

PART 3 – ESTABLISHMENT OF ZONES

3.1 ZONES

3.1.1 For the purposes of this Bylaw, The Municipality of North Cowichan is hereby divided into the following zones:

PART 10 – MARINE ZONES

Zone Name	Abbreviation
Marine Access Zone	M1
Marine Transportation Zone	M2
Marine Commercial Zone	M3
Marine Industrial Zone	M4
Marine Resource Zone	M5

PART 5 – GENERAL AND PERMITTED USE DEFINITIONS

ACCESSORY DWELLING UNIT – means a dwelling unit that is accessory to a principal use other than a residential use;

AQUACULTURE - means the hatching, rearing and harvesting of finfish or shellfish for commercial purposes, in any natural or artificial water environment, excluding processing activities;

BED AND BREAKFAST - means the partial use of a single residential dwelling for transient tourist accommodation in which rooms are rented on a short term basis, and may include the provision of breakfast served on the premises;

BOAT CHARTER – means a business where watercraft are operated for the purposes of providing marine tours or charters;

BOAT SHELTER - means a floating structure used to provide shelter for the protected moorage of marine vessels, with or without storage of associated supplies and equipment;

COMMERCIAL BUSINESS (RURAL) – means the use of buildings, land, or a combination thereof for the purposes of conducting local amenity type businesses necessary to the sustainable functioning of rural areas including retail stores, personal/professional services, restaurants, art galleries, assembly halls, educational facilities, brew pubs, veterinary clinics, and hotels;

COMMUNITY WATER ACCESS – means any structure owned or operated by the Municipality that provides public water access and recreation opportunities for the general public, including marinas, wharves, docks, piers, boat launches, boardwalks and other marine access facilities;

DERELICT VESSEL – means any vessel or watercraft that has been abandoned and deserted at sea and is unable to operate under its own power;

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 not primarily intended for, or usable in navigation, but does not include any vessel or watercraft designed or intended for navigation;

INDUSTRY (HIGH INTENSITY) - means a use providing for the co-generation, manufacturing, processing, assembling, fabricating, testing, servicing, repair, storing, transporting, warehousing, or distributing of goods or materials or things with or without an ancillary office to administer the industrial use on the lot, and includes wholesaling provided that the merchandise being sold is distributed from the lot and may include sawmills, pulp mills, and planing mills and the processing of live animals;

HABITAT MANAGEMENT – means the restoration or enhancement of fish, plant and wildlife habitats, including ecological preservation and conservation activities;

HOTEL - means a building which contains sleeping units used or intended to be used for the temporary accommodation of transient lodgers. A hotel may include ancillary facilities such as a restaurant, meeting rooms, convention facilities, gift shop, recreational facilities and/or pub. For the purpose of this Bylaw, HOTEL includes motels and motor hotels.

LIVE-ABOARD VESSEL – means any vessel or watercraft occupied for residential purposes for a period exceeding five (5) days, and specifically excludes marine navigation moorage;

MARINA – means the use of land or buildings for the docking, berthing or mooring of boats and may also include boat launching facilities, sales and rentals of boats, personal watercraft and their accessories, storage of boats, sales of marine petroleum products, fishing supplies and accessory retail sales, boat repairs, boat building, and a marina office;

MARINE NAVIGATION MOORAGE – means the temporary moorage of a watercraft or vessel by anchorage or a mooring buoy for up to five (5) days for activities normally associated with marine navigation, including repairs, emergencies and provisioning;

MARINE TOILET – means any toilet on or within a vessel or watercraft;

MARINE TRANSPORTATION – means the commercial use of watercraft, including tug-boat services, boat charters and water taxis.

MOORING BUOY – means a small floating structure used for the purpose of boat moorage, typically composed of rigid plastic foam or rigid molded plastic, and specifically manufactured for the intended use of boat moorage;

PUMP-OUT FACILITY – means a device or method for the removal of sewage from a holding tank connected to a marine toilet or from a self-contained marine toilet;

RESIDENTIAL USE – means the occupancy or use of a building, or part thereof, as a dwelling unit;

RETAIL STORE – means a store in which any type of goods or wares are sold or rented to the final consumer, provided that the product may be stored and sold from within a building, and specifically includes Personal Service Use, and Pharmacy;

SEAFOOD PROCESSING - means the storage, drying, cooking, packaging, preparation, and manufacture of any aquatic organism;

TOURIST ACCOMMODATION – means the use of land or buildings for the provision of overnight accommodation to tourists and may include the provision of parking for recreational vehicles or the provision of space for tenters, including accessory facilities;

TOURIST FACILITY – means the use of land, buildings or structures for galleries, museums, aquariums, gardens, sanctuaries, theatres, and other similar attractions;

TRANSPORTATION TERMINAL - means the use of land, buildings or structures for bus stations, railway stations, airports, ferry terminals, and the storage and maintenance of transportation equipment and includes user fee parking and ticket purchase;

WATERCRAFT – means any boat, hull, barge or houseboat, whether self-propelled or not, and includes pleasure and commercial craft.

YACHT CLUB – means all buildings, land, foreshore, water lots and land covered by water occupied for recreation use of a bona fide club incorporated under the *Society Act* and amendments thereto, for the purpose of boating, sailing, or yachting, and in which the affairs of the organization are actually conducted and carried on by members thereof;

PART 6 – GENERAL REGULATIONS

6.1 Uses Permitted in All Zones

6.1.3 Community Water Access is permitted in all marine zones.

6.1.4 Habitat management is permitted in all marine zones.

6.20 Marine General Regulations

- 6.20.1 Marinas providing moorage to float homes or live-aboard vessels must comply with the fire protection requirements set out in Part 4 of the *British Columbia Float Home Standards* or any subsequent standard(s) which may be enacted in substitution therefore, and despite the forgoing.
- 6.20.2 Marinas providing moorage to float homes must be equipped with a sewage collection system that is permanently connected to the Municipal sewer system and approved under applicable provincial and federal legislation.
- 6.20.3 Marinas providing moorage to live-aboard vessels must be equipped with a sewage collection system that is permanently connected to the Municipal sewer system and approved under applicable provincial and federal legislation, and a sewage pump-out that is permanently connected to that system and available for use at all times.
- 6.20.4 Float homes must meet all of the following conditions:
- (a) Float homes must be constructed, used and moored in accordance with the *British Columbia Float Home Standards* or any subsequent standard(s) which may be enacted in substitution therefore, and despite the forgoing, must meet requirements of the *British Columbia Building Code*, where required.
 - (b) Float homes must be permanently connected to the Municipal sewer system by means of a marina sewage collection system.
- 6.20.5 Live-aboard vessels must meet all of the following conditions:
- (a) Live-aboard vessels must be permanently connected to the Municipal sewer system by means of a marina sewage collection system, or are moored at a marina that has a sewage pump-out facility that is permanently connected to the Municipal sewer system that is available for use at all times, and is equipped with a sewage holding tank for the temporary storage of sewage that complies with Division 4 of the *Vessel Pollution and Dangerous Chemical Regulation* of the *Canada Shipping Act*, as amended, where all zones that permit live-aboard vessels are considered "designated sewage area" under the Regulation.
 - (b) Any chimneys, solid fuel-burning fireplaces and appliances, or electrical, gas and plumbing systems installed in a live-aboard vessel after the date of original manufacture of the vessel must be certified as being in accordance with the requirements of Transport Canada Safety Branch and the Canadian Coast Guard.

- 6.20.6 Derelict vessels are prohibited in all zones.
- 6.20.7 All structures extending seaward below the natural boundary of the sea must be fully contained within the boundaries of a water lease or license of occupation area approved by the Province of British Columbia.
- 6.20.8 Wharves, piers and floats must not impede pedestrian access along the foreshore and must not extend farther seaward than necessary for water access and moorage at extreme low tide.

PART 10 – MARINE

10.1 Description of Zones

Zone Name	Zone	Intent of Zone
Marine Access Zone	M1	This zone provides for access to the sea from upland residential properties.
Marine Transportation Zone	M2	This zone provides for marinas and associated uses as well as transportation terminals.
Marine Commercial Zone	M3	This zone provides for a variety of commercial uses that are typically found in marine communities on lot upland from the sea.
Marine Industrial Zone	M4	This zone provides for the continuation of industrial uses extending seaward from upland industrial land.
Marine Resource Zone	M5	This zone provides for community uses within the marine environment, with opportunities for sustainable resource use.

10.2 Permitted Uses

10.2.1 The uses listed in the following table shall be permitted where indicated within the corresponding specified zone, and may be carried subject to the conditions of use.

P – Specifies a Permitted Use.

A – Specifies the use is Accessory only.

- = Use not permitted in this zone.

Use	Zone					Conditions of Use
	M1	M2	M3	M4	M5	
Accessory Dwelling Unit	-	A	A	A	-	
Aquaculture	P	P	-	P	P	
Bed and Breakfast	-	-	P	-	-	Maximum of 6 sleeping units.
Boat Shelter	-	P	-	-	-	Permitted only in Genoa Bay and Bird's Eye Cove. Must not be habitable or contain toilet facilities.
Commercial Business (Rural)	-	-	P	-	-	
Floats, Wharves and Piers	P	P	P	P	P	Except as otherwise specified in this Bylaw, floats, wharves and piers in the M1 Zone are limited to private, non-commercial use. In the M1 Zone, limited to a maximum of 4.0 m in width. In the M1 Zone, posts with lighting fixtures, posts, rails and supports necessary for safety are the only structures permitted to be placed on a float, wharf or pier. In the M5 Zone, permitted only as Community Water Access.
Float Home	-	P	-	-	-	Permitted only in Genoa Bay and Bird's Eye Cove.
Industry (High Intensity)	-	-	-	P	-	
Hotel	-	-	P	-	-	
Laundromat	-	-	P	-	-	
Live-Aboard Vessel	-	A	-	-	-	
Log Storage and Sorting	-	-	-	P	-	
Marina	-	P	P	P	P	Fuel tanks must be fully located on land.

Use	Zone					Conditions of Use
	M1	M2	M3	M4	M5	
						In the M5 Zone, permitted only as Community Water Access.
Marine Navigation Moorage	P	P	-	P	P	
Marine Transportation	A	P	P	P	P	In the M1 Zone, limited to a single watercraft offering charters or taxi service for a maximum of 10 people at any one time. In the M5 Zone, permitted only as Community Water Access.
Mooring Buoy	P	P	-	P	P	
Office	-	A	A	A	-	In the M2 Zone, limited to an office for the administration of a marina.
Research Facility and Laboratory	-	P	P	P	-	
Seafood Processing	-	-	-	P	-	
Tourist Accommodation	-	-	P	-	-	
Tourist Facility	-	P	P	-	-	
Transportation Terminal	-	P	-	P	-	
Yacht Club	-	P	P	-	-	

10.2.4 The following uses shall be permitted on a site-specific basis only:

Use	Permitted Location	Conditions of Use
Residential Use	6145 Genoa Bay Road	<p>Maximum one dwelling unit per 275 m² of residential site area.</p> <p>Minimum permitted frontage is 100 m.</p> <p>Minimum permitted lot area is 10,000 m².</p> <p>Maximum 50% total lot coverage.</p> <p>Maximum 50% coverage of the commercial site area for commercial use.</p> <p>Maximum 30% coverage of the residential site area for residential use.</p>

10.3 - Density

10.3.1 – The maximum permitted density within the Marine zones shall be in accordance with the following table:

Zone	Maximum Base Density	Additional Density
M2	1 Accessory Dwelling Unit	N/A
M3	1 Accessory Dwelling Unit	N/A
M4	1 Accessory Dwelling Unit	N/A

10.4 – Lot Size and Dimensions

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
M3	560 m ²	15 m	N/A

10.5 – Siting of Buildings

10.5.1 – Buildings shall be site in accordance with the following table:

Zone	Maximum Front Yard Setback	Minimum Front Yard Setback	Side Yard Setback	Flanking Side Yard Setback	Rear Yard Setback
M3	N/A	8.0 m	3.0 m	3.0 m	N/A

10.6 – Size of Buildings

10.6.1 The maximum lot coverage and height, as well as the minimum required height, and maximum Gross Floor Area of a principal building shall be as specified within following table within the applicable zone:

Zone	Maximum Lot Coverage	Max Height of Principal Building	Min Height of Principal Building
M2	30% water lease area coverage of all boat shelters, float homes and wharves. 10% water lease area coverage of all buildings and structures on wharves.	10.0 m, except that a minimum of 50% of the number of boat shelters per water lease area must not exceed 6.5 m in height.	N/A
M3	50%	12.0 m	N/A