



MEMORANDUM

TO: CHIEF ADMINISTRATIVE OFFICER
FROM: BRIGID REYNOLDS, CONSULTING TOWN PLANNER
MEETING DATE: JANUARY 27, 2026
SUBJECT: TEMPORARY USE PERMIT TUP2026-01
SUBJECT PROPERTY: 87 SOUTH SHORE ROAD (UNIT A), LOT A, DL 12, LAKE COWICHAN DISTRICT, PLAN 29793

PURPOSE

The purpose of this report for Council's consideration of a proposed Temporary Use Permit TUP2026-01 at 87 South Shore Rd, unit A to permit a retail store.

BACKGROUND

The subject property contains four commercial units plus a day care on the ground floor. The unit in question is 94 m² and was previously a hair salon.

The property is zoned Lakefront and Riverfront Commercial (C-3). The applicants intend to open a sporting good store in one of the units, however retail is not a permitted use. The use is permitted in the C-1 – General Commercial zone district, across the street. Retail store and restaurant are uses that were previously permitted in the C-3 zone district (Zoning Bylaw no. 935-2013) but it appears that they were inadvertently removed in 2021 with the adoption of the consolidated Zoning Bylaw no. 1055-2021.

This omission was discovered when the applicant applied for their business license in December 2025. The contract planner advised the applicant that applying for a TUP would be a faster route than amending the zoning bylaw.

REGULATIONS

Local Government Act (LGA)- Part 14, Division 8

The LGA provides that a local government may issue a TUP for a use that is otherwise not permitted in the zoning bylaw, may specify conditions under which the TUP may be carried out, and may regulate the

construction of buildings and structures related to this use. The LGA states that a TUP is valid for a three-year period and may be renewed once.

Zoning Bylaw

Section 2.5 of the Zoning Bylaw states Council may designate a property within the Town for a temporary use permit.

Section 2.5 Temporary Uses

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 the Local Government Act. Cannabis retail sales shall also be considered in accordance with the Cannabis Retail Sales Policy of Council.

Schedule B –Parking Spaces

Section 7, Table B-1 requires 2 parking stalls per 100 m² of gross floor area for commercial retail outlets. The space is 94 m² so two parking stalls are required.

Section 7, Table B-4 requires 1 loading space for commercial buildings that are between 100 m² to 2000 m² floor space. No loading space is required.

No designated barrier free parking space is required per Table B-2. And no bicycle parking is required per Table B-3.

Schedule B, Section 3 Reuse of Buildings states that a change of use within Table B-1 Required Vehicular Parking Spaces **may** require additional on-site parking, a Development Variance Permit or cash-in-lieu.

Schedule B, Section 6 allows Council to waive on-site parking requirements in exchange for cash-in-lieu of \$4,000 per on-site parking space.

DISCUSSION

The C-3 zone does not currently permit retail store. To permit this use requires either a zoning amendment or temporary use permit because staff cannot allow a use that is not permitted in the zoning bylaw. Approving the TUP in this case resolves the immediate issue for the applicant but the Zoning Bylaw must still be amended to allow the use. This amendment has been added to the list of zoning bylaw amendments that will be brought forward to Council later this year.

Because of the omission and the applicant and building owner understood that retail is a permitted use, the applicant has suffered considerable stress. Therefore, the applicant has requested that their application fee be refunded.

Parking & Loading

As noted above two parking spaces are required but as with many buildings in the Town's core, this is an older building with no parking spaces on site. There are 2-hour parking limits on South Shore Road. Zoning Bylaw Schedule B, Section 3 provides Council with an option to **waive** parking in a building where there is a change in use.

IMPLICATIONS

- a. Financial:**

Application fees are collected to cover the cost of processing the application. However, the applicant is requesting that the application fee be refunded due to the delay in opening their store.
- b. Policy/Legislation:**

The Zoning Bylaw C-3 zone does not permit the use. Therefore, a TUP or zoning amendment are the two ways in which the use may be permitted. Approving a TUP is a quicker process.
- c. Strategic Priority:**

OCP Downtown & Uptown Goal – Downtown & Uptown is promoted, revitalized as a hub for commerce, culture, public services, institutions, public gathering places, and mixed use development incorporating residential uses.
- d. Sustainability:**

N/A
- e. Communication:**

As required by the Development Approval Procedures Bylaw No. 1109, notice of the application was sent to neighbours within 50 m of the subject property a minimum of 10 days prior to Council’s consideration of the request. The notice was mailed out on January 6, 2026 and at the time of preparing the staff report no comments have been received.
- f. Staffing Implication:**

Processing this application is part of the Planning Department’s regular duties.

OPTIONS

- 1) Approve the temporary use permit for this application.
- 2) Approve the temporary use permit with additional requirements.
- 3) Deny the temporary permit for this application.

RECOMMENDATION

The contract planner recommends that Council

1. Approve TUP2026-01 for the property located at 87 South Shore Road (unit A), Lot A, DI 12, Lake Cowichan District, Plan 29793 for a three-year period subject to allow a retail store.
2. Waive the parking requirements for an existing commercial unit.
3. Refund the TUP application fee to the applicant.
4. Direct the Planning Department to draft a zoning amendment bylaw to amend the C-3 Lakefront and Riverfront Commercial zone district to permit retail store and restaurant uses as was previously allowed.

Signed:

Brigid Reynolds

Brigid Reynolds RPP MCIP
Contract Planner

Concurrence:

John T

John Thomas
Chief Administrative Officer