



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4572

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

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 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 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. 4572 – Electoral Area B – Shawnigan Lake Zoning Amendment Bylaw (Detached Suites & Miscellaneous Amendments), 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. Family
5. Multiple Family Dwelling
6. Personal Service Establishment
7. Principal
8. Small Suite
9. Structure
10. 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;

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

“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;

“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;

“Kitchenette” means any portion of a room used for the preparation of beverages and limited meals and may contain a raised counter and one of 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 itself is, or is located within, an accessory building on a parcel of land, and which complies with Section 5.18 of this Bylaw;

- 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) A Detached Suite shall only be 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 deleted and replaced with the following:
 - (m) 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 parcel 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.

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- (n) 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.
 - 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 5.25 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”.
 - l. Section 7.1(a)(10) is deleted and replaced with the following:
 - (10) Attached Suite or Detached Suite.
 - m. Section 7.3B(a)(8) is deleted and replaced with the following:
 - (8) Attached Suite or Detached Suite;
 - n. Section 8.2(a)(2) is deleted and replaced with the following:
 - (2) Attached Suite or Detached Suite;
 - o. 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.
 - 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 18th day of April, 2024.
ACCORDANCE WITH THE
LOCAL GOVERNMENT ACT
this

READ A FIRST TIME this 24th day of April, 2024.

READ A SECOND TIME this 24th day of April, 2024.

READ A THIRD TIME this 24th day of April, 2024.

RECEIVED MINISTRY OF
TRANSPORTATION &
INFRASTRUCTURE
APPROVAL this _____ day of _____, 2024.

ADOPTED this _____ day of _____, 2024.

Chairperson

Corporate Officer