



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4552

#### A Bylaw for the Purpose of Amending Zoning Bylaw No. 2524 Applicable to Electoral Area G – Saltair/Gulf Islands

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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 G, that being "CVRD Zoning Bylaw No. 2524, 2005, Applicable to CVRD Zoning Bylaw No. 2524, 2005, Electoral Area G – Saltair/Gulf Islands;

**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. 4552 – Electoral Area G – Saltair/Gulf Islands Zoning Amendment Bylaw (Bill 44 Compliance), 2024**".

#### 2. AMENDMENTS

Bylaw No. 2524 is hereby amended as follows:

a. Section 1.3 Definitions is amended by deleting the following definitions:

- i. Accessory
- ii. Accessory Dwelling Unit
- iii. Building
- iv. Dwelling or dwelling unit
- v. Family
- vi. Kitchen
- vii. Personal service use
- viii. Principal use
- ix. Secondary Suite
- x. Structure

- b. Section 1.3 – 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, 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.

**“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 3.21 of this Bylaw, which is attached to a principal single detached dwelling;

**“Suite, Detached (or Detached Suite)”** means one dwelling unit conforming to Section 3.21A of this Bylaw, which is located on a parcel that also has a principal single detached dwelling unit on it;

- c. Section 1.3 Definitions is further amended by modifying (c) of the definition of “manufactured home” by replacing “family” with “household”.
- d. All other occurrences of the word “Family” are deleted from the Bylaw.
- e. All occurrences of the terms “single family dwelling”, “single-family dwelling”, “sing family dwelling”, and “single-family residential” are replaced with “single detached dwelling”.
- f. Section 3.4 Dwelling Units – Numbers, Occupation and Rooms (2) is amended by replacing the word “family” with “household”.
- g. The regulations of Section 3.21 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 attached to a principal single detached 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 74 m<sup>2</sup>.
  - 6. The Attached Suite shall not be located on a parcel of land that has another secondary suite or secondary dwelling 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. All remaining occurrences of the phrase “secondary suite” throughout the Bylaw are replaced with the phrase “Attached Suite”.

- i. Section 3.21A is deleted and replaced by the following:

### 3.21A Detached Suites

For zones in which Detached Suites 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 m<sup>2</sup>;
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 single detached dwelling shall both be connected to the Saltair Community Water System;
7. The Detached Suite shall not be a recreational vehicle nor a park model unit;
8. Only one Detached Suite or Attached 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 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 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 3.21A of this Bylaw.

- j. All remaining occurrences of the phrase “secondary dwelling unit” throughout the Bylaw are replaced with the phrase “Detached Suite”.
- k. Section 3.22 is amended by changing all references to “Section 946” to “Section 514”.
- l. Section 5.1.1(d) is deleted and replaced with the following:  
(d) Attached Suite or detached Suite.
- m. Section 5.1.3 is deleted and replaced with the following:

Not more than one single detached dwelling plus either one Attached Suite or one Detached Suite is permitted on a parcel zoned A-1.

n. Section 5.2.1(e) is deleted and replaced with the following:

(e) Attached Suite or Detached Suite.

o. Section 5.2.3 is deleted and replaced with the following:

Not more than one single detached dwelling plus either one Attached Suite or one Detached Suite is permitted on a parcel zoned F-1.

p. Section 5.3.1(e) is deleted and replaced with the following:

(e) Attached Suite or Detached Suite.

q. Section 5.3.3 is deleted and replaced with the following:

Not more than one single detached dwelling plus either one Attached Suite or one Detached Suite is permitted on a parcel zoned R-2.

r. Section 5.3A(e) and (f) are deleted and replaced with the following:

(e) Attached Suite or Detached Suite;

And (g) and (h) are relabeled as (f) and (g) respectively.

s. Section 5.3A.3 is deleted and replaced with the following:

Not more than one single detached dwelling plus either one Attached Suite or one Detached Suite is permitted on a parcel zoned R-2A.

t. Section 5.4.1(g) is deleted and replaced with:

(g) Attached Suite or Detached Suite.

u. Section 5.4.3 is deleted and replaced with the following:

Not more than one single detached dwelling plus either one Attached Suite or one Detached Suite is permitted on a parcel zoned R-3.

v. Section 5.5.1(a) is deleted and replaced by "Single detached dwelling".

w. Section 5.5.1 is further amended by adding the following permitted use after (f):

(g) Attached Suite.

x. Section 5.5.2(d) is deleted and replaced with the following:

(d) Not more than one single detached dwelling plus one Attached Suite or Detached Suite is permitted.

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

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

PUBLIC NOTICE GIVEN in ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 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.

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Chair

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Corporate Officer