

**TOWN OF LAKE COWICHAN
BYLAW NO. 1104-2024**

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 Province has enacted Bill 44 which requires accessory dwelling units be permitted in all restricted residential zone districts;

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 meets 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. 1104-2024'.

2. AMENDMENTS

The following amendments are made to Bylaw 1055-2021:

- a. Amend Section 3.2 Definitions to include or amend the following definitions:
 - i. ***Accessory Dwelling Unit*** means a dwelling unit which is subordinate to and associated with the principal use;
 - ii. ***Accessory Dwelling—Coach House*** means a self-contained dwelling unit, forming the second story of a detached accessory building;
 - iii. Rename and reposition ***Secondary Suite*** as ***Accessory Dwelling—Secondary Suite***; and
 - iv. ***Tandem Parking*** means two parking spaces, one behind the other, with a common or shared point of access (See Figure 1).

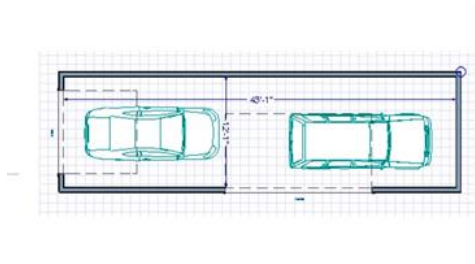


Figure 1 Tandem parking



- b. Delete Article 5.1.3. a. in its entirety.
- c. Replace Article 5.1.3 b. Permitted Accessory Use Table in its entirety with the following table:

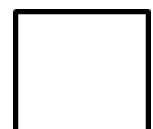
5.1.3. a. Permitted Accessory Use Table

Permitted Accessory Uses						
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						
a. Secondary suite in single detached	✓	✓	✓	✓	✓	✓
b. Secondary suite in duplex		✓	✓	✓		
c. Garden suite	✓	✓	✓			
d. Coach house	✓	✓	✓			
e. Bed & breakfast		✓				
f. Home-based business	✓	✓	✓	✓	✓	✓

- d. Add a new Article 5.1.3 b. Accessory Use Limitations and Special Considerations immediately following renumbered Article 5.1.3. a.:

5.1.3. b. Accessory Use Limitations and Special Considerations

- i. Notwithstanding the provisions in Article 5.1.3 b., a garden suite or coach house is prohibited on lots without municipal sewer and water service.
- ii. On a lot with a duplex, accessory dwelling units are restricted to secondary suites, subject to provisions within Article 5.1.3 b.; a coach house or garden suite is prohibited.
- iii. In all low and medium density residential zone districts one accessory dwelling unit is permitted on a lot.
- iv. Suburban R-1 zone
 - a. One of three types of accessory dwelling unit is permitted on a lot with a single detached dwelling: a secondary suite, a garden suite, or a coach house.
 - a. A home-based business is permitted if
 - (a) the combined area of a secondary suite and the area devoted to the home-based business does not exceed 40% of the gross floor area of the residential dwelling up to a total of 80 square metres; or
 - (b) the accessory dwelling is in a separate structure such as a garden suite or coach house.



- v. Urban R-2 zone
 - a. One of three types of accessory dwelling unit is permitted on a lot with a single detached dwelling: a secondary suite, or a garden suite or a coach house.
 - b. A secondary suite is permitted on a lot with a duplex, provided it is a lot of a minimum 780 square metres.
 - c. A bed and breakfast is permitted if there is no accessory dwelling, or the accessory dwelling or the bed and breakfast bedrooms are in a separate structure, such as a garden suite, or coach house or other type of accessory building.
 - a. A home-based business is permitted if
 - (a) the combined area of a secondary suite and the area devoted to the home-based business does not exceed 40% of the gross floor area of the residential dwelling up to a total of 80 square metres; or
 - (b) the accessory dwelling is in a separate structure such as a garden suite or coach house.
- vi. Urban Core R-3 zone
 - a. One of three types of accessory dwelling unit is permitted: a secondary suite, or a garden suite, or a coach house is permitted on a lot with a single detached dwelling.
 - b. A secondary suite is permitted on a lot with a duplex, provided it is a corner lot, or has a garage with tandem parking, or lot of a minimum 780 square metres.
 - c. A home-based business is permitted if
 - (a) the combined area of a secondary suite and the area devoted to the home-based business does not exceed 40% of the gross floor area of the residential dwelling up to a total of 80 square metres; or
 - (b) the accessory dwelling is in a separate structure such as a garden suite or coach house.
- vii. Medium Density R-4 zone
 - a. A secondary suite is permitted on a lot with a single detached dwelling.
 - b. A secondary suite is permitted on a lot with a duplex provided it is a corner lot or has a garage with tandem parking or is on a lot of a minimum 780 square metres.
 - c. A home-based business is permitted if the combined area of a secondary suite and the area devoted to the home-based business does not exceed 40% of the gross floor area of the residential dwelling up to a maximum total of 80 square metres.
- viii. Single Detached and Duplex R-5 zone
 - a. A secondary suite is permitted on a lot with a single detached dwelling.
 - b. A secondary suite is permitted on a lot with a duplex, provided it is a corner lot, or has a garage with tandem parking, or lot of a minimum 780 square metres.



- c. A home-based business is permitted if the combined area of a secondary suite and the area devoted to the home-based business does not exceed 40% of the gross floor area of the residential dwelling up to a maximum total of 80 square metres.
- ix. Small House R-6 zone
 - a. A secondary suite is permitted in a single detached dwelling subject to the following:
 - (i) The secondary suite is in a basement or in a walk out garden level.
 - (ii) The maximum lot coverage is 50%.
 - (iii) One of the required off street vehicle spaces is a garage.
 - b. A home-based business is permitted if the combined area of a secondary suite and the area devoted to the home-based business does not exceed 40% of the gross floor area of the residential dwelling up to a maximum total of 80 square metres.
- e. Amend Subsection 5.1.6 Standards, Table Low and Medium Density Residential Zone Districts Standards, as follows:
 - a. Article d. Minimum Setbacks for Principal and Accessory Buildings or Structures (metres), Clause iii. Interior Side Lot is amended from 2.0 to 1.5 metres for the Urban R-2 and Urban Core R-3 zones.
 - b. Article b. Maximum Height, Clause i. Principal Building is amended to 11.0 metres for Suburban R-1, Urban R-2, Urban Core R-3, and Single Detached and Duplex R-5 zones.
 - c. Article c. Maximum Lot Coverage is amended by including a maximum 50% lot coverage for R-6 Small House zone when a secondary suite is present. The 60% lot coverage for the principal dwelling remains.
- f. Amend Section 5.1.9 Garden Suite Standards by deleting and replacing Article d. with the following:
 - d. A Garden suite shall be located in the rear yard of the principal dwelling, except in the case of a riverside or lakeside lot, in which case it may also be located in the front or side yard.
- g. Add a new Section 5.1.10 Coach House Standards as follows:
 - 5.1.10 Coach House Standards
 - a. The maximum size is 40% of gross floor area of principal dwelling, or 60 square metres, whichever is less.
 - b. The minimum size is 30 square metres.
 - c. The maximum number of bedrooms is 2 (two).
- h. Amend Schedule B Parking Spaces, Table B-1 Required On-site Parking Spaces, Article e. to require tandem parking for a duplex in the event a secondary suite is present for lots that are not on a corner, or not greater than 780 square metres.



3. FORCE AND EFFECT

That upon adoption of this bylaw, Bylaw No. 1104-2024, the Town of Lake Cowichan Zoning Bylaw No. 1055-2021 shall hereby be amended and take effect.

READ A FIRST TIME on the ___ day of _____, 2024.

READ A SECOND TIME on the ___ 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

