



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4548

#### A Bylaw for the Purpose of Amending Zoning Bylaw No. 1015 Applicable to Marine Portions of Electoral Area D – Cowichan Bay

**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 the marine portion of Electoral Area D – Cowichan Bay, that being "the Cowichan Valley Regional District Electoral Area "D" Marine Zoning Bylaw No. 1015, 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. 4548 – Electoral Area D – Cowichan Bay Marine Zoning Amendment Bylaw (Bill 44 Compliance), 2024**".

#### 2. AMENDMENTS

Bylaw No. 1015 is hereby amended as follows:

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

1. Accessory
2. Building
3. Dwelling
4. Dwelling, Accessory
5. Dwelling, Multiple
6. Dwelling, Single Detached
7. Kitchen
8. Personal Service
9. Principal Use
10. Secondary Suite
11. Structure

- b. Section 3.1 – Definitions – is amended by adding the following definitions:

**“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, Accessory”** means one dwelling unit conforming to Section 4.9 of this Bylaw, which is located on a parcel that also has a principal dwelling unit on it;

**“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, which may also contain a secondary suite in accordance with Section 4.9 of this Bylaw;

**“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”** means one dwelling unit conforming to Section 4.9(b) of this Bylaw;

**“Suite, Detached”** means one dwelling unit conforming to Section 4.9(a) of this Bylaw;

- c. All occurrences of the phrase “Dwelling, Multiple” are replaced with “Dwelling, Multi-Unit”.
- d. All occurrences of the phrase “semi-detached” are replaced with “Dwelling, Duplex”.
- e. Section 4.9 - Accessory Dwellings and Secondary Suites - is amended by:
  - i. renaming it to “Attached Suites and Detached Suites”;
  - ii. deleting Subsection 4.9(a) i) and renumbering all subsequent subsections as i) through iv) accordingly;
  - iii. deleting Subsection 4.9(b) i) and iv) and renumbering all subsequent subsections as i) through iv) accordingly.
- f. All remaining occurrences of the phrase “secondary suite” throughout this Bylaw are deleted and replaced with “Attached Suite”.
- g. All remaining occurrences of the phrase “accessory dwelling” throughout this Bylaw are

deleted and replaced with "Detached Suite".

h. Section 7.1.2 is amended as follows:

- i. by adding "or Detached Suite" to 7.1.2(e)
- ii. Sections 7.1.2 Density and 7.1.3 Development Regulations are renumbered as 7.1.3 and 7.1.4 respectively.
- iii. Section 7.1.3 – Density – is amended by adding "or Detached Suite" after "Attached Suite (as amended above).

i. Section 11.1 – I-3 Zone – Transportation Industrial regulations are deleted and replaced with the following:

### **1. Permitted Uses**

The following principal uses and no others are permitted in an I-3 Zone:

- (a) Marine Manufacturing;
- (b) Marine Safety Operations;
- (c) Terminal facilities for automobile, truck and rail transportation of goods, materials and people, including storage facilities.

The following accessory uses and no others are permitted in an I-3 Zone:

- (d) One single detached dwelling per parcel.

### **2. Development Regulations**

In an I-3 Zone, the following regulations apply:

- (a) The parcel coverage shall not exceed 20 percent for all buildings and structures;
- (b) The height of all buildings and structures shall not exceed 15.0 metres;
- (c) Buildings and structures shall be located not less than 30 metres from all parcel lines.

j. Section 12.1 – W-1 Zone – Water Conservancy regulations are deleted and replaced with the following:

### **1. Permitted Uses**

The following uses and no others are permitted in a W-1 Zone:

- (a) Activities directed towards environmental protection and habitat enhancement;
- (b) Passive recreational activities;
- (c) Management of a waterbody, lake or reservoir, by an improvement district, municipality or regional district for use as a community water supply;
- (d) Non-commercial private wharf, dock or float.

### **2. Development Regulations**

In a W-1 Zone, the following regulations apply:

- (a) No residential use of floats, piles or vessels of any kind is permitted;
- (b) The height of all buildings and structures shall not exceed 4 metres.

k. Section 12.2 – W-2 Zone – Water Recreation regulations are deleted and replaced by the following:

### **1. Permitted Uses**

The following uses and no others are permitted in a W-2 Zone:

- (a) Activities directed towards environmental protection and habitat enhancement;
- (b) Passive recreational activities;
- (c) Management of a waterbody, lake or reservoir, by an improvement district, municipality or regional district for use as a community water supply;

- (d) Non-commercial private and public wharf, dock or float;
- (e) Seawall, breakwater, ramp.

## 2. Development Regulations

In a W-2 Zone, the following regulations apply:

- (a) No residential use of floats, piles or vessels of any kind is permitted;
- (b) The height of all buildings and structures shall not exceed 5 metres.

- I. Section 13.16 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".

## 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 THE APPROVAL OF THE MINISTER OF ENVIRONMENT this	_____	day of	_____.	2024.
ADOPTED this	_____	day of	_____.	2024.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Officer