



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4547

#### A Bylaw for the Purpose of Amending Zoning Bylaw No. 985 Applicable to Electoral Area B – Shawnigan Lake

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**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 B – Shawnigan Lake, that being "Electoral "B" Zoning Bylaw No. 985, 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. 4547 – Electoral Area B – Shawnigan Lake Zoning Amendment Bylaw (Bill 44 Compliance), 2024**".

#### 2. AMENDMENTS

Bylaw No. 985 is hereby amended as follows:

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

1. Accessory
2. Building
3. Duplex
4. Dwelling
5. Family
6. Multiple Family Dwelling
7. Personal Service Establishment
8. Principal
9. Secondary Suite
10. Small Suite
11. Structure
12. Use

- b. Section 3.1 – Definitions – is amended by adding the following definitions, in alphabetical order as required:

**“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, 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 use; 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, Detached”** means one dwelling unit conforming to Section 5.18 of this Bylaw, which is located on a parcel that also has a principal Single Detached Dwelling unit on it;

- c. All occurrences of the word “family” are removed from the Bylaw.
- d. All occurrences of “single family dwelling” or “single family residential dwelling” are replaced with “single detached dwelling”.
- e. All occurrences of “personal services establishment” are replaced with “personal service”.
- f. Section 5.18 is retitled from “Small Suites” to “Detached Suites”.
- g. All other occurrences of the phrase “Small Suite” are changed to “Detached Suite” throughout the Bylaw.
- h. Section 5.18(d) is deleted and replaced with the following:
  - (d) The Detached 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.

- i. Section 5.18(m) is amended by adding the following clause to the end of that regulation:

Notwithstanding the foregoing, a covenant is not required for a Detached 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.

- j. Sections 5.18(h), (k) and (l) are deleted and remaining subsections (i) and (j) are re-labelled as (h) and (i) respectively.
- k. Section 5.19 is retitled from “Secondary Suites” to “Attached Suites”.
- l. All other occurrences of the phrase “Secondary Suite” are changed to “Attached Suite” throughout the Bylaw.
- m. Section 5.19(d) is deleted and replaced with the following:

(d) 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.

- n. Section 5.19(k) is amended by adding the following clause to the end of that regulation:

Notwithstanding the foregoing, a covenant 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.

- o. Section 5.19 (b), (h), (i) and (l) are all deleted and remaining subsections are relabelled consecutively.
- p. Section 5.25 is retitled “Section 514 Subdivision to Provide a Residence for a Relative” and the reference to “Section 946” in the regulation is changed to “Section 514”.

- q. Section 7.1(a)(10) is deleted and replaced with the following:

(10) Attached Suite or Detached Suite.

- r. Section 7.3B(a)(8) is deleted and replaced with the following:

(8) Attached Suite or Detached Suite;

- s. Section 8.2(a)(2) is deleted and replaced with the following:

(2) Attached Suite or Detached Suite;

- t. Section 8.7(a)(3) through (10) are renumbered (1) through (8) respectively, and Section 8.7(b) 4) through 10) are renumbered (1) through (7) respectively.

- u. Section 8.10(h) is amended by correcting the spelling error by changing “untis” to “units”.

**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 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.

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Chair

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Corporate Officer