



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4554

#### A Bylaw for the Purpose of Amending Zoning Bylaw No. 2465 Applicable to Electoral Area I – Youbou/Meade Creek

**WHEREAS** the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to adopt and amend zoning bylaws;

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area I, that being CVRD Zoning Bylaw No. 2465, 2004, Electoral Area I – Youbou/Meade Creek;

**AND WHEREAS** the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

**AND WHEREAS** Section 464(4) of the *Act* requires that a public hearing not be held in respect of zoning bylaw changes to comply with Section 481(3) of the *Act*;

**AND WHEREAS** the Board has directed that, pursuant to Section 464(2) of the *Local Government Act*, a hearing not be held because the proposed amendments are consistent with Bylaw 4270 – Official Community Plan for the Electoral Areas;

**NOW THEREFORE** the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

#### 1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4554 – Electoral Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Bill 44 Compliance), 2024**".

#### 2. AMENDMENTS

Bylaw No. 2465 is hereby amended as follows:

a. Section 1.3 Definitions is amended by deleting the following definitions:

- i. ALR
- ii. Accessory
- iii. Building
- iv. Disabled person
- v. Dwelling or Dwelling Unit
- vi. Family
- vii. Kitchen
- viii. Multiple family residence
- ix. Personal service use
- x. Principal use
- xi. Secondary Dwelling Unit
- xii. Secondary Suite
- xiii. Structure

xiv. Two family residence

b. Section 1.3 Definitions is further amended by adding the following definition following:

**“Accessory”** means a use, building or structure which is incidental to, subordinate to, and exclusively devoted to a principal use, building or structure that is located on the same parcel or that is located on common property within the same strata plan as the principal use, building or structure.

**“Building”** means any structure, wholly or partially enclosed by a roof or roofs, supported by walls, columns or posts and used or intended for supporting or sheltering any use or occupancy.

**“Dwelling, Duplex (or Duplex Dwelling)”** means a structure containing two separate self-contained dwelling units within one building that share a common wall or floor system and where each dwelling unit is occupied or intended to be occupied as the permanent home or residence of one household.

Excludes: Attached Suite, Detached Suite

**“Dwelling or Dwelling Unit”** means one or more attached habitable rooms in a building intended to be solely for residential use, that together contain or provide for the installation of:

- a) one (1) kitchen
- b) one (1) or more washrooms
- c) one (1) or more sleeping areas

Includes: One (1) Kitchenette;

Excludes (unless explicitly permitted in this Bylaw): Temporary Accommodation; Tourist Accommodation; a room in a Hotel or Motel; recreational vehicle; a live-aboard vessel or float home.

**“Dwelling, Multi-Unit (or Multi-Unit Dwelling)”** means a building or cluster of buildings consisting of three or more dwelling units, where each dwelling unit is occupied or intended to be occupied as the permanent home or residence of one household.

Includes: Seniors' Congregate Housing

Excludes: tourist accommodation unless explicitly permitted in this Bylaw, a room in a Hotel or Motel; Attached Suite; Detached Suite

**“Dwelling, Single Detached (or Single Detached Dwelling)”** means a detached building consisting of one dwelling unit, where it is occupied or intended to be occupied as the permanent home or residence of one household.

**“Kitchen”** means any area in a building that is equipped with any of the following:

- a) Any equipment, device or appliance used to heat or cook food;
- b) Services for energy supply to any equipment, device or appliance used to heat or cook food;
- c) Services for plumbing associated with food preparation or cleaning;
- d) Services for ventilation associated with any equipment, device or appliance used to heat or cook food; or
- e) Food storage and preparation areas such as pantries, cupboards, cabinets and counter tops.

Excludes: Kitchenette.

**“Kitchenette”** means any portion of a room used for the preparation of beverages and limited meals and may contain a raised counter and one (1) sink, fridge, microwave, and coffeemaker.

Excludes: Kitchen

**“Personal Service”** means use of a building to provide direct professional goods or services an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects.

Includes: Uses such as (but not limited to) barber shop, hair salon, tailor, tattoo parlour, shoe repair shop, photographer's studio, picture framing shop, manicurists, fitness studio, dry cleaning establishments; Accessory retail sales of goods, wares, personal merchandise, articles or things accessory to the provision of such services.

Excludes: Cannabis retail sales

**“Principal (or Principal Use)”** means the primary purpose for which land, buildings or structures are ordinarily used, or designed to be used.

**“Seniors’ Congregate Housing”** means a residential or institutional facility which provides sleeping units or dwelling units for persons aged 65 or older, one or more meals per day and housekeeping services, contains a common dining area with a capacity sufficient to accommodate all residents of the residential facility,

Includes: Accessory personal service; Accessory convenience store

**“Structure”** means anything that is fixed to, or supported by, or sunk into land or water.

Includes (but is not limited to): swimming pools; fences; signs; and tanks.

Excludes: areas of hard surfacing such as concrete, brick or unit pavers, turfstone, asphalt or similar materials; soft landscaping unless otherwise noted in this Bylaw

**“Suite, Attached (or Attached Suite)”** means one dwelling unit conforming to Section 3.17 of this Bylaw;

**“Suite, Detached (or Detached Suite)”** means one dwelling unit conforming to Section 3.18 of this Bylaw;

- c. All occurrences of the phrasing “single and two family residential buildings” is replaced with “single residential dwellings and duplex dwellings”.
- d. All occurrences of the terms “Multiple Family” and “Multi-Family” are replaced with “Multi-Unit”.
- e. All occurrences of the terms “multiple family residence”, and “multiple family dwelling” are replaced with “multi-unit dwelling”.
- f. All occurrences of the terms “single family”, “single family dwelling”, “single family residence”, and “single family residential dwelling” are replaced with “single detached dwelling”.
- g. All occurrences of the terms “two family dwelling”, “two family residence”, “two family” and “two family residences” are replaced with “duplex dwelling”.
- h. All other occurrences of the word “Family” are deleted from the Bylaw.
- i. Section 3.17 is deleted and replaced with the following:

### **3.17 Attached Suites**

For zones in which Attached Suites are permitted, the following regulations apply:

1. The Attached Suite shall be located within a principal single detached dwelling.
2. The Attached Suite shall not occupy more than 40% of the gross floor area of the dwelling.
3. The Attached Suite shall be legally constructed and inspected in accordance with the British Columbia Building Code and the CVRD Building Bylaw, and have the approval of the authorities responsible for domestic water supply.
4. The Attached Suite is only permitted if a report prepared by a Registered Onsite Wastewater Practitioner or a professional engineer with experience in wastewater systems approves the appropriate level of sewage treatment – Type 1, 2, or 3 – that would permit the requested total density on the parcel.
5. The Attached Suite shall not have a gross floor area in excess of 90 m<sup>2</sup>.
6. The Attached Suite shall not be located on a parcel of land that has another Attached Suite or Detached Suite on it.
7. The Attached Suite shall not have, through subdivision or strata plan, a separate title distinct from the one for the parcel of land upon which it is located, and the owner must enter into and register a covenant to this effect on the owner's title in the Land Title Office. Notwithstanding the foregoing, a covenant that would prevent the subdivision is not required for an Attached Suite on a parcel of land which may be subdivided in accordance with this Bylaw, provided the resulting parcels would meet the minimum parcel area and other regulations for the zone in which each dwelling would be located, and the subdivision would not otherwise result in a contravention of this Bylaw.

- j. Section 3.18 is deleted and replaced with the following:

### **3.18 Detached Suites**

For zones in which Detached Suites are permitted, the following regulations apply:

1. The Detached Suite shall be freestanding or attached to an approved accessory building;
2. The Detached Suite shall be legally constructed and inspected in accordance with the British Columbia Building Code and the CVRD Building Bylaw, and have the approval of the authorities responsible for domestic water supply.
3. The maximum floor area of a Detached Suite shall not exceed 85 m<sup>2</sup>;
4. One additional on-site parking space shall be provided;
5. Approval as recommended in a report prepared by a Registered Onsite Wastewater Practitioner or a professional engineer with experience in wastewater systems approves the appropriate level of sewage treatment – Type 1, 2, or 3 – that would permit the requested total density on the parcel;
6. The Detached Suite and principal dwelling shall both have access to a licensed source of potable drinking water;
7. The small suite shall not be in the form of a recreational vehicle nor park model unit;
8. Only one Attached Suite or Detached Suite is permitted per parcel;
9. The Detached Suite may be subdivided from the parcel upon which it is located only if:
  - i. it is in a zone which would allow for the proposed lot sizes following subdivision;
  - ii. the Single Detached Dwelling and Detached Suites are so located as to allow for setback requirements to be met following subdivision;
  - iii. the approval of the Health Authority for sewage disposal has been

- obtained;
- iv. all other requirements of subdivision are met.

If the parcel upon which the Detached Suite would be located is in a zone which would not allow for subdivision, the owner shall, prior to the issuance of a building permit for the Detached Suite, register a covenant on the parcel which would prevent its subdivision or the registration of any form of strata plan under the *Strata Property Act* on the parcel.

For parcels that meet the requirements of 9.i., ii., iii., and iv., following the subdivision, the dwelling that was formerly considered to be the Detached Suite will no longer be subject to the regulations of Section 5.20 of this Bylaw.

- k. Section 3.25 is deleted and replaced with the following:

**3.25 Minimum Parcel Size for Section 514 Subdivision**

The minimum size for a parcel that may be subdivided under Section 514 of the *Local Government Act* to provide a residence to a relative throughout Electoral Area I – Youbou/Meade Creek is 25 hectares.

- l. Section 5.2.1.1 is amended by deleting the unused e. and then relabelling the three accessory uses as e. through g. respectively.
- m. Section 5.3.1.f. is deleted and replaced with the following:
  - f. Attached Suite or Detached Suite, provided the unit would not be located closer than 60 metres to the natural boundary of the lake.
- n. Section 5.3.3 is deleted and replaced with the following:

**3. Density**

Not more than one dwelling plus one Attached Suite or Detached Suite is permitted on a parcel that is zoned LR-1.

- o. Section 5.4.1 is amended by adding the following after c.:
  - d. Attached Suite.
- p. Section 5.4.8 is deleted and replaced with the following:

**8. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned LR-2.

- q. Section 5.5.1.d. is deleted and replaced with:
  - d. Attached Suite.
- r. Section 5.5.1.6 is deleted and replaced with the following:

**6. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned LR-3.

- s. The following Subsections in Section 5.5 are amended:

“Minimum Parcel Area” is relabelled from a. to 2.

“Parcel Area Averaging” is relabelled from b. to 3.

- t. Section 5.6.1 is amended by adding the following after d.:

e. Attached Suite.

- u. Section 5.6.4 is deleted and replaced with the following:

**4. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned LR-5.

- v. Section 5.7.1 is amended by adding the following after d.:

e. Attached Suite.

- w. Section 5.7.4 is deleted and replaced with the following:

**4. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned LR-6.

- x. Section 5.8.1 is amended by adding the following after c. and relabelling f. as a.:

d. Attached Suite.

- y. Section 5.8.5 is deleted and replaced with the following:

**4. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned LR-7.

- z. Section 5.9.1 is amended by deleting c. and replacing it with the following:

c. Attached Suite or Detached Suite.

- aa. Section 5.9.4 is deleted and replaced with the following:

**4. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned LR-8.

- bb. Section 5.11A.1 is amended by adding the following after Section (d):

(d) Attached Suite.

cc. Section 5.11A.4 is deleted and replaced with the following:

**4. Density**

Not more than one recreational residence plus one Attached Suite is permitted on a parcel that is zoned LR-11.

dd. Section 5.12.1.f. is deleted and replaced with the following:

f. Attached Suite or Detached Suite.

ee. Section 5.12.3 is deleted and replaced with the following:

**3. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned R-2.

ff. Section 5.12A.1 by deleting g. and replacing it with the following:

g. Attached Suite or Detached Suite.

gg. Section 5.12A.3 is deleted and replaced with the following:

**3. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned R-2A.

hh. Section 5.13.1.f. is deleted and replaced with the following:

f. Attached Suite or Detached Suite.

ii. Section 5.13.3 is deleted and replaced with the following:

**3. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned R-3.

jj. Section 5.15.1 is amended by adding the following after c.:

d. Attached Suite.

kk. Section 5.15.4 is deleted and replaced with the following:

**4. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned R-5.

ll. Section 5.16.1.c. is deleted and replaced with the following:

c. Attached Suite.

mm. Section 5.16.3 is deleted and replaced with the following:

**3. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned R-6.

nn. Section 5.18.1 is amended by adding the following after c.:

d. Attached Suite.

oo. Section 5.18.6 is deleted and replaced with the following:

**6. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned R-8.

pp. Section 5.19.1 is amended by adding the following after c.:

d. Attached Suite.

qq. Section 5.19.6 is deleted and replaced with the following:

**6. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned R-9.

rr. Section 5.20.1 is amended by adding the following after c.:

d. Attached Suite.

ss. Section 5.20.4 is deleted and replaced with the following:

**4. Density**

Not more than one dwelling plus one Attached Suite is permitted on a parcel that is zoned R-10.

**3. FORCE AND EFFECT**

This bylaw shall take effect upon its adoption by the Regional Board.

PUBLIC NOTICE GIVEN in ACCORDANCE WITH THE LOCAL GOVERNMENT ACT this	_____	day of	_____.	2024 and
	_____	day of	_____.	2024.
READ A FIRST TIME this	_____	day of	_____.	2024.



READ A SECOND TIME this	_____	day of	_____,	2024.
READ A THIRD TIME this	_____	day of	_____,	2024.
ADOPTED this	_____	day of	_____,	2024.

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Chair

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Corporate Officer