



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4546

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

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 Areas A and C, 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 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. 4546 – South Cowichan Zoning Amendment Bylaw (Bill 44 Compliance), 2024**".

2. AMENDMENTS

Bylaw No. 3520 is hereby amended as follows:

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

- i. Accessory
- ii. Accessory Dwelling Unit
- 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. Secondary Suite
- xvii. Seniors' Congregate Housing
- xviii. Single Family Dwelling
- xix. Staff Accommodation
- xx. Structure

b. Section 3.1 - Definitions - is further amended by adding the following definitions:

“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.

“Attached Suite” – see “Suite, Attached”

“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.

“Detached Suite” – see “Suite, Detached”

“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.

“Single Detached Dwelling” – see “Dwelling, Single Detached”.

“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 4.16 of this Bylaw.

“Suite, Detached (or Detached Suite)” means one dwelling unit conforming to Section 4.15 of this Bylaw.

- c. Section 4.9 is deleted and replaced by the following:

4.9 Number of Dwellings Permitted Per Parcel

For all zones under this Bylaw, the maximum permitted residential density is specified within each zone.

- d. Throughout the Bylaw, all occurrences of the phrase “Single Family” are replaced with the phrase “Single Detached”.
- 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. 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.
- f. Throughout the Bylaw, all remaining occurrences of the phrase “Accessory Dwelling” are replaced with the phrase “Detached Suite”.
- g. Section 4.16 is retitled from “Secondary Suite” to “Attached Suite, and Section 4.16.2 is deleted and all subsequent subsections are renumbered sequentially.
- h. Section 4.16 is further amended by deleting subsections 11, 12 and 13 (10, 11 and 12 as renumbered by c above) and replacing them with the following:
 - 10. 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.
- i. Throughout the Bylaw, any remaining occurrences of the phrase “Secondary Suite” are replaced with the phrase “Attached Suite”.
- j. Throughout the Bylaw, all occurrences of the phrase “Multiple Family Dwelling” are replaced with “Multiple Unit Dwelling”.
- k. Section 9.1.1.h is deleted and replaced with the following:
 - h. Attached Suite or Detached Suite, subject to Agricultural Land Commission regulations.
- l. Section 9.6.1.h is deleted and replaced with the following:
 - h. Attached Suite or Detached Suite, subject to Agricultural Land Commission regulations.
- m. Section 10.13.1.e, f, g and i are amended by deleting “accessory to a single detached dwelling”.
- n. Section 10.13.6 is amended by deleting the phrase “or one single detached dwelling,”.
- o. Section 11.1.1 is amended by adding this after 11.1.1.c:

The following accessory use and no other is permitted in the CD-1 Zone:

 - d. Secondary suite accessory to a single dwelling unit.
- p. Section 11.1.7 is deleted and replaced with the following:

7. Notwithstanding the minimum parcel size in Section 11.1.6 above, the total number of parcels for residential use and total number of single dwelling units in the entire CD-1 Zone shall not be greater than 646, plus a maximum of one Attached Suite per parcel.

q. Section 11.8.4 is deleted and replaced by the following:

Only one Attached Suite is permitted in a Single Detached Dwelling or Duplex in the CD-8 Zone.

r. Sections 11.9B.1.f and 11.9B.1.g are deleted and replaced with the following:

f. Attached Suite in a Single Detached Dwelling or Duplex.

3. FORCE AND EFFECT

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

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|--|-------|---------------|-------|----------------|
| 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