



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4551

#### A Bylaw for the Purpose of Amending Zoning Bylaw No. 2600 Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls

**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 F, that being "CVRD Zoning Bylaw No. 2600, 2005, Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls";

**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. 4551 – Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Bill 44 Compliance), 2024**".

#### 2. AMENDMENTS

Bylaw No. 2600 is hereby amended as follows:

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

- i. Accessory
- ii. Accessory Dwelling
- iii. Building
- iv. Duplex
- v. Dwelling or Dwelling Unit
- vi. Family
- vii. Kitchen
- viii. Multiple family residence
- ix. Personal Service Use
- x. Principal Use
- xi. Quadruplex

- xii. Secondary Dwelling Unit
- xiii. Secondary Suite
- xiv. Semi-Detached Dwelling
- xv. Structure
- xvi. Triplex

- b. Section 1.3 – Definitions – is further amended by adding the following definitions in alphabetical order:

**“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.

**“Duplex”** means a building containing two dwelling units, placed one above the other or side by side and neither of which is an Attached Suite as defined in this Bylaw;

**“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; or a room in a hotel or motel.

**“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 3.20 of this Bylaw;

**“Suite, Detached (or Detached Suite)”** means one dwelling unit conforming to Section 3.21 of this Bylaw, which is located on a parcel that also has a principal single detached dwelling unit on it;

- c. Throughout the Bylaw, all remaining occurrences of the phrase “single family dwelling” or “single family residential dwelling” are replaced by the phrase “single detached dwelling”.
- d. Throughout the Bylaw, all remaining occurrences of the phrase “multiple family dwelling”, “multiple family residence”, “multi-family dwelling”, and “multifamily dwelling” are replaced by the phrase “dwelling, multi-unit” or “multi-unit dwelling”, whichever is contextually appropriate.
- e. Any remaining occurrences of the word “Family” are deleted from the Bylaw.
- f. Section 3.16 (8) (b) – Access to Parking Spaces is amended by replacing “single family” with “single detached dwelling” and replacing “two family residential building” with “duplex”.
- g. Section 3.20 is amended by retitling it as “Attached Suites” and the remainder of that section is deleted and replaced with the following:

For zones in which it is a permitted use, the Attached Suite shall:

1. be attached to the principal single detached dwelling;
2. 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 waste disposal and domestic water supply;

3. not have a floor area in excess of 95 m<sup>2</sup>;
  4. not be located on a parcel of land that has another Attached Suite or Detached Suite on it;
  5. If the parcel upon which the Attached 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 Attached 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.
- h. All remaining occurrences of the term “secondary suite” throughout the Bylaw are deleted and replaced with “Attached Suite”.
- i. Section 3.21 is amended by retitling it as “Detached Suites”, and the remainder of that Section is deleted and replaced with the following:
1. The maximum floor area of a Detached Suite shall not exceed 95 square metres;
  2. The Detached Suite shall be freestanding;
  3. One additional on-site parking space shall be provided;
  4. Approval of the community sewer service provider, or if the parcel is not connected to a community sewer system, 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. Prior approval of the authority having jurisdiction for potable water must be secured for the total density requested;
  6. The Detached Suite shall not be a recreational vehicle nor a park model unit;
  7. Only one Attached Suite or Detached Suite is permitted per parcel;
  8. A Detached Suite may be incorporated into or attached to an accessory building.
  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 principal single detached dwelling and detached suite 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 3.21 of this Bylaw.

- j. All remaining occurrences of the phrase “secondary dwelling unit” throughout the Bylaw are replaced with the phrase “Detached Suite”.
- k. The following accessory use is added after 5.1.1.g:
- h. Attached Suite or Detached Suite.
- l. Section 5.13 is amended by:
- i. Deleting (c) Triplex and (d) Quadruplex from 1 – Permitted Uses and replacing it with

- ii. “(c) Multi-unit dwelling”;
  - iii. In 2 – Conditions of Use (a) (i) and (b) (i), replacing the part of the sentence “duplex, triplex or quadruplex” with “duplex or multi-unit dwelling”;
  - iv. In 3 – Parcel Size and Dimensions amending the Table by replacing “Triplex” with “Multi-Unit Dwelling (3 units)” and replacing “quadruplex” with “Multi-Unit Dwelling (4+ units)”;
  - v. Retitling (5) (b) from “Triplex and Quadruplex” to “Multi-Unit Dwelling”
  - vi. In (5) (b) (i) and (iii), replacing “triplex” with “multi-unit dwelling (3 units)”;
  - vii. In (5) (b) (ii) and (iv), replacing “quadruplex” with “multi-unit dwelling (4+ units)”
  - viii. In 7 – Setbacks, retitling (b) to “Multi-Unit Dwelling” and in the corresponding table, replacing “Triplex; Quadruplex” with “Multi-Unit Dwelling”;
  - ix. In Section (7) (i) replacing “duplex, triplex or quadruplex” with “duplex or multi-unit dwelling”;
  - x. In 8 – Height, replacing “Triplexes and quadruplexes” in (c) with “Multi-unit dwellings”;
  - xi. In 9 – Impervious Surface and Parcel Coverage Limit, replacing “Triplex or Quadruplex” in (b) and replacing it with “Multi-Unit Dwelling”;
  - xii. In 10 – Location of Uses, retitling (b) to “Multi-Unit Dwelling”;
  - xiii. In 11 – Building Size, replacing “triple or quadruplex” in (b) (iii) with “multi-unit dwelling”
  - xiiii. Retitling (13) to “Refuse Receptacles for Multi-Unit Dwellings”
  - xv. In 14 – Private Open Space, replacing “duplex, triplex, and quadruplex” with “duplex or multi-unit dwelling” and replacing “triplex or quadruplex” in (c) with “multi-unit dwelling”.
- m. The following is added after Section 5.7.1.f:
  - g. Attached Suite or Detached Suite.
- n. Section 5.9.1.h is deleted and replaced with the following:
  - h. Attached Suite or Detached Suite.
- o. Section 5.14.5 is deleted and replaced with the following:
  - 5. The Paldi Comprehensive Development Designation will allow for a maximum of 500 principal dwelling units, plus Attached Suites for every Single Detached Dwelling unit. A minimum of 20% and a maximum of 60% of all dwelling units will be attached dwellings, single detached on small lots (not more than 1,000 m<sup>2</sup>) or mixed-use residential units above commercial uses. A minimum of 40% will be single detached dwelling units on lots larger than 1,000 m<sup>2</sup>.
- p. Section 5.14.5.b.is amended by:
  - a. Deleting (iii) and (iv) and replacing it with “iii. Multi-unit dwelling” and renumbering subsequent uses.
  - b. Deleting (viii) Secondary Suites, for up to 50% of single family dwellings and replacing it with “Attached Suite for each Single Detached Dwelling”
- q. Section 5.15.1.a) i., is deleted and replaced with the following:
  - i. Single Detached Dwelling plus one Attached Suite.

**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 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.
RECEIVED MINISTRY OF TRANSPORTATION & INFRASTRUCTURE APPROVAL	_____	day of _____,	_____.	2024.
ADOPTED this	_____	day of _____,	_____.	2024.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Officer