

# PUBLIC NOTICE

## Zoning Bylaw Amendments



### NOTICE OF PUBLIC HEARING AMENDMENT BYLAW 1687

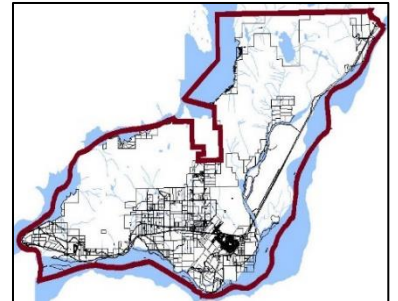
**Date & Time:** January 10, 2022 at 7:00 pm  
**Location:** 7170 Cheam Avenue, Agassiz, BC  
or [kentbc.ca](http://kentbc.ca) (registration for live stream required)

#### Bylaw 1687 Subject Land

Council of the District of Kent will be holding a public hearing for *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1687, 2021*.

If adopted Bylaw 1687 would:

- Add an accessory dwelling unit and garden suite definition to the *Zoning Bylaw*.
- Amend farm home plate regulations for home plate area and accessory residential uses.
- Permit detached accessory dwelling units in the Agricultural (A), Small-lot Agricultural (A1) and Rural Residential 2 (RR2) zones.
- Establish maximum floor area, height and setback regulations for detached accessory dwelling units.
- Bring the District's Zoning Bylaw regulations for second residences in line with the Agricultural Land Commission Regulations.



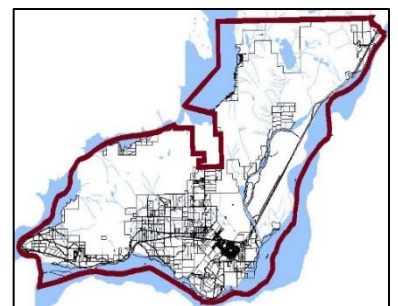
### NOTICE OF PUBLIC HEARING AMENDMENT BYLAW 1690

**Date & Time:** January 10, 2022 at 7:00 pm  
**Location:** 7170 Cheam Avenue, Agassiz, BC  
or [kentbc.ca](http://kentbc.ca) (registration for live stream required)

#### Bylaw 1690 Subject Land

Council of the District of Kent will be holding a public hearing for *District of Kent Zoning Bylaw, Amendment Bylaw No. 1690, 2021*.

If adopted, Bylaw 1690 would add requirements to provide minimum Level 2 Electric Vehicle charging stations on new single-family, two-family, townhouse and apartment developments in the District of Kent.



#### For More Information

Please contact Lisa Beaulieu, Director of Development Services  
Phone: (604) 796-2235 | Email: [mlbeaulieu@kentbc.ca](mailto:mlbeaulieu@kentbc.ca)

#### View Draft Bylaws

Copies of the draft bylaw and all background materials will be available for viewing on-line at [kentbc.ca](http://kentbc.ca) and in the front foyer at Municipal Hall, 7170 Cheam Avenue, from December 17, 2021 to January 10, 2022 during regular office hours of 8:30 am to 4:30 pm excluding holidays. **Municipal Hall will be closed from December 24, 2021 to January 4, 2022.**

#### Send Your Comments

**Email:** [mlbeaulieu@kentbc.ca](mailto:mlbeaulieu@kentbc.ca)  
**Mail:** Director of Development Services  
District of Kent  
PO Box 70  
Agassiz, BC V0M 1A0  
All comments will be distributed to Council. Comments must be received by 12:30 pm, January 10, 2022.

#### COVID-19

Due to the recent Regional Health order, Council Chambers has limited capacity for in-person attendance. The public is strongly encouraged to participate and/or observe remotely via live stream on the District's website ([kentbc.ca](http://kentbc.ca)) or through written submission. If you attend in-person, masks will be mandatory at all times, except when speaking.  
**Subject to change.**



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## REPORT TO THE COUNCIL

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**DATE:** November 15, 2021                      **FILE:** Bylaw 1687  
**TO:** M.Lisa Beaulieu, Director of Development Services  
**FROM:** Christian Parr, Planner I  
**SUBJECT:** Second Residences in the ALR – *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1687, 2021*

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**RECOMMENDATION:**

**THAT** Council considers granting first and second reading to *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1687, 2021*.

**AND THAT** Council considers setting a public hearing date for *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1687, 2021* on January 10, 2021 at 7:00 pm.

**BACKGROUND:**

In October 2016, the Agricultural Land Commission (ALC) amended the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the “Regulation”) to allow the construction of an accommodation above an existing single level building on a farm subject to local government bylaws.

In response to ALC’s regulation changes and as part of the 2018 Agricultural Area Plan priority review, Council authorized staff to work with the Kent Agricultural Advisory Committee on amendment options to include this new residential option on properties within the Agricultural Land Reserve (ALR).

On September 24, 2018 Council adopted the *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1607, 2018* resulting in regulations for a coach home auxiliary use with conditions.

In February 2019, the ALC announced new regulations for residential uses on lands within the ALR as part of the new *Agricultural Land Reserve Use Regulation*.

These changes included the establishment of new maximum floor areas for principal residences and prohibited all second residences, except for secondary suites, unless a Non-Adhering Residential Use (NARU) application was made to the ALC and approved by the ALC.

On July 12, 2021 following concerns to the initial changes, and further consultation and review, the ALC announced new regulations for second residences in the ALR.

As of December 31, 2021, secondary residential uses will be permitted in the *Agricultural Land Reserve Use Regulation*.

Example of these flexible secondary residential uses permitted include but are not limited to:

- garden suites, guest houses or carriage suites
- accommodation above an existing building
- manufactured homes
- permitting a principal residence to be constructed in addition to a manufactured home that was formerly a principal residence

The maximum total floor area for addition residences is 90 m<sup>2</sup> on lots 40 ha or less in area. For lots greater than 40 ha, the maximum total floor area is increased to 186 m<sup>2</sup>.

Council has since directed staff to proceed with Zoning Bylaw amendments that reflect the new ALC regulations.

## **DISCUSSION:**

This report is intended to detail the proposed District *Zoning Bylaw* second residence regulations for lots in the ALR as well as *Zoning Bylaw* maintenance items to ensure consistency with other ALR regulations.

The *Zoning Bylaw* regulations were drafted with the intent of increasing residential flexibility in the ALR in accordance with what is permitted by the ALC, while maintaining the Farm Home Plate and the long-term viability of agriculture in the District. These regulations were informed by the 2020 Housing Needs Assessment, the Agricultural Area Plan (AAP) and Official Community Plan (OCP).

## **Definitions**

### **Add an Accessory Dwelling Unit (ADU) Definition to the Zoning Bylaw**

In light of new Accessory Dwelling Unit (ADU) types that are proposed to be added to the Zoning Bylaw, staff has recommended the inclusion of the following catch-all definition for ADUs:

*Accessory Dwelling Unit means a dwelling unit that is accessory to the principal dwelling unit on a lot.*

This definition is proposed to allow for easier regulation of multiple types of ADUs within zones.

For example, coach houses, garden suites and secondary dwellings can all be defined as detached ADUs with the same setbacks and height restrictions.

This is an alternative to simply repeating the same regulations numerous times in the *Zoning Bylaw* and keeps the bylaw easier to understand and interpret.

In addition, grouping together ADUs under one definition for ease of reference is common in zoning bylaws with numerous permitted ADU types.

### **Amend the Definition of Accessory Residential Facilities**

Currently, the District *Zoning Bylaw* definition for accessory residential facilities references coach houses.

The proposed amendments would see the reference to coach houses replaced with accessory dwelling units for consistency within the bylaw.

### **Add a definition to the Zoning Bylaw for Garden Suite use**

The new ALC regulations for second residences are less specific as to what type of dwelling unit type is permitted when compared with previous regulations. This was done to allow maximum flexibility for landowners when choosing what type of ADU to establish on their property.

In light of this flexibility, the District recommends adding the following definition for “garden suite” to the *Zoning Bylaw*:

*Garden suite means a single-storey ground-level self-contained accessory dwelling unit.*

The proposed definition for garden is consistent with BC Housing’s definition of the dwelling unit type.

**Amend the definition of gross floor area and remove the definitions for Floor Area – Farm Residence and Floor Area – Farm Employee Residence**

Currently, the District *Zoning Bylaw* has three definitions that apply to the gross floor area of a dwelling unit:

- 1) Gross Floor Area
- 2) Floor Area – Farm Residence
- 3) Floor Area – Farm Employee Residence

Currently, the District *Zoning Bylaw* floor area – farm residence and floor area-farm employee residence definitions read as follows:

*“Floor area – farm residence / floor area – farm employee residence means the total floor area of the farm residence on a lot measured between exterior walls and required firewalls including the space occupied by interior walls and partitions, all areas giving access thereto such as corridors, hallways, landings, foyer, staircases, stairwells, enclosed balconies, mezzanines, enclosed porches, or verandas but not including exits, vertical service spaces, and their enclosing assemblies, attached garages or carports to a maximum of 46 m<sup>2</sup> (495 ft<sup>2</sup>).”*

This current definition is different than the definition used by the ALC:

*“Total floor area” means, for purposes of the ALCA and ALR Use Regulation and pursuant to Commission Resolution No. 056N-2019, the total area of all floors measured to the outer surface of the exterior walls, including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies, enclosed porches or verandas, and excluding:*

- (a) attached garages and unenclosed carports to a cumulative maximum of 42 square metres;*
- (b) basements that do not end beyond the outer surface of the exterior wall of the first floor, with basement meaning that portion of any floor area having more than one-half its vertical height below the average finished grade at the perimeter of a building;*
- (c) attics, with attic meaning the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and a sloping roof”*

The main difference between the definitions are the floor area calculations. The ALC measures the floor area to the outside wall while the District’s definition measures from the inside of the exterior wall. In addition, the amount of floor area

exempted for garage space differs in that the District exempts 46 m<sup>2</sup> while the ALC exempts 42 m<sup>2</sup>.

To address this, staff recommend that the definition for floor area – farm residence and floor area – farm employee residence be removed and all references to them are replaced with the following definition for Gross Floor Area:

*Gross floor area means the total floor area of buildings on a parcel measured to the outer limits of a building including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas but excluding auxiliary parking, unenclosed swimming pools, balconies, sundecks, elevators or ventilating machinery.*

This definition has been confirmed by the ALC as being consistent with their definition used to determine the maximum floor area of farm residences and ADUs.

### **Short-Term Rentals**

At their November 4, 2021 meeting the Kent Agricultural Advisory Committee (Kent AAC) received Bylaw 1687 for their review and comment.

The Kent AAC raised concerns regarding the use of detached Accessory Dwelling Units as short-term rentals.

While current District and ALC regulations<sup>1</sup> would not permit the use of Accessory Dwelling Unit as short-term rentals, the *Zoning Bylaw* language is somewhat vague and ALC regulations are prone to changing.

Considering these concerns, District staff recommends the addition of language under the short-term rental regulations prohibiting the use of Accessory Dwelling Units in the ALR as short-term rentals.

The purpose of allowing Accessory Dwelling Units is to increase rental housing options within the District not facilitate short-term rental operations.

This regulation would not apply to lots that are exempt from ALC regulations.

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<sup>1</sup> Both agri-tourism accommodations and tourist accommodations are limited to sleeping units that do not have cooking facilities in Sections 33 and 34 of the Agricultural Land Use Regulation 2019.

## **Farm Home Plate and Farm Employee Residences**

### **Replace all farm home plate regulation references to coach houses to Accessory Dwelling Unit**

Currently, the farm home plate general requirements and siting requirements both reference a coach house use directly.

As the type of detached accessory dwelling units allowed is proposed to expand staff recommend the replacement of references to coach houses be replaced to reference accessory dwelling units.

### **Increase the maximum allowable increase to the farm home plate area for a farm home plate containing a farm employee residence, a detached Accessory Dwelling Unit or home occupation within an accessory building.**

As directed, staff have reviewed increasing the maximum farm home plate area when a farm employee residence, detached ADU, or home occupation within an accessory building is present on the site.

The District's current farm home plate regulations were intended to balance protection of agricultural land from non-agricultural uses while still providing a reasonable space for landowners to establish non-agricultural uses on their property.

Currently, the District permits a maximum increase of 500 m<sup>2</sup> (0.125 acres) to the standard 2,000 m<sup>2</sup> (0.5 acre) farm home plate when one of the preceding uses is on site.

Staff reviewed the farm home plate regulations from the Cities of Chilliwack, Delta and Maple Ridge to identify what farm home plate area increases are currently permitted for ADUs. Findings are below in table 1.

**Table 1: Farm Home Plate Area Allowances**

<b>Municipality</b>	<b>Standard FHP Area</b>	<b>Permitted Increase</b>	<b>Total Area</b>
Kent (current)	2,000 (0.5)	500 (0.125)	2,500 (0.625)
Kent (proposed)	2,000 (0.5)	1,000 (0.25)	3,000 (0.75)
Chilliwack	4,000 (1.0)	1,000 (0.25)	5,000 (1.25)
Maple Ridge	2,000 (0.5)	0	2,000 (0.5)
Delta	3,600 (0.9 acres)	1,400 (0.35)	5,000 (1.25)
*non-bracket units are square metres (bracketed units are acres)			

As shown on table 1, the District currently permits a smaller farm home plate than either Chilliwack or Delta but does allow a slightly larger maximum than Maple Ridge.

In light of these findings, District staff recommend maintaining the current 2,000 m<sup>2</sup> (0.5 acre) standard farm home plate while increasing the current 500 m<sup>2</sup> (0.125 acre) allowance for ADUs, farm employee residences and home occupation within an accessory building to 1,000 m<sup>2</sup> (0.25 acre).

This relatively minor increase will make establishing on-site servicing for new ADUs and farm employee residences easier, while maintaining a maximum farm home plate area under 1 acre in size.

The increase is also consistent with the Ministry of Agriculture, Food and Fisheries Guide for Bylaw Development in Farming Area which recommends a farm home plate of 2,000 m<sup>2</sup> plus 1,000 m<sup>2</sup> for additional farm residences. In addition, the District has received limited variance requests to increase the farm home plate area beyond the 2,000 m<sup>2</sup> currently permitted.

### **Amend the maximum floor area for a farm residence**

The *Zoning Bylaw* currently has two maximum floor areas for farm residences:

- 372 m<sup>2</sup> (4,000 ft<sup>2</sup>) for lots under 8 ha (19.77 acres).
- 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) for lots greater than 8 ha (19.77 acres).

In addition to this definition, Part 7.14.3 (e) note the following additional floor area exclusion of attached garage or carport areas where required Flood Construction Levels (FCL) are considerably higher than the existing property grade limiting habitable room to the second storey and above:

- 140 m<sup>2</sup> (1,504 ft<sup>2</sup>) for farm residences on lots less than 8 ha (19.77 acres).
- 187 m<sup>2</sup> (2,013 ft<sup>2</sup>) for farm residences on lots greater than 8 ha (19.77 acres)

These exemptions and the previously mentioned differences lead to inconsistent maximum floor areas with the District's maximum floor area resulting in larger than ALC permitted buildings when all FCL exemptions are accounted for.

To account for this, District staff recommends removing the two-tiered system and adopting the ALC maximum floor area of 500 m<sup>2</sup> for all farm residences.

### **Amending gross floor area exemptions for farm residences**

Currently, farm residences on lots where it can be demonstrated that flood construction levels are considerably higher than the existing grade are eligible for the following floor area exclusions:

- On lots less than 8 ha (19.77 acres): 140 m<sup>2</sup> (1,504 ft<sup>2</sup>)
- On lots greater than 8 ha: 187 m<sup>2</sup> (2,013 ft<sup>2</sup>)



As these allowances are inconsistent with the ALCs floor area exemptions, staff recommends amending the allowance floor area exemptions to the following:

- Attached garages and unenclosed carports to a cumulative maximum of 42 m<sup>2</sup> (452 ft<sup>2</sup>).
- Basements that do not end beyond the outer surface of the exterior wall of the first floor, with basement meaning that portion of any floor area having more than one-half its vertical height below the average finished grade at the perimeter of a building.
- Attics, with attic meaning the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and sloping roof.

Staff is recommending these exemptions as they are consistent with ALC exemptions for farm residence floor area calculations.

### **Amending Parking Regulations to include Accessory Dwelling Units use**

Currently, the *Zoning Bylaw* only defines additional parking requirements for a secondary suite and secondary dwelling use.

As part of the proposed amendments, an Accessory Dwelling Unit use would be required to provide 1 stall in addition to the 1 stall required for a secondary suite and what is required for the principal dwelling unit.

### **Zones**

The following bylaw amendments will be applied to the Agricultural (A), Small-Lot Agricultural (A1), Rural Residential 2 (RR2), and Rural Residential 3 (RR3) zones unless otherwise noted.

### **Permitted Uses**

Replace secondary suite and coach house use as a permitted auxiliary use with Accessory Dwelling Unit use

Currently, all previously noted zones currently permit a secondary suite and coach house use as auxiliary uses.

This amendment will replace these two definitions with the new catch-all Accessory Dwelling Unit definition.

## Conditions of Use

### Permit secondary suites, garden suites, coach houses and secondary dwellings as Accessory Dwelling Units

As part of the proposed *Zoning Bylaw* amendments, staff recommends the listing of permitted Accessory Dwelling Unit types under the conditions of use, instead of the current practice of listing each type under permitted uses.

The permitted ADUs are defined as follows:

- Secondary Suite means an additional dwelling unit within a principal residential use and shall:
  - a) meet the criteria listed in the BCBC and
  - b) only be permitted where the building is occupied by the registered owner
- Garden suite means a single-storey ground level self contained accessory dwelling units (new definition).
- Coach house means a dwelling unit located entirely on the second level of a building that is separate from the single-family residences on the lot.
- Secondary dwelling use means a self-contained dwelling unit that is auxiliary to and separate from the principal residential use on the lot (amended definition).

Listing permitted ADUs under the conditions of use will make future amendments simpler.

### Remove requirement for the registered owner of the property to be present to have an Accessory Dwelling Unit

Currently, the District requires either the property owner or an immediate family member be on-site to have a coach house on the property.

In addition, the registration of a covenant on a property title ensuring that the property owner will be residing on the property is also required.

Staff recommend the removal of these requirements as they do not provide benefits equal to the harm of forcing people out of what are otherwise legal dwelling units.

The requirement for registered owners to be on-site will remain for secondary suites.

Allow a maximum of one secondary suite and one detached Accessory Dwelling Unit

The new ALC regulations will allow for both a secondary suite and a single detached ADU.

The inclusion of this in the conditions of use is for ease of reference and keeps the ADUs regulations in one place within the *Zoning Bylaw*.

## Regulations

The minimum lot size, gross floor area and height regulations for detached accessory buildings in the Agricultural (A), Small-lot Agricultural (A1) and Rural Residential 2 (RR2) and 3 (RR3) zones are detailed in table 2 below.

**Table 2: Detached Accessory Dwelling Unit Zoning Regulations**

Zone	Minimum Lot Size	Gross Floor Area	Height
Agricultural (A)	2,000 m <sup>2</sup> (0.5 acres)	90 m <sup>2</sup> on lots smaller than 40 ha. 186 m <sup>2</sup> on lots 40 ha or larger	7.0 m
Small-lot Agricultural (A1)	2,000 m <sup>2</sup> (0.5 acres)	90 m <sup>2</sup> (968 ft <sup>2</sup> )	7.0 m
Rural Residential 2 (RR2)	2,000 m <sup>2</sup> (0.5 acres)	90 m <sup>2</sup> (968 ft <sup>2</sup> )	7.0 m
Rural Residential 3 (RR3)	2,000 m <sup>2</sup> (0.5 acres)	90 m <sup>2</sup> (968 ft <sup>2</sup> )	7.0 m

The minimum lot size was based on the existing coach house minimum lot size requirement of 2,000 m<sup>2</sup> and the 7.0 m maximum height is currently the maximum permitted height for a coach house use.

The 186 m<sup>2</sup> and 90 m<sup>2</sup> gross floor areas account for the ALCs newly legislated maximum gross floor area for secondary residences.

Table 3 details the setbacks that will be applied to detached ADUs.

**Table 3: Detached ADU Setbacks**

Zone	Setbacks	
Agricultural (A)	FLL	7.5 m
	RLL	7.5 m
	ILL	7.5 m
	ELL	7.5 m
Small-lot Agricultural (A1)	FLL	6.0 m
	RLL	7.5 m
	ILL	1.5 m
	ELL	4.5 m
Rural Residential 2 (RR2)	FLL	6.0 m
	RLL	7.5 m
	ILL	1.5 m
	ELL	4.5 m
Rural Residential 3 (RR3)	FLL	7.5 m
	RLL	7.5 m
	ILL	1.5 m
	ELL	3.0 m

These setbacks are based on current setback regulations for principle dwelling units in these zones.

Given that agricultural and rural residential zoned lots are typically larger than townsite residential zoned lots, staff anticipates few issues with applicants meeting the minimum setback requirements.

**Policies in Support of the Amendments**

The following Official Community Plan (OCP) policies are in support of the proposed regulations. Each policy is followed by a justification as to how the policy is met.

*OCP Agricultural Policy 2 – All uses and subdivision of land within the ALR, shall be in accordance with the provisions of the Agricultural Land Commission Act, regulations thereto, and Orders of the Commission.*

The proposed *Zoning Bylaw* regulations for Accessory Dwelling Units conform with ALC regulations on the use.

*OCP General Residential Policy 1 and Affordable Housing Policy 2 – Encourage a diversified range of housing types and tenures to accommodate residents with varying income levels, age structures, family sizes and housing preferences.*

Permitting a variety of ADUs types provides landowners maximum flexibility when constructing an ADU.

As there are no restrictions on the tenancy of ADUs, these dwelling units can provide housing for farm help, renters, family members and young farmers working portions of land.

In addition, the limited land base within the Agassiz townsite restricts the viability of new apartment rentals which has resulted in a shortage of rental units as identified in the 2020 HNA.

While increasing residential uses in the ALR may not be an ideal solution to the problem, its an option that has been provided by the ALC and with proper regulation can have minimal impact on agricultural productivity.

### **Policies Not in Support of the Amendments**

The following OCP and Agricultural Area Plan (AAP) policies and recommendations are not in support of the proposed bylaw amendments. Justifications are provided below the policies.

*OCP Agricultural Policy 13 – Additional dwellings on land within the ALR should only be allowed when the property owner can demonstrate that there is a need for additional farm employment and that the dwelling is required to house the farm employee(s).*

As previously noted, there are no restrictions on the tenancy of these ADUs. Given the relatively small-scale of these ADUs the overall impact is expected to be minimal.

*AAP Recommendation 4.5.1 – It is recommended the District of Kent, as a matter of policy, discourage applications for additional residences in the ALR.*

While the proposed ADUs do not require an application to the ALC, the policies intent is to minimize residential uses in the ALR.

### **Kent Agricultural Advisory Committee**

At their November 4, 2021 meeting, the Kent Agricultural Advisory Committee passed a motion recommending that Council considers supporting the proposed bylaw amendments if Accessory Dwelling Units are excluded from being used as short-term rentals.

As previously noted, staff addressed this concern by prohibiting Accessory Dwelling Units from being used as short-term rentals on lots subject to ALC regulations.

**Challenges and Benefits of Permitting ADUs in the ALR**

**Table 4: Challenges and Benefits to ADUs in the ALR**

<b>Challenges</b>	<b>Benefits</b>
<ul style="list-style-type: none"> <li>• Risk of increased speculation on agricultural land.</li> <li>• Possible negative impact on agricultural productivity.</li> </ul>	<ul style="list-style-type: none"> <li>• Increases rental options within the District.</li> <li>• Opportunities to age in place where homesite severances may not be an option while also managing succession plans for the farm.</li> <li>• Provides an option for farm employee housing without an application to the ALC.</li> </ul>

**ENVIRONMENTAL CONSIDERATIONS:**

Potential environmental impacts associated with the proposed bylaw amendments are as follows:

- 1) Non-contiguous farm home plates and additional dwelling units could increase the number and size of septic fields and wells.
- 2) Larger farm home plates increase the amount of arable land that can be used for non-agricultural uses.

**BUDGETARY CONSIDERATIONS:**

As the proposed Zoning Bylaw Amendments are a District initiative, the District will incur the costs associated with advertising the bylaw amendments.

**POLICY CONSIDERATIONS:**

The *Zoning Bylaw* amendment will be conducted in accordance with Section 464 of the *Local Government Act* and the *District of Kent Development Procedures Bylaw No. 1194, 2001*.

**ALTERNATIVES / OPTIONS:**

- 1) Staff's recommendation.
- 2) Do not support recommendation.
- 3) Request further information.

**ATTACHMENTS:**

- 1) Appendix A: District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1687, 2021

Submitted for consideration by

Approved for Submission by

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M. Lisa Beaulieu,  
Director of Development Services

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Wallace Mah,  
Chief Administrative Officer

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THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1687

*“A bylaw to amend the District of Kent Zoning Bylaw 1219, 2001.”*

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**WHEREAS** the Council of the Corporation of the District of Kent has deemed it advisable to further amend Zoning Bylaw No. 1219, 2001;

**NOW THEREFORE** the Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as the “District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1687, 2021”.

2. **TEXT AMENDMENT**

a. **Part 3 – Definitions**

- i. To add the following definition for **accessory dwelling unit**:

**Accessory Dwelling Unit** means a **dwelling unit** that is accessory to the principal dwelling unit on a lot.

- ii. To amend the definition of **accessory residential facilities** to the following:

**Accessory residential facilities** means the following buildings, structures, or improvements associated with a farm residences, ~~coach houses~~ **accessory dwelling unit**, farm employee residences, or home occupation on a lot within the Agricultural Land Reserve:

- (a) attached or detached garages or carports;
- (b) yard area and decorative landscaping;
- (c) attached or detached household greenhouse or sunroom;
- (d) residential accessory buildings including garages, workshops, tool and storage sheds;
- (e) artificial ponds not serving farm drainage or irrigation needs or agriculture use;
- (f) residential related recreation areas and facilities such as, but not limited to, swimming pools and tennis courts;
- (g) residential water well and system; and
- (h) residential sewerage septic system.



- iii. To remove the definitions for **floor area – farm residence** and **floor area – farm employee residence**.

- iv. To add the following definition for **garden suite**:

**Garden suite** means a single-storey ground-level self-contained accessory dwelling unit.

- v. To amend the definition of **gross floor area** to the following:

**Gross floor area** means the total floor area of ~~all~~ buildings on a parcel measured to the outer limits of a building including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas but excluding auxiliary parking, unenclosed swimming pools, balconies, sundecks, elevators or ventilating machinery.

- vi. To amend the definition of **secondary dwelling** to the following:

**Secondary dwelling** use means a self-contained dwelling unit that is auxiliary to and separate from the principal ~~single-dwelling residential use~~ on the lot.

b. Part 7.13 – Short-term Rentals

- i. To add the following to Part 7.13.1:

j) A short-term rental use is not permitted within an **Accessory Dwelling Unit** on a lot within the Agricultural Land Reserve.

c. Part 7.14 - Farm Home Plate and Farm Employee Residence

- i. To amend Part 7.14.1 general requirements as follows:

(a) With the exception of Part 7.14.1 (b), for all lots within the Agricultural Land Reserve, the **farm residences, farm employee residence, ~~each homes-accessory dwelling units, home occupation~~** and all **accessory residential facilities** must be located within the **farm home plate** area.

- ii. To amend Part 7.14.2 (b) siting requirements as follows:
  - a) A **farm home plate** containing a **farm employee residence**, ~~a coach house~~ a detached **accessory dwelling unit** or **home occupation** located within an **accessory building** may be increased by a maximum of ~~500 m<sup>2</sup> (5,445 ft<sup>2</sup>) (0.125 acres)~~ 1,000 m<sup>2</sup> (10,793 ft<sup>2</sup>) (0.25 acres) and **does not need to be contiguous with the remainder farm home plate.**

- iii. To amend Part 7.14.3 floor area requirements as follows:

- a) Remove and replace Part 7.14.3 (a) and (b) with the following and re-number accordingly:
  - i. The maximum **gross floor area** for a **farm residence** shall be 500 m<sup>2</sup> (5,382 ft<sup>2</sup>).
- b) Remove and replace Part 7.14.3 (e) with the following and re-number accordingly:

The following **gross floor area** exclusions are permitted for a **farm residence**:

- i. Attached garages and unenclosed carports to a cumulative maximum of 42 m<sup>2</sup> (452 ft<sup>2</sup>).
- ii. Basements that do not end beyond the outer surface of the exterior wall of the first floor, with basement meaning that portion of any floor area having more than one-half its vertical height below the average finished grade at the perimeter of a building.
- iii. Attics, with attic meaning the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and sloping roof.

d. Part 7.17 Off-Street Parking

- i. To amend Part 7.17.10 required number of parking spaces as follows:

<b>Table 9.1</b>	
<b>Secondary Suite</b> and <b>Accessory Dwelling Unit Use</b>	1 space <b>per dwelling unit</b> in addition to the <b>parking spaces</b> required by the principal residential use.

e. Part 9.1 Agricultural Zone (A)/Agricultural Short-Term Rental Zone (Astr)

.i To remove and replace Part 9.1.1.5 secondary suite use and Part 9.1.1.14 coach house use with accessory dwelling unit use and renumber accordingly.

.ii To remove and replace Part 9.1.2.6 under conditions of use with the following and re-number accordingly:

.6 the following are permitted as Accessory Dwelling Units in this zone:

- a) A secondary suite use.
- b) A garden suite use.
- c) A coach house use.
- d) A secondary dwelling use.

.iii to add the following under Part 9.1.2 conditions of use and re-number accordingly:

.8 a maximum of one secondary suite and one detached **accessory dwelling unit** is permitted per lot.

.iv To amend Table 9.1 under Part 9.1.3 as follows:

Table 9.1	
<p><b>Lot Size</b></p> <p><b>Intensive agricultural use</b></p> <p><b>a detached accessory dwelling unit use</b></p> <p>For a <b>Short-term Commercial Accommodation (non-principal residence) use</b></p> <p>For all other uses</p> <p>The following lot(s) are exempted from the minimum lot size requirement:</p>	<p>4.0 hectares (10 acres) minimum</p> <p>2,000 m<sup>2</sup> (0.5 acres) minimum</p> <p>2,833 m<sup>2</sup> (1.0 acre) minimum</p> <p>2.0 hectares (5 acres) minimum</p>

<p>ALC Resolution #293/2008 for the property legally known as Lot 1 BCP Plan 42427, Subdivision Plan of Part of Legal Subdivision 1 Section 21 Township 4 Range 28 West of the Sixth Meridian Except: Part Shown on Plan with Bylaw filed 17134 New Westminster District; 0.731ha” (see Schedule A, Reference Map 26);</p> <p>ZBA 1462, 2010 ↘ ALC Resolution #1985/2009 for the property legally known as Lot 2 BCP Plan BCP47067, subdivision Plan of Parcel “C” (Reference Plan 10173) North Half of the South West Quarter Section 1 Township 4 Range 29 West of the Sixth Meridian Except: Part Subdivided by Plan 38656, New Westminster District and of Lot 15 Section 1 Township 4 Range 29 West of the Sixth Meridian New Westminster District Plan 29468; 0.31 ha” (see Schedule “A”, Reference Map 15); and</p> <p>ZBA 1477, 2010 ↘ ALC Resolution #505/2011 for the property legally known as Lot 2 Plan Epp19494, Subdivision Plan of Parcel “D” (Reference Plan 1493A) Except Firstly: Part Subdivided by Plan 19646 Secondly: Part on Highway Plan 25182 and Lot 1 Plan 19646 Section 26 township 3 Range 29 West of the Sixth Meridian New Westminster District (see Schedule “A”, Reference Map</p>	
Element	Regulation
<p><b>Gross floor area</b></p> <p>For a <b>single-dwelling residential</b> use</p> <p>For a detached <b>accessory dwelling unit</b> use on lots smaller than 40 ha.</p>	<p>See Part 7.14 Farm Home Plate and Farm Employee Residence Regulations</p> <p>90 m<sup>2</sup> (968 ft<sup>2</sup>)</p>

For a detached <b>accessory dwelling unit</b> use on lots 40 ha or larger.	186 m <sup>2</sup> (2,000 ft <sup>2</sup> )
For all other <b>buildings</b> and <b>structures</b>	Not regulated.
<b>Height</b>	
For a <b>single-dwelling residential</b> use	9.0 m (30 ft) maximum
For a detached <b>accessory dwelling unit</b> use	7.0 m (23 ft) maximum
For all other <b>buildings</b> and <b>structures</b>	12.0 m (40 ft) maximum

- f. Part 9.1A Small Lot Agricultural (A1) / Small Lot Agricultural Short-term Rental Zone (A1str)
- .i To remove and replace Part 9.1A.1.4 **secondary suite** use and Part 9.1.1.9 **coach house** use with **accessory dwelling unit** use and renumber accordingly.
  - .ii To remove and replace Part 9.1A.2.6 under conditions of use with the following and re-number accordingly:
    - .6 the following are permitted as Accessory Dwelling Units in this zone:
      - e) A secondary suite use.
      - f) A garden suite use.
      - g) A coach house use.
      - h) A secondary dwelling use.
    - .iii to add the following under Part 9.1A.2 conditions of use and re-number accordingly:
      - .8 a maximum of one **secondary suite** and one detached **accessory dwelling unit** is permitted per lot.
  - .iv To amend Table 9.1A under Part 9.1A.3 as follows:

<b>Table 9.1A</b>	
<b>Element</b>	<b>Regulation</b>
<p><b>Lot size</b></p> <p>For an approved Agricultural Land Commission subdivision, boundary adjustment or homesite severance.</p> <p>For a detached <b>accessory dwelling unit</b> use</p> <p>For a <b>short-term commercial accommodation (non-principal residence)</b> use</p>	<p>0.4 ha (1.0 acres) minimum</p> <p>2,000 m<sup>2</sup> (0.5 acres) minimum</p> <p>2,833 m<sup>2</sup> (1.0 acre) minimum</p>
<b>Element</b>	<b>Regulation</b>
<p><b>Gross floor area</b></p> <p>For a <b>single-dwelling residential</b> use</p> <p>For a detached <b>accessory dwelling unit</b> use</p> <p>For all other <b>buildings</b> and <b>structures</b></p>	<p>See Part 7.14 Farm Home Plate and Farm Employee Residence Regulations</p> <p>90 m<sup>2</sup> (968 ft<sup>2</sup>)</p> <p>Not regulated.</p>
<b>Element</b>	<b>Regulation</b>
<p><b>Height</b></p> <p>For a <b>single-dwelling residential</b> use and an <b>agricultural</b> use</p> <p>For a detached <b>accessory dwelling unit</b> use</p> <p>For accessory building use</p>	<p>9.0 metres (30 feet) maximum</p> <p>7.0 metres (23 feet) maximum</p> <p>5.0 metres (16 feet) maximum</p>
<b>Element</b>	<b>Regulation</b>
<p><b>Setbacks</b></p> <p>For a <b>single dwelling residential</b> and <b>detached accessory dwelling unit</b> use from:</p>	

<b>Front lot line</b>	6.0 metres (20 feet) minimum
<b>Rear lot line</b>	7.5 metres (25 feet) minimum
<b>Exterior lot line</b>	4.5 metres (15 feet) minimum
<b>Interior lot line</b>	1.5 metres (5 feet) minimum
For an <b>accessory building</b> use from:	
<b>Front lot line</b>	6.0 metres (20 feet) minimum
<b>Rear lot line</b>	1.5 metres (5 feet) minimum
<b>Exterior lot line</b>	4.5 metres (15 feet) minimum
<b>Interior lot line</b>	1.5 metres (5 feet) minimum

g. Part 9.3 Rural Residential 2 (RR2) / Rural Residential 2 (RR2) Short-term rental Zone (RR2str)

.v To remove and replace Part 9.3.1.3 **secondary suite** use and Part 9.1.1.8 **coach house** use with **accessory dwelling unit** use and renumber accordingly.

.vi To remove and replace Part 9.3.2.6 under conditions of use with the following and re-number accordingly:

.6 the following are permitted as Accessory Dwelling Units in this zone:

- i) A secondary suite use.
- j) A garden suite use.
- k) A coach house use.
- l) A secondary dwelling use.

.vii to add the following under Part 9.3.2 conditions of use and re-number accordingly:

.8 a maximum of one **secondary suite** and one detached **accessory dwelling unit** are permitted per lot.

.viii To amend Table 9.3 under Part 9.3.3 as follows:

<b>Table 9.3</b>	
<b>Element</b>	<b>Regulation</b>
<b>Lot size</b>  For a detached <b>accessory dwelling unit</b> use  For a <b>short-term commercial accommodation (non-principal residence)</b> use	0.8 ha (2 acres) minimum with an <b>approved community sewer system</b>  2.0 ha (5 acres) minimum without an <b>approved community sewer system</b>  2,000 m <sup>2</sup> (0.5 acres) minimum  2,833 m <sup>2</sup> (1.0 acre) minimum
<b>Element</b>	<b>Regulation</b>
<b>Gross floor area</b>  For a <b>single-dwelling residential</b> use  For a detached <b>accessory dwelling unit</b> use  For all other <b>buildings</b> and <b>structures</b>	See Part 7.14 Farm Home Plate and Farm Employee Residence Regulations  90 m <sup>2</sup> (968 ft <sup>2</sup> )  Not regulated.
<b>Element</b>	<b>Regulation</b>
<b>Height</b>  For a <b>single-dwelling residential</b> use  For a detached <b>accessory dwelling unit</b> use  For accessory building use	9.0 metres (30 feet) maximum  7.0 metres (23 feet) maximum  3.7 metres (16 feet) maximum



<p><b>Setbacks</b></p> <p>For a <b>single dwelling residential</b> and <b>detached accessory dwelling unit use</b> from:</p> <p><b>Front lot line</b></p> <p><b>Rear lot line</b></p> <p><b>Exterior lot line</b></p> <p><b>Interior lot line</b></p> <p>For an <b>accessory building</b> use from:</p> <p><b>Front lot line</b></p> <p><b>Rear lot line</b></p> <p><b>Exterior lot line</b></p> <p><b>Interior lot line</b></p>	<p>6.0 metres (20 feet) minimum</p> <p>7.5 metres (25 feet) minimum</p> <p>4.5 metres (15 feet) minimum</p> <p>1.5 metres (5 feet) minimum</p> <p>6.0 metres (20 feet) minimum</p> <p>1.5 metres (5 feet) minimum</p> <p>4.5 metres (15 feet) minimum</p> <p>1.5 metres (5 feet) minimum</p>
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h. Part 9.3A Rural Residential 3 (RR3) / Rural Residential 3 (RR3) Short-term rental Zone (RR2str)

- .ix To remove and replace Part 9.3.1.3 **secondary suite** use and Part 9.1.1.8 **coach house** use with **accessory dwelling unit** use and renumber accordingly.
- .x To remove and replace Part 9.3.2.6 under conditions of use with the following and re-number accordingly:
  - .6 the following are permitted as Accessory Dwelling Units in this zone:
    - m) A secondary suite use.
    - n) A garden suite use.
    - o) A coach house use.
    - p) A secondary dwelling use.

.xi to add the following under Part 9.3.2 conditions of use and re-number accordingly:

.8 a maximum of one **secondary suite** and one detached **accessory dwelling unit** are permitted per lot.

.xii To amend Table 9.3 under Part 9.3.3 as follows:

<b>Table 9.3</b>	
<b>Element</b>	<b>Regulation</b>
<b>Lot size</b>	2,000 m <sup>2</sup> minimum
For a detached <b>accessory dwelling unit</b> use	2,000 m <sup>2</sup> minimum
For a <b>short-term commercial accommodation (non-principal residence)</b> use	4,000m <sup>2</sup> (1.0 acre) minimum
<b>Element</b>	<b>Regulation</b>
<b>Gross floor area</b>	
For all other <b>buildings</b> and <b>structures</b>	Not regulated.
For a detached <b>accessory dwelling unit</b> use	90 m <sup>2</sup> (968 ft <sup>2</sup> )
<b>Element</b>	<b>Regulation</b>
<b>Height</b>	
For a <b>single-dwelling residential</b> use	9.0 metres (30 feet) maximum
For a detached <b>accessory dwelling unit</b> use	7.0 metres (23 feet) maximum
For accessory building use	3.7 metres (16 feet) maximum

<p><b>Setbacks</b>                  For a <b>single dwelling residential</b> and <b>detached accessory dwelling unit use</b> from:</p> <p><b>Front lot line</b>  <b>Rear lot line</b>  <b>Exterior lot line</b>  <b>Interior lot line</b></p> <p>For an <b>accessory building</b> use from:</p> <p><b>Front lot line</b>  <b>Rear lot line</b>  <b>Exterior lot line</b>  <b>Interior lot line</b></p>	<p>7.5 metres (25 feet) minimum                  7.5 metres (25 feet) minimum                  3.0 metres (10 feet) minimum                  1.5 metres (5 feet) minimum</p> <p>6.0 metres (20 feet) minimum                  1.5 metres (5 feet) minimum                  4.5 metres (15 feet) minimum                  1.5 metres (5 feet) minimum</p>

**3. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this day of

READ A SECOND TIME this day of

A PUBLIC HEARING WAS HELD this day of

READ A THIRD TIME this day of

FINALLY PASSED AND ADOPTED this day of

**CERTIFIED CORRECT:**

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Sylvia Pranger, Mayor

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Wallace Mah, Chief Administrative Officer

**CERTIFIED A TRUE & CORRECT COPY**  
of "District of Kent Zoning Bylaw 1219,  
Amendment Bylaw No. 1687, 2021"  
adopted on this day of

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Clair Lee, Director of Corporate Services