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**Cowichan Valley Regional District  
Electoral Area D – Cowichan Bay (Marine)**

# **Zoning Bylaw**

**No. 1015**



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Cowichan Valley Regional District  
**Electoral Area D – Cowichan Bay  
(Marine) Zoning Bylaw No. 1015**

**Amended up to and including Bylaw No. 4024**

**CONSOLIDATED FOR CONVENIENCE ONLY**

Please check with the Planning & Development Department (250-746-2620) for current information on this Bylaw



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**AMENDING BYLAWS:**

*NOTE: CVRD Planning & Development Department staff have made every effort to provide the most up-to-date version of this consolidated bylaw and the associated maps. Nevertheless, this document may be somewhat out of date, particularly if there are amendments underway. Persons using this consolidated bylaw text and the maps should not rely on them for legal purposes or to make important decisions.*

1063 (C-2 to C-3 rezoning, Chaster Road) – July 22, 1987 – Text and Map  
1066 (Mobile home as separate permitted use in all of CVRD) – June 22, 1987 – Text  
1106 (New A-5 Zone for Farm Market) – January 13, 1988 – Text and Map  
1160 (Add “Boat Building” to Water Marina Zone) - August 24, 1988 – Text  
1170 (New R-2A Zone east of Sutherland) – September 28, 1988 – Text and Map  
1191 (New general subdivision regulations, CVRD) – January 11, 1989 – Text  
1219 (30% parcel coverage in R-3 Zone) – May 24, 1989 – Text  
1267 (Undersized parcels clause, CVRD) – February 13, 1991 – Text  
1326 (New C-2A Zone, former Forestry seed farm) – October 23, 1991 – Text and Map  
1357 (New definition of parcel coverage in all electoral areas, CVRD) – June 12, 1991 – Text  
1377 (Jurisdictional Boundary definition in CVRD) – October 23, 1991 – Text  
1438 (Small suite added in Area D only, CVRD) – July 22, 1992 – Text  
1525 (New W-3A Boat Moorage Zone, Cherry Point Marina) – June 28, 1995 – Text and Map  
1541 (MP-1 to R-2, Buckles) – June 22, 1994 – Text and Map  
1632 (New RM-2 Zone, 1700 Pritchard Rd.) – March 22, 1995 – Text and Map  
1650 (A-1 to I-6 at TCH – Iron Horse Equipment) – April 26, 1995 –Text and Map  
1954 (MP-1 to R-2, Lambourne Holdings) – May 12, 1999 – Map  
2034 (Chaster Road, McLay Holdings) – July 26, 2000 – Text and Map  
2105 (Livestock Auction, CVRD) – September 27, 2000  
2172 (Lockhart Industries) – April 25, 2001 – Text and Map  
2204 (Contaminated Soil, CVRD) – October 27, 2004 – Text  
2358 (Johannsen) – May 28, 2003 – Text and Map  
2408 (Number of Dwellings Per Parcel, CVRD) October 8, 2003 – Text  
2441 (Workbench Furniture Inc.) – November 12, 2003 – Text and Map  
2540 (Separated Parcels, CVRD) – April 27, 2005 – Text  
2585 (Poultry processing, Lyle Young) – December 8, 2004 – Text and Map  
2599 (Suite Amendment, CVRD) – February 23, 2005 – Text  
2618 (P-1 Zone Update, CVRD) – April 27, 2005 – Text  
2646 (Marina Sewage Pump-outs, CVRD) – October 11, 2006 – Text  
2652 (Public Land Dedication, CVRD)– April 27, 2005 – Text  
2698 (Building Height, CVRD) – September 14, 2005 – Text and Map  
2701 (Jurisdictional Boundary Definition) – October 12, 2005 – Text  
2710 (2<sup>nd</sup> Building Height, CVRD) – November 9, 2005 – Text and Map  
2712 (Agricultural Auction Deletion, CVRD) – January 11, 2006 – Text  
2772 (Height Exceptions Deletion, CVRD) – April 12, 2006 – Text  
2787 (Density Averaging Lot Size, CVRD) – December 13, 2006 – Text  
2864 (Community Sewer/Water Definitions, CVRD) – May 9, 2007 – Text  
2966 (Poultry Processing, Lyle Young) – August 8, 2007 – Text and Map  
3050 (Boundary Adjustment Regulation, CVRD) – April 9, 2008 – Text  
3129 (Partridge) – November 26, 2008 – Text and Map  
3156 (The Cannery, Fantillo) – August 13, 2008 – Text and Map  
3158 (Additional Parkland Regulation, CVRD) – August 13, 2008 – Text  
3325 (Business Park, Chaster Rd, Parhar) – November 16, 2010 – Text and Map  
3087 (Waldy Road, Johannsen) – December 8, 2010 – Map  
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3773 (Marine Zoning Amendment, CVRD) – January 13, 2016 – Text and Map  
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## COWICHAN VALLEY REGIONAL DISTRICT

### ZONING BYLAW NO. 1015, 1986

#### **A Bylaw to Establish Zones and Regulate the Use of Land, Buildings and Structures Within the Zones**

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**WHEREAS** pursuant to Section 963 of the Municipal Act, RSBC 1979, c 290 (the “Act”) the Regional Board is empowered to prepare and adopt a zoning bylaw;

**AND WHEREAS** the *Local Government Act* of the Province of British Columbia authorizes a local government to enact zoning and other development regulations including:

- (a) Pursuant to Section 903 of the *Local Government Act*, to regulate the use of land, buildings and structures;
- (b) Pursuant to Section 903 of the *Local Government Act*, to regulate the density of the use of land, buildings and structures, and the siting, size and dimensions of buildings and structures and the uses that are permitted on the land;
- (c) Pursuant to Section 903 of the *Local Government Act*, to regulate the shape, dimension and area, including minimum and maximum sizes, of all parcels of land that may be created by subdivision;
- (d) Pursuant to Section 904 of the *Local Government Act*, to establish different density regulations for certain zones including those generally applicable for the zone and others which apply subject to conditions including the provision of amenities;
- (e) Pursuant to Section 906 of the *Local Government Act*, to require the provision of off-street parking and loading spaces;
- (f) Pursuant to Section 907 of the *Local Government Act*, to regulate surface runoff, stormwater and the maximum percentage of the area of land that may be covered by impervious material;
- (g) Pursuant to Section 908 of the *Local Government Act*, to regulate the number, size, type, form, appearance and location of any signs;
- (h) Pursuant to Section 909 of the *Local Government Act*, to set standards for and regulate the provision of screening and landscaping to mask or separate certain land uses; and
- (i) Pursuant to Section 946 of the *Local Government Act*, to establish minimum parcel areas for parcels of land that may be subdivided under that Section.

**NOW THEREFORE** the Regional Board of Cowichan Valley Regional District in open meeting assembled **HEREBY ENACTS AS FOLLOWS:**

## **PART ONE TITLE, APPLICABILITY AND ADMINISTRATION**

**1.1** This bylaw may be cited for all purposes as “Electoral Area D Zoning By-law No. 1015, 1986”.

### **1.2 Consistency with the Official Community Plan**

This bylaw gives effect to the policies of the Electoral Area D – Cowichan Bay Official Community Plan Bylaw No. 3605.

### **1.3 Subject Lands, Uses, Buildings and Structures**

This bylaw applies to all land, including the surface of water, and all uses, buildings and other structures located within the boundaries of the Cowichan Estuary Environmental Management Plan Area, within the Official Community Plan Marine Village designation, and below the natural boundary of the ocean within Electoral Area D – Cowichan Bay, as shown on Schedule A, the Zoning Map, which is attached to and forms part of this bylaw.

### **1.4 Application**

Except as otherwise specified in the bylaw, all provisions of Parts One, Two, Three, Four, Five, Six and Thirteen apply to all of the zones established under this bylaw.

### **1.5 Conflicting Regulations**

Where this bylaw contains two or more regulations that could apply to a situation, the most restrictive regulation shall apply.

### **1.6 Reference to Other Bylaws and Regulations**

A reference in this bylaw to any bylaw, policy or form of the CVRD is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

### **1.7 Covenants against Building, Subdivision or Use**

Where under this bylaw an owner of land or a building is required or authorized to grant a covenant restricting subdivision, strata plan registration, use or development of land, the covenant must be granted to the Cowichan Valley Regional District and registered pursuant to Section 219 of the *Land Title Act* with priority over all financial charges, and under the terms of the covenant the owner must indemnify the Cowichan Valley Regional District for any fees or expenses the CVRD may incur as a result of a breach of the covenant by the owner.

### **1.8 Cowichan Estuary Environmental Management Plan**

All land use and development activities within the Cowichan Estuary Environmental Management Plan area are subject to the provisions of the Cowichan Estuary Environmental Management Plan.

### **1.9 Bylaw Amendment**

Any application for amendment to this bylaw is subject to:

- (a) The provisions of the *Local Government Act*;
- (b) CVRD Development Application Procedures and Fees Bylaw No. 3275; and
- (c) The Cowichan Estuary Environmental Management Plan Provincial Order-in-Council No. 1652.

## **1.10 Explanatory Notes and Figures**

All text in this bylaw which is italicized, except titles of legislative acts, statutes and regulations, and explanatory figures, is included for clarification purposes only and has no legal effect. Where a conflict between explanatory notes and figures and a regulation in this bylaw occurs, the regulation shall be taken as correct.

## **1.11 Measurements and Calculations**

- (a) All dimensions and measurements in this bylaw are expressed in the Standard International Units (metric) system;
- (b) For the purposes of this bylaw, the following units of measure shall be abbreviated as specified in brackets:
  - i) Metre (m);
  - ii) Cubic metre (m<sup>3</sup>);
  - iii) Square metre (m<sup>2</sup>);
  - iv) Hectare (ha);
  - v) Units per hectare (u/ha);
  - vi) Percent (%).



## **PART TWO COMPLIANCE AND ENFORCEMENT**

### **2.1 Compliance**

Land, including the surface of water, shall not be subdivided or used and buildings and other structures shall not be constructed, altered, sited or used except in accordance with this bylaw.

### **2.2 Prohibition**

Any use of land, or of a building or other structure, not expressly permitted in this bylaw, or in the regulations applicable to a specific zone under this bylaw, is prohibited.

### **2.3 Non-conforming Uses, Buildings and Structures**

A continuation of a lawful non-conforming use, building or other structure shall be subject to the provisions of Section 911 of the *Local Government Act*.

### **2.4 Enforcement**

The administrator and a bylaw enforcement official may enter any parcel, building, or premises at all reasonable times, and in accordance with Section 314.1 of the *Local Government Act*, to ascertain whether the regulations of this bylaw are being obeyed.

### **2.5 Violation**

- (a) Any person who:
- i) Violates any of the provisions of this bylaw;
  - ii) Causes or permits any act or thing to be done in contravention or violation of any provision of this bylaw;
  - iii) Neglects to do or refrains from doing any act or thing which is required to be done by any provisions of this bylaw;
  - iv) Carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this bylaw;
  - v) Fails to comply with an order, direction or notice given under this bylaw; or
  - vi) Prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Administrator or a Bylaw Enforcement Official;

commits an offence against this bylaw and is liable to the penalties imposed under this bylaw.

- (b) Each day that an offence of this bylaw is caused to continue, allowed to continue, constitutes a separate offence.

### **2.6 Penalty**

- (a) Any person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
- i) is liable for the fine imposed under CVRD Bylaw No. 3209 – Ticket Information Authorization Bylaw, 2008;
  - ii) is punishable in accordance with the *Offence Act*.

## PART THREE DEFINITIONS

### 3.1 Definitions

In this bylaw:

**"Accessory"** means ancillary or subordinate to, customarily incidental to, and associated with 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;

**"Accommodation Unit"** means a self-contained housekeeping unit comprised of one or more rooms including sleeping and sanitary facilities, and which may including cooking facilities;

**"Administrator"** means the person appointed from time to time as the Chief Administrative Officer of the CVRD and includes any person designated by the Administrator;

**"Agriculture"** means the growing, rearing, producing or harvesting of agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies;

**"Agri-tourism"** means a tourist activity, service or facility accessory to land that is classified as a farm under the *Assessment Act*;

**"Agri-tourism Accommodation"** means temporary accommodation in campsites, cabins or bed and breakfast sleeping units, or a combination thereof, which is accessory to land that is classified as a farm under the *Assessment Act*;

**"ALC"** means the Agricultural Land Commission as constituted by the *Agricultural Land Commission Act*;

**"ALC Act"** means the *Agricultural Land Commission Act*;

**"ALR"** means the provincial Agricultural Land Reserve, established pursuant to the *Agricultural Land Commission Act*;

**"Alteration"** means a structural change to a building, including: an addition to gross floor area or height; the removal of a portion of a building; construction of cutting into, or removal of any wall, partition, column, beam, joist, floor or chimney; and any change to or closing of any required means of access;

**"Aquaculture"** means a commercial enterprise involving the growing or rearing of aquatic plants or animals including fish, shellfish, seaweed and other aquatic life forms;

**"Artist studio"** means the use of a building for the creation, display and sale of arts and crafts, including photography;

**"Assembly"** means the use of land, buildings or structures to accommodate exhibits, special events or meetings, and includes the gathering of persons for charitable, civic, cultural, educational, entertainment, recreational or religious purposes;

**"Automobile Body Shop"** means the use of a building or structure for the rebuilding or reconditioning of engines or vehicles, including collision service, body repair, frame straightening, sandblasting, painting, upholstery, cleaning, undercoating, welding, and which may include Automobile Service but does not include Automobile Salvage or Wrecking Yard;

**"Automobile Service"** means the use of a building or structure for periodic, routine servicing of motor vehicles and recreational vehicles, including minor repairs and replacement of mechanical and other components, but does not include Automobile Body Shop or Automobile Salvage or Wrecking Yard;

**"Automobile Salvage or Wrecking Yard"** means an area of land where motor vehicles are wholly or partially disassembled, dismantled, or crushed, or where vehicles not in operable condition or used parts of motor vehicles are stored;

**"Bakery"** means a building within which baked goods are produced and sold at retail, and which may include a café;

**"Bare Land Strata Lot"** has the same meaning as under the *Strata Property Act*;

**"Bed and Breakfast"** means the accessory use of a parcel for temporary accommodation in sleeping units within a principal single detached dwelling or within an accessory building, and where guests are provided one daily breakfast meal, and no other served meals, on the premises;

**"Brewery or Distillery"** means a process plant used for the brewing or distilling of beverage alcohols and includes facilities on the same site where the beverage alcohols may be blended, mixed, stored or packaged, and may include accessory sales, tours, and customer seating areas.

**"Building"** means any structure, including a float home, used or intended for support or sheltering any use or occupancy;

**"Café"** means the use of a building or structure for the service to customers of coffee, tea and light refreshments, including service of pre-prepared or rapidly prepared food directly to customers at a walk-up counter, for consumption on or off the premises;

**"Catering Service"** means the use of a building or structure for the preparation of food for immediate consumption, which will be delivered to a customer off the premises;

**"Centre Line"** means an imaginary line drawn between the boundaries of a highway so that the line is always equidistant from either boundary;

**"Civic Use"** means the use of land, buildings or structures by the CVRD, a municipality, government agency or improvement district to provide government functions and services, including government offices, public education facilities, public health facilities, public emergency response facilities, community centres, libraries, museums, parks, cemeteries, courts of law, community water facilities, community sewer facilities, and excluding public works yards;

**"Closed Fence"** means a fence that is constructed so that not more than 20% of the total area of the fence permits visibility;

**"Cold Storage Facility"** means a fully enclosed and refrigerated building intended for the storage of perishable goods;

**"Commercial Recreation and Entertainment"** means the use of land, buildings or structures for the purpose of operating a commercial recreation and entertainment business including bowling alleys, arcades, indoor and outdoor rock climbing facilities, dance halls, pools, skating rinks, and uses of a similar nature;

**"Community Care Facility"** has the same meaning as under the *Community Care and Assisted Living Act*;

**"Community Garden"** means the use of public or private land for the growing of food, flowers, native and ornamental plants;

**"Community Sewer System"** means a liquid waste treatment and disposal service owned and operated by the Cowichan Valley Regional District, a municipality, or an Improvement District under the *Local Government Act*;

**"Community Water System"** means a potable water distribution system owned and operated by the Cowichan Valley Regional District, a municipality, or an Improvement District under the *Local Government Act*;

**"Construct or Construction"** means to build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, upgrade, remove or excavate;

**"Crown Land"** has the same meaning as under the *Land Act*;

**"Cultural Facility"** means a museum, nature interpretative facility, or theatre for the performing arts, which may include accessory retail sales, restaurant, café, educational programs and tours, and assembly;

**"CVRD"** means the Cowichan Valley Regional District;

**"CVRD Board"** means the Board of Directors of the Cowichan Valley Regional District;

**"Day Care"** means the use of a building or part thereof including any other premises or part of such premises for the purpose of providing care to eight or fewer persons;

**"Day Care, Group"** means a licensed Community Care Facility in which nine or more persons, including members of the household occupying the premises, receive daytime care;

**"Development"** means the construction, re-construction, erection or placing of one or more buildings or structures on land;

**" Dwelling "** means a self-contained housekeeping unit comprised of one or more rooms including one kitchen and living, sleeping and sanitary facilities, having direct access to the outdoors or common hall without passing through any other similar unit, intended to be used as the principal residence of one household, and not available for temporary accommodation unless explicitly permitted under this bylaw, and does not include a recreational vehicle, live-aboard vessel or float home;

**" Dwelling, Accessory "** means a dwelling which is accessory to a principal residential use located on the same parcel, and which is physically detached from and not located within another dwelling on the same parcel;

**" Dwelling, Multiple "** means a building, or portion of a building, containing three or more dwelling units or sleeping units or combination thereof;

**" Dwelling, Single Detached "** means a building containing one dwelling unit, which may also contain a secondary suite;

**" Farm Stand "** means a structure housing a seasonal roadside business for the sale of food or produce of which at least 50% originates on the premises;

**" Fence "** means a structure used as a screen or enclosure around all or part of a parcel or site, and includes an arbor, archway, gate, screen, trellis and wall;

**" Financial Institution "** means a bank, credit union, acceptance corporation, trust company, finance company or other establishment providing similar services;

**" Float Home "** means any structure incorporating a floatation system, intended for use or occupancy or being used or occupied for residential purposes, containing one dwelling unit only, and which is not useable in navigation;

**" Floating Home-Based Business "** means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain within a float home or live-aboard vessel and which is clearly accessory to the residential use;

**" Floor Area "** means the space on any storey of a building between interior walls and required firewalls, measured from the inside walls, but not including exits, vertical service spaces and their enclosing assemblies;

**" Floor Area, Gross (GFA) "** means the total horizontal floor area of all buildings on a parcel measured between the interior face of exterior walls and required firewalls, including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, and enclosed balconies, mezzanines, porches and verandas, and excluding auxiliary parking, unenclosed swimming pools, balconies, sundecks, elevators and mechanical heating, cooling and ventilation equipment;

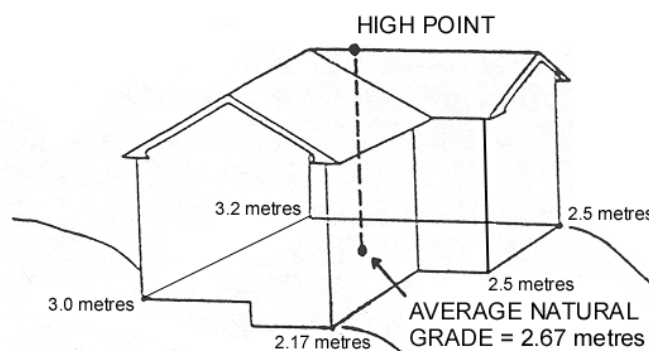
**" Food Concession "** means the use of a building, mobile cart, mobile trailer or vehicle for the preparation and sale of food and non-alcoholic beverages to pedestrians located outdoors;

**" FRU "** means a floating residential unit;

**"Fully-Shielded"** means a type of light fixture which results in illumination from an artificial light source being directed below the horizontal plane toward the ground and only illuminating the object that is intended to be illuminated, rather than illuminating the night sky;

**"Health and Wellness Studio"** means a facility where persons may undertake health-related or wellness-related activities either with or without instruction or coaching, which may include accessory treatment of health conditions or injuries, and accessory offices;

**"Height"** means the vertical distance from the average of the elevations of natural grade or flood construction level, measured at the outermost corners of a building or structure to the high point of the building or structure, as generally illustrated below; in the case of a building or structure designed, constructed or otherwise intended to float in water, height is measured from the surface of water to the top of the building or structure;



**"Highway"** has the same meaning as under the *Community Charter*;

**"Home-Based Business"** means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain within a wholly enclosed building or structure so that the business use is not, apart from the presence of a permitted sign, evident to passersby, and which is accessory to the principal residential use of the property;

**"Horticulture"** means the practice of growing fruits, vegetables, flowers or non-invasive plants, and excludes the commercial growing mushrooms;

**"Hotel"** means the use of a building or part thereof, for temporary accommodation, including accommodation units, and which may include accessory restaurant, pub, café, catering services, market, assembly, office, retail sales, artist studio, fitness studio, office, personal service, education, and recreation uses;

**"Household"** means a person or group of persons who occupy the same dwelling as their usual place of residence; it may consist of a family, two or more families sharing a dwelling, up to five unrelated persons, or one person living alone;

**"Impervious Surface Coverage"** means the total area of a parcel that is incapable of allowing precipitation to penetrate to underlying soils due to the presence of buildings, structures or other impermeable surfaces, except impermeable surfaces that are naturally occurring on the parcel;

**"Infrastructure"** means physical structures that form the foundation for development; including wastewater and water supply works, electric power, communications, transit and transportation facilities, and oil and gas pipelines and associated facilities;

**"Kennel"** means the use of a parcel, building or structure for the keeping, boarding, exercising or breeding of dogs or cats for remuneration or financial gain, and may include accessory office, retail sales, grooming and training facilities;

**"Kitchen"** means a room used for the preparation, cooking or eating of food and which contains cooking, washing and food cold storage facilities, a sink, cabinetry and ventilation for the cooking facilities;

**"Landscaping"** means the physical arrangement and maintenance of horticultural materials for the purpose of enhancing the functional and aesthetic qualities of a site;

**"Landscape Buffer"** means a continuous area of land planted with a combination of non-invasive plants, shrubs and trees for separating land uses, which is interrupted only by driveways and walkways;

**"Landscape Screen"** means a visual barrier composed of either: a continuous evergreen hedge; or a continuous evergreen hedge in combination with a wood fence or masonry wall, installed or planted so as to provide a complete all-season visual barrier, and which is interrupted only by driveways and walkways;

**"Liquor Retail Sales"** means the use of an enclosed building or structure to sell alcoholic beverages to a final consumer, for consumption off the premises;

**"Live-aboard Vessel"** means the residential use of a vessel designed or intended to be used for navigation;

**"Lot"** means land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the records of the Land Title Office;

**"Manufactured Home"** means a mobile home or modular home normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture;

**"Manufactured Home Park"** means the use of land for the purpose of providing two or more sites for the accommodation of manufactured homes;

**"Marina, Class 1"** means a facility for moorage of marine vessels complying with the fire protection requirements set out in Part 4 of the British Columbia Float Home Standards and equipped with a sewage collection system that is permanently connected to the Cowichan Bay Community Sewer System and has been certified in writing by a Qualified Professional Engineer, consisting of moorage walkways, docks, floats, piers or pilings, and which may include accessory offices, marine ways, boat launching ramps, shower and washroom facilities, boat sales, boat rentals, boat charters, boat repair, vessel pump-out facilities, float plane service, and water taxi service;

**"Marina, Class 2"** means a facility for moorage of marine vessels, consisting of moorage walkways, docks, floats, piers or pilings, and which may include accessory offices, marine ways, launching ramps, shower and washroom facilities, boat repair, and vessel pump-out facilities;

**"Marine Dry Storage"** means the use of land for the outdoor storage and repair of boats, boat trailers and accessory equipment;

**"Marine Fueling Station"** means the use of land or a building or structure or part thereof for the sale of fuels and lubricants for boats and marine equipment;

**"Market"** means the use of land, a building, or a structure by multiple vendors for the purpose of selling produce, fish, meat, cheese, seafood, flowers and crafts;

**"Medical Marihuana Production"** means the use of land, buildings or structures for the growing, processing, packaging and distribution of medicinal marihuana in accordance with the *Marihuana for Medical Purposes Regulations*;

**"Medical Service"** means the use of a building or part thereof for the provision of services by a licensed practitioner including but not limited to physician, dentist, chiropractor, physiotherapist, massage therapist, acupuncturist, holistic medical practitioner, and optometrist services, and medical lab services, excluding any cremation facilities;

**"Mini-storage"** means the commercial use of land, buildings or structures for the purpose of storing personal property inside buildings;

**"Mobile Home"** means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

**"Modular Home"** means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

**"Museum"** means the use of a building or structure for the purpose of exhibiting, preserving or studying objects of historical, artistic or scientific interest;

**"Natural Boundary"** has the same meaning as under the *Land Act*;

**"Natural Grade"** means the elevation of the ground surface in its natural state, before alterations, at the perimeter of a building or structure;

**"Nature Park"** means a public park established for the purpose of protecting and enhancing significant natural areas and features, and accessory, passive, non-vehicular recreational activities including walking, hiking, nature interpretation, wildlife viewing, and bird watching;

**"Open Fence"** means a fence that is constructed so that at least 80% of the total area of the fence permits visibility;

**"Open Space"** means land that provides outdoor space for unstructured or structured leisure activities, recreation, ecological habitat, cultural activities, or aesthetic enjoyment that is generally accessible to the public;

**"Panhandle Driveway"** means a strip of land that is used principally as a driveway, one end of which abuts a street or a easement area giving access to the parcel if there is no abutting street;



**"Panhandle Parcel"** means a parcel with a panhandle driveway that has less than 10% of its perimeter adjoining a street or highway;

**"Parcel"** has the same meaning as under the *Community Charter*;

**"Parcel Area"** means the total area of land within the exterior perimeter of a parcel, and in the case of a panhandle parcel, the panhandle driveway shall not be included in the calculation of parcel area;

**"Parcel Coverage"** means the total area of land covered by buildings and structures, as measured to the outermost perimeter, expressed as a percentage of the parcel area, or the total water area covered by building, structures and live-aboard vessels, as measured to the outermost perimeter, expressed as a percentage of the area of the water lot, lease or license area on which the building, structure or vessel is located;

**"Parcel Line, Exterior Side"** means a parcel boundary, other than a front parcel line or a rear parcel line, which abuts a highway;

**"Parcel Line, Front"** means a parcel boundary common to a parcel and a highway other than a lane, and where a parcel is contiguous with the intersection of two highways, the front parcel line is the shortest parcel boundary adjoining a highway other than a lane;

**"Parcel Line, Interior Side"** means a parcel boundary between two parcels, other than a front parcel line, exterior side parcel line or a rear parcel line, which does not run along a highway;

**"Parcel Line, Rear"** means a parcel boundary that lies most opposite to and is not connected to the front parcel line;

**"Parking Lot"** means an area of land used for the parking of vehicles, but does not include any area where vehicles for sale or repair are kept or stored;

**"Passive Recreation"** means outdoor recreation activities which do not involve the use of buildings, structures, motor vehicles or motorized equipment;

**"Permitted Use"** means a use of land, buildings, or structures permitted by this bylaw;

**"Personal Service"** means the use of an enclosed building or structure to provide professional services to a person for remuneration or financial compensation, including barber shop, hair salon, esthetician, tailor, shoe repair, training and picture framing shop;

**"Principal Use"** means the primary purpose for which a parcel, building or structure is used, designed or intended to be used;

**"Process Plant"** has the same meaning as under the *BC Building Code*;

**"Pub"** means an establishment licensed to serve alcoholic beverages in conjunction with live entertainment and/or dancing, which also offers full lunch and dinner menus complete with hot and cold meals;

**"Public Park"** means land and watercourses used or intended to be used for recreational, archaeological, historical, educational or ecological purposes, and which may also include accessory buildings, structures and infrastructure including but not limited to boat launch facilities, cultural facilities, offices, interpretative and directional signage, seating areas, viewing platforms and information kiosks;

**"Public Utility"** means a use and associated works which provide for essential services such as community water, community sewer, heat, electricity, navigation and telecommunications, where such use is established by the CVRD Board, a municipality, an improvement district, is licensed by a senior government, or is operated by a body that is subject to the *Utilities Commission Act*, and includes utility kiosk, but excludes exterior storage, landfill, recycling bins, recycling depots, recycling plants, refundable container depots, offices, vehicle or equipment repair facilities and power generation facilities;

**"Pumphouse"** means a building not exceeding one storey in height, measuring not more than 9 m<sup>2</sup> in gross floor area and used exclusively for housing water-pumping and treatment equipment;

**"Pump-out Facility"** means a device or method for the removal of sewage from a marine vessel;

**"Qualified Environmental Professional (QEP)"** has the same meaning as under the *Riparian Areas Regulation*;

**"Recreational Vehicle (RV)"** means a motorhome, camper van, 5<sup>th</sup> wheel, tent trailer or other vehicle that is required to be licensed under the *Motor Vehicle Act* if used on a highway and is designed converted or adapted for the temporary overnight accommodation of people;

**"Recreational Vehicle (RV) and Boat Sales"** means the sale or rental of new or used recreational vehicles (RVs) or boats that are capable of being licensed under the *Motor Vehicle Act* or *Canada Shipping Act*;

**"Recycling Depot"** means a collection facility for recyclable material to be sorted and stored indoors, including assembling or packaging for shipping, and does not include any other type of processing of materials and specifically excludes an automobile salvage and wrecking yard;

**"Refundable Container Depot"** means an indoor collection and distribution facility for bottles, cans, and other containers for which a cash refund is provided, but does not include processing except assembly or packaging for shipping;

**"Residence"** means a dwelling which is occupied or used, and is a fixed place of living to which a resident intends to occupy or return to, if absent;

**"Residential Use"** means a use providing for the accommodation of a household, including activities customarily incidental to the accommodation of a household, where such accommodation is the usual place of residence to which the household intends to return if absent;

**"Restaurant"** means the use of a building as a food services establishment which provides seating for customers to consume food on the premises, where food is not sold from a walk-up counter and which does not include a drive through;

**"Retail Sales"** means the use of an enclosed building or structure to sell goods or wares to a final consumer, excluding sales of liquor, RVs, motor vehicles, boats, building supplies, agricultural and horticultural supplies, equipment, and wholesale goods;

**"Retaining Wall"** means a structure intended to hold back, stabilize or support an earthen bank;

**"Seafood"** means fish, shellfish, seaweed and other aquatic life forms;

**"Secondary Suite"** means one or more habitable rooms, containing cooking facilities, constituting a self-contained dwelling for the residential accommodation of one household, located within a building containing a principal single detached dwelling;

**"Senior Government"** means either or both of the Government of British Columbia and Government of Canada;

**"Setback"** means the minimum required horizontal distance between a building or structure and a specified parcel line or other described feature;

**"Shipyard"** means facilities for the construction, repair and maintenance of marine vessels including work on hulls, decks, holds and engines, which may include accessory enclosed joinery or welding shop, electrical shop, machine shop, sale, repair and reconditioning of small and large marine engines, and parking and loading facilities;

**"Site"** means an area of land devoted to a certain use or occupied by a building or structure or group of building or structures united by a common interest, use or development;

**"Sleeping Unit"** means a room or group of rooms to be used for sleeping and living purposes only, which may include sanitary facilities but excludes a kitchen;

**"Storey"** has the same meaning as under the *BC Building Code*;

**"Storey, First"** means the lowest storey of a building having its floor not more than 2 m above grade;

**"Storey, Half"** means the uppermost level of a building where the floor area, existing, proposed or as may be extended over open-to-below space, and having a ceiling height of at least 1.2 m, does not exceed 50% of the floor area of the storey immediately below;

**"Stream"** has the same meaning as under the *Riparian Areas Regulation*;

**"Structure"** means any construction fixed to, supported by, or sunk into land or water, but does not include concrete or asphalt paving or similar surfacing of a parcel;

**"Subdivision"** has the same meaning as under the *Local Government Act*;

**"Temporary Accommodation"** means the accommodation of transient, paying guests for less than thirty days;

**"Utility Kiosk"** means a building or structure associated with a utility that is intended to aid in the distribution of electricity or telecommunications;

**"Walkway"** has the same meaning as under the *BC Building Code*;

**"Warehousing"** means the commercial use of a building or structure for the purpose of receiving and storing goods, and includes freight storage and distribution and the storage of goods by a distributor or supplier who markets goods for retail sale at other locations, but excludes mini-storage and retail sales from the parcel;

**"Watercourse"** means a stream, wetland or other natural body of water;

**"Wetland"** has the same meaning as under the *Riparian Areas Regulation*;

**"Yard, Front"** means the area of a parcel extending across the full width of the parcel from the front parcel line to the face of the nearest exterior wall of the principal building on the parcel;

**"Yard, Rear"** means the area of a parcel extending across the full width of the parcel from the rear parcel line to the face of the nearest exterior wall of the principal building on the parcel;

**"Yard, Side"** means the area of a parcel extending from the front yard to the rear yard and lying between the side parcel line and the face of the nearest exterior wall of the principal building on the parcel;

**"Zone"** means an area of CVRD Electoral Area D that is designated as a zone under Part 3 of this bylaw, for which specific regulations are set out in this bylaw and its schedules.

## PART FOUR GENERAL REGULATIONS

### 4.1 Uses Permitted in All Zones

Except as otherwise stated in this bylaw, the following uses are permitted in all zones subject to compliance with all regulations that apply to such uses under this bylaw:

- (a) Accessory buildings, structures, uses or works customarily incidental to a principal permitted use, provided they are located on the same parcel or within the same strata plan as the principal use;
- (b) Community garden, horticulture;
- (c) Environmental protection, restoration and enhancement;
- (d) Flood control works undertaken by a government agency;
- (e) Highway;
- (f) Landscaping, landscape buffer, landscape screen, fence;
- (g) Public park;
- (h) Public utility, excluding offices, maintenance garages and storage areas;
- (i) Temporary buildings, structures or storage of materials for a maximum of one year, required for a construction project on the same parcel for which a building permit has been issued if such a permit is required, provided such temporary buildings, structures and storage areas are removed within 30 days of the completion of the project;
- (j) Temporary occupancy of a mobile home or recreational vehicle by an owner of a parcel of land during construction of a permitted dwelling on the same parcel for which a building permit has been issued;
- (k) Trail (subject to approval of the ALC if located in the ALR).

### 4.2 Uses Prohibited in All Zones

The following uses are prohibited in all zones except as permitted otherwise in this bylaw:

- (a) Aquaculture;
- (b) Automobile body shop, automobile service, automobile wrecking or salvage yard;
- (c) Boat service, repair or salvage;
- (d) Boat shed or shelter;
- (e) Docks, wharves, piers;
- (f) Disposal of any waste matter on land or to a watercourse, except as permitted under the *Sewerage System Regulation*, *Agricultural Waste Control Regulation* or *Environmental Management Act*;
- (g) Uses of any kind in which patrons receive or obtain goods or services while seated in an automobile;
- (h) Exterior storage of building materials except where building materials are stored temporarily for use in construction or improvements on the same parcel.
- (i) Exterior storage or salvage of more than one motor vehicle which is not currently registered and licensed under the *Motor Vehicle Act* or capable of movement under its own power, or exterior storage or salvage of motor vehicle parts;
- (j) Gaming and gambling establishments, except where carried out for a charitable purpose;
- (k) Keeping of roosters except in zones where agriculture is permitted;
- (l) Keeping of more than a total of 5 cats or dogs on a parcel;
- (m) Landfill;
- (n) Medical marijuana production;
- (o) Parking more than one commercial or industrial vehicle with a gross vehicle weight in excess of 5,000 kg on a parcel not zoned for commercial, industrial or agricultural use;

- (p) Residential use of an accessory building, tent, park model RV, recreational vehicle, vessel, float home, dock, float, motor vehicle, shipping container or any other similar structure.
- (q) Use of a float home, live-aboard vessel, or other vessel for temporary accommodation, bed and breakfast, or commercial activity.
- (r) Storage of any wastes or contaminated soils or contaminated fill not originating on the same parcel;
- (s) Storage of shipping containers, other than during a construction project with an active building permit;
- (t) Temporary accommodation;
- (u) Treatment of contaminated soils or contaminated fill on a parcel other than that upon which the contamination arose.

#### **4.3 Uses Not Expressly Permitted are Prohibited**

Any use not expressly permitted in this bylaw is prohibited in every zone, and where a particular use is expressly permitted in one zone, such use is prohibited in every zone where it is not expressly permitted.

#### **4.4 Uses within the Agricultural Land Reserve (ALR)**

Activities explicitly designated as farm uses pursuant to Section 2 of the *Agricultural Land Use, Subdivision and Procedure Regulation* are permitted in all zones within the ALR.

#### **4.5 Residential Use and Density**

- (a) Not more than one dwelling shall be located on any one parcel, except as specifically permitted in this bylaw;
- (b) Where more than one detached dwelling is permitted on a parcel of land that is not within a community water service area, either:
  - i) Each dwelling shall have its own well for domestic water use; or
  - ii) If a shared well is used, the shared well must be approved and the purveyor certified pursuant to the *Drinking Water Protection Act*.
- (c) No dwelling shall be used or occupied by more than one household;
- (d) All rooms of a dwelling shall be accessible from within that dwelling;
- (e) Not more than one kitchen shall be contained within a dwelling.

#### **4.6 Use of Single Detached Dwellings as Community Care Facilities**

A single detached dwelling, which is permitted under this Bylaw, may be used as a community care facility, licensed under the *Community Care and Assisted Living Act*, for the purpose of providing:

- (a) A day care for no more than eight (8) persons;
- (b) A residence for no more than 10 persons, not more than 6 of whom are persons in care.

#### **4.7 Split-Zoned Parcels**

Where a parcel contains more than one zone:

- (a) Each zoned area shall be treated as a separate parcel for the purpose of determining compliance with the provisions of its zone; and
- (b) All uses, buildings or structures that are accessory to a principal use, building or structure are permitted only within the area of the parcel zoned for the principal use, building or structure to which the uses, buildings or structures are accessory.

#### 4.8 Accessory Buildings, Structures and Works

- (a) No accessory building or structure shall be situated on a parcel unless the principal building, to which the accessory building or structure is incidental, has already been erected or will be erected simultaneously with the accessory building on the same parcel, with the exception of one accessory building or structure not exceeding 25 m<sup>2</sup> of gross floor area, used only for storage purposes;
- (b) On residential parcels that are less than 0.4 ha in area, the combined area of greenhouses shall not exceed 25% of parcel area;
- (c) Greenhouses associated with agriculture or limited agriculture use shall comply with required parcel line setbacks for agriculture and limited agriculture uses;
- (d) A garage or carport attached to a principal building, by an enclosed, heated area that is not more than 5 m in length, is deemed to be a portion of the principal building;
- (e) Land comprising the common property in a strata plan may be used for purposes accessory and customarily incidental to permitted principal uses on the strata lots within the same strata plan. For the purposes of accessory buildings that may be constructed on common property, the same setbacks, building height, parcel coverage and other building standards apply as those which apply to strata lots in the same zone;
- (f) No part of an accessory building shall be used as a dwelling unit or sleeping unit, except as otherwise provided for in this bylaw.

#### 4.9 Accessory Dwellings and Secondary Suites

- (a) For zones in which it is a permitted use, an accessory dwelling shall only be permitted if:
  - i) The parcel upon which the accessory dwelling is located complies with the minimum parcel area requirement in relation to the level of servicing provided as described in the following table:

Minimum Parcel Area	Level of Servicing
No minimum	The principal dwelling and accessory dwelling are serviced by a community water system and a community sewer system
0.4 ha	The principal dwelling and accessory dwelling are serviced only by a community water system
1.0 ha	The principal dwelling and accessory dwelling are not serviced by a community water system

- ii) The gross floor area of the accessory dwelling is not less than 37 m<sup>2</sup>;
- iii) The gross floor area of the accessory dwelling is not more than 74 m<sup>2</sup> on a parcel that is less than 0.4 ha in area; and not more than 90 m<sup>2</sup> on a parcel that is 0.4 ha or greater in area;
- iv) The accessory dwelling is constructed and inspected in accordance with the *BC Building Code* and the CVRD Building Bylaw, and has the approval of the authorities responsible for domestic sewage disposal and domestic water supply;
- v) No other accessory dwelling, secondary suite or bed and breakfast use is located on the parcel.

- (b) For zones in which it is a permitted use, a secondary suite shall only be permitted if:
  - i) The parcel upon which the secondary suite is located complies with the minimum parcel area requirement in relation to the level of servicing provided as described in the following table:

Minimum Parcel Area	Level of Servicing
No minimum	The principal dwelling and secondary suite are serviced by a community water system and a community sewer system
0.4 ha	The principal dwelling and secondary suite are serviced only by a community water system
1.0 ha	The principal dwelling and secondary suite are not serviced by a community water system

- ii) The gross floor area of the secondary suite is not less than 37 m<sup>2</sup>;
- iii) The gross floor area of the secondary suite is not more than 90 m<sup>2</sup> or 40% of the gross floor area of the principal dwelling, whichever is less;
- iv) The secondary suite has a private access which is not visible from a public roadway;
- v) The secondary suite is constructed and inspected in accordance with the *BC Building Code* and the CVRD Building Bylaw, and has the approval of the authorities responsible for domestic sewage disposal and domestic water supply;
- vi) No other secondary suite, accessory dwelling or bed and breakfast use is located on the parcel.
- (c) Neither an accessory dwelling nor a secondary suite shall be located on a parcel unless the owner of such parcel has, prior to the issuance of an occupancy permit by the CVRD, registered in favour of the CVRD a restrictive covenant under Section 219 of the *Land Title Act*.
  - i) Prohibiting subdivision of the parcel under the *Strata Property Act* or *Land Title Act*;
  - ii) Limiting the number of dwellings permitted on the parcel to two, including the principal dwelling;
- (d) Notwithstanding Paragraph (c), a restrictive covenant is not required for an accessory dwelling on a parcel of land which may be subdivided in accordance with this bylaw, provided the resulting parcels would meet the minimum parcel area and other regulations for the zone in which each dwelling would be located, and the subdivision would not otherwise result in a contravention of this bylaw.

**4.10 Agri-tourism Accommodation**

- For zones in which it is a permitted use, Agri-tourism accommodation shall only be permitted if:
- (a) The use is clearly accessory to a principal agricultural use on the parcel and located on the same parcel;
  - (b) The parcel on which the use is located is at least 2 ha in area;
  - (c) The parcel on which the use is located has been assessed as a farm under the *Assessment Act* for at least five consecutive years prior to establishing the agri-tourism accommodation use;
  - (d) The use is limited to a combined total of 10 accommodation or sleeping units in total, which may be comprised of seasonal campsites or cabins or bed and breakfast units or a combination thereof;
  - (e) The use does not occupy more than 2,500 m<sup>2</sup> or 10% of the parcel area, whichever is less, including building floor area, campsites, service buildings, indoor or outdoor amenity areas, driveway areas and landscaped areas;
  - (f) The use complies with all CVRD bylaws including bylaws regulating campsites;
  - (g) The owner of the parcel on which the use is located has registered a covenant under Section 219 of the *Land Title Act* in favour of the CVRD prohibiting subdivision of the parcel under the *Strata Property Act* or *Land Title Act*;
  - (h) The use does not involve any external display or advertisement of the business other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area.



#### 4.11 Bed and Breakfast

For zones in which it is a permitted use, a bed and breakfast use shall only be permitted if:

- (a) The use is accessory to a principal single detached dwelling where not more than one principal dwelling exists on a parcel;
- (b) The use is contained entirely within a single detached dwelling, except on a parcel that is 0.4 ha or greater in area, where sleeping units may be contained within one accessory building which has a gross floor area that is not more than 40% of the gross floor area of the principal single detached dwelling on the parcel;
- (c) The use is not located on a parcel of land that has a secondary suite or accessory dwelling;
- (d) The use does not involve more than three sleeping units on parcels that are less than 0.4 ha in area; or more than four sleeping units on parcels that are 0.4 ha or larger;
- (e) The use does not involve any external display or advertisement of the business other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area;
- (f) The use is conducted only by residents on the parcel;
- (g) The use is clearly identified on plans associated with a building permit application to legally accommodate the use;
- (h) The use is limited to serving one breakfast meal per day to guests;
- (i) The use does not create a nuisance of any kind.

#### 4.12 Day Cares and Group Day Cares

For zones in which it is a permitted use, a day care or group day care are subject to the following regulations:

- (a) Day cares and group day cares shall be operated and licensed in accordance with the *Community Care and Assisted Living Act*;
- (b) A group day care for more than eight persons shall not be located on a parcel that is less than 0.2 ha in area;
- (c) A group day care for more than 16 persons shall not be located on a parcel that is less than 0.4 ha in area;
- (d) A day care use shall be clearly subservient and incidental to a principal dwelling and residential use of the parcel upon which the dwelling is located;
- (e) There shall be no variation from a primarily residential appearance of the land and premises where a day care is located;
- (f) A day care or group day care use shall not create a nuisance of any kind;
- (g) A day care or group day care use shall have no external display or advertisement other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area.

#### 4.13 Farm Stands

For zones in which it is a permitted use, a farm stand is subject to the following regulations:

- (a) A farm stand shall only offer for sale food products grown and produced on the premises, except on parcels located within the ALR in accordance with Section 2 of the *Agricultural Land Use, Subdivision and Procedure Regulation*;
- (b) A farm stand shall not be located within 4.5 m of a parcel line abutting a highway unless the CVRD has received written authorization from the Ministry of Transportation and Infrastructure;
- (c) A farm stand shall not occupy a parcel area in excess of 10 m<sup>2</sup>, except on parcels located within the ALR in accordance with Section 2 of the *Agricultural Land Use, Subdivision and Procedure Regulation*;
- (d) A farm stand shall not exceed 2.5 m in height;
- (e) A farm stand shall not involve any external display or advertisement of the business other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area.

#### 4.14 Home-Based Businesses

For zones in which it is a permitted use, a home-based business is subject to the following regulations:

- (a) A home-based business shall only be conducted within a dwelling or a wholly enclosed accessory building;
- (b) A home-based business shall be clearly subservient and incidental to a principal dwelling and residential use of the parcel upon which the dwelling is located;
- (c) A home-based business shall not have a gross floor area that exceeds 100 m<sup>2</sup> or 40% of the gross floor area of the principal dwelling in which the home-based business use is located, whichever is less;
- (d) There shall be no variation from a primarily residential appearance of the land and premises where a home-based business is located;
- (e) A home-based business shall not create a nuisance of any kind;
- (f) A home-based business shall not discharge wastewater to a watercourse, groundwater or septic field, except as permitted pursuant to the *Environmental Management Act* or *Public Health Act*;
- (g) A home-based business shall not involve any external display or advertisement of the business other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area;
- (h) A home-based business shall not involve exterior storage of any material or equipment used directly or indirectly in the processing, servicing or sale of any product;
- (i) A home-based business shall not involve the parking or storage of more than one commercial vehicle and trailer, with a gross vehicle weight in excess of 5,000 kg, on the parcel or an adjacent parcel or roadway;
- (j) A home-based business shall only be conducted by persons residing on the parcel, except:
  - i) A maximum of one additional person who does not reside on the parcel may be employed on any parcel with an area less than 0.4 ha; and
  - ii) A maximum of two additional people who do not reside on the parcel may be employed on a parcel that is 0.4 ha or larger;
- (k) Automobile body shop, automobile service, boat service, automobile salvage or wrecking yard, brewery, distillery, and process plant are not permitted as home-based businesses;
- (l) Except as permitted in accordance with the *Agricultural Land Commission Act*, fish, livestock, medical marijuana production and poultry processing are not permitted as home-based businesses.

#### 4.15 Floating Home-based Business

For zones in which it is a permitted use, a floating home-based business is subject to the following regulations:

- (a) A floating home-based business shall only be conducted by persons residing in the float home or live-aboard vessel;
- (b) A floating home-based business shall be clearly subservient and incidental to the principal residential use of a float home or live-aboard vessel;
- (c) A floating home-based business shall not involve sales or services to customers on the premises;
- (d) A floating home-based business shall not involve any external display or advertisement of the business other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area;
- (e) A floating home-based business shall not create a nuisance of any kind;
- (f) A floating home-based business shall not discharge wastewater except as permitted pursuant to the *Environmental Management Act* or *Public Health Act*;
- (g) A floating home-based business shall not involve exterior storage of any material or equipment used directly or indirectly in the processing, servicing or sale of any product;
- (h) Manufacturing and processing activities are not permitted as floating home-based businesses.

#### 4.16 Retail Sales

For zones in which it is a permitted use, retail sales use is subject to the following regulations:

- (a) Except as permitted by special regulation within a zone, the total gross floor area used for retail sales within a single building shall not exceed 1,800 m<sup>2</sup>;
- (b) Retail sales shall be conducted from entirely within an enclosed building, except that a retail sales use may involve the exterior display of products provided the area occupied for exterior display is less than 10 m<sup>2</sup> and the exterior display only occurs while the business is open to the public.

#### 4.17 Swimming Pools

- (a) Swimming pools shall be enclosed in a structure or surrounded by a fence not less than 1.5 m and not more than 1.8 m in height, designed to prevent climbing, and where equipped with gates, be operated by hinges and a lock and be able to be opened freely only from the inside;
- (b) Swimming pools shall not be located within 15 m of a front parcel line or within a required side or rear parcel line setback.

#### 4.18 Temporary Occupancy During Construction

- (a) An owner of a parcel of land may occupy a mobile home or recreational vehicle (RV) while in the process of constructing a permanent dwelling on the same parcel, provided that the following conditions are met:
  - i) The mobile home or RV occupancy shall not commence until a building permit has been issued for the construction of a principal dwelling on the parcel;
  - ii) The period of mobile home or RV occupancy shall not extend beyond twelve (12) months from the issuance of the building permit to construct the principal dwelling regardless of whether the construction has been completed;
  - iii) Occupancy of the mobile home or RV shall cease within 30 days of the date upon which occupancy is granted for the newly constructed principal dwelling;
  - iv) Sewage shall be disposed of at approved off-site locations, or if it is disposed of on-site, in a location and manner that is permitted by the authority responsible for domestic sewage disposal;
  - v) The mobile home or RV shall be located no closer than 4.5 m to any parcel line.
- (b) Despite a restriction under this bylaw on the number of dwellings permitted on a parcel, an owner of a parcel which already has an existing dwelling located on it, while in the process of constructing a new principal dwelling on the same parcel, may continue to occupy the existing dwelling during construction of the new principal dwelling, provided that the following conditions are met:
  - i) The owner of the parcel enters into a restrictive covenant in favour of the CVRD pursuant to Section 219 of the *Land Title Act* to the effect that the owner undertakes to remove the existing dwelling or render it uninhabitable to the satisfaction of the Building Inspector following the granting of the certificate of occupancy for the new principal dwelling, and within a maximum time period of 2 years from the date of issuance of the building permit to completion and occupancy of the new principal dwelling, unless the existing dwelling would conform with the regulations of the Zone in which the construction is occurring following completion of the new principal dwelling; and
  - ii) An irrevocable letter of credit or other security satisfactory to the CVRD, in the amount of \$5,000, is issued in favour of the CVRD by the owner, to be forfeited to the CVRD in the event that the terms of the covenant are not complied with, in which case the CVRD may use the security to offset any costs of legal action to obtain compliance;

#### **4.19 Height Limit Exceptions**

- (a) Notwithstanding other height restrictions in this bylaw, the following buildings and structures and parts of buildings and structures may be of an unlimited height: grain elevators, silos, belfries, domes, spires and steeples of buildings for public worship; chimneys; flag poles; cranes; federally regulated telecommunications towers; radio antennas; stair towers; elevator towers; street light standards with fully-shielded light fixtures; roof-top mechanical equipment provided the equipment is screened from public view; and tanks associated with public utilities;
- (b) Notwithstanding other height restrictions in this bylaw, solar panels and wind turbines are permitted to be not more than 1.5 m above the height limit specified in the zone within which the parcel is located;
- (c) Where one or more parts of a building or structure specified in Paragraphs (a) or (b) are located on top of a building or structure, the total area occupied by all such parts shall not exceed 10% of the horizontal plane of the roof area as seen from any direction;
- (d) The vertical distance from the surface of water to the top of the floatation device or the lowest opening into the floatation device, whichever is less, shall not be included in the calculation of the height of a float home.

#### **4.20 Setback Exceptions**

- (a) Except as otherwise provided in particular zones, the setback requirements of this bylaw do not apply to:
  - i) Bay windows without habitable floor area; chimneys; exterior finishes; heating, ventilation and air conditioning equipment, sills; sunlight control projections including sunshades; unenclosed stairwells, if the projections do not exceed 1 m measured horizontally into the setback area and are not within 1 m of a parcel boundary;
  - ii) Eaves, canopies, cornices, gutters, sunshades, signs, cantilevered decks, and unenclosed stairwells and above-ground stairways if the projections, measured horizontally, do not exceed 2 m from a rear parcel line and 1 m from a front or side parcel line;
  - iii) Farm stands located less than 4.5 m from a front parcel line, subject to authorization from the Ministry of Transportation and Infrastructure;
  - iv) Signs;
  - v) Fences, retaining walls, landscape buffers and landscape screens;
  - vi) Pumphouses and utility kiosks.

#### **4.21 Setbacks from a Watercourse**

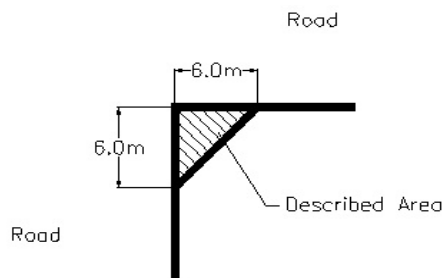
- (a) Notwithstanding any other provision of this bylaw, in the A-1, RR-2 and I-3 zones, no building or structure shall be located on land that is:
  - i) Within 30 m of the natural boundary of the Cowichan or Koksilah River; or
  - ii) Within 15 m of the natural boundary of any watercourse or the sea.
- (b) Notwithstanding any other provision of this bylaw, no building or structure used for the keeping of animals, poultry or livestock shall be located on land that is within 30 m of a watercourse or well;
- (c) Notwithstanding any other provision of this bylaw, a vegetated buffer, of not less than 15 m in width measured horizontally from the natural boundary, shall be maintained along all watercourses unless otherwise determined by a Development Permit;
- (d) In the A-1, RR-2, I-3 and W-8 zones, the minimum elevation of the underside of any floor system of a building or structure and the top of any pad supporting any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods that are susceptible to damage by floodwater shall be the greater of:
  - i) 3.2 m above CGVD2013 datum; or
  - ii) 1.5 m above any watercourse, lake or the sea.

#### 4.22 Fences and Retaining Walls

- (a) Except as otherwise specifically stated in this bylaw,
  - i) The height of a fence or wall shall be measured to the highest point from, and perpendicular to, a line representing the average natural grade level at its base, including where a fence or wall is constructed above a retaining wall;
  - ii) The maximum height of a fence shall not exceed 1.2 m in a front yard and not more than 2 m on all other parts of a parcel in a residential zone;
  - iii) Notwithstanding Subparagraph (ii), fence height may be increased to 2 m in a front yard provided transparent mesh is used for the portion of fence that is more than 1.2 m in height;
  - iv) The maximum height of a fence shall not exceed 2.5 m in an agricultural, commercial, institutional, industrial or parks zone;
  - v) Fences used in association with recreational uses, such as playing fields, golf courses, driving ranges and tennis courts are not limited in height, provided such fences are constructed of materials that permit visibility, such as transparent mesh;
  - vi) Fences may be constructed on any portion of a parcel, including within a required setback area, except closed fences and landscape screens shall be less than 2.5 m height when sited in a required setback area from a parcel line adjoining a residential use;
  - vii) The use of barbed wire, razor wire, electric current, or any hazardous material for fencing is prohibited within all zones designated by this bylaw, except where such fencing is required in conjunction with activities explicitly designated as farm uses pursuant to the *Agricultural Land Use, Subdivision and Procedure Regulation*.
- (b) In a residential zone, a single retaining wall must:
  - i) Not exceed a height of 1.2 m measured from the average natural grade level at its base;
  - ii) Not be located within 0.6 m, measured horizontally, of any other retaining wall.
- (c) No fence or retaining wall may be constructed within a Riparian Assessment Area except where such construction has been authorized by a development permit issued by the CVRD.

#### 4.23 Visual Clearance at Intersections (Sight Triangle)

No person being the owner, occupier or lessee of any land located at the intersection of any two streets, shall place or establish, or permit to be placed or established, a fence, building, structure, or vegetation that is greater than 1 m in height within a sight triangle bounded by the intersecting parcel lines at a street corner and a line joining points along said parcel lines 6 m from their point of intersection.



#### **4.24 Run-off Control**

- (a) All site grading will direct overland drainage along or away from any landscape buffer to collection points on-site and away from buildings;
- (b) Prior to and during development, temporary silt fencing shall be provided and maintained as an erosion control measure to prevent the pollution, degradation, or siltation of natural areas and watercourses; following development, silt fencing shall be properly disposed of in accordance with CVRD bylaws;
- (c) Run-off from irrigation systems onto highways or parking areas is not permitted.

#### **4.25 Exterior Storage Areas**

- (a) Exterior storage shall not be located within a required landscape buffer or within 1.5 m of a parcel line abutting a highway, whichever has a greater width;
- (b) Exterior storage shall be masked by a landscape screen, which is at least 2 m in height, to provide a visual barrier between the exterior storage and adjacent highways and lands, except where exterior storage is accessory to farm uses pursuant to the *Agricultural Land Use, Subdivision and Procedure Regulation*.

#### **4.26 Garbage & Recycling Facilities**

- (a) When any development is proposed, provision shall be made for garbage and recycling facilities on the same parcel as the development; such facilities are not permitted to be located within a required setback to a front parcel line;
- (b) A landscape screen, which is at least 2 m in height, shall be used to provide a visual barrier between garbage and recycling facilities and adjacent highways and lands, except where such facilities are accessory to farm uses pursuant to the *Agricultural Land Use, Subdivision and Procedure Regulation*;

#### **4.27 Mechanical, Electrical & Service Equipment**

All mechanical, electrical or other service equipment located at the exterior or on the roof of a building shall be screened from adjacent highways and lands where the equipment is required for a commercial, industrial, or multiple residential development.

#### **4.28 Exterior Lighting**

Exterior lighting fixtures shall be fully-shielded so as to prevent direct illumination of adjacent lands or highways, or watercourses including the ocean.

## PART FIVE      PARKING REGULATIONS

### 5.1      Required Number of Off-Street Parking Spaces

(a) Minimum off-street parking spaces and facilities shall be provided in accordance with the following table and the requirements of this section. Where a specific use is not identified, a similar use to one listed in the following table shall be selected as an applicable standard

Use	Minimum Required Parking Spaces
Agritourism accommodation	1 per guest sleeping unit
Art gallery, Artist studio, Cultural Facility, Library	1 per 100 m <sup>2</sup> of gross floor area
Assembly	1 per 15 m <sup>2</sup> of gross floor area
Campground	1 per campsite
Bakery (retail), Café	1 per 20 m <sup>2</sup> of gross floor area
Bed and breakfast	1 per guest sleeping unit
Day Care	1 per 4 people in care
Dwelling, Accessory or Secondary suite	1 per dwelling
Dwelling, Multiple	1 per dwelling plus 0.25 per dwelling for visitors
Dwelling, Single detached or Semi-detached	1 per 100 m <sup>2</sup> of gross floor area (to a maximum of 2 spaces)
Float home	1 per float home
Food Concession Vehicle	1 per concession vehicle
Health and wellness studio	1 per 15 m <sup>2</sup> of gross floor area
Home-based business	1 per visitor
Hotel	1 per accommodation unit
Laundromat	1 per 40 m <sup>2</sup> of gross floor area
Live-aboard vessel	0.5 per live-aboard vessel
Manufacturing, Boat building and repair, Equipment repair, Processing (animal, fish, food, gravel, livestock, poultry, wood, medical marihuana), Welding	1 per 100 m <sup>2</sup> of gross floor area
Marina Moorage (non-residential)	1 per 6 berths
Medical service, Personal service	1 per 40 m <sup>2</sup> of gross floor area
Office, Financial institution	1 per 40 m <sup>2</sup> of gross floor area
Place of Worship	1 per 5 seats of gross floor area
Restaurant, Pub, Lounge	1 per 5 seats
Sales (retail, liquor, marine)	1 per 20 m <sup>2</sup> of gross floor area
Veterinary clinic kennel	1 per 40 m <sup>2</sup> of gross floor area
Warehouse, Cold storage facility	1 per 200 m <sup>2</sup> of gross floor area

- (b) Where the calculation of the required off-street parking spaces results in a number that is a whole number plus a fraction, the number of required spaces shall be rounded up to the next whole number.
- (c) Where a building or parcel contains more than one function or use, the required number of parking spaces shall be the sum of the requirements for each function or use.

- (d) At least one parking space shall be provided for each parcel unless no building or structure is located on such parcel.
- (e) Where seating accommodation is the basis for a unit of measurement and consists of benches, pews, booths or similar seating accommodation, each 0.5 m<sup>2</sup> of seating area shall be deemed to be one seat.
- (f) All multiple unit residential, mixed use and commercial developments requiring at shall provide bicycle parking at a rate of 20% of the required vehicle parking.
- (g) All multiple unit residential, mixed use and commercial developments requiring at least 10 parking spaces shall provide at least one electric vehicle charging outlet, which is readily accessible for charging a vehicle in a required parking space.
- (h) For any use required to be accessible to persons with a disability of the *BC Building Code*, a minimum of one parking space for a person with a disability shall be provided.
- (i) Where 10 or more parking spaces are required by this bylaw, a minimum of 10% of all required spaces shall be accessible to persons with a disability.
- (j) The parking requirements established in this section do not apply to a building or use existing prior to the adoption date of this bylaw, provided there is no change, expansion or addition to the building or use that requires more parking spaces than were required for the existing building or use when this bylaw was adopted. If there is an expansion or addition to an existing use or building, then the provisions of this section apply to the expansion or addition.

**5.2 Off-Street Parking Design, Development and Maintenance**

- (a) The minimum required dimensions for parking spaces and drive aisles shall be in accordance with the following table and requirements of this section.

Angle of Parking	Parking Space Width	Standard Parking Space Length	Drive Aisle Width
30 degrees	2.75 m	5.8 m	3.5 m
45 degrees	2.75 m	5.8 m	4.0 m
60 degrees	2.75 m	5.8 m	5.5 m
90 degrees	2.75 m	5.8 m	7.0 m
Parallel	2.5 m	7.0 m	3.5 m

- (b) Despite the minimum required dimensions for parking spaces in subsection (a), where three or more parking spaces are required, 33% of required parking spaces may be reduced to 4.6 m in length provided that such spaces are clearly marked “small vehicle only” within the parking space or on the facing wall or fence, if available.
- (c) Despite the minimum required dimensions for parking spaces in subsection (a), all parking spaces for persons with a disability shall be a minimum of 3.7 m in width.
- (d) All parking spaces for persons with a disability shall be:
  - i) Surfaced with material conducive to providing access for wheelchairs;
  - ii) Located in the most accessible and convenient location available within the parking areas;
  - iii) Marked or otherwise designated for sole use by persons with a disability.
- (e) Where any required parking space abuts, along its length any portion of a fence or structure, the minimum parking space width shall be increased by 0.3 m for that space only.
- (f) A driveway shall not be wider than 7.0 m for the first 1.5 m inside a property line adjoining a highway.
- (g) Street access or egress from parking areas shall be not less than 15.0 m from the nearest point of intersection of two highways.



- (h) All parking areas shall be provided with adequate curbs to retain all vehicles within such permitted parking area and to ensure that adjacent buildings, fences, walkways and landscaped areas are protected from parked vehicles.
- (i) All parking areas required for commercial, multi-family residential, industrial or institutional uses shall be surfaced with asphalt, concrete, permeable pavers or similar pavement so as to provide a surface that is durable and dust-free.
- (j) All parking areas required for commercial, multi-family residential, industrial or institutional uses shall include one or more oil-water separators, and it shall be the responsibility of the owner to properly maintain the oil-water separators in good working order, regularly removing oils for proper disposal.
- (k) The maximum grade and cross slope for a parking space or parking area required by this bylaw shall not exceed 8%.
- (l) That portion of any parcel used as a driveway from the property line to a required parking area shall not exceed a grade of 20%.
- (m) All lighting used to illuminate any parking area shall be so arranged to direct light upon such parking area and not any adjoining lands.
- (n) Required parking spaces for all uses shall be located on the same parcel as the uses they serve.

### 5.3 Off-street Loading Requirements

- (a) Minimum off-street loading spaces and facilities shall be provided in accordance with the following table and the requirements of this section. Where a specific use is not identified, a similar use to one listed in the following table shall be selected as an applicable standard.

Use	Minimum Required Loading Spaces
Commercial, industrial and institutional excluding places of worship	1 per 3,000 m <sup>2</sup> or fraction thereof

- (b) A minimum of one off-street loading space shall be provided on each parcel in a commercial, multi-family residential, industrial or institutional zone.
- (c) Off-street loading spaces shall not be credited against the requirements for off-street parking.
- (d) Each off-street loading space involving the receipt and delivery of goods or materials by vehicles shall be not less than 3.0 m wide, 9.0 m long and have a clear height of not less than 4 m.
- (e) Each off-street loading space shall have at all times access to an aisle that intersects with a highway.
- (f) Loading areas shall be surfaced with asphalt, concrete, pavers or similar pavement so as to provide a surface that is durable and dust-free.
- (g) Loading areas shall include one or more oil-water separators, and it shall be the responsibility of the owner to properly maintain the oil-water separators in good working order, regularly removing oils for proper disposal.
- (h) All lighting used to illuminate any loading area shall be so arranged to direct light upon such parking area and not any adjoining lands.
- (i) The loading requirements established in this section do not apply to a building or use existing prior to the adoption date of this bylaw. However, if there is an expansion or addition to an existing use or building, then the provisions of this section apply to such expansion or addition.

#### 5.4 Off-site Parking

- (a) As an alternative to meeting the parking standards of this bylaw for a change to an existing use or new development that would result in an increase in the number of required parking spaces, required off-street parking spaces may be located on a parcel other than that upon which the building, structure or uses intended to be served are located, provided the off-site parking is secured by an agreement in accordance with the following:
- i) The agreement shall state (1) the location and number of parking spaces provided off-site, (2) the terms of any lease or rental agreement between the owner of the off-site parking area and the owner of the building, structure or use requiring off-site parking spaces, and (3) terms for the maintenance and where applicable the construction of the off-site parking area;
  - ii) The agreement shall require the approval of the CVRD and the CVRD shall be a co-signatory; and
  - iii) All costs associated with preparing the agreement shall be paid by the owner of the building, structure or use that the off-site parking spaces are intended to serve.

#### 5.5 Cash-in-Lieu of Parking

- (a) As an alternative to meeting the parking standards of this bylaw for a change to an existing use or new development that would result in an increase in the number of required parking spaces, cash in lieu may be paid to the CVRD by the owner or occupier of the land subject to the following requirements:
- i) Cash-in-lieu shall be provided in accordance with the following table, which represents 2014 dollars, and adjusted in accordance with paragraph (ii):

Use	Cash-in-lieu Amount per Required Parking Space
Commercial	\$4,000
Office	\$4,000
Restaurant, Pub	\$3,500
Marina Moorage	\$4,000
Dwelling	\$3,500
Floating Home	\$3,500
All other uses	\$3,500

- ii) The cash-in-lieu amount shall be adjusted for inflation each year beginning in 2014, according to the British Columbia Consumer Price Index, annual average for “all items”, as published by BC Stats each January;
- iii) The cash-in-lieu of parking payments collected will be placed into a reserve fund for parking and transportation facilities within Electoral Area D – Cowichan Bay;

## **PART SIX CREATION AND DEFINITION OF ZONES**

### **6.0 CREATION AND DEFINITION OF ZONES**

#### **6.1 Creation of Zones**

Lands subject to this bylaw are divided into the zones identified in Column I and described in Column II

Column I	Column II
A-1	Agricultural Resource
RR-2	Rural Residential
C-9	Neighbourhood Pub Commercial
P-1	Park Conservation
P-2	Park Recreation
P-3	Community Institutional
I-3	Transportation-based Industrial
W-1	Water Conservancy
W-2	Water Recreation
W-3	Water Marina
W-3A	Boat Moorage
W-5	Water Institutional
W-7	Water Industrial
W-8	Water Lot Residential
W-9	Government Wharf

#### **6.2 Definition of Zones**

- (a) The area of each zone is defined by Schedule A.
- (b) Where a zone boundary is shown on Schedule A as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

## PART SEVEN AGRICULTURAL ZONES

### 7.0 AGRICULTURAL ZONES

#### 7.1 A-1 Zone – Agricultural Resource

##### 1. Principal Uses

The following principal uses and no others are permitted:

- (a) Agriculture;
- (b) Farm uses pursuant to Section 2 of the *Agricultural Land Use, Subdivision and Procedure Regulation*;
- (c) Single detached dwelling;

##### 2. Accessory Uses

The following accessory uses and no others are permitted:

- (a) Agri-tourism;
- (b) Bed and breakfast;
- (c) Day care;
- (d) Home-based Business;
- (e) Secondary suite.

##### 2. Density

Residential use is limited to one single detached dwelling and one secondary suite per parcel.

##### 3. Development Regulations

- (a) Parcel coverage shall not exceed 30% for all buildings and structures;
- (b) The maximum height of all buildings and structures is 10 m, except it is 7.5 m for accessory buildings and structures;
- (c) The following minimum setbacks for buildings and structures apply:

Type of Parcel Line	Agricultural Use	Residential Use
Front	15 m	7.5 m
Interior Side	15 m	3.0 m
Exterior Side	15 m	4.5 m
Rear	15 m	7.5 m

## PART EIGHT RESIDENTIAL ZONES

### 8.0 RESIDENTIAL ZONES

#### 8.1 RR-2 Zone – Rural Residential

##### 1. Principal Uses

The following principal uses and no others are permitted:

- (a) Single detached dwelling;

##### 2. Accessory Uses

The following accessory uses and no others are permitted:

- (a) Accessory dwelling or Secondary suite;
- (b) Bed and breakfast;
- (c) Day care;
- (d) Farm stand;
- (e) Group day care;
- (f) Home-based business.

##### 3. Density

Residential use is limited to one single detached dwelling and one secondary suite per parcel, or one single detached dwelling and one accessory dwelling per parcel.

##### 4. Development Regulations

- (a) Parcel coverage shall not exceed 20% or 500 m<sup>2</sup> for all buildings and structures, whichever is less;
- (b) The maximum height of all buildings and structures is 10 m, except it is 7.5 m for accessory buildings and structures.
- (c) The following minimum setbacks for buildings and structures apply:

Type of Parcel Line	Principal Use	Accessory Use
Front	4.5 m	4.5 m
Interior Side	3 m	3 m
Exterior Side	4.5 m	4.5 m
Rear	4.5 m	4.5 m

- (d) Notwithstanding Paragraph (c), an accessory building may be located up to 1 m from an interior side parcel line or a rear parcel line provided the building does not contain an accessory dwelling, bed and breakfast, day care or home-based-business use.

## **PART NINE COMMERCIAL ZONES**

### **9.0 COMMERCIAL ZONES**

#### **9.1 C-9 Zone – Neighbourhood Pub Commercial**

##### **1. Principal Uses**

The following principal uses and no others are permitted:

- (a) Pub;
- (b) Restaurant;

##### **2. Accessory Uses**

The following accessory uses and no others are permitted:

- (a) Catering services, café;
- (b) Dwelling;
- (c) Office.

##### **3. Density**

Residential use is limited to two dwellings per parcel accessory to a principal permitted use.

##### **4. Development Regulations**

- (a) Parcel coverage shall not exceed 40% for all buildings and structures;
- (b) The maximum height of all buildings and structures is 10 m;
- (c) The minimum setback for buildings and structures is 4.5 m from all parcel lines.

## **PART TEN PARK AND INSTITUTIONAL ZONES**

### **10.0 PARKS AND INSTITUTIONAL ZONES**

#### **10.1 P-1 Zone – Park Conservation**

##### **1. Principal Uses**

The following principal uses and no others are permitted:

- (a) Environmental protection, restoration and enhancement;
- (b) Environmental education;
- (c) Nature park;

##### **2. Accessory Uses**

The following accessory uses and no others are permitted:

- (a) Interpretive and directional signage;
- (b) Information kiosk.

##### **3. Development Regulations**

- (a) The minimum setback for buildings and structures is 4.5 m from all parcel lines;
- (b) The maximum height of all buildings and structures is 4.5 m.

#### **10.2 P-2 Zone – Park Recreation**

##### **1. Principal Uses**

The following principal uses and no others are permitted:

- (a) Environmental protection, restoration and enhancement;
- (b) Environmental education;
- (c) Public park;
- (d) Public boat launch;
- (e) Assembly;

##### **2. Accessory Uses**

The following accessory uses and no others are permitted:

- (a) Dwelling;
- (b) Interpretive and directional signage;
- (c) Information kiosk.

##### **3. Density**

Residential use is limited to one dwelling per parcel accessory to a principal permitted use.

##### **4. Development Regulations**

- (a) The maximum height of all buildings and structures is 7.5 m;
- (b) The maximum setback for buildings and structures is 4.5 m from all parcel lines.

## **10.3 P-3 Zone – Community Institutional**

### **1. Principal Uses**

The following principal uses and no others are permitted;

- (a) Environmental protection, restoration and enhancement;
- (b) Environmental education;
- (c) Civic Use;
- (d) Cultural Facility;
- (e) Public Park;
- (f) Assembly;

### **2. Accessory Uses**

The following accessory uses and no others are permitted:

- (a) Dwelling;
- (b) Interpretive and directional signage;
- (c) Information kiosk.

### **3. Density**

Residential use is limited to one dwelling per parcel accessory to a principal permitted use.

### **4. Development Regulations**

- (a) Impervious surface coverage shall not exceed 45%, of which not more than 40% may be parcel coverage;
- (b) The maximum height of all buildings and structures is 10.0 m;
- (c) The minimum setback for buildings and structures is 4.5 m from all parcel lines.



## **PART ELEVEN INDUSTRIAL ZONES**

### **11.0 INDUSTRIAL ZONES**

#### **11.1 I-3 Zone – Transportation-Based Industrial**

(a) Permitted Uses

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

- (1) Terminal facilities for automobile, truck and rail transportation of goods, materials and people, including storage facilities; and
- (2) Petroleum terminal facility, including storage facilities but excluding liquefied natural gas.
- (3) One single family dwelling per parcel, accessory to a principle use permitted in Section 11.1(a) (1) and (2).

(b) Conditions of Use

In an I-3 Zone:

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

## **PART TWELVE WATER USE ZONES**

### **12.0 WATER USE ZONES**

#### **12.1 W-1 Zone - Water Conservancy**

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in the W-1 Zone:

- (1) No building or structure shall exceed a height of 4.0 metres;
- (2) No residential use of floats, piles or vessels of any kind is permitted.

#### **12.2 W-2 Zone – Water Recreation**

(a) Permitted Uses

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

- (1) Any use permitted in the W-1 zone;
- (2) Private and public wharf or dock; and
- (3) Seawall, breakwater, ramp.

(b) Conditions of Use

For any parcel in the W-2 zone:

- (1) No building or structure shall exceed a height of 5.0 metres; and
- (2) No residential use of floats, piles or vessels of any kind is permitted.

#### **12.3 W-3 Zone – Water Marina**

##### **1. Principal Uses**

The following principal uses and no others are permitted:

- (a) Environmental protection, restoration and enhancement;
- (b) Environmental education;
- (c) Docks, wharves and mooring buoys accessory to an abutting upland parcel;
- (d) Marina, Class 1;
- (e) Marine fuelling station;
- (f) Yacht club;

## 2. Accessory Uses

The following accessory uses and no others are permitted:

- (a) Artist studio;
- (b) Bakery, café, catering services, restaurant;
- (c) Dwelling;
- (d) Financial institution;
- (e) Float homes and live-aboard vessels;
- (f) Floating home-based business;
- (g) Office;
- (h) Marine tourism;
- (i) Retail sales.

## 3. Density

- (a) On the upland portion of a parcel, residential use is limited to two dwellings per parcel;
- (b) The maximum number of FRUs and float homes permitted on the premises described in the first and second columns of the following table shall be as indicated in the third and fourth columns respectively, and for these purposes one FRU is equivalent to one float home or two live aboard vessels:

Marina Common Name	Legal Description	Maximum No. of FRUs	Maximum No. of Float Homes
Bluenose Marina	District Lot 196, Cowichan District	8	7
Dungeness Marina	Block A of District Lot 171, Cowichan District	4	4
Pier 66	Block B of District Lot 162, Cowichan District	5	4
Pier 67	District Lots 192 and 193, Block A of District Lot 162 and that part of District Lot 194, lying West of the Northerly portion of the East boundary to the aforesaid District Lot 192, Cowichan District	6	5
Cowichan Bay Marina	District Lots 190 and 191, and that part of District Lot 194, lying East of the Northerly portion of the West boundary to the aforesaid District Lot 191, Cowichan District	6	4
Cowichan Shipyard	Block A of District Lot 189, Cowichan District	3	2
Masthead Marina	Block B of District Lot 189, Cowichan District	4	4

### **Scenario A:**

*The owner of Marina A is permitted to have four (4) FRUs including a maximum of four (4) float homes. She decides she only wants two (2) float homes. Based on the formula, where one (1) FRU is equal to one (1) float home or two (2) live-aboard vessels, her marina would also be able to legally accommodate four (4) live-aboard vessels.*

**Scenario B:**

The owner of Marina B is permitted to have six (6) FRUs including a maximum of five (5) float homes. He decides to maximize the number of permitted float homes. His marina would also be able to legally accommodate two (2) live-aboards.

**Scenario C:**

The owner of Marina C has used her full allocation of three (3) FRUs with six (6) live-aboard vessels. She decides she would also like to have a float home. The owner of Marina C would have to remove two live-aboard vessels to enable the accommodation of one float home.

**4. Parcel Coverage & Site Area**

- (a) The maximum parcel coverage for all buildings and structures including float homes, live-aboard vessels and moorage walkways (fixed or floating) is 40%.
- (b) The maximum site area which may be occupied by a single float home or live-aboard vessel is 74 m<sup>2</sup>, and for this purpose a “site” includes a water lot, lease or license area.

**5. Setbacks and Siting**

- (a) The minimum setback for buildings and structures is 4.5 m from any parcel line abutting a public road and 3.0 m from all other parcel lines;
- (b) The minimum distance between adjacent float homes shall be 3.0 m, whether separated by open water or a moorage walkway or pier.

**6. Height**

- (a) The maximum height of all buildings and structures on the upland portion of the parcel is 7.5 m, measured at the front of the building from the existing grade of the abutting highway measured at the midpoint of the front parcel line;
- (b) The maximum height of all other buildings, excluding float homes, is 4.0 m;
- (c) The maximum height of a float home is 6.5 m.

**7. Special Regulations for Marinas**

- (a) A marina is permitted in this zone only if and for so long as:
  - i) The marina is equipped with a vessel pump-out facility that is permanently connected to a community sewer system, along with a system for ensuring that moored vessels are able to use the pump-out facility 24 hours per day on every day of the year, unless the CVRD Engineering Department has authorized, in writing, an alternative sewage collection system;
  - ii) The pump-out facility is kept in good working order and accessible to transiting vessels at all times except as reasonably required for routine maintenance; and
  - iii) The marina complies with the requirements of Part Five (Parking Regulations) of this bylaw;
- (b) The moorage of float homes and live-aboard vessels at a marina is permitted in this zone only if and for so long as:
  - i) The marina is equipped with a sewage collection system that is permanently connected to the Cowichan Bay Community Sewer System and the sewage collection system has been certified by a Qualified Professional Engineer;
  - ii) The marina complies with the fire protection requirements set out in Part 4 of the British Columbia Float Home Standards;
  - iii) The marina is equipped with garbage and recycling facilities, screened in accordance with this bylaw, for the use of float home and live-aboard vessel occupants; and
  - iv) The owner of the marina submits to the CVRD, on or before the one year anniversary of the adoption of this bylaw and on January 1 of each calendar year thereafter, a statutory declaration with respect to the number of float homes and live-aboard vessels moored at the marina along with a moorage plan showing the location of the float homes and live-aboard vessels.

## **8. Special Regulations for Float Homes**

Float homes may be moored in this Zone only if and for so long as:

- (a) They are connected to the Cowichan Bay Community Sewer System by means of a marina sewage collection system;
- (b) They are moored, attached and provided with access in accordance with the British Columbia Float Home Standards;
- (c) The CVRD Building Inspector has issued a permit authorizing the of the float home; and
- (d) The CVRD Building Inspector has approved the connection of the float home to the marina sewage collection system.

## **9. Special Regulations for Live-aboard Vessels**

Live-aboard vessels may be moored in this Zone only if and for so long as:

- (a) They are equipped with a sewage holding tank for the temporary storage of sewage that complies with Division 4 of the *Vessel Pollution and Dangerous Chemical Regulations* under the *Canada Shipping Act* as if Cowichan Bay were a "designated sewage area" under the Regulations;
- (b) They are moored, attached and provided with access in the manner specified in these regulations for float homes; and
- (c) They are continuously maintained in seaworthy condition and capable of self-propelled navigation on water.

## **10. Site-specific Regulations**

- (a) In addition to the principal uses permitted in this zone, shipyard and marine dry storage are permitted uses on Block A of District Lot 189, Cowichan District, commonly known as the Cowichan Shipyard.
- (b) Activities undertaken in association with a shipyard and marine dry storage use must be in compliance with the *Environmental Management Act*.

## 12.4 W-3A Zone – Boat Moorage

### 1. Principal Uses

The following principal uses and no others are permitted:

- (a) Environmental protection, restoration and enhancement;
- (b) Environmental education;
- (c) Docks, wharves and mooring buoys accessory to an abutting upland parcel;
- (d) Floating wave attenuation devices;
- (e) Marina, Class 2;
- (f) Marine dry storage;

### 2. Accessory Uses

The following accessory uses and no others are permitted:

- (a) Office;
- (b) Marine tourism.

### 3. Development Regulations

- (a) The maximum parcel coverage for all buildings and structures is 20%;
- (b) The minimum setback for buildings and structures is 4.5 m from any parcel line abutting a public road and 3.0 m from all other parcel lines;
- (c) No building or structure shall exceed a height of 7.5 m.

### 4. Special Regulations

- (a) Moorage of vessels at a marina is permitted in this zone only if and for so long as:
  - i) The marina is equipped with a vessel pump-out facility that is permanently connected to a community sewer system, along with a system for ensuring that moored vessels are able to use the pump-out facility 24 hours per day on every day of the year, unless the CVRD Engineering Department has authorized, in writing, an alternative sewage collection system; and
  - ii) The pump-out facility is kept in good working order and accessible to transiting vessels at all times except as reasonably required for routine maintenance.
- (b) Activities undertaken in association with marine dry storage must be in compliance with the *Environmental Management Act*,

## **12.5 W-5 Zone – Water Institutional**

### **1. Principal Uses**

The following principal uses and no others are permitted:

- (a) Maritime museum and marine activity and education facility;

### **2. Accessory Uses**

The following accessory uses and no others are permitted:

- (a) Assembly;
- (b) Moorage facilities;
- (c) Marine ways;
- (d) Marine Dry Storage;
- (e) Office.

### **3. Development Regulations**

- (a) The maximum parcel coverage for all buildings and structures is 20%;
- (b) The minimum setback for buildings and structures is 4.5 m from any parcel line abutting a public road and 3.0 m from all other parcel lines;
- (c) No building or structure shall exceed a height of 7.5 m.

### **4. Special Regulations**

- (a) Activities undertaken in association with marine dry storage must be in compliance with the *Environmental Management Act*.
- (b) Moorage of vessels is permitted in this zone only if and for so long as:
  - i) The moorage facilities are equipped with a vessel pump-out facility that is permanently connected to a community sewer system, along with a system for ensuring that moored vessels are able to use the pump-out facility 24 hours per day on every day of the year, unless the CVRD Engineering Department has authorized, in writing, an alternative sewage collection system; and
  - ii) The pump-out facility is kept in good working order and accessible to transiting vessels at all times except as reasonably required for routine maintenance.

## **12.6 THIS SECTION IS INTENTIONALLY LEFT BLANK**

## 12.7 W-7 Zone – Water Industrial

### 1. Principal Uses

The following principal uses and no others are permitted:

- (a) Environmental protection, restoration and enhancement;
- (b) Environmental education;
- (c) Boat building, repairs or sales;
- (d) Log storage and handling;

### 2. Conditions of Use

- (a) No building or structure shall exceed a height of 6.0 m;
- (b) The minimum setback for buildings and structures is 4.5 m from any parcel line abutting a public road and 3.0 m from all other parcel lines;

## 12.8 W-8 Zone – Water Lot Residential

### 1. Principal Uses

The following principal uses and no others are permitted:

- (a) Single-detached dwelling;
- (b) Temporary accommodation;

### 2. Accessory Uses

The following accessory uses and no others are permitted:

- (a) Bed and breakfast accommodation;
- (b) Home-based business.

### 3. Development Regulations

- (a) The maximum parcel coverage for all buildings and structures is 30%;
- (b) The height of all buildings and structures shall not exceed 7.5 m except for accessory buildings which shall not exceed a height of 4.0 m;
- (c) For buildings and structures in this zone, the minimum setbacks to parcel lines are as follows:

Type of Parcel Line	Principal use	Accessory use
Front	4.5 m	7.5 m
Side (Interior)	10% of the parcel width or 3 m, whichever is less	10% of the parcel width or 3.0 m whichever is less, or 1.0 m in the rear yard
Side (Exterior)	4.5 m	4.5 m
Rear	4.5 m	4.5 m



## 12.9 W-9 Zone – Government Wharf

### 1. Permitted Uses

The following principal uses and no others are permitted:

- (a) Government Wharf;

### 2. Accessory Uses

The following accessory uses and no others are permitted:

- (a) Marine fuelling station;
- (b) Office;
- (c) Moorage facilities;
- (d) Wharfinger residence.

### 3. Development Regulations

- (a) Parcel coverage shall not exceed 40% for all buildings and structures;
- (b) The minimum setback for buildings and structures is 4.5 m from any parcel line abutting a public road and 3.0 m from all other parcel lines;
- (c) The maximum height of all buildings and structures is 7.5 m;
- (d) The maximum height of all accessory buildings is 4.0 m.

### 4. Special Regulations

- (a) Moorage of vessels is permitted in this zone only if and for so long as:
  - i) The moorage facilities are equipped with a vessel pump-out facility that is permanently connected to a community sewer system, along with a system for ensuring that moored vessels are able to use the pump-out facility 24 hours per day on every day of the year, unless the CVRD Engineering Department has authorized, in writing, an alternative sewage collection system; and
  - ii) The pump-out facility is kept in good working order and accessible to transiting vessels at all times except as reasonably required for routine maintenance;
- (b) In this zone, one wharfinger residence is permitted within:
  - i) An accessory dwelling connected to the Cowichan Bay Sewer System; or
  - ii) A live-aboard vessel equipped with a sewage holding tank for the temporary storage of sewage that complies with Division 4 of the *Vessel Pollution and Dangerous Chemical Regulations* under the *Canada Shipping Act* as if Cowichan Bay were a "designated sewage area" under the Regulations.

## PART THIRTEEN AREA, SHAPE AND DEMENSIONS OF PARCELS

**13.1** With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II, the minimum parcel area shall, except to the extent as varied by the provisions of Sections 13.2, 13.11 and 13.12, be in accordance with the following table based on the level of servicing:

<b>Zone</b>	<b>Description</b>	<b>Community Water and Sewer Systems</b>	<b>Community Water System Only</b>	<b>No Community Water or Sewer System</b>
A-1	Primary Agriculture	30 ha	30 ha	30 ha
RR-2	Rural Residential	0.4 ha	0.4 ha	1.0 ha
C-9	Neighbourhood Pub Commercial	0.1 ha	0.4 ha	1.0 ha
P-1	Park Conservation	0.2 ha	0.4 ha	1.0 ha
P-2	Park Recreation	0.2 ha	0.4 ha	1.0 ha
P-3	Community Institutional	0.2 ha	0.4 ha	1.0 ha
I-3	Transportation Based Industrial	1.0 ha	1.0 ha	1.0 ha
W-8	Water Residential	500 m <sup>2</sup>	0.4 ha	1.0 ha

**13.2** (a) The minimum parcel size provisions specified in Section 13.1 may be decreased by as much as five (5%) percent in a case where due to:

- i) Unusual terrain;
- ii) The size or configuration of the parcel; or
- iii) Additional highway dedication being required above and beyond what is necessary to serve the parcels to be created;

The parcel size as stated in Section 13.1 cannot be achieved and therefore subdivision would be precluded provided that at the decreased size all other requirements of this and any other relevant bylaws may be met.

(b) The provisions of Section 13.2(a) shall apply to not more than one parcel to be created.

(c) Undersized Parcels:

Parcels that exist as separate and titled parcels in the records of the Land Titles Office, at the time of the passage of this bylaw; or  
 parcels that have been reduced to a size that is less than the allowable minimum parcel size, as a result of highway widening by the Ministry of Transportation and Infrastructure; or  
 parcels that have been created under the authority of a statute of the Province of BC

may be occupied for the uses permitted in the zone in which they are located, subject to all other regulations of this or any other bylaw, regulation or statute.

**13.3** The alteration of one or more interior lot lines between two or more parcels is permitted provided that:

- (a) No additional parcels are created upon completion of the alteration;
- (b) The alteration does not infringe upon the required setbacks for an existing building or structure located on the parcels;
- (c) The alteration does not reduce the site area required for a sewage disposal system or reserve area for a sewage disposal system on any parcel being consolidated.

**13.4** Notwithstanding the requirement of Section 13.1,

- (a) Where a portion of a parcel is physically separated from the remainder of the parcel by a public road or another parcel, the physically separated portion may be subdivided from the remainder of the parcel, to an absolute minimum area of 2000 m<sup>2</sup> where the parcel is serviced with community water, and 1 hectare where the parcel is not serviced with community water. This regulation only applies to parcels and public roads in existence at the date of adoption of this bylaw;
- (b) Where a parcel is cut in two by a jurisdictional boundary line between a municipality and the electoral area the parcel may be subdivided along the jurisdictional boundary line;

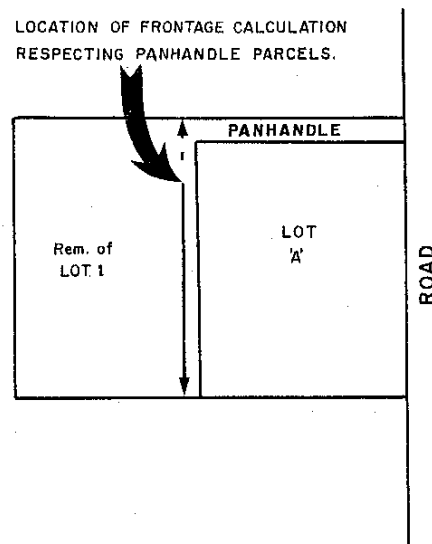
**13.5** No subdivision or boundary adjustment, which creates new parcels separated by a road or another parcel, shall be approved unless a covenant is registered in the name of the Cowichan Valley Regional District prohibiting the further subdivision of the newly created severed parcel prior to subdivision approval. This covenant requirement also applies to new dedications of public road, occurring outside of the subdivision process. Even in the event that the Ministry responsible for creating new roads neglects to register the covenant against the title, no subdivision of a separated parcel shall be permitted, other than the conformity with the regulations of the zone in which the parcel is located.

**13.6** The minimum frontage of a parcel shall be ten (10) percent of the perimeter of that parcel.

**13.7** Notwithstanding the provisions of Section 13.6, the minimum frontage may be reduced for lots on a road curve with a radius of 80 metres or less subject to the required frontage being attained at the required front yard setback as stated for the zone in which the parcel is situated.

**13.8** Panhandle lots: When panhandles are created, as an integral part of a parcel, the frontage requirement as specified in Section 13.6 shall not be calculated for the panhandle portion fronting on the highway, but for the width of the lot area fronting on the extension of the panhandle as shown in Figure B.

FIGURE B



- 13.9** Where a parcel is a panhandle lot the access strip (or panhandle) shall not be calculated as part of the parcel area for purposes of determining minimum parcel size.
- 13.10** (a) Where a parcel is a panhandle lot capable of further subdivision, the panhandle shall be of adequate width to provide a future road in the event the parcel undergoes further subdivision.  
(b) The further subdivision of a panhandle lot shall be conditional upon the dedication of the panhandle as a public road (highway).
- 13.11** The minimum parcel size provisions as specified in Section 13.1 shall not apply:
- (a) Where the parcel being created is to be used solely for the unattended equipment necessary for the operation of:
- i) A bus shelter, railway station, public transit station, excluding airports;
  - ii) A community water system;
  - iii) A community sewer system;
  - iv) A community gas distribution system;
  - v) A community radio or television receiving antenna;
  - vi) A radio or television broadcasting antenna;
  - vii) A telecommunication relay station;
  - viii) An automatic telephone exchange;
  - ix) An air or marine navigational aid;
  - x) Other public utilities not specifically listed but considered to be similar in nature to those uses listed in i) through ix) above;
- (b) To parks; and
- (c) Where the owner for the land agrees in writing to registering a condition or covenant pursuant to Section 215 of the *Land Title Act* in favour of the Regional district at the time the subdivision is registered, and shall restrict or prohibit the construction of buildings or structures on, and/or the use of any parcel.

### **13.12 Density Averaging Formula**

The minimum parcel size provisions of this bylaw as specified in Section 13.1 may be varied with respect to parcels created by means of density averaging provided that:

- (a) The total area of the land to be subdivided (exclusive of those lands intended for highway) divided by the number of parcels to be created is not less than the equivalent minimum parcel size permitted under the bylaw;
- (b) The parcel configurations and sizes are adequate to accommodate buildings and structures appropriate to the intended use to be constructed on each parcel in compliance with this bylaw;
- (c) No more than fifty (50) percent of the parcels created by means of this Section are less than the minimum parcel size as specified in Section 13.1 or, where the minimum parcel size is less than 2.0 hectares, no more than fifty percent of the parcels created by means of this section are less than 2.0 hectares;
- (d) The smallest parcel so created is not less than forty (40) percent of the minimum parcel size as specified in Section 13.1 or, where the minimum parcel size is less than 2.0 hectares, the smallest parcel so created is not less than 40 percent of 2.0 hectares;
- (e) The area of land being subdivided is at least 2.0 hectares in area.

**13.13** Where a subdivision is created by means of density averaging, it shall be necessary for a restrictive covenant to be registered in the name of the Regional District against the title of the land at the time of registration of the subdivision, prohibiting the further subdivision of any lot created from the original parcel where the aggregate average of all lot sizes does not permit further subdivision of the original parcel.

#### **13.14 Dedication for Public Use:**

A parcel which is reduced in size by not more than ten (10) percent as a result of a dedication for a public use by:

- (a) The Regional District, other than for regional or community parkland in fully serviced areas (community water and community sewer);
- (b) A municipality;
- (c) The Provincial Government;
- (d) The Federal Government;
- (e) An Improvement District;
- (f) The Board of School Trustees; or
- (g) A Public utility

by expropriation or purchase, shall be considered to have the same size as it did prior to the dedication for public use. If this deemed size would permit further subdivision, then such subdivision may occur pursuant to the general regulations of this Bylaw and the regulations of this zone in which the parcel is located. No individual parcel created pursuant to this regulation shall, following subdivision, be more than 10% smaller than the minimum parcel size of the zone in which it is located.

#### **13.15 Parcel Area Requirements Where Additional Parkland is Accepted by CVRD:**

Where an owner of land being subdivided into Bare-Land Strata lots under the *Strata Property Act* dedicates as parkland in fee simple title to the CVRD an amount greater than 5% of the land being subdivided, the area of fee-simple parkland that is greater than 5%, but not more than 50%, may, for the purposes of calculating minimum parcels sizes set out in this Bylaw, be included in the total area of lots being created in the Bare-Land Strata, and the parkland in fee simple is deemed not to be a parcel or lot. This regulation is subject to all the following conditions:

- (a) Lot yield shall not be increased over what would be available were no additional parkland being proposed;
- (b) The lands being subdivided shall be in a zone and a location that requires the proposed bare-land strata lots to be serviced with both community water service and community sewer service;
- (c) The parklands proposed must be in a location and condition that is acceptable to the CVRD.

#### **13.16 Section 946 Subdivision to Provide Residence for a Relative**

The minimum size for a parcel of land that may be subdivided under Section 946 of the *Local Government Act* is 25 ha.

**PART FOURTEEN    TRANSITION**

- 14.1 Cowichan Valley Regional District Zoning By-Law No. 54, and all amendments thereto, are hereby repealed.
- 14.2 Section 8.0 through 8.2 and Section 8.6 through 8.11 of Subdivision Bylaw No 81, 1972, of the Cowichan Valley Regional District, as amended, are hereby repealed.


READ A FIRST TIME this 17th day of December, 1986.

READ A SECOND TIME this 17th day of December, 1986.

READ A THIRD TIME this 25th day of February, 198<sup>87</sup>~~6~~.

RECONSIDERED AND ADOPTED this 11th day of March, 198<sup>87</sup>~~6~~.

APPROVED PURSUANT TO THE HIGHWAY ACT R.S.B.C. 1979, c. 167 this 27th day of February, 198<sup>87</sup>~~6~~

  
CHAIRMAN

  
SECRETARY