



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4578

#### A Bylaw for the Purpose of Amending Zoning Bylaw No. 1020 Applicable to Electoral Area H – North Oyster/Diamond

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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 Electoral Area H – North Oyster/Diamond, that being the Cowichan Valley Regional District Electoral Area "H" Zoning Bylaw No. 1020, 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. 4578 – Electoral Area H – North Oyster/Diamond Zoning Amendment Bylaw (Miscellaneous Amendments), 2024".

#### 2. AMENDMENTS

Bylaw No. 1020 is hereby amended as follows:

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

- i. Accessory
- ii. Building
- iii. Duplex
- iv. Dwelling
- v. Family
- vi. Kitchen
- vii. Principal
- viii. Separate Suite
- ix. Sleeping Unit
- x. Structure

- b. Section 3.1 – 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 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”** 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, 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 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"** 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 5.20 of this Bylaw;

- c. Throughout the Bylaw, all occurrences of the phrase "separate suite" are deleted and replaced with "detached suite".
- d. All occurrences of the terms "single family residential dwelling", "single family residential dwelling unit", "single family dwelling", "single-family dwelling" shall be replaced with "single detached dwelling".
- e. Throughout the Bylaw all other occurrences of the word "family" are deleted.
- f. Section 5.20 is deleted and replaced by the following:

### **5.20 Detached Suite**

For zones in which detached suite units are permitted, the following regulations apply:

- 1. The detached suite shall be freestanding or attached to an approved accessory building;
- 2. A detached suite shall not be permitted on a parcel of land that is less than 0.2 hectares in area;
- 3. 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.
- 4. The maximum floor area of a detached suite shall not exceed 60 m<sup>2</sup> for a parcel of land smaller than 0.8 hectare, and shall not exceed 74 m<sup>2</sup> for a parcel of land that is 0.8 hectare or greater in area;
- 5. One additional on-site parking space shall be provided;
- 6. 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;
- 7. The detached suite and principal dwelling shall both have access to a licensed source of potable drinking water;
- 8. The detached suite shall not be in the form of a recreational vehicle nor park model unit;
- 9. Only one attached suite or detached suite is permitted per parcel;
- 10. An owner of the parcel of land shall occupy either the principal single detached dwelling or the detached suite;
- 11. Notwithstanding Section 5.22, 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 suites 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 5.20 of this Bylaw.

- g. Section 5.25 is amended by changing all references to “Section 946” to “Section 514”.
- h. The following is added after Section 5.25:

### **5.26 Agricultural Land Reserve**

Where any parcel of land lies within the Provincial Agricultural Land Reserve (ALR), all parcels must be used in accordance not only with the various provisions of this Bylaw, but also in accordance with the *Agricultural Land Commission Act*, the Regulations, Orders, Decisions of the Agricultural Land Commission.

### **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	<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 MINISTRY OF TRANSPORTATION & INFRASTRUCTURE APPROVAL this	_____	day of	_____	2024.
ADOPTED this	_____	day of	_____	2024.

\_\_\_\_\_  
Chair

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