



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4360

#### **A Bylaw to Amend Zoning Bylaw No. 985 Applicable to Electoral Area B – Shawnigan Lake**

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**WHEREAS** the Board of the Cowichan Valley Regional District has enacted Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985 (the “Area B Zoning Bylaw”);

**AND WHEREAS** the Board wishes to amend the Electoral Area B – Shawnigan Lake Zoning Bylaw in relation to required building setbacks from Shawnigan Lake;

**AND WHEREAS** after the close of the public hearing and with due regard to the representations received, the Regional Board considers it advisable to amend Zoning Bylaw No. 985;

**NOW THEREFORE** the Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

#### **1. CITATION**

This bylaw may be cited for all purposes as the “**CVRD Bylaw No. 4360 – Electoral Area B – Shawnigan Lake Zoning Amendment Bylaw, 2022**”.

#### **2. TRANSITION**

This bylaw does not apply in respect of any parcel of land that is the subject of a complete building permit application on the date of adoption of the bylaw, as long as the application complies with the Area B Zoning Bylaw as it stood immediately prior to that date, the building permit is issued within 12 weeks of that date and the building permit has not expired.

#### **3. AMENDMENTS – ELECTORAL AREA B – SHAWNIGAN LAKE ZONING BYLAW NO. 985**

1. The Electoral Area B – Shawnigan Lake Zoning Bylaw is amended by replacing the definition of the term “height” in section 3.1 with the following:

“height” means the vertical distance between the highest point of the building or structure and the average finished ground level at the perimeter of a building or structure or, in the case of a building or structure that is subject to a bylaw that establishes a minimum flood construction level where finished ground level is below the flood construction level, between the highest point of the building or structure and, as applicable,

- (a) the flood construction level designated in the bylaw for the building or structure; or
- (b) the flood construction level specified in an exemption from the bylaw granted pursuant to s. 524(7) of the *Local Government Act*.

2. The Area B Zoning Bylaw is amended by replacing the definition of the term “high water mark” in section 3.1 of the bylaw with the following:

“high water mark” means

- a) the high water mark identified on the plan of subdivision or the plan accompanying the instrument conveying Crown land in fee simple which plan was most recently filed in a Land Title Office before the adoption of this bylaw; or, in the case where such information is unavailable, the point where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the watercourse or lake 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
- b) in the case of Shawnigan Lake, those points on the shoreline of the lake that are at elevation 116.5 metres referenced to CGVD2013.

3. The Area B Zoning Bylaw is further amended by replacing section 5.14(a) with the following:

- a) Notwithstanding any other provisions of this bylaw, no building or structure that requires a building permit under CVRD Bylaw No. 3422 – Building Regulation Bylaw, 2011, and no structure that is exempt from the permit requirement by reason only of s. 2.1.3(3) of that bylaw, shall be located within 15 metres of the high water mark of a watercourse or a lake.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Officer