

Date: 16/09/2022

To: Chair and Directors, Committee of the Whole

And To: John MacLean, Chief Administrative Officer

From: Nigel Whitehead, Manager of Planning Services

Date of Meeting: Committee of the Whole_Sep22_2022

File: 6410-01

Short Summary:

Zoning and Rural Land Use Bylaws – Dwelling Definitions

Background:

At the September 10, 2020 COW meeting, the Committee considered and discussed a report from the Building and Planning Departments regarding considerations and trending uses with varying types of dwellings. The Committee discussed the report and there was general agreement to have staff develop specific recommendations regarding the issues. This report addresses “Dry Cabins” in relation to the Zoning and Rural Land Use Bylaw definition of a Dwelling, and the definition of Carriage House.

Dry Cabins Permitted Under the Current Dwelling Unit Definition

The current zoning and rural land use bylaw definition of a dwelling unit was amended in 2018 to align exactly with the BC Building Code definition, which reads:

“DWELLING UNIT” means a building or portion of a building used for residential occupancy, used or intended to be used primarily by one household, and usually containing cooking, eating, living, sleeping and sanitary facilities for domestic purposes.

This definition indirectly allows the construction of a cabin or house without connection to water and sewer systems, as the definition says a unit “usually” contains sanitary facilities and not must contain. The Building Department reports an increasing number of such “Dry Cabin” building permit applications, and a trend in some cases of larger and more elaborate structures with multiple bedrooms that are not connected to water and sewer.

Planning staff assert that dry cabins should be explicitly prohibited, with the exception of remote areas and tourist commercial uses where a common washroom facility is provided. The CRD has been a strong advocate and leader in establishing environmental protection measures through implementing the shoreland management policy in 1983. Continuing to allow dry cabins without

restriction would result in the increasing proliferation of new pit privies (i.e. outhouses) and will have a negative cumulative impact on environmental health, water supply, and water quality of area lakes and watercourses.

Accordingly, staff recommend moving forward with zoning and rural land use bylaw amendments that will prohibit dry cabins in all but the most remote properties. Likely a remote recreation zone would be created and assigned to specific properties. This project would be worked into the 2023 Planning Services Business Plan.

Carriage House Definition

In 2018, the CRD Board adopted Zoning and Rural Land Use Bylaw amendments which permitted some form of detached Accessory Dwelling Unit (ADU) in almost all rural and residential zones. These include secondary suites, carriage houses, and secondary dwellings.

With implementation of the regulations, Planning staff have been challenged with the current definition of a carriage house, which reads:

“CARRIAGE HOUSE” means an additional dwelling unit within a detached or semi-detached ancillary building.

With this definition, it is challenging to differentiate a carriage house from a secondary dwelling, which reads:

“SECONDARY DWELLING” means a self-contained, detached single-family dwelling usually containing cooking, eating, living, sleeping and sanitary facilities, located on the same parcel and smaller than the principal dwelling.

Carriage Houses are primarily permitted in R 1, R 2, R 3, RL, RL 2, RR 2, and RR 3 zones, whereas secondary dwellings are permitted in larger RR 1, RA 1, R/A, and RA 2 zones. The intent of the zoning language and definitions is clear, for a carriage house, the dominant form of the structure should be as an ancillary structure such as a garage or large workshop, with the dwelling unit contained within this overall structure. Conversely the dominant form of the Secondary Dwelling is that of a dwelling, smaller than the primary dwelling, but clearly its dominant form as a house or cabin and not a garage or shop.

Staff are challenged on a regular basis on these definitions, particularly where landowners are seeking to legalize or retrofit pre-existing small (often historically/unlawfully constructed) cabins on smaller lakefront properties with an existing or proposed principal dwelling (e.g., a new, large, modern, lakefront home). Staff are often faced with arguments where a small exterior tool shed (e.g., 2 ft. x 6 ft.) is attached to an existing cabin therefore makes the structure a carriage house. Or where a detached dwelling unit ought to be considered a carriage house because it contains a utility room which is therefore ancillary space. In both examples, the structure is clearly a detached cabin, and not integrated as a suite within an ancillary building. Neither of these

arguments meet the definition of a carriage house, however, often causes confusion and misunderstandings when planning staff are working with the public.

There are primarily two courses of action which staff are looking for Committee feedback to resolve this issue.

Option 1 is to define the difference more clearly between a carriage house and a secondary dwelling, requiring explicitly that a carriage house be located above a garage or integrated within the structure on the main floor of an ancillary structure, with significant floor area dedicated to ancillary space.

Option 2 would be to allow a detached secondary dwelling of any form on properties currently zoned for a carriage house, but with a smaller maximum size (90 sq. m; 968 sq. ft.), whereas properties which currently allow for a secondary dwelling will continue to permit the large size detached secondary dwelling (130 sq. m; 1,400 sq. ft.).

Essentially, the options come down to a question of neighbourhood design, rather than use. The maximum floor area of an accessory dwelling unit would not change, neither the total maximum dwelling unit density of a given neighbourhood. However, to allow second stand-alone detached dwelling units (i.e. second cabins or houses) on smaller sized lots would significantly impact the overall look and feel of neighbourhoods, particularly lakefront neighbourhoods with smaller lots, where second dwelling units are no longer integrated (i.e. hidden) within the built form of a garage or shop. The resulting form of such a neighbourhood would appear to be that of a doubling of the density, with twice as many cabins/houses along a particular streetscape.

Overall, Planning staff are more supportive of Option 1. It preserves the neighbourhood character while also allowing a sensitive, gentle increase in density of the neighbourhood. It aligns with the likely intent of the Board at the time of allowing accessory dwelling units; and will provide clarity of permitted land uses to the broader public.

Staff further note that the City of Quesnel's ADU project information is available here: [Pre-Reviewed Accessory Dwellings | City of Quesnel](#). The City of Quesnel, in partnership with an architectural firm and the CRD through the NDIT supported housing planner have developed and made available pre-approved building plans for two carriage houses and three secondary dwellings. These plans are available to City of Quesnel and CRD Quesnel Fringe Area residents at no cost. Presently, one of the two carriage house plans and all of the secondary dwelling plans meet CRD regulations. When staff move forward with one of the above options to resolve the carriage house definition, we will also propose removing the one storey limit to carriage house floor area, thus allowing all the Quesnel designs in the CRD, and will ensure consistency between CRD and Quesnel regulations.

Attachments:

N/A

Receipt Only:

That the memorandum from Nigel Whitehead, Manager of Planning Services, dated September 16, 2022, regarding zoning and rural land use bylaw definitions of dwelling and carriage house, be received.