple-dwellings*, boarding rooms and rooming houses are excluded from the definition of *secondary dwelling unit*.
- v. SECONDARY DWELLING UNIT, ATTACHED is a *secondary dwelling unit* that shares at least one common wall with the *single detached dwelling*;
- vi. 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*;

- vii. VACATION RENTAL is the *use* of a residential *dwelling unit* for *temporary* accommodation on a commercial basis. Vacation rental does not include meeting rooms, eating and drinking establishment, concierge, or retail sales.

c. Amending the following definitions:

- i. DWELLING UNIT is a use of one (1) or more rooms in a *building* with self-contained eating, living, sleeping and sanitary facilities and not more than one *kitchen*, used or intended to be used as a residence for no more than one (1) household;

3. Part 3 General Regulations - Sections 3.10 Basement Suite and 3.13 Guest Accommodation shall be deleted and replaced with "Deleted." The following text shall be added as Section 3.10:

"3.10 Secondary Dwelling Unit

- .1 Where permitted in a zone, the number and type of *secondary dwelling unit* (SDU) is determined by the *parcel* size and level of service:

Parcel Size	Level of Service	SDU Regulation	Total Dwelling Units Permitted***	Number of Residential Buildings Permitted
Any	Community Sewer System**	1 attached* <u>and</u> 1 detached SDU	3	2
< 1 ha	On-site Sewage Disposal	1 attached* <u>or</u> 1 detached SDU	2	1-2
1 ha – 8 ha	On-site Sewage Disposal	1 attached SDU* <u>and</u> 1 detached SDU	2-4	2-3
>8 ha	On-site Sewage Disposal	1 attached* <u>or</u> 1 detached SDU per single detached dwelling	2-4 depending on whether a property is in the ALR	2-4

*Attached SDU is a *secondary dwelling unit* that shares at least one common wall with the single detached dwelling.

**For an SDU, despite the definition in Part 1 of this bylaw, the number of connections for a community sewer system may be less than 50 provided written confirmation from the sewer system operator that the system has the capacity to service the proposed SDU is received.

***The total number of dwelling units permitted is based on the number of single detached dwellings permitted in a zone plus the number of SDUs permitted in this section.

.2 A secondary dwelling unit must:

- (a) have a floor area no greater than 140 m²;
- (b) have a door direct to the outdoors without passing through any part of the *single detached dwelling unit*;
- (c) remain under the same legal title as the principal *single detached dwelling unit*, and not be stratified;
- (d) be serviced by an on-site sewerage disposal system in accordance with the Sewerage System Regulations of the Public Health Act and it must be demonstrated that there is a suitable back up field area on the parcel unless a community sewer system is available in which case connection to the community sewer system is required. For lots less than 1 ha the back up field area is required to be protected by a Section 219 covenant.
- (e) be serviced with potable water from either a *domestic water system* or a *community water system*;
- (f) not be used as a *vacation rental* unless expressly permitted by this *Bylaw*;
- (g) not be used as a *bed and breakfast*; and,
- (h) Off-street parking shall be provided in accordance with Part 4 of this bylaw.

.3 Notwithstanding 3.9.1 and 3.9.2, *secondary dwelling units* on property within the Agricultural Land Reserve (ALR) must be in accordance with Agricultural Land Commission regulations for residential dwelling units in the ALR.

.4 Notwithstanding the provisions of Section 3.9, where a special regulation within a zone permits more than one *dwelling unit* on a parcel, a *secondary dwelling unit* is not permitted."

4. Part 4 Off Street Parking and Off Street Loading Regulations shall be amended as follows:

- a. Table 1 – delete *Guest Accommodation* and associated regulation, and add the following after Retail Store:

<i>Secondary dwelling unit (SDU)</i>	One (1) for a studio or 1 bedroom SDU; or Two (2) for a two (2) or more bedroom SDU	
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5. Part 5 Zones shall be amended as follows:

AGRICULTURE ZONE - A

- Section 5.2(1) by adding “(k) *Secondary dwelling unit*”; and
- Section 5.2(2) by adding the following row to the Regulations table:

(g) Maximum number of <i>secondary dwelling units</i> per <i>parcel</i>	<ul style="list-style-type: none"> • Shall be in accordance with Section 3.10
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- Section 5.2(2)(d) Column 2 shall be amended as follows:
 - On parcels less than 8 ha (19.76 ac); 1
 - On parcels equal to or greater than 8 ha (19.76 ac); 2

RURAL ZONE - R

- Section 5.3(1)(e) by replacing "*Guest accommodation*" and associated regulations with "*Secondary dwelling unit*"; and
- Section 5.3(2) by adding the following row to the Regulations table:

(g) Maximum number of <i>secondary dwelling units</i> per <i>parcel</i>	<ul style="list-style-type: none"> • Shall be in accordance with Section 3.10
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- Section 5.3(2)(d) Column 2 shall be amended as follows:
 - On parcels less than 8 ha (19.76 ac); 1
 - On parcels equal to or greater than 8 ha (19.76 ac); 2

COUNTRY RESIDENTIAL ZONE - CR

- Section 5.4(1)(c) by replacing "*Guest accommodation*" and associated regulations with "*Secondary dwelling unit*"; and
- Section 5.4(2) by adding the following row to the Regulations table:

(h) Maximum number of <i>secondary dwelling units</i> per <i>parcel</i>	<ul style="list-style-type: none"> • Shall be in accordance with Section 3.10
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RESIDENTIAL ZONE - RS

- Section 5.5(1)(c) by replacing "*Guest accommodation*" and associated regulations with "*Secondary dwelling unit*"; and
- Section 5.5(2) by adding the following row to the Regulations table:

(h) Maximum number of <i>secondary dwelling units</i> per <i>parcel</i>	<ul style="list-style-type: none"> • Shall be in accordance with Section 3.10
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- Section 5.5(3)(b) shall be amended to read as follows:
 - Despite Part 3 General Regulations, Section 3.10.2(a), the maximum *floor area, net* of the *secondary dwelling unit* on Lot E, Section 13, Township 23, Range 10, W6M, KDYD, Plan 29668 is 140.63 m².
 - Bullet (ii) to be deleted. Map to remain as is.

2. This bylaw may be cited as "Magna Bay Zoning Amendment Bylaw No. 800-35"

READ a first time this 16th day of March, 2023.

READ a second time as amended, this 15th day of February, 2024.

READ a third time this _____ day of _____, 2024.

Approved pursuant to Section 52(3)(a) of the Transportation Act this _____ day of _____, 2024.

for: Ministry of Transportation and Infrastructure

ADOPTED this _____ day of _____, 2024.

CORPORATE OFFICER

CHAIR

CERTIFIED true copy of Bylaw No. 800-35
as read a third time.

CERTIFIED true copy of Bylaw No. 800-35
as adopted.

CORPORATE OFFICER

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