

## **PART NINE COMMERCIAL ZONES**

### **9.0 COMMERCIAL ZONES**

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

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

The following principal uses and no others are permitted:

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

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

The following accessory uses and no others are permitted:

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

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

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

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

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

## **12.4 W-3A Zone – Boat Moorage**

### **1. Principal Uses**

The following principal uses and no others are permitted:

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

### **2. Accessory Uses**

The following accessory uses and no others are permitted:

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

### **3. Development Regulations**

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

### **4. Special Regulations**

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

## PART THREE DEFINITIONS

### 3.1 Definitions

In this bylaw:

**"Accessory"** means ancillary or subordinate to, customarily incidental to, and associated with a principal use, building or structure that is located on the same parcel or that is located on common property within the same strata plan as the principal use, building or structure;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

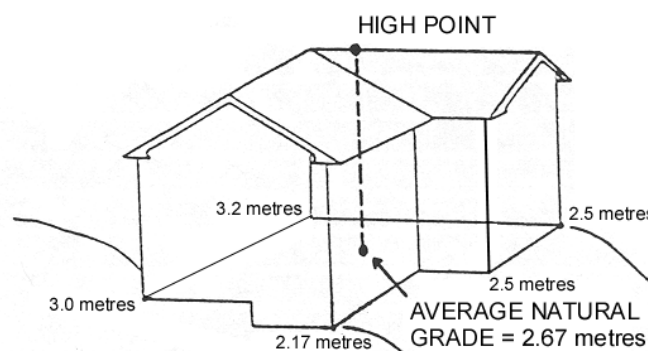
**"Food Concession"** means the use of a building, mobile cart, mobile trailer or vehicle for the preparation and sale of food and non-alcoholic beverages to pedestrians located outdoors;

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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