



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. XXXX

A Bylaw for the Purpose of Amending South Cowichan Zoning Bylaw No. 3520 Applicable to Electoral Areas A - Mill Bay/Malahat and C - 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 – Mill Bay/Malahat and C – Cobble Hill, that being “CVRD South Cowichan Zoning Bylaw No. 3520, 2013” Applicable to Areas A - Mill Bay/Malahat and C - Cobble Hill”;

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 after the close of the notification period and with due regard to the public comments received, the Regional Board considers it advisable to amend South Cowichan Zoning Bylaw No. 3520;

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. XXXX – Electoral Areas A - Mill Bay/Malahat and C - Cobble Hill South Cowichan Zoning Amendment Bylaw (Stonebridge), 2024**".

2. **AMENDMENTS**

Bylaw No. 3520 is hereby amended as follows:

- a. Delete Section 11.9A CD-9A Village Comprehensive Mixed Use 9A
- b. Delete 11.9B CD-9B Village Comprehensive Residential 9B
- c. Delete and Replace Section 11.8 CD-8 Village Comprehensive Development 8 – Stonebridge South with the following:

11.8 CD-8 Village Comprehensive Development 8 – Stonebridge Comprehensive Development

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the CD-8 Zone:

1. Definitions

Despite any other bylaw provision, the following definitions apply to the following terms used within the CD-8 Zone:

- a. "Carport" means a roofed structure free standing or attached to the principal building which is not enclosed in the front and at least one side.
- b. "Drive-Through Facility" means the use of land, buildings, or structures, or parts thereof, to provide products or services through an attendant, a window, or an automated machine to persons remaining in motorized vehicles that are in a lane designated for that purpose.
- c. "Front Building Line" means the closest extended line of the wall of a building which faces and is parallel to the front lot line; or in the case of an open carport, the furthest extent of the roof overhang.
- d. "Hotel" means means a building or part thereof with a common entrance lobby and shared corridors, which provides sleeping accommodation for transient visitors and may include public facilities such as restaurants, banquet, beverage, meeting and convention rooms, recreation facilities, and personal service establishments for the convenience of guests. Payment for occupancy is usually on a daily or weekly basis to the operator. A Hotel use may include extended stay guests will book accommodations at a hotel for a week, month or longer.
- e. "Parcel Width" means either of the following (whichever is less)
 - a. the road frontage; or,
 - b. the horizontal distance between side lot lines measured at right angles to the lot depth at a seven-metre setback from the front lot line.
- f. "Personal Service" Means the 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
- g. "Private Access Road" means an access route which provides the primary vehicular access to a building or buildings, or to the parking areas associated with a building or buildings. This may include a strata road, a private right-of-way, or a private easement on private property.

2. Permitted Uses

The following uses and no others are permitted within the CD-8 Zone:

a. Within that part of the lands identified as **Area 1** on the CD8 Zone Map:

| Permitted Principal Uses | Permitted Accessory Uses |
|---|---|
| <ul style="list-style-type: none"> Residential Facility Personal Care Facility Seniors Congregate Care | <ul style="list-style-type: none"> Child care facility; Community service facility; Convenience store with a maximum floor area of 85 m²; Group daycare, preschool; Office; Personal service use; Restaurant; Retail commercial. |

b. Within that part of the lands identified as **Area 2** on the CD8 Zone Map:

| Permitted Principal Uses | Permitted Accessory Uses |
|--|---|
| <ul style="list-style-type: none"> Single family dwelling Duplex dwelling Multiple family dwelling Residential facility Seniors congregate care | <ul style="list-style-type: none"> Secondary suite Home based business Community service facility Unlicensed daycare Group daycare (accessory to a Multiple family dwelling or a Residential facility) |

c. Within that part of the lands identified as **Area 3** on the CD8 Zone Map:

| Permitted Principal Uses | Permitted Accessory Uses |
|---|---|
| <ul style="list-style-type: none"> Single family dwelling Duplex dwelling Multiple family dwelling | <ul style="list-style-type: none"> Secondary suite Home based business Community service facility Unlicensed daycare Group daycare (accessory to a Multiple family dwelling) |

d. Within that part of the lands identified as **Area 4** on the CD8 Zone Map:

| Permitted Principal Uses | Permitted Accessory Uses |
|---|--|
| <ul style="list-style-type: none"> All principal uses permitted in Area 5 of the CD8 Zone Multiple family dwelling | <ul style="list-style-type: none"> Home based business Group daycare Drive-Through Facility |

e. Within that part of the lands identified as **Area 5** on the CD8 Zone Map:

| Permitted Principal Uses | Permitted Accessory Uses |
|--|---|
| <ul style="list-style-type: none"> • Art gallery; artist studio; • Assembly use, including assembly hall; • Automotive parts and accessory sales, excluding external storage of goods; • Automobile service shop; • Bakery; • Bowling alley, arcade, billiard, and games room; • Brewery and distillery; • Business, finance, insurance institution and offices; • Childcare facility, including early childhood learning centre; • Cultural facility, including community services and community centre; • Financial institution; • Funeral parlour excluding crematorium; • Garden centre; • Grocery store; • Group daycare; • Hardware and camping supply store, excluding exterior storage yard; • Hotel • Library, book store, printing and publishing; • Market; • Medical or dental clinic; • Museum; • Offices, including government offices; • Personal service use; • Pharmacy; • Plant nurseries, • horticulture, • retail sales of gardening supplies and produce, with outdoor storage; • Professional, scientific and technical services; • Pub; • Restaurant, including café, catering and take-out restaurant; • Retail stores, including liquor store; • Shopping centre; • Theatre; • Veterinary clinic; | <ul style="list-style-type: none"> • Multiple family Residential including multiple family residential above the ground floor of any building. • Drive-Through Facility |

3. Servicing

All occupied buildings in the CD-8 Zone shall be serviced by a community water system and a community sewer system as a condition of use.

a. Parcels not connected to community systems are not eligible to be subdivided.

4. Secondary Suites

- a. Only one secondary suite is permitted in a single-family dwelling in the CD-8 Zone, and only on parcels with a minimum 12m width.
- b. Only one secondary suite is permitted in a duplex (one unit only) in the CD-8 Zone, and only on parcels with a minimum 16m width.
- c. Provide private outdoor space for the secondary suite that is separated from the principal dwelling to a minimum of 7.5m², with no dimension of less than 2 m.

5. Density

- a. The number of dwelling units that may be created in the CD-8 Zone is limited to 1,000 units, not including secondary suites.

6. Regulatory Conditions

- a. Within that part of the lands identified as **Area 1 - Area 5** on the CD8 Zone Map

| | Single-Family | Duplex | Multi-Family | All other uses |
|-----------------------------|----------------------|----------------------|------------------------|------------------------|
| Minimum Frontage | 10 meters | 14 meters | 6 meters | 10 meters |
| Minimum Lot Width | 10 meters | 14 meters | N/A | N/A |
| Maximum Lot Coverage | 45% | 50% | 55% | 45% |
| Maximum Impervious Surfaces | 50% | 55% | 60% | 55% |
| Minimum Parcel Size | 300 m ² ; | 500 m ² ; | 1,000 m ² ; | 1,000 m ² ; |

- i. The minimum site area required for an accessory Drive-Through Facility use is 5,000m² (0.5 ha).

Setback Conditions:

| Setbacks | Single-Family | Duplex | Multi-Family | Accessory Buildings | All other uses |
|---|---------------|------------|--------------|---------------------|----------------|
| <i>Front parcel line – to garage door</i> | 7.5 meters | 7.5 meters | 4.5 meters | N/A | N/A |
| <i>Front parcel line – to Carport</i> | 5.0 meters | 5.0 meters | 5.0 meters | N/A | N/A |
| <i>Front parcel line</i> | 4.5 meters | 4.5 meters | 4.5 meters | 5 meters | 5 meters |
| <i>Interior side parcel line</i> | 1.5 meters | 1.5 meters | 3 meters | 1 meter | 1.5 meters |
| <i>Exterior side parcel line</i> | 3.5 meters | 3.5 meters | 4.5 meters | 3 meters | 4.5 meters |
| <i>Rear parcel line</i> | 4.0 meters | 4.0 meters | 4.0 meters | 1 meter | 4.0 meters |

- i. Notwithstanding the setback conditions, Commercial and Mixed Commercial/ Residential Buildings within **Area 2** may have a 0-meter setback from a front, and interior side parcel line.
- ii. Garage doors shall be setback a minimum of 0.6m (2ft) from the front building line.

- b. Within that part of the lands identified as **Area 1** on the CD8 Zone Map:

| Maximum Building Height | Residential Facility | Personal Care Facility | Seniors Congregate Care | Accessory Buildings |
|-------------------------|----------------------|------------------------|-------------------------|---------------------|
| | 22 meters | 22 meters | 22 meters | 7.5 meters |

- c. Within that part of the lands identified as **Area 2** on the CD8 Zone Map:

| Maximum Building Height | Single-Family | Duplex | Multi-Family | Accessory Buildings | All other uses |
|-------------------------|---------------|-----------|--------------|---------------------|----------------|
| | 10 meters | 10 meters | 22 meters | 7.5 meters | 22 meters |

- d. Within that part of the lands identified as **Area 3** on the CD8 Zone Map:

| Maximum Building Height | Single-Family | Duplex | Multi-Family | Accessory Buildings |
|-------------------------|---------------|-----------|--------------|---------------------|
| | 8.5 meters | 10 meters | 12 meters | 7.5 meters |

- e. Within that part of the lands identified as **Area 4** on the CD8 Zone Map:

| Maximum Building Height | Single-Family | Duplex | Multi-Family | Accessory Buildings | All other uses |
|-------------------------|---------------|-----------|--------------|---------------------|----------------|
| | 10 meters | 10 meters | 15 meters | 7.5 meters | 15 meters |

- f. Within that part of the lands identified as **Area 5** on the CD8 Zone Map:

| Maximum Building Height | Mixed Use | Multi-Family | Accessory Buildings | All other uses |
|-------------------------|-----------|--------------|---------------------|----------------|
| | 20 meters | 15 meters | 7.5 meters | 10 meters |

9. Landscape Screening and Buffering

- a. A fully treed contiguous landscape buffer shall be maintained to a minimum 3.0m depth, on all parcels or portions of parcels that abut the Trans-Canada Highway.
- i. This strip may be interrupted to provide necessary access to the parcel.

10. Specific regulations

- a. For single-family and duplex dwellings, the width of a garage door shall not exceed more than 50% of the building width.
- b. Not more than one dwelling unit, except for parcels in **Area 2**, **Area 3**, and **Area 4**:
- i. In **Area 2**, **Area 3**, and **Area 4**, parcels that are 1,200m² or larger may have more than one dwelling per parcel provide that the total number of single-family dwellings does not exceed one per each 300m² of parcel area;
- ii. Despite any other bylaw provision, a covenant under Section 219 of the Land Title Act shall not be required to prohibit further subdivision or the registration of any form of strata plan under the *Strata Property Act* for a lot containing more than one dwelling.
- c. Private access roads shall have a minimum unobstructed width of 6.0m and shall accommodate a minimum turning radius of 15.2 m² (50ft).
- d. Private access roads in excess of 90m in length shall include a hammer-head or turnaround sufficient for emergency access and curbside collection vehicles.

11. Multiple Family Dwelling Special Regulations

- a. For mixed-use properties, all residential uses must be located above commercial use except for an entrance, lobby or amenities that are for the exclusive use of the residential use.
- b. Multi-Family dwelling units shall have a private amenity space of not less than 15m² located to the rear or side of the dwelling unit. No dimension of this space shall be less than 3m.
 - i. This space shall be designed and landscaped for the outdoor leisure activities of the residents of the dwelling unit.
 - ii. The amenity space may be located above grade where units are designed at different elevations.
- c. Multi-Family dwelling units shall have a common usable space available for safe and convenient use by occupants of the building.
 - i. If located outside, usable open space shall be at least 100m² and shall have a compact, level surface, have no dimension of less than 6 m, and shall provide for recreational space and other leisure activities normally carried on outdoors.

12. Drive Through Facility Special Regulations

- a. Drive-Through Facilities shall include the following design components:
 - i. Drive-Through Facilities shall not be located within- or attached to- a building that contains a residential use.
 - ii. Drive-through facilities shall be setback a minimum of 18 meters of any property line shared with a zone that permits a residential use.
 - iii. Drive through lanes shall be screened from the public road and adjacent properties with a landscape buffer measuring at least 4.5m wide, and 1.5m tall.

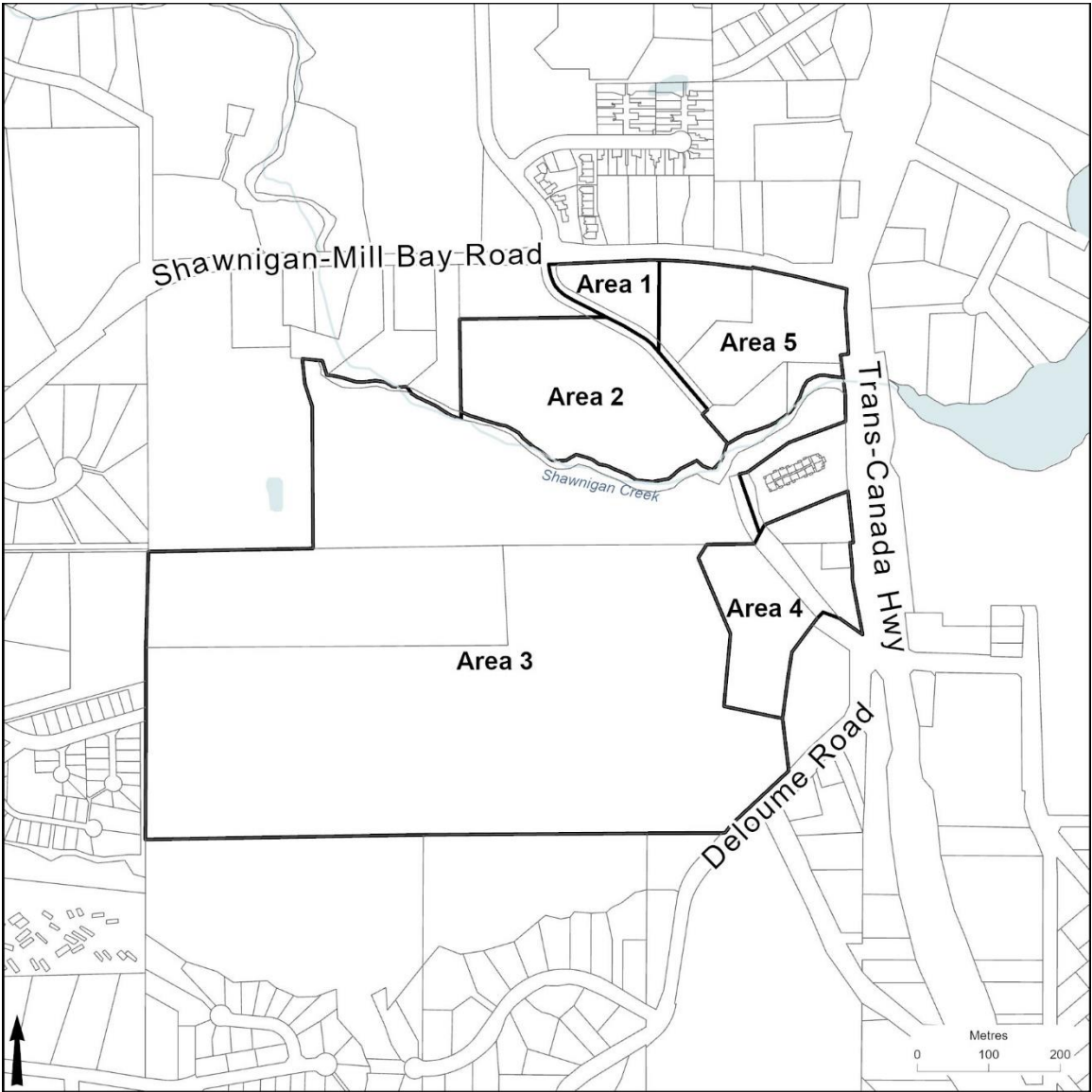
13. Parking

- a. In addition to any other bylaw provision, the following parking provisions apply within the CD-8 Zone:
 - i. For properties that include a secondary suite, all required parking shall be provided outside of a garage;
 - ii. Parking spaces located within a front yard shall be wholly contained within the parcel that they serve.
- b. Despite any other bylaw provision, the following additional parking provisions apply within the CD-8 Zone:

| Use | Required Parking Spaces | Required Loading Spaces |
|------------------------------|---|--|
| Residential Facility use | 1 space for every 3.3 residential units | 1 loading space The loading space may be shared between a Residential Facility use and Personal Care Facility use if located on the same parcel or strata plan. |
| A Personal Care Facility Use | 1 space for every 5 residential units | 1 loading space The loading space may be shared between a Residential Facility use and Personal Care Facility use if located on the same parcel or strata plan. |
| A Restaurant use, | 1 space for every 100 m ² of | 0 loading spaces |

| | | |
|---|---|-----------------|
| accessory to a residential facility or personal care facility | gross floor area | |
| Retail, accessory to a residential facility or personal care facility | 4.5 spaces for every 100 m2 of gross floor area | 1 loading space |

14. CD-8 Zone Map



3. **FORCE AND EFFECT**

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

| | | | | |
|--|-------|--------|--------|-------|
| READ A FIRST TIME this | _____ | day of | _____. | 2024. |
| READ A SECOND TIME this | _____ | day of | _____. | 2024. |
| A PUBLIC HEARING HELD in ACCORDANCE WITH THE | _____ | day of | _____. | 2024. |

| | | | | |
|---|-------|--------|--------|-------|
| LOCAL GOVERNMENT ACT this | | | | |
| READ A THIRD TIME this | _____ | day of | _____, | 2024. |
| RECEIVED MINISTRY OF TRANSPORTATION & INFRASTRUCTURE APPROVAL this | _____ | day of | _____, | 2024. |
| ADOPTED this | _____ | day of | _____, | 2024. |

Chair

Corporate Officer