

Report

Date November 19, 2025
Subject Zoning Amendment Bylaw No. 4014, 2025

File: ZB000262

PURPOSE

To propose amendments to Zoning Bylaw Amendment No. 4014, 2025, to better align with Zoning Bylaw 1997, No. 2950.

BACKGROUND

At the regular Council meeting on October 15, 2025, Council gave first, second, and third reading to Zoning Bylaw Amendment No. 4014, 2025. The purpose of the Zoning Amendment Bylaw was to allow a second dwelling with a maximum gross floor area of 90 m² on 2350 Calais Road.

Planning staff have since determined that the calculation of gross floor area for the proposed second dwelling must include the area of the attached garage beyond the first 42 m², per the definition of gross floor area in the Zoning Bylaw:

“Gross floor area” equals the sum of the floor area of each storey in all buildings on a lot, including exterior walls, but excluding the following:

- a) attached garages or covered parking areas to a maximum of 42 m² (452 sq ft) in area in residentially-zoned (R) lots for single-family dwellings, two-family dwellings or modular homes;
- b) unenclosed and roofless decks, patios, balconies and porches;
- c) areas below grade with a maximum ceiling height less than 1.8 m (5.91’);
- d) elevator shafts and mechanical rooms; and,
- e) covered entrances to a maximum of 10 m² (107 sq ft) in area.

As a result, an amendment to the bylaw is required to increase the permitted gross floor area of the second dwelling from 90 m² to 136 m² in order for the proposed development to meet Zoning Bylaw regulations. The amendment will not result in a change to the proposed building design, which includes an 85.5 m² dwelling unit located above a 92 m² garage. A redlined version of Bylaw No. 4014, 2025, is included as Attachment 1, and the site plan is included as Attachment 2.

2350 Calais Road is a 1.98-acre parcel zoned as Rural Residential (R1) in [Zoning Bylaw 1997, No. 2950](#) (Zoning Bylaw) and designated as ‘Rural Residential’ in [Official Community Plan Bylaw No. 3900, 2022](#) (OCP). The property slopes gently from southeast to northwest and contains a single-family house serviced by the municipal water system and an on-site septic system, as well as several sheds. The R1 zone permits a maximum of two dwelling units located within a single building, as well as accessory buildings such as sheds or shops.

DISCUSSION

In 2019, Council approved the [Second Dwelling Rural Lands Policy \(SDRLP\)](#) to provide guidance for permitting second dwellings in site-specific rezoning applications:

Policy	Compliance
That size of the proposed second dwelling be restricted by covenant to 90 m ² or less of gross floor area;	No. While the size of the dwelling unit itself is less than 90 m ² , any portion of an attached garage beyond 42 m ² is included in the calculation of gross floor area for a dwelling unit in the R1 zone. The total gross floor area is therefore 135.2 m ² . A covenant must be registered on title prior to final adoption of the bylaw to restrict the gross floor area to 136 m ² .
That subdivision be restricted by covenant to prevent subdivision including strata subdivision;	Yes. A covenant must be registered prior to final adoption of the bylaw.
That the size of the parcel be a minimum of 0.4 ha (1 acre) where no Municipal sewer exists;	Yes. The parcel is 1.98 acres and is serviced by the municipal water system.
That siting of second dwellings on agricultural lands be established and restricted by covenant to preserve agricultural land.	Not Applicable.

Official Community Plan

The following Sections of the OCP apply to proposed Zoning Amendment Bylaw No. 4014:

Section 3.1.1 – Urban Containment Boundary

- *Focus development to the reduced urban containment boundary to protect rural and natural areas from expanded residential development and prevent residential intensification that necessitates extension of road networks and increases automobile dependency.*

Additional road works are not within the scope of the proposed development. The R1 zone permits a maximum of two dwelling units; thus, the property owner would not be permitted to construct any additional dwelling units further to approval of Zoning Bylaw Amendment No. 4014. The applicant has proposed to construct an additional driveway access, subject to approval by the North Cowichan Engineering department.

Section 5.1.2 (b) – Diverse Housing Mix

- *Assess and consider how proposals for new housing meet the needs identified in the most recent Housing Needs Assessment Report.*

North Cowichan's 2024 Interim Housing Needs Report identifies the need for 2,172 new housing units by July 2029. The proposed rezoning would allow the applicant to construct a detached second dwelling unit, supporting multi-generational living on the property, which provides an opportunity for family support and aging in place.

Section 3.2.18 – Rural Residential Designation

- *Very little housing growth is anticipated in these areas, although there may be some limited context-specific opportunities.*

The proposed application complies with the maximum of two dwelling units permitted in the R1 zone; however, it does not comply with the requirement to locate the two dwelling units in one building. If the application is denied by Council, the property owners would instead be permitted to apply for a building permit to construct a secondary suite attached to the house.

Section 3.2.19 – Rural Residential Designation:

- *Configure zoning to maximize housing potential without further subdivision to permit detached accessory dwellings where servicing connections are available, or in the alternative, adequate on-site common septic treatment and water supply can be achieved.*

If the application is supported by Council, a Section 219 covenant must be registered on the title of the property to prohibit subdivision or separation of the dwellings through stratification. The property has an existing municipal water connection, which would also service the proposed second dwelling. Confirmation that the existing system is in good working order and has capacity for the proposed second dwelling will be required prior to issuance of a building permit.

Zoning Bylaw

The setbacks and size of the proposed second dwelling meet the requirements for a primary building in the R1 zone. In the R1 zone, any portion of an attached garage beyond 42 m² is included in the gross floor area of a dwelling unit. The dwelling unit is therefore 136 m² (85.47 m² [living area] + 49.78 m² [portion of garage beyond first 42 m²]).

If the rezoning application is approved, a covenant must be registered on the title of the property to restrict the gross floor area of the second dwelling to 136 m². The distance from the second dwelling to the neighbouring property must comply with fire separation requirements.

Servicing Capacity

There is currently sufficient capacity to support the proposed development; however, a significant number of active development applications may consume available capacity. Capacity will be reviewed again at the time of the building permit application. A building permit will not be issued if capacity is insufficient at that time.

Confirmation that the existing septic system can accommodate additional flows from the proposed second dwelling will be required at the building permit stage.

Notice of No Public Hearing

A Notice of No Public Hearing was posted in the local newspaper on October 1, 2025, and October 15, 2025, for first reading of Zoning Amendment Bylaw No. 4014, 2025. Since the proposed amendment is minor and does not affect use or density, an additional notice of no public hearing is not required.

OPTIONS

1. (Recommended Option)

- (1) THAT Council rescinds second and third reading of Zoning Amendment Bylaw No. 4014, 2025.
- (2) THAT Council amends Section 2 of Zoning Amendment Bylaw No. 4014, 2025 by inserting the words "the smaller of which may have a maximum gross floor area of 136 m²." to the end of the wording for subsection (t).
- (3) THAT Council gives second and third reading to Zoning Amendment Bylaw No. 4014, 2025, as amended.
 - Rescinding second and third reading and amending Bylaw No. 4014 as proposed will allow the property owner to construct the second dwelling as was intended at the October 15, 2025, regular Council meeting.

2. THAT Council declines to rescind, amend, or re-read Zoning Amendment Bylaw No. 4014, 2025.

- If Council declines to amend the bylaw to allow a maximum gross floor area of 136 m², the applicant will not be permitted to construct the second dwelling over the garage as proposed. The applicant could either reduce the area of the garage to 42 m² or construct a detached garage without restrictions on the gross floor area, adjacent to a 90 m² second dwelling unit.

IMPLICATIONS

The proposed amendment to Bylaw No. 4014, 2025, has no significant financial, social, or environmental implications for the municipality. If the amendment is given second and third reading, the applicant will be required to register a Section 219 *Land Title Act* covenant that restricts the size of the second dwelling to 136 m² and prohibits the ability to subdivide or stratify the parcel. Construction of the second dwelling would be subject to the issuance of a building permit.

If the amendment is defeated, the property owner will not be permitted to construct the second dwelling as proposed. Instead, the applicant will be required to register a Section 219 *Land Title Act* covenant that restricts the size of the second dwelling to 90 m² and prohibits the ability to subdivide or stratify the parcel. They could then construct a 90 m² second dwelling and a detached garage subject to the issuance of a building permit.

RECOMMENDATION

- (1) THAT Council rescinds second and third reading of Zoning Amendment Bylaw No. 4014, 2025.
- (2) THAT Council amends Section 2 of Zoning Amendment Bylaw No. 4014, 2025 by inserting the words "the smaller of which may have a maximum gross floor area of 136 m²." to the end of the wording for subsection (t).
- (3) THAT Council gives second and third reading to Zoning Amendment Bylaw No. 4014, 2025, as amended.

Report prepared by:

Amanda Habkirk

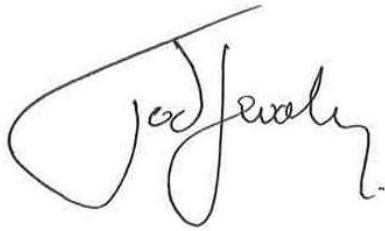
Amanda Habkirk
Development Planner

Report reviewed by:



Amanda J. Young, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Zoning Amendment Bylaw No. 4014, 2025_REDLINE
- (2) Site Plan