



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4553

A Bylaw for the Purpose of Amending Zoning Bylaw No. 1020 Applicable to Electoral Area H – North Oyster/Diamond

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 H, that being the Cowichan Valley Regional District Electoral Area "H" Zoning Bylaw No. 1020, 1986;

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. 4553 – Electoral Area H – North Oyster/Diamond Zoning Amendment Bylaw (Bill 44 Compliance), 2024".

2. AMENDMENTS

Bylaw No. 1020 is hereby amended as follows:

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

- i. Accessory
- ii. Building
- iii. Duplex
- iv. Dwelling
- v. Family
- vi. Kitchen
- vii. Principal
- viii. Secondary Suite
- ix. Separate Suite
- x. Sleeping Unit
- xi. 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 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 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, 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, 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

“Principal (or 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 (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 5.19 of this Bylaw;

"Suite, Detached (or Detached Suite)" means one dwelling unit conforming to Section 5.20 of this Bylaw;

- c. Throughout the Bylaw, all occurrences of the phrase "Separate Suite" are deleted and replaced with "Detached Suite".
- d. Throughout the Bylaw, all occurrences of the phrase "Secondary Suite" are deleted and replaced with "Attached Suite".
- e. All occurrences of the terms "single family residential dwelling", "single family residential dwelling unit", "single family dwelling", "single-family dwelling" shall be replaced with "single detached dwelling".
- f. Throughout the Bylaw all other occurrences of the word "Family" are deleted.
- g. The regulations of Section 5.19 are deleted and replaced with the following:

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

- 1. The Attached Suite shall be located within a principal single-family 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 m².
 - 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.
- h. Section 5.20 is deleted and replaced by the following:

5.20 Detached Suite

For zones in which Detached Suite units 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 m²;
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 Detached 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 principal 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.

- i. Section 5.25 is amended by changing all references to “Section 946” to “Section 514”.
- j. The following is added after Section 5.25:

5.26 Agricultural Land Reserve

Where any parcel of land lies within the Provincial Agricultural Land Reserve (ALR), all parcels must be used in accordance not only with the various provisions of this Bylaw, but also – to the extent that this Bylaw may be more permissive or restrictive – in accordance with the *Agricultural Land Commission Act*, the Regulations, Orders, Decisions of the Agricultural Land Commission.

- k. Section 7.1(a) 9. is deleted and replaced with the following:
 9. Attached Suite or Detached Suite.
- l. Section 7.2(a) 8. is deleted and replaced with the following:
 8. Attached Suite or Detached Suite.

- m. Section 7.3(a) 6. is deleted and replaced with the following:
 - 6. Attached Suite or Detached Suite;
- n. Section 7.4(a) 6. is deleted and replaced with the following:
 - 6. Attached Suite or Detached Suite;
- o. Section 8.1(a) 8. is deleted and replaced with:
 - 8. Attached Suite or Detached Suite.
- p. Section 8.2(a) 7. is deleted and replaced with:
 - 7. Attached Suite or Detached Suite.
- q. The following is added after Section 8.3(a) 5.:
 - 6. Attached Suite.
- r. Section 8.6(a) is amended by renumbering the accessory uses to 3 through 6.
- s. The following is added after Section 8.6(a) 6:
 - 6. Attached Suite.
- t. Section 9.1(a) 6. is deleted and replaced with the following:
 - 6. Attached Suite or Detached Suite.
- u. Section 9.2(a) 8. is deleted and replaced with the following:
 - 8. Attached Suite or Detached Suite.
- v. Section 9.3(a) 7. is deleted and replaced with the following:
 - 7. Attached Suite or Detached Suite.
- w. Section 9.4(a) 13. is deleted and replaced with the following:
 - 13. Attached Suite or Detached Suite.
- x. Section 9.5(a) 7. is deleted and replaced with the following:
 - 7. Attached Suite or Detached Suite.
- y. Section 10.2(a) 9. is deleted and replaced with the following:
 - 9. Attached Suite or Detached Suite.
- z. Section 10.3(a) 4. is deleted and replaced with the following:
 - 4. Attached Suite or Detached Suite.

aa. Section 11.1(a) 28. is deleted and replaced with the following:

28. Attached Suite or Detached Suite.

bb. Section 11.2(a) 10. is deleted and replaced with the following:

10. Attached Suite or Detached Suite.

3. **FORCE AND EFFECT**

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

PUBLIC NOTICE GIVEN in ACCORDANCE WITH THE <i>LOCAL GOVERNMENT ACT</i> 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.
RECEIVED MINISTRY OF TRANSPORTATION & INFRASTRUCTURE APPROVAL	_____	day of	_____.	2024.
ADOPTED this	_____	day of	_____.	2024.

Chair

Corporate Officer