



The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw (Rural Accessory Dwelling Units)**

Bylaw 3876

The Council of The Corporation of The District of North Cowichan enacts in open meeting assembled as follows:

**Title**

- 1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3876, 2022".

**Amendment**

- 2 Zoning Bylaw No. 2950, 1997 is amended by deleting Section 51 (4) [Density in the Agricultural Zone (A1)], and inserting the following in its place:

**"Density**

- (4) The maximum permitted density for the A1 zone is as follows:
  - (a) The number of residential buildings per lot shall not exceed one.
    - (i) Despite the foregoing, where land is two hectares (4.94 acres) or larger in area, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m<sup>2</sup> of gross floor area.
    - (ii) Despite the gross floor area maximum of 90m<sup>2</sup> in part (i) above, in the case of replacing a previously-existing dwelling legally authorized by the Municipality prior to September 21, 2022 the smaller residential dwelling may not exceed either 90m<sup>2</sup> or the gross floor area of the previously-existing dwelling, whichever is the greater.
  - (b) No accessory dwelling (other than a suite integral to a principal dwelling) nor a two-family dwelling shall be located on a parcel unless the owner of such parcel has, prior to the issuance of a building permit by the Municipality, registered a covenant under Section 219 of the *Land Title Act*: prohibiting registration of a strata plan under the *Strata Property Act*.
  - (c) Despite section 51(4)(b) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022, or where a building strata already exists.
  - (d) Despite section 51(4)(b) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022.
  - (e) Despite section 51(4)(a) above, a maximum of two residential buildings with a total combined maximum density of two dwelling units is permitted on the

following properties:

- (i) 8662 8664 Trans-Canada Highway (PID 027-341-640)”

- 3 Zoning Bylaw No. 2950, 1997 is amended by deleting section 52 (4) [Density in the Rural Zone (A2)] and inserting the following in its place:

**“Density**

- (4) The maximum permitted density for the A2 zone is as follows:
  - (a) The number of residential buildings per lot shall not exceed one.
    - (i) Despite the foregoing, where land is two hectares (4.94 acres) or larger in area, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m<sup>2</sup> of gross floor area.
    - (ii) Despite the gross floor area maximum of 90m<sup>2</sup> in part (i) above, in the case of replacing a previously-existing dwelling legally authorized by the Municipality prior to September 21, 2022 the smaller residential dwelling may not exceed either 90m<sup>2</sup> or the gross floor area of the previously-existing dwelling, whichever is the greater.
  - (b) No accessory dwelling (other than a suite integral to a principal dwelling) nor a two-family dwelling shall be located on a parcel unless the owner of such parcel has, prior to the issuance of a building permit by the Municipality, registered a covenant under Section 219 of the *Land Title Act*: prohibiting registration of a strata plan under the *Strata Property Act*.
  - (c) Despite section 52(4)(b) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022, or where a building strata already exists.
  - (d) Despite section 52(4)(b) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022.
  - (e) Despite section 52(4)(a) above, a maximum of two residential buildings with a total combined maximum of three dwelling units is permitted on 941 Arbutus Avenue (PID 000-232-556).
  - (f) Despite section 52(4)(a) above, a maximum of two residential buildings with a total combined maximum density of two dwelling units is permitted on the following properties:
    - (i) 3252 Gibbins Road (PID 006-360-378);
    - (ii) 3286 Gibbins Road (PID 004-555-562);
    - (iii) 3276 Gibbins Road (PID 002-343-789);
    - (iv) 3240 Gibbins Road (PID 002-742-501);
    - (v) Lot 1..., Plan 21749, Banks Road (PID 002-705-087);
    - (vi) B-3228 Gibbins Road (PID 001-252-267);
    - (vii) Lot 4..., Plan 8636, Cliffs Road (PID 005-586-429);
    - (viii) 3088 Cliffs Road (PID 005-586-445);
    - (ix) Lot 5..., Plan 8636, Cliffs Road (PID 005-586-437);
    - (x) Part of Lot 11..., Plan 2785, Banks Road (PID 006-360-742);

- (xi) Part of Lot 1..., Plan 9537 (PID 005-338-859);
- (xii) A-3228 Gibbins Road (PID 000-041-874);
- (xiii) repealed;
- (xiv) 3246 Gibbins Road (PID 028-738-080);
- (xv) Lot A..., Plan 10506 (PID 005-267-412);
- (xvi) 3186 Gibbins Road (PID 005-409-292).
- (xvii) 2772 Herd Road (PID: 002-831-732)"

4 Zoning Bylaw No. 2950, 1997 is amended by deleting section 53 (4) [Density in the Rural Restricted Zone (A3)] and inserting the following in its place:

**"Density**

- (4) The maximum permitted density for the A3 zone is as follows:
  - (a) The number of residential buildings per lot shall not exceed one.
    - (i) Despite the foregoing, where land is two hectares (4.94 acres) or larger in area, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m<sup>2</sup> of gross floor area.
    - (ii) Despite the gross floor area maximum of 90m<sup>2</sup> in part (i) above, in the case of replacing a previously-existing dwelling legally authorized by the Municipality prior to September 21, 2022 the smaller residential dwelling may not exceed either 90m<sup>2</sup> or the gross floor area of the previously-existing dwelling, whichever is the greater.
    - (iii) Despite the foregoing, the placement of a Temporary Mobile Home may also be permitted, subject to the Temporary Mobile Home Permit Bylaw.
  - (b) No accessory dwelling (other than a suite integral to a principal dwelling) nor a two-family dwelling shall be located on a parcel unless the owner of such parcel has, prior to the issuance of a building permit by the Municipality, registered a covenant under Section 219 of the *Land Title Act*: prohibiting registration of a strata plan under the *Strata Property Act*.
  - (c) Despite section 53(4)(b) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022, or where a building strata already exists.
  - (d) Despite section 53(4)(b) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022 or where a Temporary Mobile Home is permitted under section 53(4)(a)(ii)
  - (e) Despite section 53(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on the following properties:
    - (i) 5404 Gore Langton Road (PID: 005-177-740)
    - (ii) 3368 Henry Road (PID: 006-660-819)
    - (iii) 3788 Winget Place (PID: 018-498-451)
    - (iv) 5353 Gore Langton Road (PID: 004-756-517)
    - (v) 3248 Gibbins Road (PID: 028-738-071)
    - (vi) 3325 Henry Road (PID: 023-516-305)

- (vii) 934 Khenipsen Road (PID: 027-581-578)
- (e) Despite section 53(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 4011 Cambrai Road (PID: 016-212-169) provided that one of the residential buildings does not exceed 145 m<sup>2</sup> (1,560 sq. ft.) in gross floor area."

5 Zoning Bylaw No. 2950, 1997 is amended by deleting section 55 (4) [Density in Rural Residential Zone (A5)] and inserting the following in its place:

**"Density**

- (4) The maximum permitted density for the A5 zone is as follows:
  - (a) The number of residential buildings per lot shall not exceed one.
    - (i) Despite the foregoing, where land is two hectares (4.94 acres) or larger in area, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m<sup>2</sup> of gross floor area.
    - (ii) Despite the gross floor area maximum of 90m<sup>2</sup> in part (i) above, in the case of replacing a previously-existing dwelling legally authorized by the Municipality prior to September 21, 2022 the smaller residential dwelling may not exceed either 90m<sup>2</sup> or the gross floor area of the previously-existing dwelling, whichever is the greater.
  - (b) No accessory dwelling (other than a suite integral to a principal dwelling) nor a two-family dwelling shall be located on a parcel unless the owner of such parcel has, prior to the issuance of a building permit by the Municipality, registered a covenant under Section 219 of the *Land Title Act*: prohibiting registration of a strata plan under the *Strata Property Act*.
  - (c) Despite section 55(4)(b) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022, or where a building strata already exists.
  - (d) Despite section 55(4)(b) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022.
  - (e) Despite section 55(4)(a) above, the placement of a Temporary Mobile Home may also be permitted on lots 0.81 ha (two acres), or larger, subject to the Temporary Mobile Home Permit Bylaw.
  - (f) Despite section 55(4)(a) above, a maximum of two residential buildings is permitted on property located at 6360 Lakes Road, and 6722 Lakes Road if:
    - (i) the principal residential building is a single-family dwelling, and
    - (ii) the accessory dwelling unit, garden suite is no larger than 85 m<sup>2</sup> (915 sq. ft.) or 40% of the gross floor area of the principal residential building, whichever is less."

READ a first time on July 20, 2022

READ a second time on July 20, 2022

This bylaw as advertised in the Cowichan Valley Citizen on August 4, 2022 and August 11, 2022 and the municipality's website and notice board on August 2, 2022

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED by Ministry of Transportation and Infrastructure on

ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER