

DISCRETIONARY RESIDENTIAL OCCUPANCY POLICY

Date: August 11, 2025

To: Council, Development Authority, Bylaw Enforcement Officer

Subject: Discretionary Residential Occupancy in C1 – Central Commercial Zone

Purpose

This memorandum clarifies the **internal enforcement policy** of the Village of Chauvin regarding **residential occupancy within buildings zoned C1 – Central Commercial**, particularly where the residential use is not supported by an active or approved commercial operation.

Policy Summary

1. **Residential occupancy within C1-zoned properties is prohibited** unless authorized under a **valid discretionary development permit** as part of a **mixed-use development**.
2. The **absence of a business licensing system** in the Village does not exempt commercial properties from conforming to permitted or discretionary uses listed in **Land Use Bylaw 2024-03**.
3. **Discretionary approval for mixed-use occupancy:**
 - Must be requested via formal application,
 - Must include plans for active commercial use,
 - Must demonstrate the separation of residential and commercial functions.
4. Where **no permit is in place**, or where **additional unauthorized occupants** are present (e.g. secondary units in old hotels), the Development Authority shall:
 - Issue a **Notice of Non-Conformity**,
 - Offer an application pathway,
 - Enforce compliance through a **Stop Order** if no remedy is proposed.
5. **Partial approvals do not extend to additional occupants.** Discretionary decisions must clearly state the extent of permission (e.g. which unit, which individual, under what conditions). These approvals are **non-transferable** without explicit Council resolution or re-application.
6. Enforcement shall follow a **consistent, documented, and appealable** procedure to reduce exposure to procedural challenges under the **Municipal Government Act**.

Guidance to Staff

- **Development Officer:** Ensure all incoming applications for discretionary mixed-use development include full documentation of proposed business activity and residential arrangements. Flag any incomplete applications immediately.
- **Bylaw Enforcement Officer:** Coordinate with the Development Officer before initiating formal enforcement. All notices and orders must include references to the appropriate sections of the Land Use Bylaw and MGA.
- **Council:** Be aware that decisions to approve discretionary use may set precedent. Consider each request on its merits and the potential impact on zoning coherence and public expectations.

Recommended Action

Council may consider adopting the following **formal statement of policy** by resolution:

“Residential occupancy in C1-zoned properties shall only be permitted where a valid discretionary development permit has been granted for mixed-use purposes. Occupancy without such a permit shall be deemed non-conforming and subject to enforcement action.”

Chief Administrative Officer

Chief Elected Official

	Date	Resolution Number
Approved	_____	_____
Amended	_____	_____
Amended	_____	_____