



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4718

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

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area H, that being “the Cowichan Valley Regional District Electoral Area "H" Zoning Bylaw No. 1020, 1986”;

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. 4718 Electoral Area H – North Oyster/Diamond Zoning Amendment Bylaw (Removal of Upland Zones Amendment), 2026**".

2. AMENDMENTS

Bylaw No. 1020 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 H (North Oyster/Diamond);
- 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 1.0 through 14.2 inclusive (excluding the Bylaw Reading and final Adoption dates, which remain in place) are all deleted and replaced with the following:

PART ONE: TITLE, APPLICATION AND ADMINISTRATION

1.1 Title

This Bylaw may be cited for all purposes as "The Cowichan Valley Regional District Electoral Area "H" Marine Zoning Bylaw No. 1020, 1986".

1.2 Application

This Bylaw applies to all marine areas, including the surface of water, and all uses, buildings and structures located within the boundaries of marine portions of Electoral Area H – North Oyster/Diamond, 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. Cowichan Valley Regional District Zoning Bylaw No. 110, 1974, as amended, is hereby repealed.

2. Sections 8.0 through 8.2, and Sections 8.6 through 8.11 of the Subdivision Bylaw of the Cowichan Valley Regional District No. 82, 1972, applicable to Electoral Area "H" only, as amended, are hereby repealed.

PART TWO: ADMINISTRATION

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 under 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 2.1.2 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 2.2 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;

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

2. Each day's continuance of an offence under Section 2.4.1 constitutes 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 Bylaw Amendments

Any application for amendment to this bylaw is subject to the provisions of the *Local Government Act* and CVRD Development Application Procedures and Fees Bylaw No. 4483.

*PART THREE :**DEFINITIONS*

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;

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

“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;

“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;

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

“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;

“Crustacea” means any of the aquatic invertebrate of the phylum Arthropoda having crust-like shells or exoskeletons and includes crab and prawn;

“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 and short-term rental unless expressly permitted in this Bylaw;

“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;

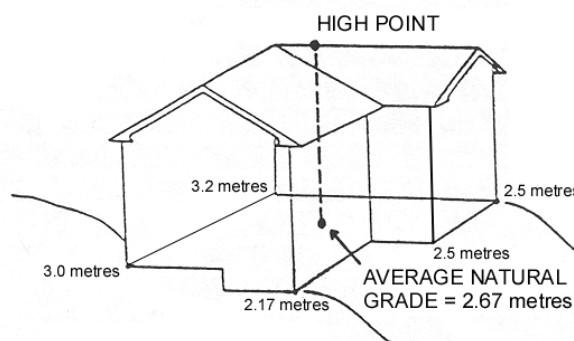
“Front yard” means the area of a parcel, bounded by the front parcel line, the interior side parcel lines and a line drawn parallel to the front parcel line at a point 15 metres distant from the front parcel line;

“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 m² (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;

“**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;

“**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*;

“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;

“m²” means a measure of surface area expressed in square metres;

“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;

“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;

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

“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 m² 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 vehicle (RV)” means a motorhome, camper van, 5th 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 accommodation of people;

“Regional District” means the Cowichan Valley Regional District;

“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 multiple persons, where such accommodation is the principal home and residence to which the person or residents intend to return if absent, and if such premises are rented, where the minimum rental and occupancy period is 30 consecutive days;

“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;

“Seafood” means fish, crustacea, mollusks, seaweed, and other forms of marine life;

“Seafood processing” means the depuration, storage, drying, cooking, packing, preparation and manufacture of seafood;

“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;

“Shellfish culture” means the growing, rearing and harvesting of mollusks and Crustacea, excluding processing;

“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*;

“Temporary accommodation” means the accommodation of any person for other than a

residential or short-term rental use; grade;

"Temporary accommodation sleeping unit" means a room or group of rooms, which may or may not contain cooking facilities, used for the temporary accommodation of any person; and where a sleeping unit also contains cooking and sanitary facilities, includes short-term rental and long-term residential 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;

"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;

"Zone" means an area of Electoral Area H that is designated as a zone under Part 8 and 9 of this Bylaw for which specific regulations are outlined in this Bylaw and its Schedules.

PART FOUR: GENERAL REGULATIONS FOR USES, BUILDINGS AND STRUCTURES

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 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;
- h. Residential shelter operated by a non-profit society or licensed or operated by a Municipal, Regional, Provincial or Federal Agency;
- i. 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 for permanent, full time residential occupancy;
 - 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 a commercial or 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; and
 - g. Storage of portable containers, other than during a construction project with an active building permit.

4.3 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.

a. **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.

4.4 **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 m² of gross floor area, used only for storage purposes.
2. Notwithstanding Section 4.4.1, 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 principal use, 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. Except in accordance with Section 4.4.2, an accessory building shall be located on the same parcel as the principal building or use.
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.

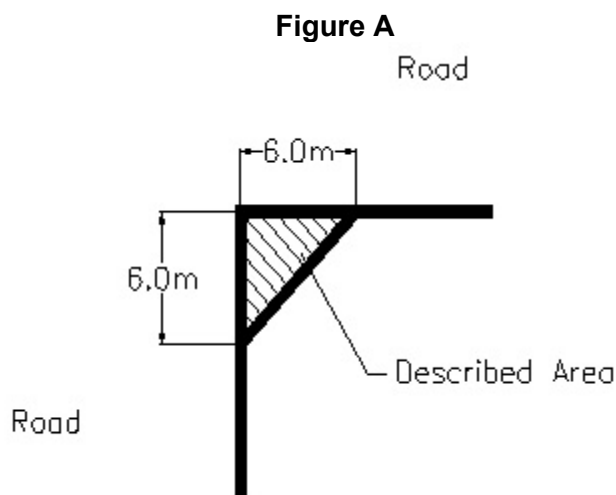
4.5 **Storage of Junk or Wrecks**

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 4.5.1.a and 4.5.1.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.

PART FIVE: GENERAL REGULATIONS FOR SITING

5.1 Sight Triangle

No person being the owner, occupier or lessee of any land located at the intersection of any two streets, 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 all Water zones, the maximum fence height is 2.5 metres.
3. Notwithstanding the provisions of Section 5.2.3, fences used in association with recreational uses, such as playing fields, playgrounds, golf courses and other similar sports, public utility uses and industrial storage areas shall not exceed a height of 15 metres, provided such fences are constructed of material that permits virtually unobstructed visibility, such as wire mesh.
4. 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 Natural Hazard Management Requirements

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*.

PART SIX: GENERAL REGULATIONS RESPECTING THE SUBDIVISION OF LAND

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 outside of the Agricultural Land Reserve that may be

subdivided under Section 514 of the *Local Government Act* throughout marine portions of Electoral Area H – North Oyster/Diamond 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 m² 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;
- 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 m² 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;
- k. 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.

PART SEVEN: GENERAL REGULATIONS FOR PARKING AND LOADING

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.

| CATEGORY | USE | PARKING REQUIREMENT |
|----------|--|---|
| Uses | Boat building, repair and storage | 1 space per 75 m ² of gross floor area, plus 1 space per two employees |
| | Marina/moorage facilities for taxi, ferry or fishing boats | 1 space per 2 boat stalls plus three spaces |

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 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.

7.4 Location of Off-street Parking Spaces

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

7.5 Dimensions of Parking Spaces

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

| Minimum Parking Space Dimensions | Width | Length |
|----------------------------------|------------|------------|
| Angle Parking Spaces | 2.8 metres | 5.8 metres |
| Parallel Parking Spaces | 2.6 metres | 7.0 metres |

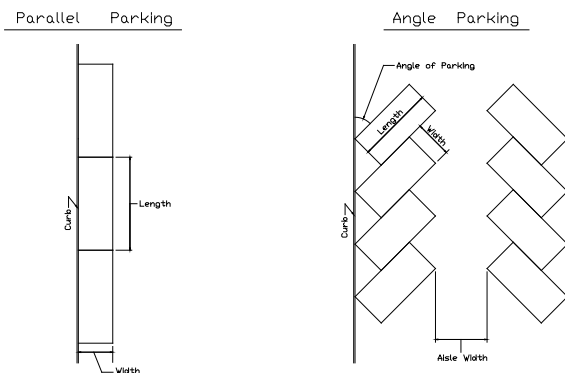
However, with respect to a parking area containing more than 100 parking spaces, up to 20 percent of the total required number of parking spaces may be reduced to 4.6 metres in length provided that each parking space is identified by the words "small car only" on the pavement in the space itself or on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

7.6 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):

| ANGLE OF PARKING | MINIMUM WIDTH OF AISLE |
|------------------|------------------------|
| 0° | 3.7 metres |
| 30° | 3.4 metres |
| 45° | 3.9 metres |
| 60° | 5.5 metres |
| 90° | 7.3 metres |

Parking Diagram



7.7 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.

7.8 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.

7.9 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.

7.10 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.

7.11 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.

7.12 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.

7.13 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 |
|-------------------------------|---|
| Fish and Shellfish Processing | 1 space per 2700 m ² of gross floor area |

7.14 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.

7.15 Loading Spaces Additional to Off-street Parking

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

7.16 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.

7.17 Extending or Expanding an Existing Use

The loading requirements established in Section 7.13 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 7.13 apply to such expansion or addition.

PART EIGHT: CREATION OF ZONES

8.1 Creation of Zones

For the purposes of this Bylaw, Marine portions of Electoral Area H – North Oyster/Diamond of the Cowichan Valley Regional District are divided into the following zones:

| CATEGORY | ABBREVIATION | ZONE TITLE |
|-----------------|---------------------|---------------------------|
| Water Zones | W-1 | Water Conservancy Zone |
| | W-2 | Water Recreation Zone |
| | W-3 | Marina Zone |
| | W-4 | Shellfish Culture 4 Zone |
| | W-4A | Shellfish Culture 4A Zone |
| | W-5 | Shellfish Processing Zone |
| | W-7 | Water Industrial Zone |
| | W-10 | Motor Vessel Moorage Zone |

8.2 Definition of Zones

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, shall be 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".

9.1 PART NINE : WATER ZONES**9.2 W-1 WATER CONSERVANCY ZONE**

Subject to compliance with the General Requirements in Parts 4, 5, 6 and 7 of this Bylaw, the following provisions apply in the Water Conservancy Zone:

1. Permitted Uses

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

- a. Activities directed towards environmental protection and habitat enhancement;
- b. Passive recreational activities;
- c. Management of a waterbody, lake or reservoir, by an improvement district, municipality or the Cowichan Valley Regional District or a community of water users for use as a community water supply.

2. Conditions of Use

In a W-1 Zone:

- a. No building or structure shall exceed a height of 3.6 metres;
- b. No residential use of floats, piles or vessels of any kind is permitted.

9.3 W-2 WATER RECREATION ZONE

Subject to compliance with the General Requirements in Parts 4, 5, 6 and 7 of this Bylaw, the following provisions apply in the Water Recreation Zone:

1. Permitted Uses

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

- a. Private and public wharf;
- b. Navigation aids, buoys, and markers;
- c. Seawall, breakwater, ramp and floats; or
- d. Recreation (private and public).

2. Conditions of Use

In a W-2 Zone:

- a. No building or structure shall exceed a height of 3.6 metres; and
- b. No residential use of floats, piles or vessels of any kind is permitted.

9.4 W-3 MARINA ZONE

Subject to compliance with the General Requirements in Parts 4, 5, 6 and 7 of this Bylaw, the following provisions apply in the Marina Zone:

1. Permitted Uses

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

- a. Any uses permitted in the W-2 Zone;
- b. Sales and rental of boats and sporting equipment;
- c. Marina operation including launching, docking, mooring, fueling, but excluding boat building;
- d. Yacht club;
- e. Boat shelter;
- f. Moorage facilities for water taxi, ferry, fishing boats, sea planes or similar commercial use;

- g. Marina fueling station and storage up to a 23,000 litre capacity;
- h. Slips, docks, breakwaters, ramps, dolphins and pilings necessary for the establishment and or maintenance of the uses permitted in Section 9.4(a) through (g) above.

2. Conditions of Use

In a W-3 Zone:

- a. Buildings including boat shelters shall not exceed 6.0 metres in height;
- b. No residential use on floats, piles or vessels of any kind is permitted;
- c. Any dock facilities in association with a marina use shall possess at least one sewage pump-out that is permanently connected to an approved on-site, land-based sewage treatment and disposal system, along with a system for ensuring that moored boats with head facilities only use that pump-out.

9.5 W-4 SHELLFISH CULTURE 4 ZONE

Subject to compliance with the General Requirements in Parts 4, 5, 6 and 7 of this Bylaw, the following provisions apply in the Shellfish Culture 4 Zone:

1. Permitted Uses

The only use permitted in the W-4 Zone is shellfish culture.

9.6 W-4A SHELLFISH CULTURE 4A ZONE

Subject to compliance with the General Requirements in Parts 4, 5, 6 and 7 of this Bylaw, the following provisions apply in the Shellfish Culture 4A Zone:

1. Permitted Uses

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

- a. Shellfish culture;
- b. Navigation aids, buoys and markers;
- c. Recreation (private and public);
- d. Activities directed towards environmental protection and habitat enhancement.

2. Prohibited Uses

The use of predator netting is not permitted in the W-4A Zone.

9.7 W-5 SHELLFISH PROCESSING ZONE

Subject to compliance with the General Requirements in Parts 4, 5, 6 and 7 of this Bylaw, the following provisions apply in the Shellfish Processing Zone:

1. Permitted Uses

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

- a. The shucking and processing of molluscs and crustaceans, but excluding the processing of other forms of seafood;
- b. Freezer plant and cooler operations to handle products auxiliary to the shucking and processing of shellfish;
- c. Clam and oyster depuration facility;

- d. The retail or wholesale sale of mollusc and crustacea.

2. Conditions of Use

In a W-5 Zone:

- a. The site coverage shall not exceed fifty (50) percent for all buildings and structures;
- b. The height of all buildings and structures shall not exceed 10.0 metres except for accessory buildings which shall not exceed a height of 4.5 metres;
- c. The minimum setbacks for all buildings and structures excluding docks, floats and ramps shall be 3.0 metres from all parcel lines including the sides of a lease area.

9.8 W-7 WATER INDUSTRIAL ZONE

Subject to compliance with the General Requirements in Parts 4, 5, 6 and 7 of this Bylaw, the following provisions apply in the Water Industrial Zone:

1. Permitted Uses

The following uses and no others are permitted in the W-7 Zone:

- a. Any use permitted in W-1 to W-4 Zones;
- b. Boat building, repairs or sales;
- c. Storage areas for the shipment, loading, unloading or storage of logs, including booming grounds;
- d. Breakwaters, slips, docks, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this part.

2. Conditions of Use

In a W-7 Zone, buildings including boat shelters shall not exceed 6.0 metres in height.

9.9 W-10 MOTOR VESSEL MOORAGE ZONE

Subject to compliance with the General Requirements in Parts 4, 5, 6 and 7 of this Bylaw, the following provisions apply in the Motor Vessel Moorage Zone:

1. Permitted Uses

The following uses and no others are permitted in a W-10 Zone:

- a. Public wharf;
- b. Navigation aids, buoys and markers;
- c. Seawall, breakwater, ramp and floats; or
- d. Recreation (private and public);
- e. Moorage of one commercial fishing vessel not exceeding 20 metres in length owned or operated by the resident of an abutting upland parcel of land.

2. Conditions of Use

In a W-10 Zone:

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

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. |