



Opting Out and Back In

The secondary suites program in View Royal also brought about some changes to the Town's Official Community Plan (OCP) Bylaw No. 361, 1999. One of these changes reflects the diversity of the Town and varying differences of opinion surrounding secondary suites. Specifically, the OCP now includes the following:

"With respect to secondary suites, Council recognizes that some neighbourhoods may wish to establish different zoning regulations within the Town. Through a rezoning process, the ability for a neighbourhood to opt out of the secondary suites zoning provisions and the ability for either a neighbourhood or individual property owner to opt back into the secondary suites zoning provisions exists and is further described by Town policy."

For more information on this policy (Policy 8-3360-00), please call the Planning Department.

Covenants

Some properties, despite having the proper land use zoning, may be restricted from having a secondary suite due to covenants placed on the property title that prohibit this use. If the Town of View Royal is not a signatory to the covenant, the Town will not enforce the conditions of a private covenant. You can find what restrictions may be placed on your property title by reviewing the certificate of title and associated covenant documents.

Questions?

Please contact the Planning Department at 479-6800 or e-mail planning@town.viewroyal.bc.ca if you have any questions.



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A GUIDE TO SECONDARY SUITES

Overview

This brochure contains information about the secondary suites program in View Royal.

Secondary suites are permitted within five land use zones in the Town of View Royal. These zones are:

R-1: One family residential (large lot)

R-1A: One family residential

R-1B: One family residential

A-1: Rural

A-3: Rural Residential

(Contact the Planning Department to confirm your land use zone.)

Secondary suites are not permitted in any other land use zones.

All secondary suites within these five zones are to register annually and obtain the required permit.

Read on to learn more about secondary suites including definitions, land use and parking requirements, the annual permitting process, and opting out and back in provisions.



A GUIDE TO SECONDARY SUITES IN VIEW ROYAL



What is a Secondary Suite?

Land Use Bylaw No. 35, 1990 contains 2 key definitions for understanding what constitutes a secondary suite—"secondary suite" and "dwelling unit". From Bylaw No. 35 these definitions are as follows:

"Secondary suite" means an additional dwelling unit that is entirely contained within a residential single family use building and is located on the same legal parcel as the residential single family use with which it is associated, such that the building containing the secondary suite is a single real property entity."

"Dwelling unit" means one or a self-contained set of interconnected rooms for the use of one or more persons living together as a single domestic unit, sharing cooking, eating, living, sleeping and sanitary facilities and having only one room equipped for the preparation and cooking of food.

In essence, a secondary suite is identified by the ability to cook food with appliances such as a stove, hot plate, microwave, or convection oven.

Land Use Requirements

In addition to being limited to the five land use zones described on page 1 of this brochure, the following secondary suites regulations from Land Use Bylaw; No. 35, 1990 also apply:

- Secondary suites are limited in floor area to 90m² or 40% of the floor area of the home in which the suite is located, whichever is less.
- Secondary suites are only permitted in owner-occupied homes.
- Secondary suites are only permitted on lots that are at least 650m² in area.
- Secondary suites are not permitted in homes that also contain a home based business.
- Secondary suites are limited to one suite per single family home – duplexes, townhouses, row houses, apartments and other multi-family housing types do not qualify.
- A secondary suite is not subject to subdivision under the provisions of either the *Land Title Act* or the *Strata Property Act*.
- If the lot is not serviced by the municipal sanitary sewer system, please contact Town Hall for details.
- Any property owner wishing to use their home for a permitted secondary suite use must obtain an annual secondary suite permit in accordance with Secondary Suites Permit Bylaw No. 601, 2005.

Parking Requirements

One of the key issues with secondary suites is parking and the potential for congestion on municipal streets. To address these concerns, Land Use Bylaw No. 35, 1990 incorporates several parking-related provisions. An overview of these requirements is as follows:

- Homes with secondary suites are required to provide 1 extra, "stand-alone" parking space (not sited in tandem with another required parking space) in addition to the 2 required spaces for the primary residence. Each parking space is to be a minimum of 2.75m in width and a minimum of 6m in length.
- Garage spaces cannot be included towards the 3 parking spaces requirement.
- The 3 spaces can be located in a front yard but cannot exceed 50m², exclusive of the driveway to reach these spaces and the areas between parking spaces which total less than 2.75m in width.
- If the extra parking space is neither part of the main parking area nor an extension of it, the parking space must be:
 - surfaced with concrete pavers or similar permeable pavement;
 - screened from adjacent residential property by a landscape screen not less than 0.6m in height and not more than that permitted in Land Use Bylaw No. 35, 1990 (maximum height varies by zone); and
 - accessed from any driveway existing at the time the secondary suite use commences.
- The extra parking space for the secondary suite must be contained on the property and cannot encroach on public property.
- Parking spaces for homes with a secondary suite must, in the case of a corner lot, be located at least 6m from the point of intersection of the abutting highways.



The Annual Permitting Process and Renewals

As outlined in "Land Use Requirements" and described more fully in Secondary Suites Permit Bylaw No. 601, 2005, every person wishing to obtain a permit for secondary suite allowed by Land Use Bylaw No. 35, 1990 must do so by making an application, providing a statutory declaration as to owner-occupancy, and paying the required permit application fee of \$150. Secondary suites must comply with both the B.C. Building Code and the Town's Land Use Bylaw No. 35, 1990.

A secondary suite permit must be renewed annually before March 1st and each renewal application must be accompanied by a statutory declaration confirming owner-occupancy and the renewal fee of \$100. If a permit holder fails to renew by March 1st, the permit will lapse and a new application and permit fee are required.

If you purchase a home that has a registered suite, you will be able to continue with the annual renewal process as outlined above and will not be required to make a new permit application as the permit is tied to the suite, not the homeowner.



Please note that Type 2 permits — which were only available until August 31, 2007 — may be renewed indefinitely. However, should this Type 2 permit lapse and the homeowner seek to register the secondary suite in the future, only a Type 1 permit will be available at that time. This means that the secondary suite will be required to comply not only with the Town's Land Use Bylaw No. 35, 1990, but also with B.C. Building Code requirements for secondary suites.