

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9647

TO AMEND BYLAW NO. 8200,  
BEING THE "ZONING BYLAW, 2003"

---

The Municipal Council of The Corporation of the District of Saanich in open meeting assembled hereby enacts as follows:

1) Bylaw No. 8200, being the "Zoning Bylaw, 2003" is hereby amended as follows:

(a) By deleting the definition of "**Accessory Dwelling Unit**" in section 2 and replacing it with the following:

**"Accessory Dwelling Unit** – means a dwelling unit that is accessory to and contained within-the principal building and which may have a separate private access.

(b) By inserting the following definitions in section 2:

**"Bed and Breakfast** – means a home occupation use providing temporary accommodation to guests that involves the use of sleeping units in a dwelling unit where the room rental rate includes breakfast provided on the premises."

**"Cantilevered Balcony** - means a platform that is:

- i) attached to and projecting from a building;
- ii) located above the first storey of the building;
- iii) cantilevered;
- iv) permanently exposed to outside weather; and
- v) accessible only from the interior of the building and not from the exterior."

**"Porch** – means a structure that is:

- i) attached to and projecting from a building;
- ii) located at or below the first storey of the building; and
- iii) may be cantilevered;

and that may include steps and a landing area."

**"Garden Suite** - means a building containing one (1) dwelling unit that is detached from and accessory to the principal building on the lot."

**"Gross Floor Area (GS)** – means the sum of the total floor area of all storeys of a garden suite measured to the outside face of the exterior walls and, in the case of an attached carport, measured to the outermost face of the supporting columns. The floor area of an attached carport or garage shall be included in the Gross Floor Area (GS) calculations for the garden suite. The following are excluded: the areas of canopies, sundecks, outside stairs, separate carports and

garages, uninsulated attic spaces and insulated attic spaces with a ceiling height from the floor of less than 1.67 m (5.5 ft).”

“**Open Site Space Requirement (GS)** - means that portion of a lot with a garden suite which is a landscape area and is not covered by any portion of a building, structure, driveway or impervious surface, other than a feature projecting from a building above ground level.”

“**Rear Yard Lot Coverage (GS)** – means the percentage of the area of a Rear Yard that is occupied by any building or structure.”

“**Separation Space (GS)** – means the minimum separation space between the garden suite and principal building on the lot measured on the horizontal projection, between roof overhangs including gutters and any other projections.”

“**Sewer Service Area**” has the same meaning as under the Sanitary Sewer Bylaw, 2006, No. 8792.”

“**Short-Term Rental**” - means the renting of a dwelling unit, or one or more sleeping units in a dwelling unit, for overnight accommodation for a period of less than 30 consecutive days, but does not include Bed and Breakfast or Tourist Accommodation.”;

“**Storey** - means the portion of a building which lies between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, means the space between the surface of the floor and the underside of the ceiling above it, but does not include non-useable areas or a basement;”

(c) In subsection 5.1(a), by adding the following:

“(iii) Not more than one secondary suite or one garden suite on any RS zoned lot.”;

(d) In subsection 5.24(b), by inserting the following regulation after the first bulleted sentence:

- “A secondary suite is not permitted on a lot with a garden suite;”;

(e) In subsection 5.27(c), by inserting a comma after the words “zoned lands”, and adding the words “or garden suites” immediately following;

(f) By deleting the text of section 5.29 and replacing it with the following:

“a) Except as provided in subsections (b) and (c), accessory buildings and detached decks on a lot in single family and two family dwelling zones shall be sited so that there is a minimum separation from the principal building on the lot of not less than:

- (i) 1.2m (4.0 ft) between walls or columns, and
- (ii) 60 cm (2.0 ft) measured on a horizontal projection, between roof overhangs including gutters and any other projections.

b) Accessory buildings and detached decks on a lot with a garden suite shall be sited so there is a minimum separation from the garden suite of not less than:

- (i) 2.0 metres (6.6 ft) between walls or columns, and
- (ii) 60 cm (2.0 ft) measured on a horizontal projection, between roof overhangs including gutters and any other projections.

c) Garden suites shall be sited so that the separation between the principal building on the lot and the garden suite meets the minimum Separation Space (GS) requirements of Schedule H.

(g) By adding the following as section 5.34

**“5.34 Accessory Buildings and Structures – RS Zoned Lots**

Accessory buildings and structures other than garden suites, on an RS zoned lot, other than a lot zoned RS-1, RS 1GH, RS-2CR, RS-CH1, RS-CH2, RS-EL, RS-MF, RS-CR, or RM-3TR:

(a) Shall be sited not less than:

- i. 7.5 m (24.6 ft) from the front lot line or, for lots having an area exceeding 2000 m<sup>2</sup> (21,528 ft<sup>2</sup>), 15 m (49.2 ft) from the front lot line.
- ii. 1.5 m (4.9 ft) from a rear lot line or interior side lot line.
- iii. 3.5 m (11.5 ft) from an exterior side lot line.

(b) Shall not exceed a maximum height of 3.75 m (12.3 ft).

(c) Shall not exceed a maximum of one storey.

(d) Shall not exceed a maximum interior height of 4.5 m (14.76 ft) measured vertically between the floor structure and underside of the roof structure within a storey.

(e) Shall not exceed the lot coverage requirements outlined in Table 5.3.

(f) Shall not contain a dwelling unit.

(g) Shall not contain a basement or crawl space.

(h) That are used or proposed to be used for keeping animals shall comply with the siting and size provisions set out in Table 5.2 under s. 5.31 of this Bylaw”

(h) By inserting the following table after section 5.34:

Table 5.3

Lot Size Range	Lot Coverage for All Accessory Blds	Maximum Lot Coverage for Individual Accessory Bld (excluding garden suites)
Less than 399 m <sup>2</sup> (4295 ft <sup>2</sup> )	10%	7%
400 m <sup>2</sup> (4306 ft <sup>2</sup> ) – 999 m <sup>2</sup> (10,753 ft <sup>2</sup> )	10%	7%
1000 m <sup>2</sup> (10,764 ft <sup>2</sup> ) – 1329 m <sup>2</sup> (14,305 ft <sup>2</sup> )	10%	70 m <sup>2</sup>
1330 m <sup>2</sup> (14,316 ft <sup>2</sup> ) – 1999 m <sup>2</sup> (21,517 ft <sup>2</sup> )	7%	70 m <sup>2</sup>
2000 m <sup>2</sup> (21,527 ft <sup>2</sup> -) plus	5%	70 m <sup>2</sup>

(i) By adding the following as section 5.35:

**“5.35 Garden Suites**

- (a) A garden suite permitted under this bylaw is subject to the regulations prescribed in Schedule H.
- (b) No garden suite is permitted on any lot unless all of the following conditions are satisfied:
  - i. The lot must be an RS zoned lot;
  - ii. The lot must be within the Sewer Service Area;
  - iii. The lot must have a minimum area of 400 m<sup>2</sup>;
  - iv. The lot must be a minimum of 12 m wide;
  - v. The principal building on the lot must be a single family dwelling;
  - vi. There must not be a secondary suite on the lot;
- (c) No more than one garden suite is permitted on a lot.
- (d) Bed and breakfast use is prohibited in a garden suite.
- (e) Short-term rental use is prohibited in a garden suite.
- (f) Boarding use is prohibited in a garden suite.
- (g) For purposes of subsection 5.35(j) of this bylaw and section 482(2) (b) of the *Local Government Act*, “affordable housing” includes rental housing units.
- (h) For the purpose of section 482 of the *Local Government Act*, the addition of a garden suite is considered to increase the density of residential development that is permitted on an RS zoned lot.
- (i) In order to encourage the availability of rental housing units in the District of

Saanich, and notwithstanding any other provision of this bylaw, a garden suite is not permitted on any lot unless the condition under subsection 5.35(j) is satisfied prior to the issuance of a development permit.

- (j) A garden suite is only permitted where the owner of the lot has registered a covenant under section 219 of the *Land Title Act* against title to the lot in favour of the Corporation of the District of Saanich, satisfactory in its form and priority of registration to the Director of Planning, providing that the garden suite must not be subdivided from the lot containing the principal building, whether pursuant to the *Strata Property Act*, the *Land Title Act*, or otherwise.
- (k) The registered owner of the lot must occupy either the single family dwelling or the garden suite as the owner's principal residence."

- (j) By adding the following as section 6.1(d):

On any lot occupied by a building or structure where the principal use is a single family dwelling and there is a garden suite, the Open Site Space Requirement (GS) shall apply."

In section 1.2 of Table 7.1, by adding the words "or Garden Suite" after the words "Secondary Suite";

- (k) By deleting section 7.4 (d) and replacing it with the following:

"Parking provided in conjunction with an agricultural use, a single family dwelling use, a single family dwelling with a secondary suite or garden suite, or a two family dwelling use shall provide the number of spaces required by table 7.1 but need not conform to the regulations of Section 7.5, 7.6 and 7.7."

- (l) In the single family residential (RS) zone schedules:

- (i) By deleting section 201.4 from Schedule 201;
- (ii) By deleting section 205.5 from Schedule 205;
- (iii) By deleting section 210.5 from Schedule 210;
- (iv) By deleting section 215.5 from Schedule 215;
- (v) By deleting section 220.5 from Schedule 220;
- (vi) By deleting section 225.5 from Schedule 225;
- (vii) By deleting section 230.5 from Schedule 230;
- (viii) By deleting section 235.5 from Schedule 235;

- (ix) By deleting section 240.6 from Schedule 240;
- (x) By deleting section 245.5 from Schedule 245;
- (xi) By deleting section 250.5 from Schedule 250;
- (xii) By deleting section 255.5 from Schedule 255;
- (xiii) By deleting section 260.5 from Schedule 260;
- (xiv) By deleting section 265.5 from Schedule 265;
- (xv) By deleting section 270.5 from Schedule 270;
- (xvi) By deleting section 275.4 from Schedule 275;
- (xvii) By deleting section 280.4 from Schedule 280;
- (xviii) By deleting section 285.4 from Schedule 285;
- (xix) By deleting section 290.4 from Schedule 290;
- (xx) By deleting section 295.4 from Schedule 295;
- (xxi) By deleting section 1215.5 from Schedule 1215;
- (xxii) By deleting section 1217.5 from Schedule 1217;

(m) By attaching as "Schedule H – Regulations for Garden Suites", the regulations attached to this bylaw as Appendix 1.

2) This Bylaw may be cited for all purposes as the "**ZONING BYLAW, 2003, AMENDMENT BYLAW, 2020, NO. 9647**".

Read a first time this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Public Hearing held at the Municipal Hall on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Read a second time this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Read a third time this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the \_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.

---

Municipal Clerk

---

Mayor

**SCHEDULE H****GARDEN SUITES****1 Lot Coverage**

- (a) **Rear Yard Lot Coverage (GS):**  
The maximum Rear Lot Coverage (GS) of all buildings and structures shall be 25% of the rear lot area.
- (b) **Open Site Space Requirement (GS):**  
A minimum Open Site Space Requirement (GS) of 45% of the area of the lot.

**2 Lot size**

For purposes of this Schedule H:

- (a) A **small lot** is between 400 m<sup>2</sup> and 559 m<sup>2</sup> (4,306 ft<sup>2</sup> and 6,017 ft<sup>2</sup>);
- (b) A **medium lot** is between 560 m<sup>2</sup> and 999 m<sup>2</sup> (6,028 ft<sup>2</sup> and 10,753 ft<sup>2</sup>);
- (c) A **large lot** is 1000 m<sup>2</sup> or larger (10,764 ft<sup>2</sup> or larger).

**3 Siting and Height**

- (a) A garden suite shall only be located in the rear yard of a principal dwelling
- (b) A garden suite with a maximum height of 4.2 m (13.8 ft) shall be sited:
- (i) not less than 1.5 m (4.9 ft) from a rear lot line;
  - (ii) not less than 1.5 m (4.9 ft) from an interior side lot line, provided the sum of both sideyards is not less than 4.5 m (14.8 ft);
  - (iii) not less than 3.5 m (11.5 ft) from an exterior side lot line;
  - (iv) with a Separation Space (GS) from the principal dwelling of 4 m (13.1 ft) from the principal dwelling.
- (c) A garden suite on a large lot with a height that is greater than 4.2 m (13.8 ft) shall be sited:
- (i) not less than 3.0 m (9.8 ft) from a rear lot line;
  - (ii) not less than 3.0 m (9.8 ft) from an interior side lot line, provided the sum of both sideyards is not less than 4.5 m (14.8 ft)
  - (iii) not less than 3.5 m (11.5 ft) from an exterior side lot line.
  - (iv) with a Separation Space (GS) from the principal dwelling of 4 m (13.1 ft).
- (d) A garden suite on a **small or medium lot** shall not exceed a height of: 4.2 m (13.8 ft), as measured from Grade; for a garden suite

having or incorporating flat roofs or roofs with a pitch less than 3:12, the maximum height of the garden suite shall not exceed 3.75 m (12.3 ft) as measured from grade;

(e) A garden suite on a **large lot** shall not exceed a height of: 6.5 m (21.3 ft), as measured from Grade; for a garden suite having or incorporating flat roofs or roofs with a pitch less than 3:12, the maximum height of the garden suite shall not exceed 5.5 m (18 ft) as measured from grade;

(f) The site plans below are provided to demonstrate typical layouts for lots with garden suites. They are provided for illustrative purposes only, and in the event of any inconsistency between such site plans and the text of this bylaw, the text of this bylaw shall prevail.

**4 Size**

- (a) A garden suite on a **small lot** shall have a maximum Gross Floor Area (GS) of 46.5 m<sup>2</sup> (500 ft<sup>2</sup>);
- (b) A garden suite on a **medium lot** shall have a maximum Gross Floor Area (GS) of 65 m<sup>2</sup> (700 ft<sup>2</sup>);
- (c) A garden suite on a **large lot** shall have a maximum Gross Floor Area (GS) of 93 m<sup>2</sup> (1000 ft<sup>2</sup>).

**5 Minimum Outdoor Amenity Space for Residents**

- (a) A minimum outdoor space of 20 m<sup>2</sup> (215.3 ft<sup>2</sup>) shall be provided as a dedicated space for use by residents of the garden suite

**6 General**

- (a) **Building and site**
- i. If a flat or shallow roof form is proposed, the area of the second floor shall be reduced to an area of 60% of the total floor area beneath it.
  - ii. Where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof joists, exceeds 3.75 m, an amount equal to the area of the floor below that lies within a horizontal plane

outlining the points at which the height begins to exceed 3.75 m, shall be added to the calculation of floor area.

- iii. A clear pathway that is a minimum of 1.0 m wide (3.3 ft.) shall be provided from the sidewalk or street to the front door of the garden suite.
- iv. Cantilevered balconies are not permitted on the front, interior side, or rear elevations of a garden suite.
- v. The relevant provisions of Section 5 and 7 of this bylaw shall apply.

(b) Projections

- i. Notwithstanding Section 5.8 (a) of the Zoning Bylaw, bay windows and corner projections that extend beyond the face of a garden suite into a required rear or interior side yard are not permitted.
- ii. Notwithstanding Section 5.8 (c) of the Zoning Bylaw, steps and porches that extend beyond the face of a garden suite into a required rear or interior side yard are not permitted.
- iii. Notwithstanding Section 5.8 (c) of the Zoning Bylaw, cantilevered balconies that project beyond the face of a garden suite into a required exterior side yard are not permitted.

(c) Determination of grade for garden suites

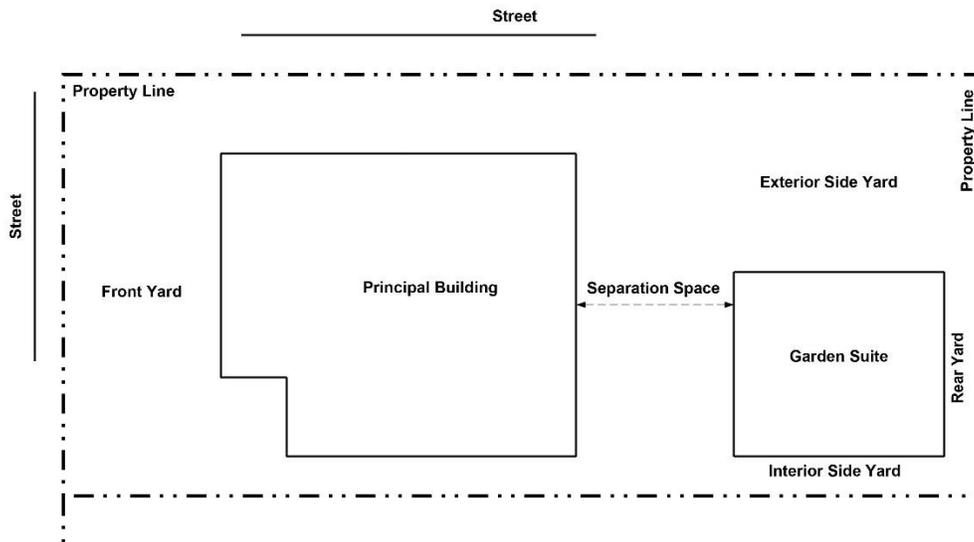
- i. Grade shall be expressed in relation to geodetic datum.
- ii. Grade shall be calculated by taking the average elevation - at existing natural grade

or finished grade, whichever is the lesser – of the points of the polygon having the shortest perimeter that will encompass the outermost walls of the building or structure.

- iii. Where it is proposed to construct all or part of a building or structure on land where fill has been placed on top of the natural grade, grade shall mean the plane of elevation of the original natural grade directly below the location of the smallest polygon prescribed in Section 5.18 (b). In such a case, the Manager of Inspection Services may require the applicant for the building permit to produce, at their expense, a certificate from a geotechnical engineer or other qualified professional identifying, by means of plans or other satisfactory documentation, the original natural grade.
- iv. In a case where it is proposed to construct a building or structure or any part thereof on land where the current surface of the land is below the original natural grade, the current surface of the land shall be deemed to be the natural grade of the land.

Site plans showing the location of the separation space for a garden suite

(a) Typical lot



(b) Irregular-shaped lot

