



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4574

A Bylaw for the Purpose of Amending Zoning Bylaw No. 3705 Applicable to Upland Portions of Electoral Area D – Cowichan Bay

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 upland portion of Electoral Area D – Cowichan Bay, that being “CVRD Electoral Area “D” Cowichan Bay Upland Zoning Bylaw No. 3705, 2013;

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. 4574 – Electoral Area D – Cowichan Bay Upland Zoning Amendment Bylaw (Miscellaneous Amendments), 2024**".

2. **AMENDMENTS**

Bylaw No. 3705 is hereby amended as follows:

a. Section 1.4 – Definitions – is amended by deleting the following definitions:

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

- b. Section 1.4 – 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;

“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” 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” means a building containing one dwelling unit or, where permitted by this bylaw, one dwelling unit and one attached suite;

“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 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 Section 2.1.9(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”; and where this change would result in the phrase “dwelling, duplex dwelling” or any other double mention of “dwelling”, only “dwelling, duplex” will be used.
- e. Section 2.1.9 – Accessory Dwellings and Secondary Suites – is amended by renaming it to “Attached Suites and Detached Suites”.
- f. All remaining occurrences of the phrase “accessory dwelling” throughout this Bylaw are deleted and replaced with “detached suite”.
- g. Section 2.5.6 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”.
- h. Throughout the Bylaw, all occurrences of the phrase “semi-detached dwelling” are deleted and replaced by “duplex”.
- i. Section 4.1.1 – Accessory Uses – Sections (a) through (f) are relabelled as (d) through (i) respectively.
- j. Section 4.1.1 – Accessory Uses – is amended by adding the following after newly relabelled (i) and the subsequent relabelled accordingly:

(j) Detached suite;

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