



TOWN OF LAKE COWICHAN

Advisory Planning Commission

Thursday, September 24th, 2020 at 4.00 p.m. – Council Chambers

AGENDA

1. **CALL TO ORDER** Page #

2. **INTRODUCTION OF LATE ITEMS** (if applicable)

3. **ADOPTION OF MINUTES**
(a) Minutes of meeting held on February 27th, 2020. 3

4. **BUSINESS ARISING AND UNFINISHED BUSINESS**
None.

5. **DELEGATIONS AND REPRESENTATIONS**
None.

6. **CORRESPONDENCE**
None.

7. **REPORTS**
Contract Planner:
(i) Zoning Bylaw update. 5
(ii) Regional Housing Needs Assessment

8. **NEW BUSINESS**
(a) Backyard chickens.
(b) Columbarium –Riverside Memorial Pa

9. **NEXT MEETING DATE**
October 22nd, 2020 at 4 p.m..

10. **ADJOURNMENT**

TOWN OF LAKE COWICHAN
Minutes of Advisory Planning Commission held on
Thursday, February 27th, 2020



PRESENT: Brian Locher, Chair
Darlene Ector
Janet Kirk
Pat Lamont
Robert Patterson

ALSO, PRESENT: Councillor Carlyne Austin
Joseph A. Fernandez, CAO
James van Hemert, Contract Planner

1. CALL TO ORDER

The Chair called the meeting to order at 4.00 p.m.

2. APPROVAL OF AGENDA

The agenda was accepted with no changes.

3. ADOPTION OF MINUTES

No. APC.03/20

Moved: Darlene Ector
Seconded: Janet Kirk
that the minutes of the meeting held on January 23rd, 2020 be approved.

CARRIED.

4. BUSINESS ARISING AND UNFINISHED BUSINESS

None.

5. DELEGATIONS AND REPRESENTATIONS

- (a) Paul Jordan and Ross Forrest appeared before the Commission to explain the need for including short-term rentals as a use in the zoning bylaw so that these can be properly licensed and not be operated by "sketchy" operators. If they were owner-operated these would then not be much different than bed and breakfast operations.

6. CORRESPONDENCE

None.

7. REPORTS

- (i) For the members benefit, the Contract Planner undertook a uses and densities analyses of each of the residential zone districts.
- (ii) A review of proposed zoning revisions to the multi-family zoning was broached.
- (iii) The Contract Planner introduced the concept of a rental only zone district. Alternatively, affordable housing could be part of density bonus scheme.

8. NEW BUSINESS

None.

9. NEXT MEETING DATES

March 26th, 2020 at 4.00 p.m.

10. ADJOURNMENT

The Chair adjourned the meeting at 5.29 p.m.

Certified correct _____.

Confirmed on the _____ day of _____, 2020.

Chair

TOWN OF LAKE COWICHAN

ZONING BYLAW NO. ____-2020

A Bylaw to Establish Zones

And to Regulate the Use of Land, Buildings and Structures within the Zones

WHEREAS the Local Government Act of Province of British Columbia authorizes a local government to enact bylaws, which would designate different zones pertaining to land use and development of the Town of Lake Cowichan;

AND WHEREAS the Council wishes to adopt regulations that would guide the growth of the municipality in a systematic and orderly way for the benefit of the community by ensuring that the various uses of land and improvements are developed for the public good;

AND WHEREAS the passage of this bylaw has met all of the requirements pursuant to the Local Government Act;

NOW THEREFORE the Council of the Town of Lake Cowichan in open meeting assembled, enacts the following:

TITLE

1.1 This bylaw may be cited for all purposes as the Town of Lake Cowichan Zoning Bylaw Number 9351---2020-2013.

PURPOSE

1.2 The purpose of the Zoning Bylaw is to regulate the use of land and structures, to guide sustainable and resilient development and to preserve the amenities of Lake Cowichan for the benefit of the community as a whole.

AUTHORITY

1.3 All sections, except explicitly indicated, are enacted pursuant to the Local Government Act

APPLICATION

1.4 This bylaw applies to all the land, surface of water, buildings, structure, air space and natural vegetation within the municipal boundaries of the Town of Lake Cowichan.

CONFORMITY

1.5 Land, air space or the surface of water shall not be altered, used or occupied and buildings and structures shall not be altered, constructed, located or used except as specifically permitted in this bylaw or in the Local Government Act.

1.6 Subject to the preceding section, unless a particular use is permitted, any other use is expressly prohibited

SEVERABILITY

1.7 If any schedule, section, subsection, sentence, clause or phrase contained within this bylaw is for any reason held to be invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

INCORPORATION

1.8 Schedules A, B, D, and E attached hereto are made part of this bylaw.

INSPECTION

2.1 The Corporate Officer and the Building Inspector are authorized to act between 0830 hours and 1630 hours on any day to enter any premises or property that is subject to regulations under this bylaw to ascertain whether the regulations or directions under this bylaw are being observed.

VIOLATIONS

2.2 Every person who:

- 2.2.1 violates any of the provisions of this bylaw;
- 2.2.2 causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
- 2.2.3 neglects or omits to do anything required under this bylaw;
- 2.2.4 carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw;
- 2.2.5 fails to comply with an order, direction or notice given under this bylaw; or
- 2.2.6 prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Corporate Officer or Building Inspector on property under Part II, ADMINISTRATION (g)(a) shall be deemed to be guilty upon summary conviction of an offence under this bylaw.

OFFENCE

2.3 Every day's continuance of an offence under SubSection 2.2 constitutes a new and distinct offence.

PENALTY

2.4 Every person who commits an offence under any part or schedule of this bylaw is liable on summary conviction to a fine as provided for by the Offence Act.

TEMPORARY USES

2.5 The Town of Lake Cowichan Council may designate areas within the Town for the issuance of temporary use permits and may issue such permits in all commercial, industrial and water recreation zones. Applications for temporary use permits must follow the process outlined in section 921 of the Local Government Act.

NUMBERING

3.1 In the numbering system used in this Bylaw, the first number indicates parts of the Bylaw, the second number indicates sections, the third indicates subsections, the bracketed letter indicates articles, and the bracketed lower-case Roman numeral indicates clauses, as follows:

- 8 Part
- 8.1 Section
- 8.1.2 Subsection
- 8.1.2 a. Article
- 8.1.2 a. i. Clause
- 8.1.2 a. i. (a) Subclause
- 8.1.2 a. i. (a) (i) Sub-subclause

DEFINITIONS

3.2 In this bylaw, unless the context otherwise requires:

ACCESSORY BUILDING or structure means a building or structure located on the same lot as the principal building and used for a purpose ancillary or subordinate to the principal use;

ACCESSORY USE means those uses in the list of accessory uses in the zoning category descriptions of this Bylaw that are subordinate to and must be in conjunction with a permitted principal use;

ACCESSORY DWELLING – GARDEN SUITE means a single unit, independent suite in a free standing, single story accessory building located in the rear yard of a principal single detached dwelling;

ALTERATION means a structural change to a building and also includes:

- a. an addition to gross floor area or height;
- b. the removal of a portion of the building;
- c. construction of, cutting into, or removal of any wall, partition, column, beam, joist, floor or chimney; and
- d. any change to or closing of any required means of access;

APARTMENT BUILDING means a building other than a townhouse containing three or more dwellings which has its principal access from an entrance common to the dwelling;

BED AND BREAKFAST means an owner-occupied single family dwelling containing a maximum of 2 rooms without cooking facilities intended primarily for the temporary overnight accommodation for the travelling public, with breakfast meals prepared and served to guests by means of a common kitchen and dining facilities used by the owner-occupier;

BUILDING means any structure that is greater than ten (10) m² used or intended for supporting or sheltering any use or occupancy;

BUSINESS AND PROFESSIONAL SERVICES means the carrying on of a personal service the condition of which requires a Licence or other statutory authorization and includes, but is not limited to accountants, architects, barristers and lawyers, dentists, dental technicians, engineers, financial planners, foresters, naturopathic physicians, nurses, physicians and surgeons, planners, psychiatrists, podiatrists, psychologists, physiotherapists, surveyors and veterinarians;

CANNABIS means cannabis as defined in the Controlled Drugs and Substances Act or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives or marijuana intended for human consumption;

CANNABIS RETAIL STORE means the use of buildings for the sale of cannabis products, which includes marijuana products, for either recreational or medical purposes;

CAMPGROUND means a parcel providing for the temporary accommodation of travellers using tents or recreational vehicles, but specifically excludes a mobile home park or hotel;

CHILD CARE FACILITY has the same meaning as defined by the Child Care Act as may be amended from time to time;

CIVIC USE means the use of land, buildings, or structures for the following public functions which are under the auspices of a public body: schools, libraries, fire halls, parks and recreation facilities owned by a public body, storage buildings, storage container, public washrooms, garages, sewage pumping stations, water pumping stations, and reservoirs owned by the Town or by the Cowichan Valley Regional District, but does not include government office buildings;

CLASS 1 BICYCLE PARKING means a secure, weather protected bicycle parking facility used to accommodate long-term parking such as for residents or employees, usually within a room or covered fenced area;

CLASS 2 BICYCLE PARKING means a short-term visitor bicycle parking facility that may offer some security, and may be partially protected from the weather such as a bike rack at building's entrance;

COLUMBARIUM means a structure designed for the purpose of storing the ashes of human remains that have been cremated and which contains niches for cinerary remains;

COMMERCE means the selling, servicing, and repair of goods, the provision of services and commercial office functions;

COMMERCIAL LOW INTENSITY means a category of land uses with a low ratio of users to land use area such as automobile sales, garden nursery, marina equipment sales, boat and marine storage, building supplies, lumber yard, art studio and gallery, kennel, and similar uses;

COMMUNITY CARE FACILITY means the same as defined in the Community Care and Assisted Living Act and includes a facility serving any age group, including a senior's assisted living facility;

DERELICT VEHICLE means any vehicle or part thereof propelled otherwise than by muscle power

which is not capable of operating under its own power, and does not have attached number plates for the current year pursuant to the regulations of the Motor Vehicle Act of the Province of British Columbia but shall not include a vehicle deemed to be a collector item outlined in the list of cars recognized by the Vintage Car Club of Canada;

DESIGNATED FLOOD means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval based on a frequency analysis of unregulated historic flood records;

DESIGNATED FLOOD LEVEL means the observed or calculated elevation for the designated flood;

DWELLING means a self-contained set of habitable rooms located in a principal building containing a set of cooking facilities and which may contain sleeping, sanitary and recreation facilities;

FAMILY means

- a. two or more persons related by blood, marriage, adoption or foster parenthood sharing one dwelling; or
- b. not more than five unrelated persons sharing one dwelling;

FENCE includes arbour, archway, gate, screen, trellis and wall;

FILL SLOPE means the angle of material deposited for landfill;

FLOOD CONSTRUCTION LEVEL means the designated flood level plus the allowance for freeboard (normally 0.6 metres) and is used to establish the elevation of the underside of a wooden floor system or top of concrete slab for habitable buildings, or the ground surface elevation or top of concrete or asphalt pad upon which a mobile home or unit rests;

FLOOR AREA RATIO means the figure obtained when the gross floor area of all buildings on a lot is divided by the area of the lot;

FREEBOARD means a vertical distance added to the designated flood level to allow for a factor of safety;

GRADE means the lowest of the average levels of ground adjoining each face of a structure;

GROSS FLOOR AREA (GFA) means the total floor area, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, veranda or sunroom unless such sunroom is habitable during all seasons of the year;

HEIGHT means the vertical distance from the average grade to the highest point of the structure;

HIGHWAY includes a street, road, lane, and any other way open to public use, but does not include a private right-of-way on private property;

HIGH WATER MARK means the visible high water mark of a stream where the presence and action

of water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from its bank, in vegetation, as well as the nature of the soil itself, and includes the active floodplain;

HOME BASED BUSINESS means an occupation or profession conducted by the owner or occupant that is incidental to the use of a dwelling unit for residential purposes or to the residential use of a lot occupied by a dwelling and includes:

- a. the office or a studio of a person engaged in business, art, health, crafts or instruction;
- b. the operation of a childcare centre;

HOTEL means a building which contains sleeping units and may contain accessory assembly, commerce, entertainment, indoor recreation or restaurant uses and premises licensed to serve alcoholic beverages, and includes motel, resort or lodge;

HORTICULTURE means the practice of growing fruits, vegetables, flowers or ornamental plants and shrubs, but excludes their sale, either through wholesale or retail, except as expressly as may be provided for in this bylaw;

INDUSTRY means processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing or salvaging goods, materials or things;

INSTITUTION includes public recreation facilities, colleges, community halls, cemetery, court of law, municipal offices, provincial or federal offices including a post office, school district offices, fire and ambulance stations, hospitals, library, child care centre, police station, parks, playgrounds, public art gallery, public museum, school;

KENNEL means the keeping of three (3) or more dogs on a parcel or in a dwelling, building or range of buildings;

LANE means a highway which provides a second access to a parcel and is less than 11 metres wide;

LIGHT MANUFACTURING means a use which is wholly enclosed within the building except for parking and loading facilities, and outside storage accessory to the permitted uses and which in its operation does not ordinarily result in emission from the building of odours, fumes, noise, cinder, vibrations, heat, glare or electrical interference and includes such uses as cabinet and furniture manufacturing, door & window manufacturing, metal fabrication, boat building and repair and modular or prefabricated home manufacturing;

LOCAL GROCERY STORE means a local convenience store or small store that is intended to sell food to serve the needs of the surrounding residential neighbourhood only;

LODGING AND BOARDING HOUSE means a building where sleeping or lodging accommodation is provided with or without meals for remuneration through private and public funds;

MARINA means moorage and launching facilities including the rental, maintenance of boats and marine engines and the provision of marine fuel;

MARINA SALES mean the use of land, buildings and structures for the sale and rental of boats, and accessory marine equipment, but specifically excluding boat building and repair;

MOBILE HOME means a manufactured structure, CSA approved with a Z240 rating, or other Provincial or Federal designation, which was constructed in 1980 or newer, and assembled as a unit which is intended to be capable of movement from place to place and which contains one dwelling unit with bathroom facilities, and specifically excludes travel trailers, campers or other vehicles exempt from the provisions of the Manufactured Home Act;

MOBILE HOME PARK includes a single-family dwelling for the operator of the mobile home park and accessory uses including laundry, storage, and playground facilities;

MULTI-FAMILY RESIDENCE means occupancy or use of a building as three or more dwellings and includes townhouses and apartments;

MOBILITY SCOOTER means an electrically powered scooter with three or four wheels designed for people with restricted mobility, typically those who are elderly or disabled;

NATURAL BOUNDARY means the set distance from visible high watermark of any lake, river, stream or other body of water where the presence and action of the water at the time of measurement 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 the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself and shall include the edge of dormant or old side channels or marsh areas;

PARCEL means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

PARCEL COVERAGE means the gross floor area of the building footprints on a parcel expressed as a percentage of the total parcel area;

PARCEL LINE, EXTERIOR SIDE means a parcel boundary, other than a front parcel line, located between a parcel and a highway;

PARCEL LINE, FRONT means a parcel boundary contiguous to a highway other than a lane, provided that in respect of a corner parcel, the front parcel line shall be the shortest parcel boundary contiguous to a highway other than a lane;

PARCEL LINE, INTERIOR SIDE means a parcel boundary between two parcels other than a front, rear or exterior side parcel line;

PARCEL LINE, REAR means the parcel boundary which lies the most opposite to and is not connected to the front parcel line;

PARKING SPACE means an area identified for the parking of one motor vehicle within a building or parking area, excluding driveways, aisles and loading areas;

PAWNSHOP means a business engaged in the loan of money in exchange for a pledge or security;

PERSONAL SERVICES ESTABLISHMENT means a business where professional or personal services

are provided for gain and where the sale at retail of goods, wares, merchandise, articles or things is only accessory to the provisions of such services, including but without limiting the generality of the foregoing, the following: barber shops, beauty shops, tailor shops, laundry or dry-cleaning shops, shoe repair shops, hair, nails, tax, bank, Laundromat, dry cleaning, etc.;

PREMISES means land and improvements as defined in the Assessment Act;

PRINCIPAL with respect to a use or building means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot;

PUBLIC ASSEMBLY use means a facility where people congregate in seats to attend events such as sporting events, meetings, theatre, and live performance venues, but excludes worship centres;

PUBLIC USE means land, buildings or facilities provided by a government or agency of government for public parks and recreation facilities, education, health, welfare, administration, safety, communications or public works;

PUBLIC UTILITY USE means a use providing for public utility facilities for water, sewer, electrical, telephone, cable, and similar services where such use is approved by the Town;

RAVINE means a steep, narrow-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1;

RESIDENCE means

- a. occupancy or use of a building or part thereof as a dwelling; and
- b. the dwelling occupied or used as such;

RETAIL means the sale of goods, wares or merchandise to the ultimate consumer for their personal consumption; and these may include operations such as bakeries, grocery and clothing stores;

RETAIL STORE means the use of buildings for the sale of goods, wares and merchandise for final consumption or household use which must be wholly enclosed within a building but does not include cannabis retail sales, or the sale of motor vehicle fuels, heavy agricultural and industrial equipment or adult entertainment;

RESTAURANT means an establishment for the sale of prepared food to the public, and may have a Food-Primary License under the BC Liquor Control and Licensing Act;

RIPARIAN ASSESSMENT AREA means

- a. for a stream, the 30-metre strip on both sides of the stream, measured from the high-water mark (see Figure 1-1 – Assessment Area);
- b. for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high-water mark to a point that is 30 metres beyond the top of the ravine bank (see Figure 1-2 –Assessment Area for Ravines); and
- c. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high-water mark to a point that is 10 metres beyond the top of the ravine bank (see Figure 1-2

–Assessment Area for Ravines).

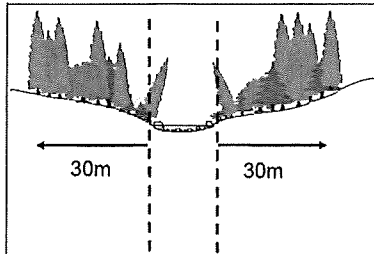


Figure 1 Assessment area

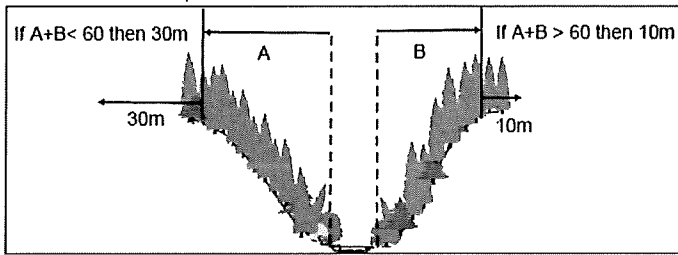


Figure 2 Assessment area for ravines

- SCREENING* means a continuous fence, wall, compact evergreen hedge or combination thereof;
- SECONDARY SUITE* means a self-contained living quarters, including cooking equipment and a bathroom, located within the structure of a single-family dwelling, and with its own separate entrance;
- SENIORS' CARE FACILITY* means a facility licensed under the Community Care and Assisted Living Act, providing sleeping units as well as medical, food and personal services for elderly persons but does not include privately owned dwelling units;
- SENIOR CITIZEN HOUSING* means affordable rental accommodation for persons over 55 years of age and constructed under provincial or federal cost sharing or funding programs and operated by provincial, federal, or municipal governments, or non-profit societies;
- SERVICE STATION* means premises used principally for the retail sale of motor fuels, lubricating oils and motor vehicle accessories and/or the servicing of motor vehicles;

SETBACK means the minimum permitted distance required under this bylaw between a building and a specified parcel of land or watercourse;

SHOPPING CENTRE means a commercial development, containing at least three individual business establishments conceived and designed as a single, comprehensively planned development project with appropriate relationships between the shopping centres buildings, activities, open spaces, parking areas, loading areas, driveways, other shared facilities, public areas and adjoining streets, and held in single ownership or by participants in a condominium corporation or commercial cooperative;

SHORT-TERM VACATION RENTAL means a building that contains a room, or a set of rooms, which may have a kitchen; and that is offered for rent to the travelling public on a temporary basis of 31 days or less and is subject to all of the conditions listed in Section 6.1 Conditions for Short Term Vacation Rentals, under Part VI Special Provisions;

SILVICULTURE means all resource use activities related to the development and care of forests for commercial purposes, including seedling and tree nursery and harvesting, but specifically excluding the processing of wood or wood products;

SINGLE DETACHED DWELLING means a detached building containing one dwelling occupied or intended to be occupied as a single residence by a family, except where the zoning permits an accessory use where another dwelling can be contained within or above the other;

SOCIAL ORGANIZATION means a fraternal lodge, social hall, or activity centre;

SPECIAL NEEDS HOUSING means housing specially designed or adapted for those with particular physical or social needs, such as those of the elderly or disabled, or with specialist staffing support such as those with a mental health problem; this definition specifically excludes any type of housing, including housing for senior citizens or the elderly, that does not incorporate on-site support services to address physical, mental or social needs

STORAGE CONTAINER means a large portable metal cargo container, new or previously used for the transport of goods and is intended for the use of providing temporary or permanent storage for goods, and is similar to that illustrated:

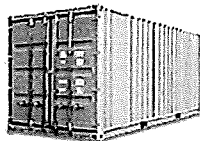


Figure 3 Storage container

STRUCTURE means any construction fixed to, supported by or sunk into land or water but not concrete, asphalt or similar surfacing of a parcel;

TINY HOUSE means a small single residential dwelling of at least 29 square metres (312 square feet) and no more than 90 square metres (969 square feet) which is designed to fit on a small lot and within a neighbourhood of similarly proportioned dwellings;

TOP OF RAVINE BANK means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

TOWN means the Town of Lake Cowichan;

TOWNHOUSE means a building, other than an apartment, containing three or more dwellings with each dwelling having a separate entrance;

TWO FAMILY RESIDENCE means a building consisting of two dwellings placed one above the other or within the principal residence (secondary suite) or side by side in a principal building or a single parcel;

UNBUNDLED PARKING means separate housing and parking costs in a residential apartment building;

USE means the purpose or function to which land, the surface water, buildings or structures are designed, placed or intended to be placed;

WAREHOUSE means a building used primarily for the storage of goods and materials and includes feed, seed and fertilizer storage, cold storage, and a frozen food locker;

WATERCOURSE means any natural or man-made depression with well-defined banks and a bed zero point six (0.6) metres or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two (2) square kilometres or more upstream of the point of consideration;

WORSHIP CENTRE means any assembly building used for public worship of any faith; and

ZERO-LOT LINE SETBACK means a setback of zero metres which permits a building or structure to be set on one of its interior side lot lines.

ZONING CATEGORIES

4.1 The Town of Lake Cowichan is divided into the land use categories or zones briefly described in Column I of Table 1. Column II denotes the letter reference that appears on Schedule A, the zoning map, which forms a part of this bylaw. The descriptions in Table 1 are for convenience only.

TABLE 1 ZONE CATEGORY

NAME OF ZONE	MAP SYMBOL
RESIDENTIAL ZONES	
Suburban Residential	R-1
Urban Residential	R-2
Urban Single Detached Residential	R-2-a
Medium Density Residential	R-3
Urban Compact	R-4
Urban Compact	R-4-b
Urban Compact	
Small House Residential Comprehensive	R-5 s
Multi-unit Residential	R-6
COMMERCIAL ZONES	
General Commercial	C-1
Mixed Use Commercial	C-1-A
Limited Commercial and Residential	C-1-B
Local Commercial	C-2
Lakefront and Riverfront Commercial	C-3
Business Commercial	C-4

Commented [Jvh1]: Point Ideal development--add a clarifier

Commented [Jvh2]: Plante development --add a clarifier

INDUSTRIAL ZONES	
Light Industrial	I-1
Heavy Industrial	
PUBLIC USE	
Public Use (Parks and Institution)	P-1
WATER ZONE	
Water Recreation	W-1
COMPREHENSIVE DEVELOPMENT ZONE	
Comprehensive Development	CD-1
Tiny House Comprehensive Development	CD-2

LOCATION AND EXTENT OF LAND USES

4.2 The location and extent of land subject to each of the zoning Categories established in Section 4.1 of this bylaw are outlined on Schedule A, the zoning map, of this bylaw.

GENERAL REGULATIONS, REQUIREMENTS AND PROVISIONS

4.3 Siting

- 4.3.1 The siting regulations of this bylaw apply to parcels and, notwithstanding the generality of the foregoing, to bare land strata lots.
- 4.3.2 The interior side parcel line requirements of this bylaw shall not apply to strata lots under a registered plan pursuant to the Condominium Act where there is a common wall shared by two or more dwellings within a building.

4.4 Setbacks

Except as otherwise provided in particular zones, the setback requirements of this bylaw do not apply with respect to:

- 4.4.1 Gutters, cornices, sills, belt courses, bay windows, chimneys, exterior finish, heating or ventilation equipment if the projections do not exceed one metre, measured horizontally; and

4.4.2 Eaves, porches, unenclosed stairwells or balconies, canopies and sunlight control projections if the projections, measured horizontally, do not exceed:

- a. 1.0 metres in the case of a side yard, or
- b. 2.0 metres in the case of a front and rear yard.

4.4.3 The following features may project over a public right-of-way of width thirty-three feet or greater, provided always that measurements to nearest finished grade shall be made with reference to the nearest constructed or proposed street, sidewalk, right-of-way or lot surface:

- a. cornices, eaves and gutters projecting not more than 0.6 metres from the building wall, is less than 3.6 metres from the nearest finished grade.
- b. marquees, canopies, and signs projecting not more than 1.8 metres from the building wall, provided that the underside of the marquee, canopy or sign is not less than 2.8 metres nor more than 3.6 metres from the nearest finished grade.

4.4.4 A fence or wall may be located in a required setback area.

4.5 Attached Garages, Carports

A garage or a carport attached to a principal building is deemed to be a portion of the principal building.

4.6 Utilities, Civic Uses and Parks and Playgrounds

The following are permitted in all zones:

- a. Civic use,
- b. Public utility use, and
- c. Parks and playgrounds.

4.7 Number of Buildings and Structures per Parcel

- 4.7.1 Not more than one principal building shall be located on any one parcel except as specifically permitted by this bylaw.
- 4.7.2 No more than two (2) accessory buildings or structures are permitted on a parcel

4.8 Accessory Buildings and Structures

- 4.8.1 Buildings and structures accessory to principal uses, buildings and structures are permitted in any zone.
- 4.8.2 No accessory building or structure shall be situated on a parcel unless the principal building, to which the accessory building is incidental, has been erected or will be erected simultaneously with the accessory building on the same parcel except as provided in subsection 4.8.4.

- 4.8.3 An accessory building shall not be used as a dwelling except as otherwise provided in this bylaw.
- 4.8.4 Subsection 4.8.2 does not apply to any publicly owned and operated land use, building, or structure in any zone district; and any building, structure or use that may otherwise be considered as an accessory use, such as a garage, storage container, storage building, or washroom, is considered a principal use.
- 4.8.5 A storage container, where expressly permitted, shall be entirely enclosed or wholly screened.

4.9 Height

Notwithstanding height restrictions in this bylaw,

- 4.9.1 no principal building shall exceed the lesser of 10 metres or three storeys in height except where the centre line of a contiguous highway is above the average elevation of the finished grade of the parcel, in which case the building height may be increased by the distance between the average finished grade and street curb level to a maximum additional allowance of three (3) metres, and
- 4.9.2 no accessory building or structure shall exceed 3.5 metres in height, if it includes a pitched roof and 3.0 metres, if it includes a flat roof; and
- 4.9.3 an industrial crane, tower tank and bunker, antenna, church spire, belfry and dome, monument, stadium bleachers, lighting pole, flag pole, fire tower, transmission tower, elevator shaft, stair tower, scenery loft or other necessary mechanical apparatus, usually carried above the roof level may exceed the height limitations of this bylaw provided,
- such features shall be erected only to such a height as is necessary to accomplish the purpose they serve, and.
 - in the case of a roof mounted feature that does not have a cross-sectional area in excess of twenty (20) percent of the ground floor area in the building, and
- 4.9.4 on a corner contiguous to a highway intersection, no structure shall be allowed at a height greater than 1.0 metre above the established elevation of the centre point of intersecting highway, and within an area extending out from the corner of the parcel and bound by a line joining a point on each parcel line, a distance of 6.0 metres from the corner parcel. For greater certainty, a diagram shown as part of this section and labelled "Figure 4" depicts the area described in this section.

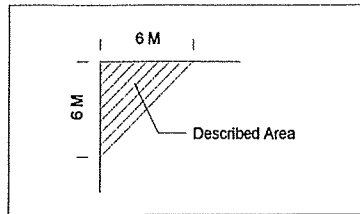


Figure 4 Described area of sight triangle

4.10 Fences and Retaining Walls

Except as otherwise specifically stated in this bylaw and subject to traffic sight lines,

- 4.10.1 The maximum height of a fence or retaining wall shall be 2.0 metres, except as may otherwise be provided in this Bylaw.
- 4.10.2 The height of a fence or wall following the slope of the property shall be measured from the finished grade to the top of the fence; or in the case of a stepped down fence, the height shall be measured at the mid-point between the posts of fence panels, as shown:

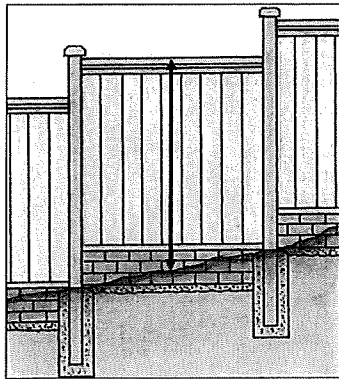


Figure 5 Height measurement for stepped down fencing

- 4.10.3 In zones where commercial uses are permitted, a fence or wall erected or placed along a boundary line on any parcel shall not exceed 2.0 metres in height;
- 4.10.4 In zones where industrial zones are permitted, a fence erected shall be an opaque 2.4 metres in height;

4.10.5 In zones where residential uses are permitted, a fence at the front of the lot shall not exceed 1.2 metres and at the sides and rear shall not exceed 2.0 metres; and

4.10.6 In the case of a retaining wall constructed in accordance with section 4.3.9, the combined height of a fence on top of a retaining wall shall not exceed the heights permitted for the zone and measured from average grade at the property line.

4.11 Screening

4.11.1 Screening may be required by of the owner of a parcel at the time of the development of the parcel and shall be constructed, erected, installed or planted prior to the occupancy of the building or structure constructed, erected or located on the parcel;

4.11.2 Screening having a height of not less than 2.0 metres shall be provided by the owner of a parcel designated as I-1 Light Industrial along all parcel boundaries which abuts parcels designated as R-1, R-1-A, R-1-B R-2, R-3, R-4, R-4-A, R-5 and P-1.

4.12 Parking and Loading

4.12.1 Paved space for the off-street parking and loading shall be provided and maintained in accordance with the regulations set out in Schedule B of this bylaw.

4.12.2 The regulations contained in this section do not apply to buildings, structures and uses existing as of the date of adoption of this bylaw except that:

a. off-street parking and loading shall be provided and maintained in accordance with this bylaw for any addition to and existing building or structure or change or addition to the existing use; and

b. the number of off-street parking or loading spaces provided prior to the date of adoption of this bylaw shall not be reduced below the applicable off-street parking or loading space requirements as set out in Schedule B.

4.12.3 The property owner may, in lieu of providing parking as specified in Schedule B, pay the municipality funds to construct, expand or maintain municipally operated parking facilities located within 50 metres of the property. A fee calculated on a square metre or spaces required basis as specified in the Development Procedures Manual shall be paid to the Town at the time of development. This does not apply to loading requirements.

4.13 Home Based Business

In the zones permitted, a home-based business use shall require:

4.13.1 that all activity be conducted within the interior of the principal dwelling, with the exception of the production of fruits, vegetables or plants;

4.13.2 that the activity be clearly subservient and incidental to the use of the dwelling for residential purposes, and to the residential use of the lot on which the dwelling is located, and for certainty a home occupation is only permitted where it is ancillary to a permitted residential use;

- 4.13.3 no alteration be made to the external appearance of the property which indicates that a home occupation is being conducted on the premises;
- 4.13.4 that there be no noise, vibration, dust, smoke, odour, heat, or traffic generation other than that normally associated with a dwelling;
- 4.13.5 that there be no external storage or outdoor display of materials, equipment, or finished products;
- 4.13.6 that there be no retail sales or commodities offered for sale at the dwelling;
- 4.13.7 that there be no use of materials or products that produce flammable or explosive vapours or gases, or liable to explode under ordinary temperatures;
- 4.13.8 that not more than 40% of the gross floor area of the residential dwelling up to a total maximum area of 80 square metres (861 square feet) be used for the home occupation use; and
- 4.13.9 the provision of two off-street parking spaces is met.

4.14 Tree Cutting

A tree cutting permit will be required prior to the removal of any trees or portions of trees within the designated Development Permit Areas as specified in the Community Plan.

4.15 Floodplain Provisions

Notwithstanding any other provisions of this bylaw, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any mobile home or unit, modular home or structure be located:

- 4.15.1 within 30 metres of the natural boundary of the Cowichan River;
- 4.15.2 within 15 metres of the natural boundary of any other watercourse;
- 4.15.3 within 7.5 metres of the natural boundary of a lake, swamp or pond;
- 4.15.4 with the underside of a wooden floor system or top of concrete slab of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a mobile home or unit the ground level or top of concrete or asphalt pad on which it is located shall not be lower than elevation 167.33 metres Geodetic Survey of Canada datum for locations adjacent to Cowichan Lake. Furthermore, elevations shall be no lower than the flood construction level for the Cowichan River where it has been determined to the satisfaction of the Town of Lake Cowichan or lower than 1.5 metres above the natural boundary of any other watercourse, lake, swamp or pond;
- 4.15.5 required elevation may be achieved by structural elevation of the said habitable, business, or storage area by adequately compacted landfill on which any building is to be constructed or mobile home or unit located, or by a combination of both structural elevation and landfill. No

area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater;

4.15.6 where landfill is used to achieve the required elevation stated in Article (d) above, no portion of the landfill slope shall be closer than the distance in Article (a), (b), or (c) from the natural boundary

4.16 Riparian Area Regulations

The following conditions must be met prior to allowing development to occur in the "riparian assessment area" (as defined):

4.16.1 A qualified professional:

- a. certifies that they are qualified to conduct the assessment;
- b. certifies that the assessment methods have been followed;
- c. provides their professional opinion that there will be no harmful alteration, destruction, or disruption of natural features, functions and conditions (as defined) that support fish life processes in the riparian assessment area; and
- d. the local government is notified by the Ministry of Environment, that the Ministry of Environment and the Department of Fisheries and Oceans have been notified of the development proposal, and provided with a copy of the assessment report prepared by a qualified environmental professional that meets the conditions in a., b., c., or d.

4.16.2 A Department of Fisheries and Oceans authorization for the development.

4.17 Major Highways

4.17.1 For the purposes of this bylaw Highway 18 and the Youbou Road are hereby designated as major highways.

4.17.2 No building, structure or use shall be located within 4.5 metres of the boundary of a right-of-way of a major highway designated in Article (a).

4.18 Mobile Homes

4.18.1 Single wide mobile homes, which do not exceed 4.3 metres (14 feet) in width, are only permitted in the Mobile Home Park Residential, R-4 Zone.

Commented [JvH3]: y delete this section

4.19 Vehicle Restrictions

4.19.1 No lot in any zone shall be used for the wrecking or storage of derelict vehicles or more than 1 unlicensed motor vehicle except where specifically permitted.

4.19.2 No more than one (1) unlicensed motor vehicle shall be kept on any lot unless completely enclosed within a building, except where specifically permitted.

- 4.19.3 No lot shall be used for the parking or storage of any trailer, recreational vehicle, camper, boat, or other vehicle unless a principal residential use has been established on the lot.
- 4.19.4 No improved residential lot shall be used for the parking or storage of more than a total of four (4) motor vehicles, trailers, recreational vehicles, campers, boats, or other vehicles, unless completely enclosed within a building, or as specifically provided for in this Bylaw.
- 4.19.5 Human habitation, occupancy, or residency in any trailer, recreational vehicle, camper, or other vehicle is prohibited on all lots in every zone, except in zones where "campground" is either a specific permitted use, a legal non-conforming use or as specifically provided for in this Bylaw.

4.20 Restricted Uses

Unless specifically permitted by this bylaw, no parcel shall be used for:

- a. for a kennel;
- b. as an outdoor storage yard;
- c. storage sheds within setback area;
- d. the location of storage containers;
- e. pawnshops;
- f. the location of a cannabis retail store; and
- g. any use not expressly permitted or authorized by this Bylaw.

4.21 Community Care Facility

- 4.21.1 All single-family residential buildings may be used as a community care facility, licensed under the Community Care and Assisted Living Act, as may be amended from time to time, for the purpose of providing:
- a. a day care for no more than eight (8) persons;
 - b. a residence for no more 10 persons, not more than six (6) of whom are persons in care.

For interim reference:

Former District Name	Suburban	Single Family Residential	Urban	Modular Home	Single Family and Duplex	Tiny House
Former District Symbol	R-2	R-1-A	R-1	R-4-A	R-1-b,c	THR
New District Name	Suburban	Urban	Urban Core	Medium density	Single Detached and Duplex	Small House
New District Symbol	R-1	R-2	R-3	R-4	R-5-	R-6

Commented [JvH4]: Delete name and column and only use the 'b' denotation for bed & breakfast

Commented [JvH5]:

5.1 Low and Medium Density Residential Zone Districts

5.1.1 Intent of Zone Districts

c. Suburban Residential R-1

The intent of the Suburban Residential R-1 zone is to provide for single detached residential dwellings in a low-density environment.

d. Urban Residential R-2 (Note: existing Point Ideal)

The intent of the Urban Residential R-2 Zone is to provide for primarily detached residential dwellings in a low-density urban setting.

e. Urban Core Residential R-3 (Note: existing urban Core)

The intent of the Urban Core Residential R-3 Zone is to provide for a variety of residential dwelling types of medium density in an urban setting.

f. Medium Density Residential R-4

The intent of the Medium Density Residential R-4 Zone is to provide for single detached residential dwellings, including manufactured homes, on compact lots in a medium density environment.

g. Residential R-5

The intent of the Single Detached and Duplex Residential R-5 Zone is to provide for a single detached and duplex dwelling types on small lots in a medium density urban setting.

h. Small House Residential R-6

The intent of the Small House Residential R-6 Zone is to provide for small single detached

dwellings on small lots in a medium density urban setting.

5.1.2 Permitted Principal Uses

Residential District Name and Symbol	Suburban R-1	Urban R-2 (Point Ideal)	Urban Core R-3	Medium density R-4	Single Detached and Duplex R-5	Small House R-6
Principal Uses						
a. Single detached	✓	✓	✓	✓	✓	✓
b. Duplex			✓	✓	✓	
c. Lodge / boarding house			✓			
d. Triplex			On corner lots only	✓		
e. 4-plex				✓		
f. Townhouse				✓		

5.1.3 Permitted Accessory Uses

a. For all zone districts and for any single detached principal residential use, only one of any of the permitted accessory uses listed in the Permitted Accessory Use Table shall be allowed.

b. Permitted Accessory Use Table

Residential District Name and Symbol	Suburban R-1	Urban R-2	Urban Core R-3	Medium Density R-4	Single Detached and Duplex R-5	Small House R-6
Accessory Uses						
Secondary suite			✓			
Garden suite			✓			
Bed & breakfast		✓				
Home-based business	✓	✓	✓	✓	✓	

5.1.4 Site Specific Permitted Principal and Accessory Uses

a. Suburban R-1

Note: No current site specific uses

b. Urban R-2

Note: No current site specific uses

c. Urban Core R-3

i. Principal Uses

(a) Silviculture for Lots 1 to 4, Plan VIP74849, District Lots 10 & 14, silviculture, subject to the following conditions:

- (i) a minimum lot size of 40,000 m2
- (ii) Leave strips along streams shall be established in accordance with the requirements of the Riparian Area Regulations; and
- (iii) Leave strips of a minimum of a minimum 10 metre width shall be established for the purpose of protecting the visual aesthetics along the primary roadway adjacent to the Town-owned campground and leading to

the Cowichan Lake Educational Centre.

ii. Accessory Uses

- (a) Development and care of forests for use for Lots 1 to 4, Plan VIP74849, District Lots 10 & 14.
- (b) Bed and Breakfast, accessory to principal single detached residential use for Lot 3, Block 4, Section 5, Plan 1750 only.

d. Medium Density R-4

Note: No current site-specific uses

e. Single Detached and Duplex R-5

Note: No current site-specific uses

f. Small House R-6

Note: No current site-specific uses

5.1.5 Zone District Subcategory Permitted Principal and Accessory Uses

Note: Subcategory zone districts are denoted on the map with the corresponding letter.

a. Suburban R-1

Note: no current subcategory uses.

b. Urban R-2

Note: no current subcategory uses.

c. Urban Core R-3

Note: no current subcategory uses.

d. Medium Density R-4

Note: no current subcategory uses.

e. Single Detached and Duplex R-5

- i. Designation B is to permit Bed and Breakfast is an accessory use (NOTE: new Point Ideasubdivision, currently zoned R-1-b, will receive this designation on the map)

f. Small House R-6

Note: no current subcategory uses. Dimensional and Coverage Stand

i.g.