

Notice – Bylaw Amendment

Housing Statutes (Residential Development) Act & Secondary Suite Regulations Bylaws

April 10, 2024

The Regional District of East Kootenay (RDEK) Board of Directors is considering bylaw amendments to meet the requirements of the *Housing Statutes (Residential Development) Act* (the Act). The Act implemented changes known as the Small Scale Multi-Unit Housing (SSMUH) legislation. The SSMUH legislation amended the *Local Government Act* to include a requirement that all residential zones permit an increase in density of a minimum of one secondary suite per parcel for all zones that only permit single family residential development. Amendments to all zoning bylaws to comply with the SSMUH legislation must be adopted by June 30, 2024.

In addition to the required SSMUH changes, the RDEK Board of Directors has authorized amendments to the secondary suite regulations of the eight zoning bylaws to align with Provincial guidance on SSMUH site standards and the BC Building Code regulation of secondary suites within principal dwelling units. The proposed bylaw amendments will:

- Allow a secondary suite within a principal dwelling unit in all zones which are considered to be restricted zones under the Act, e.g. all zones that only permitted one single family dwelling only.
- Remove the 90 m² cap for the maximum size of secondary suites located within a principal dwelling unit.
- Increase the size of secondary suites to 49% of the habitable space of the principal dwelling unit.
- Expand the types of dwelling units within which a secondary suite may be contained, e.g. rowhouse or duplex.
- Decrease the side or interior setback adjacent to other parcel boundaries where the requirement was 1.5 m on smaller urban sized parcels, e.g. 1670 m².

The proposed zoning bylaw amendments will affect the zoned areas of the RDEK as follows:

Electoral Area A

Bylaw No. 3313 – Regional District of East Kootenay - Elk Valley Zoning Bylaw No. 829, 1990 – Amendment
Bylaw No. 114, 2024 (SSMUH / RDEK)

Electoral Area B

Bylaw No. 3314 – Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 42, 2024 (SSMUH / RDEK)

Bylaw No. 3315 – Regional District of East Kootenay – SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 12, 2024 (SSMUH / RDEK)

Electoral Area C

Bylaw No. 3309 – Regional District of East Kootenay – Steeples Zoning & Floodplain Management Bylaw No. 2615, 2015 – Amendment Bylaw No. 10, 2024 (SSMUH / RDEK)

Bylaw No. 3310 – Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019 – Amendment Bylaw No. 25, 2024 (SSMUH / RDEK)

Bylaw No. 3311 – Regional District of East Kootenay – Wycliffe Zoning & Floodplain Management Bylaw No. 2256, 2010 – Amendment Bylaw No. 16, 2024 (SSMUH / RDEK)

Electoral Area E

Bylaw No. 3312 – Regional District of East Kootenay – Electoral Area E Zoning & Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 44, 2024 (SSMUH / RDEK)

Electoral Area F & Electoral Area G

Bylaw No. 3316 – Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 11, 2024 (SSMUH / RDEK)

Public Hearing Not Required

Section 464(4) of the *Local Government Act* states that a local government must not hold a public hearing on a zoning bylaw proposed for the sole purpose of complying with section 481(3) (zoning bylaws and Small-Scale Multi-Unit Housing (SSMUH)). The bylaw amendments to add secondary suite as a permitted use in restricted zones and associated siting amendments are required to comply with these Provincial requirements.

Section 464(2) of the *Local Government Act* states that a local government is not required to hold a public hearing for a proposed zoning bylaw amendment if an official community plan is in effect for the area that is the subject of the zoning bylaw, and the bylaw is consistent with the official community plan.

As the proposed amendments to changes in secondary suite size and location are consistent with applicable OCPs, a public hearing is not required to be held.

Board Consideration of the Bylaws

Amendments to all zoning bylaws to comply with the SSMUH legislation must be adopted by June 30, 2024. The eight Bylaws will be considered for 1st, 2nd & 3rd readings by the RDEK Board of Directors on May 10, 2024. If the bylaws are introduced, they will be forwarded to the Ministry of Transportation and Infrastructure for approval prior to being considered for adoption in June.

Public Comment Period & Submissions

If you believe that your interest in property is affected by the proposed Bylaws, you may:

- inspect a Bylaw and supporting information by requesting that an information package be emailed to you by contacting kmacleod@rdek.bc.ca. Information packages may be requested up until Friday, April 26, 2024 at 4:30 pm.
- mail or email written submissions to the addresses shown below before Tuesday April 30, 2024 at 4:30 pm. Please clearly indicate the zoning bylaw or impacted community your written submission is applicable to.

SUBMISSIONS CANNOT BE ACCEPTED AFTER THE DEADLINE.

All submissions will form part of the public record and will be published in a meeting agenda posted online. Personal contact information such as phone and email will be removed from written submissions. Questions about the disclosure of your personal information may be referred to the Corporate Officer at 250-489-2791 or 1-888-478-7335.

This notice is not an interpretation of the Bylaws. For more information, contact Karen MacLeod, Planning Supervisor at 250-489-0313 or toll free at 1-888-478-7335 or email kmacleod@rdek.bc.ca.



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