

**TOWN OF LAKE COWICHAN
BYLAW NO. 1101-2024**

A BYLAW TO AMEND ZONING BYLAW 1055-2021

WHEREAS the *Local Government Act* 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 of the Town of Lake Cowichan deems it expedient to amend Bylaw No. 1055-2021 to allow for changes with respect to land use and zoning regulations;

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

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

1. TITLE

This bylaw may be cited for all purposes as the 'Town of Lake Cowichan Zoning Amendment Bylaw No. 1101-2024'.

2. AMENDMENT

The following amendment is made to Bylaw 1055-2021 for land zoned R2 Urban Residential, R3 Urban Core Residential, and R7 Multi-unit Residential, described as Lot B, District Lot 16, Cowichan Lake District, Plan 29595 (PID: 001-378-635) and Lot B, District Lot 16, Cowichan Lake District, Plan 44661 (PID: 006-130-453):

5.9 CD-3 COMPREHENSIVE DEVELOPMENT ZONE – EMERALD VALLEY

The purpose of the CD-3 Comprehensive Development Zone – Emerald Valley is to accommodate a comprehensively planned residential neighbourhood with a variety of housing options and densities, along with public park lands.

(1) CD-3 ZONE AREAS

- a) The CD-3 Zone is divided into three (3) areas: Area 1, Area 2, and Area 3.
- b) Areas 1-3 are located as shown on the Plan in Section 5.9 (10) a).
- c) The location of Areas 1 - 3 shall comply with the provisions of Section 5.9 (10) a).

(2) PRINCIPAL USES:

- a) Area 1:
 - i) Fourplex
 - ii) Seniors Care Facility
 - iii) Senior Citizen Housing
 - iv) Special Needs Housing
 - v) Townhouse
 - vi) Triplex
 - vii) Two Unit Residence



- b) Area 2:
 - i) Apartment Building
 - ii) Apartment Building – Rental
 - iii) Multi-Unit Residence
 - iv) Seniors Care Facility
 - v) Senior Citizen Housing
 - vi) Special Needs Housing
 - vii) Townhouse
 - c) Area 3:
 - i) Park
 - ii) Public Use
- (3) ACCESSORY USES:
- a) Areas 1 & 2:
 - i) Home Based Business, subject to Section 4.3.11
 - ii) Secondary Suite, subject to Section 5.1.8
- (4) PARCEL SIZING AND DIMENSIONS
- a) Area 1 - No Parcel shall be created which has a Parcel Area less than 500 sq. m. in area.
 - b) Area 2 - No Parcel shall be created which has a Parcel Area less than 2500 sq. m. in area.
 - c) Notwithstanding (4) a) or (4) b) above, a Parcel created through registration of a Building Strata Plan registered with the British Columbia Land Title Survey Authority (LTSA) shall not be subject to any minimum parcel sizes.
- (5) DENSITY:
- a) Area 1:
 - i) Maximum Floor Area Ratio: 1.0:1
 - ii) Maximum Parcel Coverage: 50%.
 - b) Area 2:
 - i) Maximum Floor Area Ratio: 1.5:1
 - ii) Maximum Parcel Coverage: 50%.
 - c) A Parcel may contain more than one Principal Building.
- (6) MAXIMUM BUILDING HEIGHTS:
- a) Area 1 - No Principal Building or Structure shall exceed a Height of the lesser of 11.0 metres or three (3) stories.
 - b) Area 2 - No Principal Building or Structure shall exceed a Height of the lesser of 15.0 metres or four (4) stories.
 - c) No Accessory Building or Structure on any Parcel shall exceed a Height of the lesser of 5.0 metres or one (1) storey.



- d) Notwithstanding Section (6) a), no Principal Building or Structure located within Area 1 and within 15.0 m of the western boundary of Lot 1, Plan VIP13598 or Rem. Lot 2, Plan VIP13598 shall have a building height that exceeds 7.0 m.
- e) Notwithstanding Section (6) b), on any Apartment Building or Apartment Building – Rental constructed within Area 2 with four (4) stories of residential use, the upper floor of all sides of the building shall be setback by a minimum of 1.2 m from the primary face of the remaining floors of the building.
- f) Notwithstanding Section (6) b) those portions of an Apartment Building or Apartment Building – Rental within Area 2 that include underground or under-building parking shall not be counted towards the overall building height. Where this occurs, building height shall be measured from the underside of the main floor building elevation.

(7) BUILDING SITING AND SETBACKS:

- a) Area 1 - No Principal Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
i. Front Parcel Line	3.0 metres
ii. Exterior Side Parcel Line	3.0 metres
iii. Interior Side Parcel Line	1.5 metres
iv. Rear Parcel Line	3.5 metres

- b) Area 2 - No Principal Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
i. Front Parcel Line	3.0 metres
ii. Exterior Side Parcel Line	3.0 metres
iii. Interior Side Parcel Line	2.5 metres
iv. Rear Parcel Line	3.5 metres

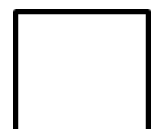
- c) No Accessory Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
i. Front Parcel Line	6.0 metres
ii. Interior or Exterior Side Parcel Line:	1.5 metres
iii. Rear Parcel Line:	1.5 metres

- d) Notwithstanding Section (7) a) and (7) b) no Principal Building or Structure shall be located within 6.0 m from the eastern boundary of Strata Plan VIS3601 or VIS3290.



- e) No Principal or Accessory Buildings or Structures may be located within a Streamside Protection Enhancement Area as defined by the Riparian Area Regulation, B.C. Reg. 376/2004.
- (8) LANDSCAPING AND SCREENING
- a) Landscaping and screening shall be provided in accordance with Section 8.7: Landscaping and Screening.
- (9) PARKING AND LOADING
- a) Off-street parking and off-street loading shall be provided in accordance with Schedule 'B' of the Town of Lake Cowichan Zoning Bylaw Part 8 Parking and Loading Regulations.
- b) Notwithstanding Section (9) a), the following minimum parking requirements shall apply within Area 1 & 2 as shown in the Table below:
- | USE | PARKING STALLS PER UNIT |
|--------------------------------|---|
| i. Apartment Building: | One (1) stall/unit + 5% Visitor Parking |
| ii. Apartment Building Rental: | 0.85 stalls/unit +5% Visitor Parking |
| iii. Fourplex: | One (1) stall per unit |
| iv. Secondary Suites: | One (1) stall per unit |
| v. Seniors Care Facility: | 0.35 stalls per unit |
| vi. Seniors Citizen Housing: | 0.35 stalls per unit |
| vii. Special Needs Housing: | 0.35 stalls per unit |
| viii. Townhouse: | One (1) stall per unit |
| ix. Two Unit Residence: | One (1) stall per unit |
| Triplex: | One (1) stall per unit |
- c) Notwithstanding Section (9) a), any Apartment Building (excluding Apartment Building –Rental located within Area 2 with greater than three (3) stories of residential use, must utilize a minimum of 50% of the footprint of the building for the purpose of underground or underbuilding parking.
- d) Notwithstanding Section (9) a), the parking requirements for any parcel within Area 2 may be satisfied on another parcel within Area 2, subject to registration of appropriate easements / covenants and shared use agreements to the satisfaction of the Town of Lake Cowichan.
- (10) CD-3 ZONE AREA BOUNDARIES
- a) CD-3 Zone Area Boundaries, comprising Lot B, District Lot 16, Cowichan Lake District, Plan 29595 (PID: 001-378-635) and Lot B, District Lot 16, Cowichan Lake District, Plan 44661 (PID: 006-130-453), as shown in Schedule "A" to this bylaw.



3. FORCE AND EFFECT

That upon adoption of this bylaw, Bylaw No. 1101-2024, the Town of Lake Cowichan Zoning Bylaw No. 1055-2021 shall hereby be amended and take effect.

READ A FIRST TIME on the --th day of ----, 2024.

READ A SECOND TIME on the --th day of -----, 2024.

PUBLIC HEARING held on the ---th day of ----, 2024.

READ A THIRD TIME on the _____ day of _____ 2024.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the _____ day of _____ 2024.

Tim McGonigle
Mayor

Joseph A. Fernandez
Corporate Officer



SCHEDULE "A" to Bylaw No. 1101-2024

