

BL401 (01/05)

- 3.11.4 All rooms in a *dwelling unit* are to be contiguous and accessible from within the *dwelling unit*; a *dwelling unit* may not consist of two or more separate suites of rooms joined only by unenclosed space, a passageway, a garage or by any *structure* that does not function as an enclosed room of the *dwelling unit*. The intent of this provision is to prevent the construction of *buildings* that can easily function as *two-family dwellings* even though they are not approved as such.

3.12 ACCESSORY BUILDINGS AND STRUCTURES

- 3.12.1 Before occupation of a *principal building* or *structure* on a *lot*, the use of all *accessory buildings* and *structures* on the *lot* must comply with the regulations of this Bylaw.
- 3.12.2 For the purposes of this Bylaw, a *carport* is deemed to be an *accessory building*, whether or not it is directly attached to the *principal building* on a *lot*.
- 3.12.3 Except where specifically permitted by this Bylaw, an *accessory building* or *structure* may not be used for *residential* or guest accommodation uses.
- 3.12.4 An *accessory building* other than a *seasonal cottage* or other permitted *accessory dwelling unit* may not contain a shower enclosure, a bathtub, a *kitchen*, or more than three separate rooms. Despite the foregoing, barns used solely for non-*residential agricultural* purposes may have more than three separate rooms.
- 3.12.5 With the exception of a *seasonal cottage* or other permitted *accessory dwelling unit*, the total *floor area* of all *accessory buildings* and *structures* on a *lot* must not exceed 70 square metres for *lots* that are 1.2 ha or less in area and 185 square metres for *lots* that are greater than 1.2 ha in area. One *building* with a *floor area* less than 25 square metres may be excluded from the calculation of total *floor area* for *accessory buildings* and *structures*.

Information Note: See also Section 4.1 regarding the siting of accessory buildings, Subsection 3.8.2 regarding the height of accessory buildings and Subsection 3.9.1 regarding the total area of accessory buildings in a strata plan.

3.13 HOME-BASED BUSINESSES

Information Note: Regulations for home-based businesses do not limit farm operations.

- 3.13.1 *Home-based businesses* are *accessory* to *residential use* of a *lot* and must be carried out *indoors* within a permitted *dwelling unit*, *seasonal cottage* or other fully enclosed *accessory building*, except that this restriction does not apply to the use of land for a pottery kiln or the *outdoor* activities associated with a family *day care* operation.

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- 3.13.2 The total *floor area* used for *home-based business use* on any *lot* must not exceed 50 per cent of the total *floor area* of *dwelling* and permitted *residential accessory buildings* on the *lot*, up to a maximum of 70 square metres for *lots* that are 1.2 ha or less in area and 150 square metres for *lots* that are greater than 1.2 ha in area.

Information Note: On properties located within the Agricultural Land Reserve (ALR), some special provincial regulations apply to home-based businesses, unless variances are applied for and approved in writing by the Provincial Land Reserve Commission. **No** retail sales of goods or products are permitted in the ALR unless they are produced or repaired as part of the home-based business. Day care facilities, pre-

schools, group homes and care-giving facilities may not be operated in the ALR as home-based businesses if they serve more than 8 persons.

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3.13.3 A *home-based business* must be operated by a person permanently residing on the premises in which the *home-based business* is conducted. Not more than three additional persons (or full-time equivalency) not residing in the *dwelling unit* may be employed in *home-based business uses* on any *lots* that are 1.2 ha or less in area and not more than four additional persons (or full-time equivalency) for *lots* that are greater than 1.2 ha in area.

3.13.4 There must be no exterior indication of the existence of the *home-based business*, either by stored materials, parking, displays, lighting or by any other variation from the customary *residential* character of the *lot, dwelling unit, seasonal cottage* or *accessory building*, with the exception of *signs* permitted by this Bylaw. *Parking spaces* for *home-based businesses* must be located on the *lot* where the *home-based business* is located, be visually buffered from neighbouring properties and the road, and be located at least 3 m from any *side lot line* and 7.6 m from the *rear lot line* and the *front lot line*. Vehicle storage must comply with Section 3.10 of this Bylaw.

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- 3.13.5 (a) No *home-based business* may create noise that exceeds 40 dB beyond the *lot* on which the *home-based business* takes place.
- (b) No home occupation may produce vibration, smoke, dust, odour, litter, electrical interference, fire hazard, effluent or glare detectable outside the boundaries of the *lot*.
- (c) No home occupation may result in contamination of any soil or surface water by solvents, glues, chemicals or other substances deleterious to human and environmental health and safety.

Information Note. This noise level is that recommended in a report for the World Health Organization as the level which should not be exceeded for steady continuous noise in outdoor living areas.

- 3.13.6 Only the following occupations may be conducted as a *home-based business*:
- (a) *Bed and breakfast* operations.
 - (b) Boarding houses, except that this *use* is not permitted in the Agriculture 2, Rural Watershed 1, Rural Watershed 2, Rural Islet or Forestry 2 *zones*.
 - (c) Production of arts, crafts, music, fabric items, jewellery, food and drink items and other comparable products.
 - (d) Sales of products produced on the same *lot*.
 - (e) Sales of products manufactured elsewhere, provided persons employed in the *home-based business* carry out all distribution of such products offsite.
 - (f) Instructional classes in personal skills including art, music, exercise or sport.
 - (g) *Personal services* and products *accessory to personal services*, provided that not more than 5 square metres of *floor area* may be used for the storage and display of such products, if they have not been produced on the same *lot*.
 - (h) Repair of small appliances, electronic equipment, instruments, furniture and bicycles.
 - (i) Business and professional offices.
 - (j) Day care centres for up to 10 children.
 - (k) Repair of automobiles, excluding auto body repair and provided such repair takes place on a property greater than 2 ha in area that is not in the Agriculture 2, Rural Watershed 1, Rural Watershed 2, Rural Islet or Forestry 2 *zones*, is screened from view and is limited to one enclosed

service bay not exceeding 25 square metres in *floor area* and provided not more than two vehicles may be parked outside, exclusive of the resident's own licensed vehicles.

- (l) Cabinet making, furniture making, upholstery and picture framing.

3.13.7 *Bed and Breakfast home-based businesses* are permitted only in the following zones:

Agriculture 1
Agriculture 2
Comprehensive Development 3
Forestry 1
Forestry 2
Residential 6
Residential 7
Residential 8
Residential 9
Residential 10
Rural
Rural Watershed 1
Rural Uplands 1
Rural Uplands 2

3.13.8 *Bed and Breakfast home-based businesses* are subject to the following additional conditions:

- (1) Not more than 1 *bed and breakfast home-based business* is permitted on any *lot*.
- (2) Despite Subsection 3.13.1, all bedrooms used to accommodate guests must be located only within a *single-family dwelling* or within a *seasonal cottage*, if one is permitted on the *lot*.
- (3) Not more than 3 bedrooms may be used to accommodate guests on *lots* that are 1.2 ha or less in *area*; not more than 4 bedrooms may be used to accommodate guests on *lots* that are greater than 1.2 ha in *area*.
- (4) Despite Subsection 3.13.2, the total *floor area* dedicated primarily to the accommodation of guests on any *lot*, including bedrooms, ensuite bathrooms, closets and common areas, is not to exceed 50 per cent of the total *floor area* of the *single-family dwelling* and *seasonal cottage* on the *lot*, up to a maximum of 100 square metres.

Information Note: Under a General Order of the Land Reserve Commission, *bed and breakfast home-based businesses* within the ALR are restricted to **three bedrooms that must be fully contained within a single-family dwelling**. The use of further bedrooms will require an application to the Commission and its written approval.

- (5) Breakfast meals only may be provided to *bed and breakfast* guests who have been provided with overnight accommodation.
- (6) Off-street parking for *bed and breakfast home-based business* uses must be supplied as outlined in Part 7 and screened from view from abutting *lots, highways* or *parks* by a *landscape screen*.
- (7) Despite Section 6.1, *signs* for *bed and breakfast home-based businesses* may be indirectly illuminated by a non-flashing light source, external to the *sign*. Where illumination is provided, it must consist of a maximum 150 watt PAR lamp mounted between 1 and 1.5 meters from each *sign* face.

3.14 SEASONAL COTTAGES

- 3.14.1 Unless otherwise specified, no *seasonal cottage* may be constructed or occupied on a *lot* less than 1.2 ha in *area*.
- 3.14.2 The maximum *floor area* of a *seasonal cottage* is 56 square metres.
- 3.14.3 A *seasonal cottage* is to be physically detached from any other *building* or *structure*, and may not be constructed or occupied on any *lot* occupied by two or more other *dwelling units*.
- 3.14.4 A *seasonal cottage*, including any stairs, decks or porches or other *structures* that are attached to the cottage or that function as part of the cottage, is not to be located within 6 m of any other *building* on a *lot*.
- 3.14.5 A *seasonal cottage* may not have a *basement*, or a *garage* or *carport* that is physically attached or functions as part of the *seasonal cottage*.
- 3.14.6 A *seasonal cottage* may only be used for *temporary* occupation by a person or persons having a permanent residence elsewhere and using the cottage for recreational or vacation purposes. A *seasonal cottage* may be used as part of a *bed and breakfast home-based business* as set out in Subsection 3.13.8, but is not to be used as a separate *commercial guest accommodation unit* that is not operated as a *home-based business*.

Information Note: Those wishing to use a *seasonal cottage* on Salt Spring Island as a legal full-time residential dwelling unit may apply for a zoning amendment specific to their property. Policies in the Salt Spring Island Official Community Plan indicate such use can be considered, subject to available water supplies and neighbourhood consultation.

- 3.14.7 Where a *lot* on Salt Spring Island is between 0.6 ha and 1.2 ha in *area* and contains a *seasonal cottage* not exceeding 56 square metres in total *floor area* and built prior to March 21, 1979, one *single-family dwelling* may also be permitted on the *lot*.
- 3.14.8 Where a *lot* on Salt Spring Island is greater than 0.6 ha in *area* and was split by a *public highway* prior to January 1, 1980, resulting in each side of the split *lot* exceeding 0.2 ha, then a *single-family dwelling* is permitted on one portion of the split *lot* and a *seasonal cottage* is permitted on the other portion across the *highway*.
- 3.14.9 A *seasonal cottage* may be a *mobile home* or a *manufactured home*.

3.15 DWELLINGS ON LARGE FARMS

- 3.15.1 Despite other provisions of this bylaw, where a *lot* is 20 ha or more in *area* and is classified as a farm under the Assessment Act, a total of three *dwelling units* are permitted provided that two of the *dwelling units* are to accommodate people deriving their livelihood from the *farm business* on that *lot*.

Information Note: Where a *lot* is in the Agricultural Land Reserve or the Forest Land Reserve, the construction of more than one permanent detached dwelling unit on a *lot* requires the permission of the Land Reserve Commission.