



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4716

#### A Bylaw for the Purpose of Amending Zoning Bylaw No. 3520 Applicable to Electoral Area A – Mill Bay/Malahat and Electoral Area C – Cobble Hill

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**WHEREAS** the *Local Government Act* empowers the Regional Board to adopt and amend zoning bylaws;

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat and Electoral Area C – Cobble Hill, that being “South Cowichan Zoning Bylaw No. 3520, 2012;

**NOW THEREFORE** the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

#### 1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4716 – South Cowichan Zoning Amendment Bylaw (Removal of Upland Zones Amendment), 2026**".

#### 2. AMENDMENTS

Bylaw No. 3520 is hereby amended as follows:

- a. The Preamble is deleted and replaced with the following:

**WHEREAS** Part 14 of the *Local Government Act* of the Province of British Columbia authorizes a local government to enact bylaws, which divides land including the surfaces of water into zones and which establish other regulations for the use and development of land in each zone;

**AND WHEREAS** the Cowichan Valley Regional District Board of Directors considers it to be in the public interest to:

- a. Pursuant to Section 479 of the *Local Government Act*, regulate the use of land, buildings and other structures within marine portions of Electoral Area A (Mill Bay/Malahat) and Electoral Area C (Cobble Hill);
- b. Pursuant to Section 479 of the *Local Government Act*, regulate the density of the use of land, buildings and other structures, and the siting, size and dimensions of buildings and other structures and the uses that are permitted on the land;

- c. Pursuant to Section 479 of the *Local Government Act*, regulate the shape, dimension and area, including the establishment of minimum and maximum sizes of all parcels of land that may be created by subdivision;
- d. Pursuant to Section 482 of the *Local Government Act*, establish different density regulations for certain zones, one generally applicable for the zone and the other or others to apply if conditions related to amenities are met;
- e. Pursuant to Section 512 of the *Local Government Act*, regulate the minimum highway frontage requirement for new parcels;
- f. Pursuant to Section 514 of the *Local Government Act*, establish the minimum size for a parcel that may be subdivided under that Section;
- g. Pursuant to Section 523 of the *Local Government Act*, regulate the maximum percentage of the area of land that can be covered by impermeable material;
- h. Pursuant to Section 525 of the *Local Government Act*, regulate the provision of off-street parking and loading spaces;
- i. Pursuant to Section 526 of the *Local Government Act*, regulate the number, type, appearance, form and size of signs;
- j. Pursuant to Section 527 of the *Local Government Act*, set standards for and regulate the provision of screening and landscaping to mask or separate certain land uses;

**NOW THEREFORE** the Board of Directors of the Cowichan Valley Regional District, in open and public meeting assembled, enacts as follows:

- b. Sections 1.1 through 15.1 inclusive are all deleted and replaced with the following:

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**PART ONE: TITLE, APPLICATION AND ADMINISTRATION**

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**1.1 Title**

This Bylaw may be cited for all purposes as “CVRD South Cowichan Marine Zoning Bylaw No. 3520, 2012”.

**1.2 Application**

This Bylaw applies to all lands, including the surface of water, and all uses, buildings and structures located within the boundaries of marine portions of Electoral Area A – Mill Bay/Malahat and Electoral Area C – Cobble Hill of the Cowichan Valley Regional District, as shown on Schedule “A”, the Zoning Map, which is attached to and forms part of this Bylaw.

**1.3 Severability**

If for any reason, any section, subsection, sentence, clause, phrase, portion or schedule of this Bylaw is held to be invalid by the decision of any court of competent jurisdiction, it shall not affect the validity of the remaining parts of this Bylaw or the validity of this Bylaw as a whole.

**1.4 Repeal of Previous Bylaws**

1. Mill Bay/Malahat Zoning Bylaw No. 2000, 1999, and all amendments thereto, which applies to Electoral Area A – Mill Bay/Malahat, are hereby repealed.
2. Cobble Hill Zoning Bylaw No. 1405, 1992, and all amendments thereto, which applies to Electoral Area C – Cobble Hill, are hereby repealed.

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**PART TWO: ADMINISTRATION**

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**2.1 Conformity and Compliance**

1. No person shall use, occupy, subdivide or permit any person to use, occupy or subdivide any land, building or other structure in contravention of this Bylaw.
2. Land that is subject to this Bylaw must not be used, and such land must not be subdivided, and buildings and structures on such land must not be constructed, altered, or sited except in accordance with this Bylaw.
3. Every use of land, building and structure permitted in each zone shall conform to all the regulations of the applicable zone and all other regulations of this Bylaw.
4. Nothing contained within this Bylaw shall relieve any person from the responsibility to apply for and obtain any other permit or approval, and to comply with any other statute, regulation or bylaw, including the approvals, statutes and regulations of a senior government applicable to a use, activity or other matter regulated under this Bylaw.
5. No land may be subdivided, no building, structure, land or water surface may be used and no building or structure may be sited in a manner which renders any existing use, building or structure on the same parcel non-conforming with respect the provisions of this Bylaw, unless another regulation in this Bylaw specifically permits it.

**2.2 Prohibitions**

1. Any use of land, or of a building or structure not expressly permitted in Part 4 of this Bylaw, or in the regulations applicable to a specific zone in Part 9 or Part 10 of this Bylaw, is prohibited.
2. Lawful non-conforming uses of land, buildings and structures, as well as buildings and structures that are lawfully non-conforming as to their siting, size or dimensions are governed by Section 514 of the *Local Government Act*.

**2.3 Enforcement**

1. The provisions of this Bylaw may be enforced by any and all of the following Cowichan Valley Regional District staff or employees: Bylaw Enforcement Officer, Building Inspector and Manager, Bylaw Enforcement, all and any of whom may enter any parcel, building or premises at all reasonable times, and in accordance with Section 284 of the *Local Government Act*, ascertain whether the regulations of this Bylaw are being obeyed.
2. A Bylaw Enforcement Officer, Building Inspector, and Manager, Bylaw Enforcement or other such person that may be appointed by the Board may enforce this Bylaw.
3. An authorized person acting on behalf of the Regional District under Section 2.3.2 may issue and enforce a ticket under the Regional District's Bylaw Offence Notice Enforcement bylaw and/or the Municipal Ticket Authorization Bylaw for any violation under Section 2.4 below.

## 2.4 Violation

1. Any person who:
  - a. violates any provision of this Bylaw;
  - b. permits, suffers or allows any act or thing to be done in contravention or violation of any provision of this Bylaw;
  - c. neglects to do or refrains from doing any act or thing which is required to be done by any provisions of this Bylaw;
  - d. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Bylaw;
  - e. allows a violation of this Bylaw to continue;
  - f. fails to comply with an order, direction or notice given under this Bylaw; or
  - g. prevents or obstructs or attempts to prevent or obstruct the entry of an authorized person acting on behalf of the Regional District under Section 2.3.2;

has committed an offence under this Bylaw.

2. Each day a violation, contravention or breach of this Bylaw continues is deemed to be a new and distinct offence.

## 2.5 Penalty

Any person who contravenes any provision of this Bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$50,000, or the current maximum fine and penalty prescribed under the *Offence Act*, whichever is the highest, for each offence, plus the costs of prosecution.

## 2.6 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* in priority to 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.

## 2.7 Application

Except as otherwise specified in this Bylaw, all provisions of Parts Two, Three, Four, Five, Six and Seven apply to all zones established under this Bylaw.

## 2.8 Bylaw Amendments

1. Any application for amendment to this bylaw is subject to:
  - a. the provisions of the *Local Government Act*; and
  - b. the requirements of Cowichan Valley Regional District Development Application Procedures and Fees Bylaw No. 4483, as amended, or replaced.

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*PART THREE :**DEFINITIONS*

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**3.1 Definitions**

In this Bylaw:

**“Accessible”** means that a person with a disability, without assistance from another person, is able to approach, enter, pass to and from and make use of an area and/or its facilities;

**“Accessory”** means a use, building or structure which is incidental to, subordinate to, and exclusively devoted to a principal use, building or structure that is located on the same parcel or on common property within the same strata plan as the principal use, building or structure;

**“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;

**“Automobile salvage or wrecking yard”** means an area of land where motor vehicles are wholly or partially disassembled, dismantled, or junked, or where vehicles not in operable condition or used parts of motor vehicles are stored;

**“Bare land strata lot”** means a strata lot within a strata plan that is registered under the *Bare Land Strata Regulation*;

**“Board”** means the Board of Directors of the Cowichan Valley Regional District;

**“Boarding and lodging”** means the partial use of a dwelling unit for rental of sleeping units, with or without meals being provided;

**“Boat shelter”** means a roof supported by posts, where the sides of the structure are open, that is used to shelter boats;

**“Buffer area”** means a landscaped area, the purpose of which is to provide visual and physical separation in each zone along parcel lines to screen land uses from adjacent parcels and public roads, and to mask or separate outdoor storage, refuse sites and utility kiosks;

**“Building”** means any structure, wholly or partially enclosed by a roof or roofs, supported by walls, columns or posts and used or intended for supporting or sheltering any use or occupancy;

**“Building Official”** means an employee of the CVRD who is appointed to administer the provisions of the CVRD Building Bylaw;

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

**“Caretaker’s dwelling”** means a dwelling unit that is located on a parcel of land where a single detached dwelling is not a principal permitted use, and where the residence is for the sole use of a person responsible for property maintenance or the security of that parcel;

**“Catering”** means the preparation of food for imminent consumption, which will, after preparation, be delivered off-site to a customer;

**“Centre line”** when used in reference to a highway, means an imaginary line drawn between the boundaries of the highway so that it is always equidistant from either boundary;

**“Civic use”** means a use providing for government functions and services, including but not limited to federal, provincial, regional and municipal offices, public schools and colleges, publicly owned and operated hospitals, fire halls, community halls, libraries, museums, parks, cemeteries, courts of law, waterworks facilities and sewage facilities, but excludes storage as a principal use, and excludes public works yards;

**“Clinic”** means the use of a building or structure for the medical, dental, surgical or therapeutic treatment of human beings, but does not include a private hospital;

**“Commercial vehicle”** includes any vehicle defined as a commercial vehicle or licensed pursuant to the *Commercial Transport Act*;

**“Community sewer system”** means a system of sewerage works or sewage collection, treatment and disposal which is owned, operated and maintained the Cowichan Valley Regional District, a municipality, or an improvement district under the *Local Government Act*;

**“Community water system”** means a system of waterworks which is owned, operated and maintained by an improvement district under the *Local Government Act* or the *Water Act*, the Cowichan Valley Regional District, a municipality, and where the water quality meets or exceeds the standards for potability under the *Drinking Water Protection Act*;

**“Contiguous”** means adjoining and touching;

**“Convenience store”** means a retail sales outlet of under 230 m<sup>2</sup> in floor area, contained under one roof providing for the sale of items regularly used by households, including food, beverages, books, magazines and household accessories;

**“Cooking facilities”** means the means of cooking a meal or any arrangement of cooking facilities within a dwelling unit, and includes gas, propane, or electric ranges or stoves, microwave ovens, counter-top cooking units, hot plates, wall ovens, toaster ovens, electric frying pans, pressure cookers, crock pots, or any other such cooking facility or any combination of such cooking facilities, and includes the arrangement of service lines which provide the energy source being used to service such facilities;

**“CVRD”** means the Cowichan Valley Regional District;

**“Derelict motor vehicle”** means any motor vehicle which is not capable of operating under its own power, and includes parts of a motor vehicle that have been disassembled

or detached from the whole;

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

- a. no more than one kitchen;
- b. no more than one kitchenette;
- c. one or more washrooms;
- d. one or more sleeping areas;

Excludes: Temporary accommodation unless expressly permitted in this Bylaw;

**“Dwelling, Single Detached (or Single Detached Dwelling)”** means a building containing one dwelling unit;

**“Exterior side parcel line”** means a parcel boundary, other than a front parcel line or a rear parcel line, that abuts a highway;

**Fence”** means a structure used as an enclosure or screening around all or part of a parcel or site, and includes arbour, archway, gate, screen, trellis and wall, including retaining wall, but does not include hedges and similar landscaping, and does not include a barbed wire fence unless specifically permitted in a specific zone;

**“Floor area”** means the total horizontal area of the 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;

**“Frontage”** means the side of a parcel contiguous with a highway;

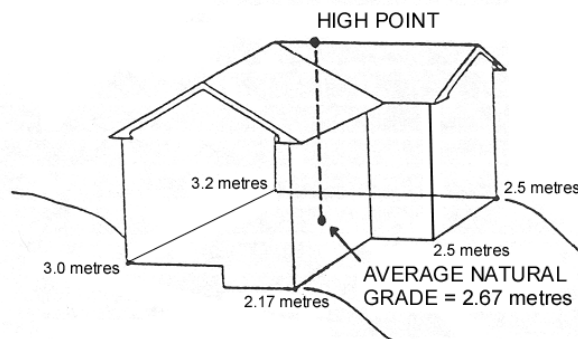
**“Front parcel line”** means a parcel boundary common to a parcel and a highway other than a lane, and where a parcel is contiguous with the intersection of two highways, the front parcel line is the shortest parcel boundary adjoining a highway other than a lane;

**“Front yard”** means the area of a parcel, bounded by the front parcel line, the interior side parcel lines and a line drawn parallel to the front parcel line at a point 15 metres distant from the front parcel line;

**“Gross floor area”** means the total floor area of all buildings on a parcel measured to the inner limits of each building’s interior walls including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, and excluding auxiliary parking, unenclosed swimming pools, balconies or sundecks, elevators or ventilating equipment;

**“ha”** means hectare, an area of land equivalent to 10,000 m<sup>2</sup> (square metres) – for example, a square area 100 by 100 metres;

**“Height”** means the vertical distance from the average existing natural grade (or the 200 year flood construction level, if known, or if the flood construction level is not known, the highest high tide plus freeboard of 1 metre) at the perimeter of a building or structure, to the high point of the building or structure, as generally illustrated below:



**“Highway”** means a way open to public use, and includes a street, road, strata road, lane, bridge, viaduct, but does not include a private right-of-way or easement on private property;

**“Hospital”** means the use of lands and buildings as a hospital, as defined in the *Hospital Act*;

**“Impervious surface coverage”** means a non-natural surface, including the roof of a building or structure, that does not allow precipitation to penetrate through to the natural ground underlying the artificial surface;

**“Institutional use”** means building or facility operated on a not-for-profit basis which is open to the public or which serves public purposes and includes, but is not limited to an ambulance station, arena, assembly use, cemetery, civic use, college, community centre, community hall, fire hall, government office, hospital, library, outdoor recreation use, park, playground, police station, post office, public art gallery, public botanical gardens, public museum, religious facility or institution, school, stadium, public swimming pool, social non-profit housing facility, and utility;

**“Interior side parcel line”** 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;

**“Junkyard”** means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling old or scrap copper, brass, other metals, rope, rags, batteries, paper trash, rubber debris, waste or other junk, iron, steel, and other old or scrap ferrous or nonferrous material or for the maintenance of an automobile graveyard, but excluding automobile salvage or wrecking yard;

**“Jurisdictional boundary”** means a boundary between adjoining electoral areas, municipalities or regional districts;

**“Kitchen”** means any area in a building that is equipped with cooking facilities and may include any of the following:

- a. Any equipment, device or appliance used to heat or cook food;
- b. Services for energy supply to any equipment, device or appliance used to heat or cook food;
- c. Services for plumbing associated with food preparation or cleaning;

- d. Services for ventilation associated with any equipment, device or appliance used to heat or cook food; or
- e. Food storage and preparation areas such as pantries, cupboards, cabinets and counter tops;

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

**“Landscaping”** means the physical arrangement and maintenance of landscaping materials such as plants on a parcel for the purpose of enhancing the functional and aesthetic qualities of site development;

**“Lane”** means a highway less than 11 metres in width, which provides a secondary means of legal access to a parcel;

**“Licensed gross vehicle weight”** means the gross vehicle weight for which a commercial vehicle is licensed pursuant to the *Commercial Transport Act*;

**“Liquor store”** means a retail store licensed under the *Liquor Control and Licensing Act* for the sale of beer, wine or other alcoholic beverages for consumption off-premises;

**“Lounge”** means an establishment licensed to serve liquor in conjunction with live entertainment and/or dancing as a Liquor-Primary Establishment under the *Liquor Control and Licensing Act*;

**“Lumber yard” and “Lumber and building supply yard”** means the use of land, buildings, and or structures for the purpose of retail sales of materials used in construction;

**“m<sup>2</sup>”** means a measure of surface area expressed in square metres;

**“Manufactured home”** means a dwelling unit, 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, and includes modular homes which are either completely self-contained or are incomplete and fastened together and completed on site, and which are certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series or the A277 Modular Home standards;

**“Marina”** means a facility which provides mooring spaces for watercraft and may also include, as accessory uses, administrative offices, recreational lounges, restaurants, chandlery, the retail sale of marine supplies and equipment, and dockside boat repair, but does not include a marine public house;

**“Marine public house”** means a public house that is built on or over the surface of water;

**“Motor vehicle sales”** means the retail and wholesale sale of new or used motor vehicles that are capable of being licensed under the *Motor Vehicle Act*, and includes automobile service shop, but does not include automobile workshop;

**“Natural boundary”** means:

- a. the visible natural boundary of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; and
- b. the edge of dormant side channels of any lake, river, stream or other body of water;

**“Natural grade”** means the elevation of the ground surface in its natural state, before alterations, as it adjoins each face of a building or structure;

**“Office”** means the occupancy or use of a building for the purpose of carrying out business, training or professional activities, but specifically excludes retail sales;

**“Outdoor recreation”** means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes but is not limited to a park or open space, playing field, not for profit campground and botanical garden but does not include a golf course;

**“Panhandle parcel”** means a parcel, the majority of which is physically separated from the nearest highway by another parcel, and that is serviced by the highway by a narrow strip of land forming part of the Panhandle parcel, used primarily as a driveway;

**“Parcel”** means any lot, block or other area in which land is held or into which it is subdivided, including a bare land strata lot and a water lot, but does not include a highway;

**“Parcel area”** means the total area of land within the exterior perimeter of a parcel, and in the case of a panhandle parcel, the access strip shall not be included in the calculation of parcel area;

**“Parcel coverage”** means the total ground floor area of all buildings and structures on a parcel as measured from the outermost perimeter, expressed as a percentage of the total parcel area;

**“Parcel yield”** means the number of parcels that may be created by subdivision of any other parcel, determined by dividing the total developable area of a parcel (gross area, minus any area required to be dedicated for public road or park purposes) by the minimum parcel size for the one within which the parcel is located;

**“Park model”** means a transportable seasonal accommodation unit with cooking, sanitary, and living facilities that is certified to the Canadian Standards Association Z241 Standard;

**“Parking lot”** means an area of land used for the parking of motor vehicles;

**“Passive recreation”** means outdoor recreation activities which do not involve the use of buildings or structures;

**“Permitted use”** means a permissible purpose for which land, buildings, or structures may be used;

**“Person with a disability”** means a person who has a loss, or a reduction of functional

ability and activity, and includes a person in a wheelchair and a person with sensory disability;

**“Portable container”** means a non-combustible, portable unit used for the storage or transporting of goods, and includes cargo containers, but specifically excludes dumpsters and recycling receptacles intended for neighbourhood refuse collection;

**“Principal Use”** means the primary purpose for which land, buildings or structures are ordinarily used, or designed to be used;

**“Production bakery”** means the use of a building for the production of baked goods that will mostly be sold at retail at locations other than the site of their production, and may include accessory retail sales of baked goods on site;

**“Province”** means the government of the Province of British Columbia, Canada;

**“Pub” and “Public house”** mean a licensed establishment pursuant to the *Liquor Control and Licensing Act*, serving primarily alcoholic beverages as well as full lunch and dinner menus, including hot and cold meals, and may include a retail store for beer and wine;

**“Public park”** means publicly owned land and waterways used for one or more of the following: recreational, archaeological, historical or ecological conservation purposes, and may also include buildings, structures and infrastructure dedicated to the support of ecological preservation and indoor and outdoor recreation;

**“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;

**“Qualified environmental professional”** has the same meaning as under the *Provincial Riparian Areas Protection Regulation*;

**“Rear parcel line”** means the parcel boundary that lies opposite to and is not directly serviced by the front parcel line;

**“Rear yard”** means the total area of a parcel, exclusive of an area bounded by the front parcel line, the interior side parcel lines and a line drawn parallel to the front parcel line at a point 15 metres distant from the front parcel line;

**“Recreational facility”** means the use of land, buildings or structures for the conduct of sports and leisure activities, including gymnasiums, indoor or outdoor racquet courts, curling rinks, skating rinks, swimming pools, dance studios, aerobic studios, weight rooms, billiard halls, bowling alleys;

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

**“Regional District”** means the Cowichan Valley Regional District;

**“Repair shop”** means a shop at which household items or other small motors or electrical devices may be repaired, but specifically excludes automobile parts and component repairs;

**“Residence”** means a dwelling unit 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 shelter”** means a dwelling used for the purpose of a temporary residence providing emergency and support services for adults and their children, but does not include the use of land for halfway house use in conjunction with the administration of justice for the purpose of shelter and support of persons serving or on from any part of a sentence imposed by a court;

**“Residential use”** means a use providing for the accommodation of one or more persons, including activities customarily incidental to the accommodation of a person or a group of persons, where such accommodation is the principal home and residence to which the person or group of persons intends to return if absent, and if such premises are rented, where the minimum rental and occupancy period is 30 consecutive days; and does not include short-term rental;

**“Restaurant”** means a building or structure for the service to customers of food and drink, and if licensed under the *Liquor Control and Licensing Act*, holds a “food primary” license;

**“Retail store”** means a store in which any type of goods or wares are sold to the final consumer, provided that the product is stored and sold from within a building;

**“Senior government”** means the Government of Canada or the Government of the Province of British Columbia;

**“Setback”** means the minimum permitted horizontal distance required under this Bylaw, between a building or structure and a specified parcel line or other described feature;

**“Short-term rental”** means a self-contained dwelling unit in which accommodation is provided to people in exchange for compensation, for stays of fewer than 30 consecutive days, and where the dwelling unit is not occupied by the owner or long-term resident during the stay;

**“Site”** means an area of land consisting of one or more parcels used collectively as a unit devoted to a certain use or occupied by a building or structure or group of buildings or structures united by a common interest, use or development;

**“Storey”** means the portion of a building that is situated between the top of any floor and:  
a. the top of the next floor above it; or  
b. the ceiling above it, where there is no floor above the ceiling;

**“Structure”** means anything that is fixed to, or supported by, or sunk into land or water. Includes: swimming pools; retaining walls; fences; signs; and any tank that projects above 0.6m above finished grade; underground commercial or industrial tanks. Excludes: areas of hard surfacing such as concrete, brick or unit pavers, turfstone, asphalt or similar materials; soft landscaping unless otherwise specified in this Bylaw; private residential septic tanks entirely below grade;

**“Subdivision”** means:

- a. a subdivision as defined in the *Land Title Act*; and
- b. a subdivision under the *Strata Property Act*;

**“Take-out food service”** means an eating establishment which prepares meals for pick-up or delivery to customers, and which may provide some seats for customers to consume food on the premises, and which does not serve food via a drive-through window;

**“Temporary Accommodation”** the accommodation of any person for other than a residential use or short-term rental use;

**“Use”, “Uses” and “Used”** mean the purpose or function to which land, the surface of water, buildings or structures are designed, occupied, put or intended to be put;

**“Utility”** means a use and associated works which provide for essential services such as community water service, community sewer service, electricity, telephone, natural gas, cable television, and similar services, where such use is established by the CVRD Board of Directors, a municipality, an improvement district, is licensed by a senior government or is operated by a body that is subject to the *Utility Commission Act*. In addition, utility includes recycling drop-off bins in association with a commercial, industrial or institutional use. Utility also includes communications infrastructure, navigation aids and seawalls. Utility does not include: exterior storage of any kind, recycling depots, recycling plant, waste disposal facilities, offices, vehicle or equipment repair facilities, or power generation facility of any sort;

**“Veterinary clinic”** means a building or part thereof provided for the prevention, treatment, care and alleviation of disease and injury to animals, and includes a shelter that is exclusively for animals during their period of treatment and recovery;

**“Warehousing and Wholesaling”** means a building or part thereof, used for the housing, storage, adapting for sale, and packaging or wholesale distribution of goods, wares, merchandise, foodstuffs and articles;

**“Warehouse”** means the use or intended use of land, buildings or structures for the purpose of receiving and storage of goods for compensation, and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations, but excludes retail sales from the parcel;

**“Watercourse”** means any natural drainage course or source of water, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, the sea or source of ground water and includes portions that may be contained within a conduit or culvert;

**“Water frontage”** means the side of a parcel that is contiguous with a lake or the ocean;

**“Wetland”** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, estuaries and similar areas;

**“Wholesale”** means the use of land, building, or structures, by establishments or

businesses engaged in selling merchandise to retail dealers or to other wholesale dealers, or to contractors or to manufacturers, for resale or for use in their business;

**“Zone”** means an area of Electoral Area A or C that is designated as a zone under Part 9 or Part 10 of this Bylaw for which specific regulations are outlined in this Bylaw & its Schedules.

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**PART FOUR: GENERAL REGULATIONS FOR USES, BUILDINGS AND STRUCTURES**

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**4.1 Uses Permitted in all Zones**

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

- a. Highways;
- b. Conservation areas, ecological reserves and wildlife sanctuaries;
- c. Landscape screening and fencing;
- d. Public parks;
- e. Utilities, excluding offices, maintenance garages and storage areas;
- f. Uses, works, buildings and structures accessory to a principal permitted use, provided they are located on the same parcel or within the same strata plan as the principal use;
- g. Temporary siting of a mobile home or recreational vehicle, for the property owner, while a permitted dwelling is being constructed, subject to the requirements of Section 4.6 of this Bylaw;
- h. Temporary buildings, structures or storage of materials, for a maximum of one year, required for an approved construction project on the same parcel provided such temporary buildings, structures, and/or storage areas are removed within 30 days of the completion of the project;
- i. Residential shelter operated by a non-profit society or licensed or operated by a Municipal, Regional, Provincial or Federal Agency;
- j. Railways.

**4.2 Uses Prohibited in all Zones**

1. 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.
2. For clarity, the following uses are prohibited in all zones, unless explicitly permitted elsewhere in this Bylaw:
  - a. The use of a houseboat, float home or float camp for temporary or permanent residential use;
  - b. The use of a recreational vehicle as a temporary or permanent residence;
  - c. The parking of more than one commercial or industrial vehicle with a GVW in excess of 5000 kg, except on a parcel zoned for industrial use;
  - d. The keeping of more than 5 cats or dogs that are over 4 months of age on a parcel;
  - e. Treatment of any wastes or contaminated soils on any parcel other than that upon which the contamination arose;
  - f. Gaming and gambling establishments, other than charity gaming;
  - g. Short-term rental of a dwelling; and
  - h. Storage of portable containers, other than during a construction project with an active building permit.

#### **4.3 Determination of Residential Density if a Parcel is in Two or More Zones**

The permitted maximum residential density on a parcel that is partially in two or more zones will in all cases be determined by the zone with the highest permitted residential density.

#### **4.4 Height Limit Exceptions**

##### **a. *Unlimited Height***

Notwithstanding other height restrictions in this Bylaw, the following parts of buildings and structures may be of an unlimited height: agricultural building; belfry; chimney; dome; drive-in theatre screen; elevator tower; flag pole; grain elevator; industrial crane; lighting pole; monument; radio; television or telecommunications antenna; religious facility spire; silo; theatre scenery loft; smoke stack; stadium bleacher and light standard; stair tower and tank.

##### **b. *Limited Height***

Notwithstanding other height restrictions in this bylaw, the following parts of buildings and structures are permitted to be not more than 1.5 metres above the height limit specified in the zone within which the parcel is located: solar panels and wind turbines.

##### **c. *Roof Height of Overheight Structure***

Where one or more parts of a building or structure specified in Section 4.4(a) and (b) are located on top of a building, 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.

#### **4.5 Accessory Buildings and Structures**

For zones within which accessory buildings and structures are permitted, the following general regulations apply:

1. No accessory building or structure shall be situated on a parcel unless the principal building, to which the accessory building 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.
2. Notwithstanding Section 4.5.1, an accessory building may be situated on a parcel contiguous to a parcel on which the principal building is situated, provided the owners of both parcels agree to have registered on the title a covenant in favour of the CVRD stating that the parcel with the accessory building will not be sold independently of the adjacent parcel with the dwelling, unless the accessory building is firstly removed.
3. 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. One greenhouse, not exceeding 25 m<sup>2</sup> in floor area shall be permitted on a parcel where a residential use is permitted, as an accessory residential structure. Greenhouses exceeding 25 m<sup>2</sup> in floor area are deemed to be agricultural buildings, and are permitted

only in zones where agriculture is listed as a permitted use and shall comply with the relevant agricultural building setbacks from parcel lines.

5. A garage or carport attached to a principal building is deemed to be a part of the principal building and is not an accessory building.

#### **4.6 Camping or Occupying an Existing Dwelling During New House Construction**

1. An owner of a parcel of land may occupy a mobile home or recreational vehicle (RV) as a temporary dwelling on the parcel while in the process of constructing a permanent dwelling on the same parcel, provided that the following conditions are met:
  - a. the period of RV occupancy shall not extend beyond twelve (12) months from its commencement;
  - b. The RV occupancy shall not commence until a building permit has been issued for the construction of a principal dwelling on the parcel, nor shall the RV be occupied after occupancy of the newly constructed principal dwelling has begun;
  - c. Sewage shall be disposed of at approved off-site sani-dump locations, or if it is disposed of on-site, in a location and manner that is permitted by the jurisdiction having authority;
  - d. The RV parking space shall be no closer than 4.5 metres to any parcel line.
2. 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:
  - a. the owner of the parcel agrees to and enters into a 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;
  - b. the covenant also specifies that an irrevocable letter of credit or other security satisfactory to the CVRD in the amount of \$5000 be issued in favour of the CVRD by the owner, to be forfeited to the CVRD in the event that the other terms of the covenant are not complied with, in which case the CVRD shall use the \$5000 to offset any costs of legal action to obtain compliance;
  - c. that the actions required under Section 4.6.2.a must be completed 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, and that this time period be specified in the covenant.

#### **4.7 Storage of Junk or Wrecks**

1. Unless specifically permitted by this Bylaw, no parcel shall be used as an automobile salvage or wrecking yard, a junkyard, or for the external storage, collection or accumulation of all, or part, of any automobile wreck, derelict motor vehicle, or all or part of any motor vehicle that is not:
  - a. validly registered, licensed and insured in accordance with the *Motor Vehicle Act*; and

b. capable of operation under its own power.

2. Despite Sections 4.7.1.a and 4.7.1.b above, not more than one unlicensed but operational motor vehicle or one recreational vehicle is permitted to be parked out of doors, in compliance with all other regulations of this Bylaw.

#### **4.8 Restaurant Regulation**

Unless explicitly permitted in a zone under this Bylaw, no restaurant, coffee shop or cafeteria shall be equipped with a drive-through facility.

#### **4.9 Mobile Homes and Manufactured Homes**

In all zones where “single detached dwelling” is a permitted use, a manufactured home certified to the CSA A277 standard or mobile home certified to the CSA Z240 standard is considered to be a single detached dwelling.

#### **4.10 Use of Tents, Trailers or Recreational Vehicles as a Residence**

A tent, trailer, recreational vehicle, park model unit certified to the CSA Z241 standard, bus or other motor vehicle shall not be used as a residence, except in accordance with Section 4.6 of this Bylaw.

#### **4.11 Swimming Pool Fencing Required**

Swimming pools shall be enclosed in a structure or be surrounded by a fence not less than 1.5 metres and not more than 1.8 metres in height, designed to prevent climbing, and where equipped with gates, the gate shall be operated by hinges and a lock and shall be able to be opened freely from the inside only.

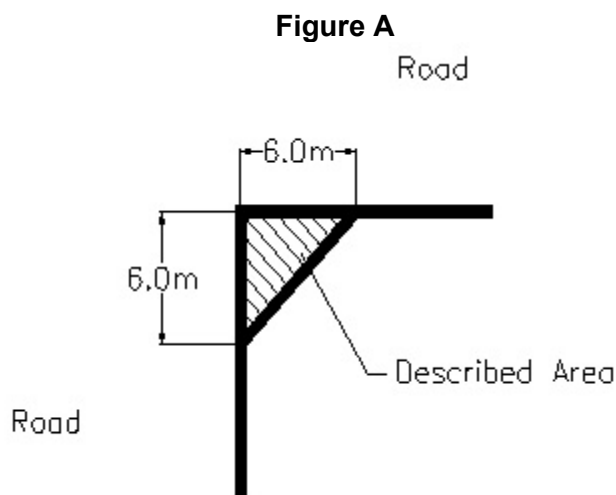
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**PART FIVE: GENERAL REGULATIONS FOR SITING**

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**5.1 Sight Triangle**

No person being the owner, occupier or lessee of any land located at the intersection of any two streets or highways, shall place or permit to be placed, construct or grow any tree, plant, shrub, fence or other structure greater than 1 metre 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 metres from their point of intersection. For greater certainty, a diagram shown as part of this section and labeled "Figure A" depicts the area described in this section.

**5.2 Fencing and Screening**

Except as otherwise specifically stated in this Bylaw,

1. 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 of the fence at its base.
2. For industrial zones, the maximum fence height is 2.5 metres.
3. Subject to Section 5.1, fences may be constructed on any portion of a parcel, including within a required setback area, except for closed fences and landscape screens, which shall be less than 2 metres in height when sited in a required setback area from a parcel line adjoining a residential use.

**5.3 Setback Exceptions**

1. Except as otherwise provided in particular zones, the setback requirements of this Bylaw do not apply to:
  - a. A pump house;
  - b. Bay windows; chimneys; exterior building 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 metre of a parcel boundary;

- c. Eaves, canopies, cornices, gutters, sunshades, and unenclosed stairwells and above-ground stairways if the projections, measured horizontally, do not exceed:
    - i. 2 m in the case of a setback from a rear parcel line;
    - ii. 1 m in the case of a setback from a front or side parcel line;
  - d. Signs;
  - e. Open fences; and
  - f. Closed fences and landscape screens that are less than 2 metres in height.
2. Notwithstanding any other provision of this Bylaw, the consent of the Ministry of Transportation and Transit is required to place any building or structure closer than 4.5 m to a property line adjacent to a highway.
  3. Features not specifically mentioned in Section 5.3.1 shall not project into a required setback area.

#### **5.4 Setbacks from a Watercourse – Flood Protection and Environmental Protection**

1. Notwithstanding any other provision of this Bylaw, and except where a larger setback may be specified in an Assessment Report prepared under the *Riparian Areas Protection Regulation*, no building or structure shall be located within 15 metres of the natural boundary of any watercourse, lake or the sea.

And further, all buildings and structures shall be elevated at least 1.5 metres above the natural boundary of any watercourse, lake or the sea.

#### **5.5 Natural Hazard Management Requirements**

In addition to compliance with Section 5.4 above, all buildings and structures shall conform to a Floodplain Management Bylaw, if one is in effect, and any potential natural hazards that the Building Official believes may be present shall be dealt with in accordance with Section 56 of the *Community Charter*.

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**PART SIX: GENERAL REGULATIONS RESPECTING THE SUBDIVISION OF LAND**

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**6.1 Subdivision of Parcels within Two or More Zones**

Where any parcel in the area subject to this Bylaw is partially in two or more zones, each portion that lies within a single zone may be subdivided in accordance with that zone's regulations, notwithstanding the land area remaining on the other portion, following subdivision.

**6.2 Subdivision of Parcels Containing a Water Body, Watercourse or Wetland**

Where a parcel contains all or part of a natural water body, watercourse or wetland, the area of the natural water body, watercourse or wetland shall not be included in the area of the parcel for the purposes of calculating the permitted number of parcels. The area of the natural water body, watercourse or wetland shall be determined by a BC Land Surveyor, where the water feature is not subject to the *Riparian Areas Protection Regulation* and a Qualified Environmental Professional where the water feature is subject to the *Riparian Areas Protection Regulation*.

**6.3 Subdivision of Panhandle Parcels**

Where a parcel or a proposed parcel is in a panhandle configuration, the access strip (or panhandle) shall not be calculated as part of the parcel area for the purpose of subdivision.

**6.4 Subdivision Using Density Averaging**

Unless explicitly permitted in a zone under this Bylaw, density averaging for non-strata parcels is not permitted. Provincial regulations address density averaging in strata development.

**6.5 Subdivision Following 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;
- 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 donation, expropriation or purchase, shall be deemed, for the purpose of further subdivision under this Bylaw, to be of the same size as it was 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 the zone within which the parcel is located.

**6.6 Subdivision using Section 514 of the *Local Government Act***

The minimum size for a parcel that may be subdivided under Section 514 of the *Local Government Act* throughout marine portions of Electoral Area A – Mill Bay/Malahat and Electoral Area C – Cobble Hill is 25 hectares, or the minimum parcel size of the zone within which the parcel of land is located, whichever is larger.

**6.7 Subdivision where Additional Parkland is Accepted by CVRD**

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

- a. parcel yield shall not be increased over what would be available were no additional parkland being proposed;
- b. the parcels being created shall be of sufficient area to accommodate the area required for a sewage disposal field and well if it is in an unserved area, and a sufficient building envelope must exist in the absence of any variances to setback requirements in the zones within which the parcels are located;
- c. the parkland proposed must be in a location and condition that is acceptable to the CVRD.

**6.8 Subdivision of Parcels Severed by Roads or another Parcel**

Notwithstanding the minimum parcel size provisions of each zone, where a portion of a parcel is physically separated from the remainder of the parcel by a public road or another parcel, which separation was in existence as of the date of adoption of this Bylaw, the physically separated portion may be subdivided from the remainder of the parcel provided that:

- a. the public road or other parcel is used as the subdivision boundary; and
- b. no parcel created pursuant to this Section shall be less than one hectare in area where there is no community water service connection, and 2000 m<sup>2</sup> in area where community water service connections are made to each parcel.

**6.9 Subdivision of Parcels Severed by a Jurisdictional Boundary Line**

Notwithstanding the minimum parcel size provisions of each zone, where a portion of a parcel is separated from the remainder by a jurisdictional boundary line, the parcel may be subdivided along the jurisdictional boundary line, provided that:

- a. the jurisdictional boundary is used as the subdivision boundary; and
- b. no parcel created pursuant to this Section 6.9 shall be less than one hectare in area where connection to a community water system is not available and 2000 m<sup>2</sup> in area where community water system connections are made to each parcel.

**6.10 Subdivision of Parcels for Public Parks or Public Utility Uses**

The minimum parcel size provisions as prescribed in each zone shall not apply where the parcel being created is to be used solely for the unattended equipment necessary for the operation of:

- a. a bus shelter, railway station, public transit station;
- b. a community water system;
- c. a community sewer system;
- d. a community gas distribution system;
- e. a community radio or television broadcasting antenna;
- f. a radio or television relay broadcasting antenna;
- g. a telecommunication relay station;
- h. an automatic telephone exchange, excluding mobile telephone towers;
- i. an air or marine navigation aid;
- j. a public park;
- m. a rest stop for a Provincial or National highway.

**6.11 Parcel Realignments and Amalgamations**

Existing parcels may be consolidated and re-subdivided into new parcels, provided that:

- a. the subject parcels are adjoining;
- b. no additional parcels are created;
- c. where the proposed parcels are under 1 ha in area, the boundary change does not result in the reduction of any parcel by 20% or more of its original size;
- d. the requirements of this Bylaw respecting siting of buildings and structures are complied with.

**6.12 Parcel Consolidations and Addition of Roads**

The minimum parcel area requirements do not apply to the consolidation of existing parcels or the consolidation of a closed highway with an adjoining parcel.

**6.13 Undersized Parcels**

Parcels that do not meet the minimum parcel size provisions of this Bylaw that:

- a. exist as separate and titled parcels in the records of the Land Title Office, at the time of adoption of this Bylaw; or
  - b. have been created pursuant to the provisions of this Bylaw; or
  - c. 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 and any other applicable bylaw, regulation or statute.

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**PART SEVEN: GENERAL REGULATIONS FOR PARKING AND LOADING**


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**7.1 Off-Street Parking Requirements**

Minimum off-street parking spaces and facilities shall be provided in accordance with the following table. Where a specific use is not identified, a similar use to one listed in the table shown in Section 7.1 shall be selected as an applicable standard.

<b>CATEGORY</b>	<b>USE</b>	<b>PARKING</b>
<b>Accessory Residential Use</b>	Single detached dwelling, caretaker's dwelling	2 spaces per dwelling unit, which may be in tandem; 1 space per dwelling unit for parcels under 460 m <sup>2</sup> in area
<b>Industrial and Water Zone Permitted Uses</b>	Art gallery and museum	1 space per 100 m <sup>2</sup> of gross floor area
	Boat building, repair and storage	1 space per 75 m <sup>2</sup> of gross floor area, plus 1 space per two employees
	Community centre	1 space per 35 m <sup>2</sup> of gross floor area
	Clinic	1 space per two chairs in the waiting room
	Fire hall, police station	1 space per 15 m <sup>2</sup> of gross floor area
	Marina/moorage facilities for taxi, ferry or fishing boats	1 space per 2 boat stalls plus three spaces
	Offices (business, administrative, civic, and professional)	1 space per 35 m <sup>2</sup> of gross floor area
	Pub, marine	1 space per 3 seats (at full capacity), plus 3 spaces
	Restaurant	1 space per 3 seats (at full capacity), plus 3 spaces
	Retail store	1 space per 20 m <sup>2</sup> of gross floor area
	Veterinary clinic	1 space per 35 m <sup>2</sup> of gross floor area
	Warehouse or wholesale use	1 space minimum per business use plus 1 space per 200 m <sup>2</sup> of gross floor area

**7.2 Calculation Resulting in a Fraction**

Where the calculation of the required off-street parking space results in a whole number plus a fraction, the number of required parking spaces shall be rounded up to the next whole number.

**7.3 Seating Accommodation Requirements**

Where seating accommodation is the basis for a unit of measurement under this Section and consists of benches, pews, booths or similar seating accommodation, each 0.7 m<sup>2</sup> of

seating area is deemed to be one seat.

**7.4 Parcels With More Than One Use**

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, proportional to their respective seating or floor areas.

**7.5 Location of Off-street Parking Spaces**

Required parking spaces for all uses shall be located on the same parcel as the building or use.

**7.6 Dimensions of Parking Spaces**

The minimum required dimensions for parking spaces under this Bylaw are set out as follows in the table below:

<b>Minimum Parking Space Dimensions</b>	<b>Width</b>	<b>Length</b>
Angle Parking Spaces	2.8 metres	5.8 metres
Parallel Parking Spaces	2.6 metres	7.0 metres

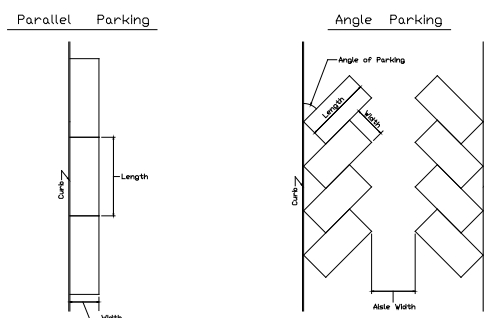
However, with respect to a parking area containing more than 100 parking spaces, up to 20 percent of the total required number of parking spaces may be reduced to 4.6 metres in length provided that each parking space is identified by the words “small car only” on the pavement in the space itself or on a wall facing it.

**7.7 Dimensions of Aisle Space**

The minimum required dimensions for aisle space under this Bylaw is set out as follows (refer to diagrams below for interpretation):

<b>ANGLE OF PARKING</b>	<b>MINIMUM WIDTH OF AISLE</b>
0°	3.7 metres
30°	3.4 metres
45°	3.9 metres
60°	5.5 metres
90°	7.3 metres

**Parking Diagram**



**7.8 Access to Parking Spaces**

Except in the case of a single detached or duplex residential building, no parking space shall gain direct access to a highway.

**7.9 Street Access or Egress from Parking Areas**

Street access or egress shall be not less than 15 metres from the nearest point of intersection of two highways.

**7.10 Surfacing of Parking Areas**

Parking areas shall be dust-free and the use of pervious surfaces such as grasscrete, is encouraged for all outdoor parking areas.

**7.11 Provision of Oil/Water Separator**

Parking areas paved with an impervious material shall include one or more oil-water separators, and it shall be the responsibility of the landowner to properly maintain the oil-water separators in good working order, regularly removing oils for proper disposal.

**7.12 Parking for Persons with a Disability**

- a. For any use required to be accessible to persons with a disability by the *BC Building Code*, a minimum of one parking space for a person with a disability shall be provided.
- b. Where 25 or more parking spaces are required by this Bylaw, the greater of one parking space the number of parking spaces equal to 1 percent of all spaces required shall be accessible to persons with a disability.
- c. All parking spaces for persons with a disability shall be:
  - i. A minimum of 3.7 metres in width and 5.8 metres in length;
  - ii. Surfaced with concrete or asphalt to provide ease of access for wheelchairs;
  - iii. Located in the most accessible and convenient location available within the parking areas; and
  - iv. Marked or otherwise designated for sole use by persons with a disability.

**7.13 Extending or Expanding an Existing Use**

The parking requirements established in Section 7.1 do not apply to a building or use existing prior to the adoption date of this Bylaw, provided that there is no change, expansion or addition to the building or use that requires more parking spaces than were required for the building or use existing when this Bylaw was adopted. However, if there is an expansion or addition to an existing use or building, then the provisions of Section 7.1 apply to such expansion or addition.

**7.14 Minimum Off-Street Loading Requirements**

Minimum off-street loading spaces and facilities shall be provided in accordance with the following table. Where the proposed use is not identified in the table below, the most comparable use from the table shall be used as the applicable standard:

USE	LOADING REQUIREMENT
Office use	1 space per 2700 m <sup>2</sup> of gross floor area
Indoor recreational uses	1 space per 2700 m <sup>2</sup> of gross floor area
Institutional uses, including civic uses, hospitals	1 space per 2700 m <sup>2</sup> of gross floor area
Outdoor recreational uses	1 passenger loading space
Transportation facilities	1 passenger loading space

#### **7.15 Required Loading Spaces in Specified Zones**

In addition to the requirements of Section 7.15, a minimum of one off-street loading space shall be provided on each parcel in a Commercial, Industrial or Institutional Zone.

#### **7.16 Calculation Resulting in a Fraction**

Where the calculation of the required off-street loading space results in a number that is a whole number plus a fraction, the number of spaces required shall be rounded up to the next whole number.

#### **7.17 Location of Off-street Loading Spaces**

Required loading spaces for all uses shall be located on the same parcel as the building or use.

#### **7.18 Access to Loading Spaces**

Each off-street loading space shall have at all times access to an aisle that intersects with a highway. No loading space shall gain direct access to a highway.

#### **7.19 Dimensions of Loading Spaces**

Each off-street loading space involving the receipt and delivery of goods or materials by vehicles shall be not less than 3 metres wide, 9 metres long and have a clear height of not less than 4 metres.

#### **7.20 Loading Spaces Additional to Off-street Parking**

Off-street loading spaces shall not be credited against the requirements for off-street parking.

#### **7.21 Parcels With More Than One Use**

When a building or parcel contains more than one function or use, the required number of loading spaces is the sum of the requirements for each function or use.

#### **7.22 Extending or Expanding an Existing Use**

The loading requirements established in Section 7.14 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 Section 7.14 apply to such expansion or addition.

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**PART EIGHT: CREATION OF ZONES**


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**8.1 Creation of Zones**

For the purposes of this Bylaw, Marine portions of Electoral Areas A and C of the Cowichan Valley Regional District are divided into the following zones:

LAND USE CATEGORY	SYMBOL	ZONE TITLE
<b>INDUSTRIAL ZONES</b>		
Industrial	I-2	Heavy Industrial 2
	I-3	Transportation Industrial 3
<b>WATER ZONES</b>		
Water	W-1	Marine Conservation 1
	W-3	Water Institutional 3
	W-4	Water Marina 4
	W-5	Marine Docks and Moorage 5 Zone
	W-6	Marine Water Institutional Zone

**8.2 Zone Boundaries**

1. The area of each zone is defined by Schedule "A" – the Zoning Bylaw Map – which is attached to and forms part of this Bylaw;
2. 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 the centre of a watercourse, excluding a lake or the sea, is the zone boundary. In the case of a lake or the sea, the natural boundary shall be the zone boundary unless otherwise indicated on Schedule "A".

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**PART NINE: INDUSTRIAL ZONES**

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**9.1 I-2 HEAVY INDUSTRIAL 2 ZONE**

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the I-2 Zone:

**1. Permitted Uses**

The following principal uses and no others are permitted in the I-2 Zone:

- a. Asphalt plant;
- b. Automobile workshop, automobile service shop;
- c. Auto parts sales, warehousing and storage, excluding automobile wrecking;
- d. Boat and or watercraft manufacturing, repair and storage, marine services;
- e. Building supply sales and storage, including manufacturing of building supplies;
- f. Bulk asphalt storage and distribution;
- g. Concrete products manufacturing including ready-mix concrete, bulk cement storage and delivery;
- h. Contractors workshop, yard and storage;
- i. Equipment sales, rental, repair and storage;
- j. Feed, seed and agricultural supplies, sales and storage;
- k. Food and beverage manufacturing, preparation, catering, processing, packaging, distribution and storage, bakery, production bakery, brewery, culinary education, all excluding fish cannery and abattoir;
- l. Gardening and landscaping supplies and sales;
- m. Gravel and quarried materials processing facilities;
- n. Incubator mall;
- o. Laboratory;
- p. Manufacturing of log, modular or pre-fabricated homes and associated structures;
- q. Manufacturing, processing, fabricating, assembling, testing, packaging, servicing, repair, treatment, distribution, and storage of products, materials, fabric, substances or compounds, provided all manufacturing occurs within a wholly enclosed building, and excluding metal smelter, pulp or pulp and paper mill, hydrocarbon refinery and fissile materials;
- r. Motor vehicle sales;
- s. Offices;
- t. Outdoor recreation;
- u. Refundable container depot;
- v. Research and development, high technology centre, education centre;
- w. Restaurant, café, take-out food service;
- x. Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m<sup>2</sup> in total retail floor area;
- y. Retail and wholesale sale of petroleum products other than asphalt, limited to a total of 455,000 litres of total volume;
- z. Secondary processing and manufacturing of wood products, including cabinet and furniture manufacturing, the making of plywood, particleboard, and similar products, excluding sawmills, pulp and paper mills and log storage and sorting;
- aa. Storage of propane, ethane and methane and related alcohols, total volume not to exceed 160,000 litres;
- bb. Veterinary clinic;

- cc. Warehouse, including mini-warehouse, freight handling and storage;
- dd. Welding shop, steel and metal product fabrication, extrusion and finishing;
- ee. Wholesale sales excluding hazardous materials, pesticides, explosives and petroleum products;

The following accessory uses are permitted in the I-2 Zone:

- ff. Single detached dwelling or caretaker's dwelling unit, to a maximum of one dwelling unit per industrial building.

## **2. Impervious Surfaces and Parcel Coverage Limit**

Impervious surface coverage of a parcel in the I-2 Zone shall not exceed 70%, of which not more than 60% may be parcel coverage.

## **3. Height**

The height of all buildings and structures in the I-2 Zone shall not exceed 20 metres.

## **4. Setbacks**

The minimum setbacks for buildings and structures in the I-2 Zone is 9 metres from all parcel lines, except where an interior side parcel line or rear parcel line abuts another parcel that is zoned as Industrial, in which case the setback may be reduced to 3 metres.

## **5. Minimum Parcel Size**

The minimum parcel size in the I-2 Zone is 2 hectares regardless of the level of servicing.

## 9.2 I-3 TRANSPORTATION INDUSTRIAL 3 ZONE

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the I-3 Zone:

### 1. Permitted Uses

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

- a. Terminal facilities for automobile, ship, truck and rail transportation of goods, materials or people, including storage facilities;
- b. Petroleum terminal facility; including storage facilities but excluding liquefied natural gas;

The following accessory uses are permitted in the I-3 Zone:

- c. Single detached dwelling or caretaker's dwelling unit.

### 2. Parcel Coverage

The parcel coverage in the I-3 Zone shall not exceed 20 percent for all buildings and structures.

### 3. Height

The height of all buildings and structures in the I-3 Zone shall not exceed 15 metres.

### 4. Setbacks

Buildings and structures in the I-3 Zone shall be located not less than 30 metres from any parcel line, except where a parcel line abuts a residential or agricultural zone, in which case buildings and structures shall be located not less than 45 metres from a parcel line.

### 5. Screening/Buffer Requirement

The southern boundaries of any parcel in the I-3 Zone will have a natural leavestrip area of at least 30 metres in width, within which a vegetative screen shall be established and maintained against properties zoned for single detached residential use.

### 6. Minimum Parcel Size

The minimum parcel size in the I-3 Zone is 2 hectares regardless of the level of services available to the parcel.

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**PART TEN:****WATER ZONES**

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**10.1 W-1 MARINE CONSERVATION 1 ZONE**

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the W-1 Zone:

**1. Permitted Uses**

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

- a. Activities directed towards environmental protection and habitat enhancement;
- b. Passive recreation.

**2. Prohibited Uses**

Floats, piles, docks, wharves and similar structures for moorage are not permitted in the W-1 Zone.

**10.2 W-3 WATER INSTITUTIONAL 3 ZONE**

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the W-3 Zone:

**1. Permitted Uses**

The following principal uses and no others are permitted in the W-3 Zone:

- a. Activities directed towards environmental protection and habitat enhancement;
- b. Passive recreation;
- c. Private and public wharf, dock or float use, including enclosed boat and marine equipment storage and ancillary change room, washroom and training facilities;
- d. Breakwater, ramp.

**2. Height**

No building or structure in the W-3 Zone shall exceed a height of 6.5 m above the elevation of an adjacent road surface.

**3. Prohibition**

No residential use is permitted in the W-3 Zone, and no structure that would impede public passage below the natural boundary is permitted.

**4. Provincial and Federal Regulations**

All structures built in the W-3 Zone shall comply with the federal *Fisheries Act* and the provincial *Water Act* and any other applicable senior government regulations.

### 10.3 **W-4 WATER MARINA 4 ZONE**

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the W-4 Zone:

#### 1. **Permitted Uses**

The following principal uses and no others are permitted in the W-4 Zone:

- a. Activities directed towards environmental protection and habitat enhancement;
- b. Passive recreation;
- c. Boat shed or boat shelter;
- d. Management of a waterbody, lake or reservoir by an improvement district, municipality or regional district for use as a community water supply;
- e. Marina;
- f. Moorage facilities for water taxi, ferry, fishing boats, or similar commercial use;
- g. Sales and rental of boats and sporting equipment;
- h. Yacht club;

The following accessory uses are permitted in the W-4 Zone:

- i. Marina fuelling station and storage of petroleum products up to 23,000 litre capacity;
- j. Marine public house;
- k. Offices and retail sales
- l. Restaurant;
- m. Sewage pump-out station;
- n. Slips, docks, breakwaters, ramps, dolphins, and pilings necessary for the establishment and/or maintenance of a principal use.

#### 2. **Height**

In the W-4 Zone, the height of all buildings and structures shall not exceed 7.5 metres above the natural boundary.

#### 3. **Servicing as a Condition of Use**

All parcels and lease areas in the W-4 Zone shall be connected to both a community water system and a community sewer system.

#### 4. **Prohibited Uses**

No houseboat or residential use of floats, piles or vessels of any kind is permitted in the W-4 Zone, and no structure that would prevent the passage of the public below the natural boundary is permitted unless an alternate provision for public passage has been made on the land.

#### 5. **Parking and Loading**

Off-street parking and loading spaces in the W-4 Zone must be provided on the W-4 land if possible, or within 200 metres of the zone boundary, in accordance with Part 7 of this Bylaw.

#### **10.4 W-5 MARINE DOCKS AND MOORAGE 5 ZONE**

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the W-5 Zone:

##### **1. Permitted Uses**

The following principal uses and no others are permitted in the W-5 Zone:

- a. Activities directed towards environmental protection and habitat enhancement
- b. Seawall, ramp, breakwater and floats;
- c. Public and private wharves and docks and slips;
- d. Moored vessels;
- e. Passive recreation.

The following accessory uses are permitted in the W-5 Zone:

- f. Sewage pump-out station;
- g. Washroom facilities.

##### **2. Height**

No building or structure in the W-5 Zone shall exceed a height of 5 metres.

##### **3. Prohibited Uses**

Residential use of:

- a. Floats;
- b. Piles;
- c. Docks;
- d. Wharves;
- e. Moored vessels

is prohibited in the W-5 Zone.

#### **10.5 W-6 MARINE WATER INSTITUTIONAL 6 ZONE**

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the W-6 Zone:

##### **1. Permitted Uses**

The following uses and no others are permitted in the W-6 Zone:

- a. Activities directed towards environmental protection and habitat enhancement;
- b. Passive recreation;
- c. Public wharf, boat launch, dock and float;
- d. Breakwater, ramp;
- e. Accessory uses to the above.

**2. Prohibition**

- a. No residential occupancy of a building, structure or boat is permitted in the W-6 Zone.
- b. No building is permitted in the W-6 Zone.

**3. FORCE AND EFFECT**

This bylaw shall take effect upon its adoption by the Regional Board.

PUBLIC NOTICE GIVEN in ACCORDANCE WITH THE LOCAL GOVERNMENT ACT this	_____	day of _____.	_____.	2026 and 2026.
READ A FIRST TIME this	_____	day of _____.	_____.	2026.
READ A SECOND TIME this	_____	day of _____.	_____.	2026.
READ A THIRD TIME this	_____	day of _____.	_____.	2026.
RECEIVED MINISTRY OF TRANSPORTATION & INFRASTRUCTURE APPROVAL this	_____	day of _____.	_____.	2026.
ADOPTED this	_____	day of _____.	_____.	2026.