

Information about B&Bs and Short-Term Rentals in the JDF EA

Juan De Fuca Land Use Bylaw 2040, adopted in January 1993 and with its subsequent amendments, contains the legal descriptions of the zones and zoning regulations that apply to Otter Point, Shirley, Jordan River and East Sooke.

Bylaw 2040 allows for tourist accommodation by permitting the Home Based Business (Category 2) “Bed and Breakfast”

Bed and Breakfast as defined on Page 11 in Bylaw 2040:

BED AND BREAKFAST means a home based business which provides for temporary accommodation of the travelling public, in a dwelling unit which is the principal use of a lot, but which does not provide meals, other than breakfast, or cooking facilities for guests

Bed and Breakfast Unit as defined on Page 11 in Bylaw 2040:

BED AND BREAKFAST UNIT means temporary accommodation provided in a Bed and Breakfast and consisting of a sleeping room, a bathroom or a shared bathroom, and may include a sitting room or a share in a sitting room; specifically excludes cooking facilities and kitchens

“Vacation Rental” or “Short-Term Rental” is not defined or listed as a permitted use in the Bylaw for any zone.

Commercial Zones CR1, CR3, CR4 do allow for tourist accommodation other than B&B as does Zone WT TC (Wildwood Terrace Tourist Commercial)

Other explanatory definitions from Bylaw 2040 Page 10:

DWELLING, ONE FAMILY means a residential use in a detached building having independent exterior walls, consisting of one dwelling unit which is occupied or intended to be occupied as a permanent home or residence and having not more than one kitchen;

DWELLING, TWO FAMILY means a residential use in building which is divided into two dwelling units which are either placed one above the other or side by side, and sharing a common wall, each unit of which is occupied or intended to be occupied as a permanent home or residence; specifically excludes dwelling units attached by carport, sundeck, breezeway or other similar structures; Bylaw 2689

DWELLING UNIT means a self-contained set of rooms capable of occupancy by one or more persons, including provisions for living, sleeping, cooking and sanitation; containing not more than one kitchen; and the principal use of such dwelling unit is or is capable of being a permanent residence; includes mobile homes, and modular homes or prefabricated dwellings meeting CSA-A277 standards or equivalent, but not recreation vehicles, tents, buses, travel trailers, or other vehicles;

Wildwood Terrace Zones WT 1,2 and 3 Pages 61-67 provide the definition:

SECONDARY DWELLING means an accessory dwelling unit occupied or intended to be occupied as a permanent home or residence with living facilities, including provision for sleeping and one kitchen area.

Bylaw 2040 **4.20** Detached Accessory Suites (n) states on Page 42: A bed and breakfast use shall only be permitted in the principal dwelling on a lot containing a detached accessory suite

Bylaw 2040 **4.0** General Regulations **Section 4.06** Home Based Business and Home Industry **(3)** describes the allowed Bed and Breakfast use (Pages 36-37):

(3) Home Based Business - (Category 2) - Bed and Breakfast

A bed and breakfast use when permitted in any zone shall be subject to the regulations in 4.06(1) of Part 1 above and the following:

- (a) (i) Bed and Breakfast Units may be located in the principal dwelling unit;
- (ii) On lots of greater than 2000m², Bed and Breakfast Units may be located in an accessory building;
- (b) (i) On lots of less than 0.4ha, not more than three Bed and Breakfast Units shall be permitted on a lot; and the maximum number of persons sleeping in a dwelling unit shall not exceed ten (10);
- (ii) On lots of 0.4ha or more, not more than four Bed and Breakfast Units shall be permitted on a lot, provided that the sewage disposal system conforms to the Public Health Sewerage System Regulation; and the maximum number of persons sleeping in a dwelling unit shall not exceed twelve (12); Bylaw 3705
- (c) Breakfast meals only may be served to transient guests;
- (d) Home Based Business (Category 2) shall not increase vehicular traffic flow and parking by more than one vehicle at a time for each Unit in the Bed and Breakfast, nor shall they involve the use of commercial vehicles for delivery of materials to or from the premises, or parked on the property, except occasional deliveries consistent with the normal residential use of the property;
- (e) There shall be no display or unenclosed storage of materials, tools, equipment, containers or finished products associated directly or indirectly with the home based business;
- (f) Side and rear yards for an accessory building used for Bed and Breakfast Units shall be the same as for the principal dwelling in the zone in which it is located;
- (g) The total floor area of any accessory structure devoted to Bed and Breakfast Units shall not exceed 45m².