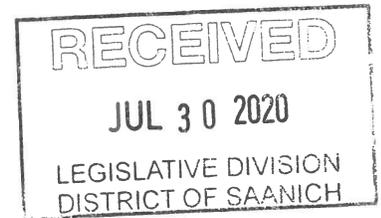




The Corporation of the District of Saanich

# Report

**To:** Mayor and Council  
**From:** Sharon Hvozdzanski, Director of Planning  
**Date:** July 30, 2020  
**Subject:** Garden Suite Study – Bylaw Amendments  
**File:** 2140-50 • Garden Suites



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## RECOMMENDATION

1. That Council forward to public hearing:
  - a) "Zoning Bylaw, 2003, Amendment Bylaw, 2020, No. 9647" to permit garden suites on RS-Zoned properties; and
  - b) "Official Community Plan Bylaw, 2008, Amendment Bylaw, 2020, No. 9648" to create a Development Permit Area for garden suites.
  
2. That Council give three readings to:
  - a) "Delegation Authorization Bylaw (Development Permits), 2020, No. 9649" to authorize delegation to staff the authority to approve garden suite applications;
  - b) "Land Use and Development Procedures Bylaw, 2020, No. 9650" to allow a process to approve garden suite applications; and
  - c) "Land Use and Development Application Fee Bylaw, 2006, Amendment Bylaw, 2020, No. 9651".
  
3. That Council approve:
  - a) The Terms of Reference for the Advisory Design Panel be amended to allow the Panel to advise the Director of Planning or delegate on garden suite applications.

## PURPOSE

The purpose of this report is to provide Council with the necessary Bylaw amendments to enable legalization of garden suites in Saanich. The Bylaw amendments are based on the regulatory framework presented to Council on October 21, 2019. A Public Hearing is required.

## DISCUSSION

### Background

Council received a report on October 21, 2019, which provided an overview of the garden suite study, outlined the proposed regulatory framework for garden suites, and requested that Council direct staff to prepare the necessary Bylaw amendments to proceed with legalization of garden suites. The Report is attached in Appendix G. Subsequent to the October 21<sup>st</sup> Council meeting, preparation and legal review of the required amending Bylaws were undertaken.

At the above-noted meeting, Council passed the following motions:

1. That Council endorse the proposed garden suite zoning regulations (see Attachment A in the report of the Director of Planning dated October 9, 2019) and direct staff to prepare the necessary Zoning Bylaw Amendments for Council's consideration;
2. That Council endorse the proposed garden suite design guidelines (see Attachment B) and direct staff to prepare the necessary Official Community Plan Bylaw Amendments for Council's consideration;
3. That Council endorse the proposed changes to the regulations for accessory buildings (see Attachment C) and direct staff to prepare the necessary Zoning Bylaw Amendments for Council's consideration;
4. That Council endorse a Delegated Development Permit approval process for garden suite applications that includes design review by the Advisory Design Panel (ADP) and direct staff to prepare the necessary Bylaw amendments for Council's consideration;
5. That Council support the hiring of an additional half-time Bylaw Enforcement staff person (0.5 FTE) to increase capacity to address complaints related to illegal occupancy and compliance under the proposed regulatory framework for garden suites, subject to Council's consideration during the 2020 budget process; and
6. That Council direct staff to review and report back to Council on the garden suite program one and two years after the regulatory changes are formally enacted.

#### Bylaw Amendments

Pursuant to Council's direction, the attached amendment/amended Bylaws (see Appendix A-E) outline regulations and design guidelines for garden suites, as well as changes to the regulations for accessory buildings. They also articulate a procedure for a Delegated Development Permit for garden suites. The following table summarizes the proposed changes outlined in the amendment Bylaws:

<b>Bylaw</b>	<b>Amendment</b>
Zoning Bylaw, 2003	<ul style="list-style-type: none"> <li>• Section 2 – new and revised definitions</li> <li>• Section 5 – clarifying text, new regulations for accessory buildings and structures, and garden suites</li> <li>• Section 6 – clarifying text</li> <li>• Section 7 – new parking regulations</li> <li>• All RS zones – existing accessory buildings and structures regulations removed</li> </ul>
Official Community Plan Bylaw, 2008	<ul style="list-style-type: none"> <li>• Revised table of contents, new background and exemption provisions, revised Map 1, adding Development Permit Area 29</li> </ul>
Delegation Authorization Bylaw (Development Permits), 2020	<ul style="list-style-type: none"> <li>• Section 7 - Delegate authority to staff to approve or reject an application for a Development Permit or Development Permit Amendment for a garden suite</li> <li>• Sections 9-12 – Outline a process for Council reconsideration of a delegated decision</li> </ul>
Land Use and Development Procedures Bylaw, 2020	<ul style="list-style-type: none"> <li>• Section 1 – new definition for delegated development permit</li> <li>• Sections 33 - 36 – an application procedure for a Development Permit for a garden suite</li> </ul>
Land Use and Development Application Fee Bylaw, 2006	<ul style="list-style-type: none"> <li>• Section 2 – new fee for Development Permit or Development Permit Amendment for a garden suite</li> </ul>

Amendments to Terms of Reference for the Advisory Design Panel

A minor addition is proposed to the Terms of Reference which would acknowledge that the Advisory Design Panel (ADP) should give consideration to the new garden suites design guidelines when reviewing garden suites.

Refinements to the Proposed Regulatory Framework

In preparation of Bylaw amendments, minor changes are proposed to the regulatory framework to improve clarity and address issues such as the determination of grade for garden suites and accessory buildings. A minor adjustment is also proposed to the accessory building regulations to create opportunities for garden suites and accessory buildings on lots between 1000 m<sup>2</sup> and 1329 m<sup>2</sup>. The changes would make it easier to use and interpret the relevant regulations.

**ALTERNATIVES**

1. That Council approve the recommendations outlined in the staff report.
2. That Council reject the recommendations outlined in the staff report.
3. That Council provide alternative direction to Staff.



Prepared by:

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Megan Squires  
Planner



Reviewed by:

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Cameron Scott  
Manager of Community Planning



Approved by:

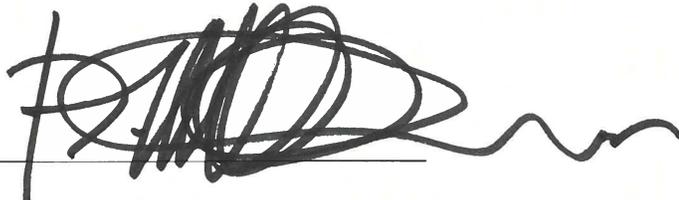
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Sharon Hvozanski  
Director of Planning

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- Attachments:
- Attachment A: Zoning Bylaw, 2003, Amendment Bylaw, 2020, No. 9647 and Schedule H
  - Attachment B: Official Community Plan Bylaw, 2008, Amendment Bylaw, 2020, No. 9648 and Schedules A, B, and C
  - Attachment C: Delegation Authorization Bylaw (Development Permits), 2020, No. 9649
  - Attachment D: Land Use and Development Procedures Bylaw, 2020, No. 9650
  - Attachment E: Land Use and Development Application Fee Bylaw, 2006, Amendment Bylaw, 2020, No. 9651
  - Attachment F: Amendments to the Terms of Reference for the Advisory Design Panel
  - Attachment G: Council report presented to Council on October 21, 2019

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Planning.



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Paul Thorkelsson, Administrator