



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4571

#### **A Bylaw for the Purpose of Amending Zoning Bylaw No. 3520 Applicable to Electoral Areas A – Mill Bay/Malahat and C – Cobble Hill**

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**WHEREAS** the *Local Government Act* empowers the Regional Board to adopt and amend zoning bylaws;

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Areas A – Mill Bay/Malahat and C – Cobble Hill, that being “the Cowichan Valley Regional District South Cowichan Zoning Bylaw No. 3520, 2012”;

**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** 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. 4571 – South Cowichan Zoning Amendment Bylaw (Detached Suites & Miscellaneous Amendments), 2024**”.

#### 2. **AMENDMENTS**

a. Section 3.1 - Definitions - is amended by deleting the following definitions:

- i. Accessory Dwelling Unit
- ii. Accessory
- iii. Agro-Forestry
- iv. Boarding and Lodging
- v. Building
- vi. Conservation Covenant
- vii. Duplex
- viii. Dwelling or Dwelling Unit
- ix. Eco-Forestry
- x. Eco-Forestry Covenant

- xi. Family
- xii. Kitchen
- xiii. Multiple Family Dwelling
- xiv. Personal Service
- xv. Principal Use
- xvi. Seniors' Congregate Housing
- xvii. Single Family Dwelling
- xviii. Staff Accommodation
- xix. Structure

- b. Section 3.1 - 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 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;

**"Congregate Housing"** means a residential or institutional facility which provides sleeping units or dwelling units, one or more meals per day, housekeeping services, and contains a common dining area sufficient to accommodate all residents of the residential facility. Includes: accessory personal service; accessory convenience store;

**"Dwelling"** and **"Dwelling Unit"** means one or more attached habitable rooms in a building used and occupied or intended to be used and occupied as the permanent home or residence of one household, that together contain or provide for the installation of:

- a. no more than one kitchen;
- b. no more than one kitchenette;
- c. one or more washrooms;
- d. one or more sleeping areas;

Excludes: Temporary accommodation or tourist accommodation unless expressly permitted in this Bylaw;

**"Dwelling, Duplex"** and **"Duplex"** means a building containing two dwelling units that share a common wall or floor system, neither of which is an attached suite;

**"Dwelling, Multiple-Unit (or Multi-Unit Dwelling)"** means a building or cluster of buildings consisting of three or more dwelling units. Includes: Congregate Housing; Excludes: Tourist accommodation unless expressly permitted in this Bylaw;

**"Dwelling, Single Detached (or Single Detached Dwelling)"** means a building containing one dwelling unit or, where permitted by this bylaw, one dwelling unit and one attached suite;

**"Kitchen"** means any area in a building that is equipped with cooking facilities and may include 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;

**“Kitchenette”** means any portion of a room used for the preparation of beverages and limited meals and may contain a raised counter and one of each of the following: sink, refrigerator, microwave oven, and coffeemaker;

**“Personal Service”** means use of a building to provide services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects, and includes accessory retail sale of personal care products;

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

**“Structure”** means anything that is fixed to, or supported by, or sunk into land or water. Includes: swimming pools; retaining walls; fences; signs; and any tank that projects above 0.6m above finished grade; underground commercial or industrial tanks. Excludes: areas of hard surfacing such as concrete, brick or unit pavers, turfstone, asphalt or similar materials; soft landscaping unless otherwise specified in this Bylaw; private residential septic tanks entirely below grade;

**“Suite, Detached (or Detached Suite)”** means a dwelling unit that is itself, or is located within, an accessory building on a parcel of land that contains at least one other dwelling unit, and that complies with Section 4.15 of this Bylaw;

- c. Throughout the Bylaw, all occurrences of the phrase “single family” are replaced with the phrase “single detached”.
- d. Throughout the Bylaw, any remaining occurrences of the phrase “secondary suite” are replaced with the phrase “attached suite”.
- e. Section 4.15 is retitled from “Accessory Dwelling Unit” to “Detached Suite” and further amended by deleting Subsections 9, 10 and 11 and replacing them with the following:
  - 9. For a parcel that 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.
- f. Throughout the Bylaw, all remaining occurrences of the phrase “accessory dwelling unit” and “accessory dwelling” are replaced with the phrase “detached suite”.

- g. Section 9.1.1.h is deleted and replaced with the following:

h. Attached suite or detached suite, subject to Agricultural Land Commission regulations.

- h. The following is added to Section 9.1:

**9. Detached Suite Regulations**

Notwithstanding Section 9.1.1, the following applies:

- a. In Area A only, a detached suite is not permitted on a parcel that is located within the Agricultural Land Reserve.
  - b. In Area C only, a detached suite is not permitted on a parcel that is located within the Agricultural Land Reserve that is also either partially or wholly within the boundaries of the Koksilah River Watershed.
- i. Section 9.2 is amended by adding the following after 9.2.7:

**8. Detached Suite Regulations**

Notwithstanding Section 9.2.1, the following applies:

- a. In Area A only, a detached suite is not permitted on a parcel that is located within the Agricultural Land Reserve.
  - b. In Area C only, a detached suite is not permitted on a parcel that is located within the Agricultural Land Reserve that is also either partially or wholly within the boundaries of the Koksilah River Watershed.
- j. Section 9.6.1.h is deleted and replaced with the following:
- h. Attached suite or detached suite, subject to Agricultural Land Commission regulations.
- k. Throughout the Bylaw, all occurrences of the phrase “multiple family dwelling” are replaced with “multiple unit dwelling”.

**3. FORCE AND EFFECT**

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

PUBLIC NOTICE GIVEN in 18<sup>th</sup> day of April, 2024.  
ACCORDANCE WITH THE  
*LOCAL GOVERNMENT ACT*  
this

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 this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Chairperson

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