



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4573

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

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**WHEREAS** the *Local Government Act* 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** 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. 4573 – Electoral Area D – Cowichan Bay Marine Zoning Amendment Bylaw (Miscellaneous Amendments), 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. 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;

**“Congregate Housing”** means a residential or institutional facility which provides sleeping units or dwelling units, one or more meals per day, housekeeping services, and contains a common dining area sufficient to accommodate all residents of the residential facility. Includes: accessory personal service; accessory convenience store;

**“Dwelling, Duplex”** and **“Duplex”** means a building containing two dwelling units that share a common wall or floor system, neither of which is an attached suite;

**“Dwelling”** and **“Dwelling Unit”** means one or more attached habitable rooms in a building used and occupied or intended to be used and occupied as the permanent home or residence of one household, that together contain or provide for the installation of:

- (a) not more than one kitchen;
- (b) not more than one kitchenette;
- (c) one or more washrooms;
- (d) one or more sleeping areas;

Excludes: Temporary accommodation or tourist accommodation unless expressly permitted in this Bylaw;

**“Dwelling, Multiple-Unit (or Multi-Unit Dwelling)”** means a building or cluster of buildings consisting of three or more dwelling units. Includes: Congregate Housing; excludes: Tourist accommodation unless expressly permitted in this Bylaw;

**“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 prepare, heat or cook food;
- (b) Services for energy supply to any equipment, device or appliance used to heat or cook food;
- (c) Appliances or plumbing associated with food preparation or cleaning of cooking equipment, dishes or utensils;
- (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;

**“Kitchenette”** means any portion of a room used for the preparation of beverages and limited meals and may contain a raised counter and one each of the following: sink, refrigerator, microwave oven, and coffeemaker;

**“Personal Service”** means use of a building to provide services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects, and includes accessory retail sale of personal care products;

Includes: Uses such as barber shop, dry cleaning establishment, fitness studio, hair salon, nail salon, photographer's studio, shoe repair shop, tailor, tattoo parlour;

**“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: swimming pools; retaining walls; fences; signs; and any tank that projects above 0.6m above finished grade, underground commercial or industrial tanks.

Excludes: areas of hard surfacing such as concrete, brick or unit pavers, turfstone, asphalt or similar materials; soft landscaping unless otherwise specified in this Bylaw; private residential septic tanks entirely below grade;

**“Suite, Detached (or Detached Suite)”** means a dwelling unit that is itself, or located within, an accessory building on a parcel of land that contains at least one other dwelling unit, and that complies with Section 4.9(a) of this Bylaw;

- c. All occurrences of the phrase “dwelling, multiple” are replaced with “multi-unit dwelling”.
- d. All occurrences of the phrase “semi-detached” are replaced with “duplex”.
- e. All remaining occurrences of the phrase “accessory dwelling” throughout this Bylaw are deleted and replaced with “detached suite”.
- f. Section 7.1.2 is amended by renumbering Sections 7.1.2 Density and 7.1.3 Development Regulations as 7.1.3 and 7.1.4 respectively.
- g. 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.

- h. 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.

- i. 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.

- j. 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	<u>18<sup>th</sup></u>	day of	<u>April</u> ,	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.
RECEIVED MINISTRY OF TRANSPORTATION & INFRASTRUCTURE APPROVAL	<u>Not Required.</u>			
ADOPTED this	_____	day of	_____	2024.

\_\_\_\_\_  
Chair

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