



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4550

#### **A Bylaw for the Purpose of Amending Zoning Bylaw No. 1840 Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora**

**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 E, that being "CVRD Electoral Area "E" - Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840, 1998";

**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. 4550 – Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Bill 44 Compliance), 2024**".

#### 2. **AMENDMENTS**

Bylaw No. 1840 is hereby amended as follows:

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

- i. Accessory
- ii. Building
- iii. Dwelling;
- iv. Dwelling Unit;
- v. Family;
- vi. Multiple Family Residence;
- vii. Personal Service Use
- viii. Principal
- ix. Secondary suite;
- x. Small Suite;
- 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, Accessory (or Accessory Dwelling)”** means one dwelling unit conforming to Section 5.23 of this Bylaw, which is located on a parcel that also has a principal dwelling unit on it;

**“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

**“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 5.16 of this Bylaw.

**“Suite, Detached (or Detached Suite)”** means one dwelling unit conforming to Section 5.23 of this Bylaw.

- c. Throughout the Bylaw, all remaining occurrences of the phrase “Multiple Family Residence” are changed to “Dwelling, Multi-Unit”.
- d. Throughout the Bylaw, all occurrences of the phrase “single family dwelling” are changed to “single detached dwelling”.
- e. Section 5.13.1 (b) and (c) are both deleted.
- f. Section 5.23 is amended by retitling it as “Detached Suites”, and the remainder of that Section is deleted and replaced with the following:
  - (a) The maximum floor area of a Detached Suite shall not exceed 90 square metres;
  - (b) The Detached Suite shall be freestanding;
  - (c) One additional on-site parking space shall be provided;
  - (d) Approval of the community sewer service provider, or 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;
- (e) Prior approval of the authority having jurisdiction for potable water must be secured for the total density requested;
  - (f) The Detached Suite shall not be a recreational vehicle nor a park model unit;
  - (g) Only one Attached Suite or Detached Suite is permitted per parcel;
  - (h) The Detached Suite is subject to Section 5.27 of this Bylaw;
  - (i) A Detached Suite may be incorporated into or attached to an accessory building.
  - (j) 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 Suite 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 (j) 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 5.23 of this Bylaw.

- g. All remaining occurrences of the phrase “small suite” throughout the Bylaw are replaced with the phrase “Detached Suite”.
- h. All remaining occurrences of the phrase “secondary suite” throughout the Bylaw are replaced with the phrase “Attached Suite”.
- i. Section 5.27 is amended by changing the cross-reference from Section 5.23(i) to 5.23(j).
- j. Section 5.28 is amended by replacing the references to Section 946 with Section 514 in both the title and the regulation.
- k. Section 6.1 – List of Zones – is amended by adding “Residential” after “Multi-” in both the RM-1 and RM-2 Zones.
- l. Section 7.3(a)(11) and 7.3(a)(12) and the asterisked section following them are deleted and replaced with the following:

(11) Attached Suite or Detached Suite.

\* May be subject to Agricultural Land Commission approval
- m. Section 7.10(a)(11) and 7.10(a)(12) and the asterisked section following them are deleted and replaced with the following:

(11) Attached Suite or Detached Suite

\* May be subject to Agricultural Land Commission approval
- n. Section 8.4(a)(2) is deleted and replaced with “Duplex”.

- o. The term “Family” in the titles of Section 8.5 and 8.6 are replaced with “Unit”.
- p. Section 9.5(a)(17) is deleted and replaced with “Duplex”.
- q. Section 8.11(a)(5) is amended by adding “or accessory dwelling”.

### 3. **FORCE AND EFFECT**

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