

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3602**

A BYLAW TO ESTABLISH A LAND USE BYLAW FOR THE RURAL RESOURCE LANDS

- A** WHEREAS the Capital Regional Board wishes to adopt a Zoning Bylaw for the Rural Resource Lands within the Juan de Fuca Electoral area;
- B** AND WHEREAS Sections 903, 904, 906, 910, 938, of the *Local Government Act* allow the Capital Regional District to develop a bylaw to address all of the following issues:
- The development of a Zoning Bylaw
 - The establishment of zoning for amenities
 - On-site parking requirements
 - Construction requirements in relation to floodplain areas
 - Subdivision servicing requirements

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

SECTION 1 GEOGRAPHIC AREA OF THE BYLAW

This bylaw covers the area referred to as the Juan de Fuca Rural Resource Lands, which is a part of the Capital Regional District as outlined on Map No. 1 – Location Map, which is attached to and forms a part of this bylaw.

SECTION 2 SEVERABILITY

If any section, subsection, sentence, paragraph, schedule or map forming part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, paragraph, schedule or map may be severed from the bylaw without affecting the validity of the bylaw or any portion of the bylaw or remaining schedules or maps.

SECTION 3 INCORPORATION OF SCHEDULES AND MAPS

Schedule "A" and Maps Numbered 1 ~~and 2 to 4~~ attached hereto are hereby made a part of this bylaw.

SECTION 4 REPEAL OF BYLAWS

The following bylaw is hereby repealed only insofar as it applies to the Rural Resource Lands area:

The Capital Regional District Bylaw No. 189, cited as "A By-law Respecting Subdivision in Planning Area No. 1 Sooke Electoral Area, 1976."

SECTION 5 TITLE

This bylaw may be cited for all purposes as Bylaw No. 3602 "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009".

SECTION 6 IMPLEMENTATION

READ A FIRST TIME THIS _____ day of _____, 2009

READ A SECOND TIME THIS _____ day of _____, 2009

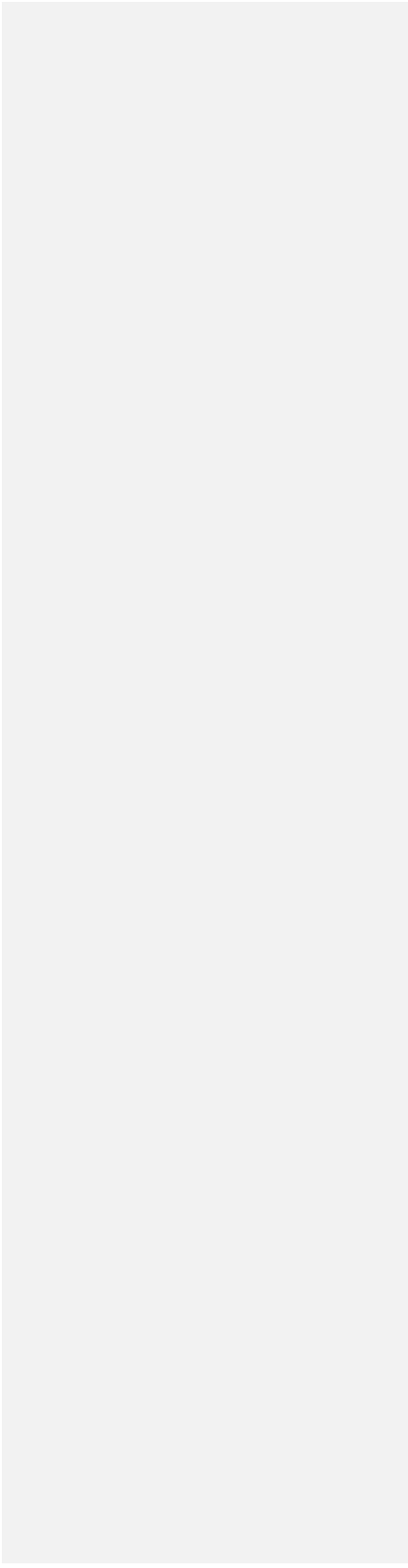
READ A THIRD TIME THIS _____ day of _____, 2009

Schedule "A" of this Bylaw is approved by the
Minister of Transportation and Infrastructure this _____ day of _____, 2009

ADOPTED this _____ day of _____, 2009

Chair

~~Secretary~~ Corporate Officer



**Schedule “A” of Capital Regional District Bylaw No. 3602
Rural Resource Lands Land Use Bylaw**

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List of Maps

Maps Numbered 1 – ~~24~~ are attached to this Bylaw.

Map 1: Location

Map 2: Official Zoning Map

~~Map 3: Comprehensive Development Zone (CD-1)~~

~~Map 4: Comprehensive Development Zone (CD-1) subject to ALR exclusion~~

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I. INTERPRETATION AND ADMINISTRATION

This Bylaw regulates the development and use of land and the location and use of buildings and structures erected thereon, having due regard to:

- 1) The promotion of health, safety, convenience and welfare of the public;
- 2) The prevention of the ~~overcrowding of land~~over-densification of land and the preservation of amenities particular to any zone;
- 3) The securing of adequate access;
- 4) The value of the land and the nature of its present and prospective use and occupancy;
- 5) The character of each zone and the suitability of the zone for particular uses and densities;
- 5) The conservation of environmental features.

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II. DEFINITIONS

In this Bylaw, which includes Schedule A and B, unless the context requires otherwise, the following definitions apply:

ACCESSORY or ACCESSORY USE

means a use, building or structure that is incidental or subordinate to, and exclusively devoted to and located on the same parcel as a principal use, building or structure;

ACTIVE FLOODPLAIN

means an area of land that supports floodplain plant species and is:

- Adjacent to a watercourse that may be subject to temporary, frequent or seasonal inundation;
- Within a boundary indicated by a visible high water mark.

AGRICULTURE

means a farm use as defined in the *Agricultural Land Commission Act and Regulations*; use providing for growing, rearing, producing and harvesting of crops or livestock. Includes horticulture, silviculture, the storage, processing and sale on an individual farm of those products from that farm and the storage of farm machinery and equipment used on that farm; specifically excludes Intensive Agriculture and all manufacturing, processing, storage and repairs not specifically included in this definition;

AGRICULTURE, INTENSIVE

means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, fish, livestock or fur bearing animals, or the growing of mushrooms; includes but is not limited to mushroom, poultry and poultry egg farming, piggeries, fur farms, dog breeding and boarding kennels, rabbits, abattoirs, aquaculture and feedlots.

BED AND BREAKFAST

means the accessory use of up to a maximum of four bedrooms in a single family dwelling or accessory building for tourist accommodation on a nightly basis when the owner or adult member of the person's family is present and residing in the dwelling on a full time basis. Such use may include breakfasts served in the single family dwelling. The area designated for bed and breakfast use shall not contain the following:

- 1) Cooking facilities with the exception of :
 - a) Kettle;
 - b) Coffee maker;
 - c) Toaster (not to include toaster-oven);
 - d) Microwave (excluding convection/microwave combination);
- 2) 220 volt supply which could be used for larger appliances;
- 3) Refrigerators, in excess of 6 cubic feet capacity.

~~means a home based business that offers temporary sleeping accommodation and a morning meal to the travelling public, in a dwelling unit which is the principle use of a lot, but which does not provide meals, other than breakfast, or cooking facilities for guests;~~

BED AND BREAKFAST UNIT

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means temporary accommodation provided in a Bed and Breakfast and consisting of a sleeping room, a bathroom or a shared bathroom, and may include a sitting room or a share in a sitting room; specifically excludes cooking facilities and kitchens;

BOAT STORAGE

means the enclosed or unenclosed dry land storage of boats for repair or off season;

BUILDING

means any structure used or intended for supporting or sheltering any use or occupancy;

CABIN

means a structure or building which is used as temporary accommodation for the travelling public; which may or may not include kitchenettes, showers or toilet facilities;

CAMPGROUND

means a site operated as temporary accommodation ~~for holiday makers~~ for a length of stay of less than 30 ~~consecutive~~ days per calendar year in travel trailers, recreation vehicles or tents; excludes mobile home parks, motels and hotels; may include sanitary and laundry facilities;

CAMP SITE

means an area in a campground for the placing of one tent, travel trailer or recreation vehicle for the purpose of overnight camping or temporary accommodation;

COMMERCIAL VEHICLE

means a vehicle or machine, including but not limited to excavators, used for commercial purposes or for the purpose of a home-based business;

COMMUNAL WATER AND SEWER FACILITY

means a common sewer or system of sewerage or sewage disposal, a storm-water management system and a common system of water works that meets current health, environmental or other applicable regulations or standards. A communal facility may be owned and operated and maintained by: a Strata Corporation, a private corporation, an agency of the provincial government or a legal corporate entity as authorized under provincial or federal legislation;

~~COMMUNITY USE SERVICES~~

~~means the use of land, a building, a structure or facilities for the following purposes:~~

~~recreational and social activities for local community purposes;
community sponsored and publicly funded educational activities;
community safety or emergency response activities, including fire, police, ambulance and first responder services; and
government services.~~

CONTIGUOUS

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means adjacent and touching;

DETACHED ACCESSORY SUITE

means an accessory dwelling unit not exceeding 90 m² in floor area, with a separate entrance, capable of being occupied year round including permanent provisions for living, sleeping, cooking, sanitation, food storage and preparation and detached from the principal building approved by building permit pursuant to the B.C. Building Code;

DEVELOPMENT

means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of non-structural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors;
- j) subdivision as defined in Section 872 of the *Local Government Act*.

DWELLING, ONE FAMILY

means a residential use in a detached building having independent exterior walls, consisting of one dwelling unit which is occupied or intended to be occupied as a permanent home or residence and having not more than one kitchen;

DWELLING, TWO FAMILY

means a residential use in a building which is divided into two dwelling units which are either placed one above the other or side by side and sharing a common wall, each unit of which is occupied or intended to be occupied as a permanent home or residence; specifically excludes dwelling units attached by carport, sundeck, breezeway or other similar structure;

DWELLING UNIT

means one or more rooms which comprise a self-contained unit used or intended to be used for habitation by one or more residents, including living, sleeping, sanitary facilities and a single kitchen; includes mobile homes, modular homes or prefabricated dwellings meeting CSA-A277 or CSA-Z240 standards or equivalent, but not recreational vehicles, tents, buses, travel trailers or other vehicles; accommodation providing sleeping rooms, washrooms and one room which due to its design, plumbing, equipment and furnishings may be used primarily as a kitchen for a domestic use or intended to be used permanently or semi-permanently as a residence for a household;

ECO-TOURISM ACTIVITIES

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means an activity in which the any or all of the following are the primary attraction; the flora, fauna or the local culture. This includes but is not limited to the following:

- a) Canopy tours;
- b) Kayaking;
- c) Walking tours;
- d) Interpretative centres;
- e) Wildlife centres.

ECOLOGICAL RESERVE

means land used or intended to be used for the preservation of the environment or for scientific research and education pertaining to studies in the inter-relationships between species and the behaviour of unique flora and fauna;

EQUIPMENT RENTAL

means any use or building providing for the lease of tools, appliances, light construction equipment or similar items; excludes rentals of vehicles or heavy equipment;

ENVIRONMENTALLY SENSITIVE AREA

means any parcel of land or area that already has, or with remedial action could achieve, desirable environmental attributes worthy of retention or special care. These attributes contribute to the retention or creation of wildlife habitat, soil stability, water retention or recharge, vegetative cover and similar vital ecological functions. Environmentally sensitive areas range in size from small patches to extensive landscape features. They can include rare or common habitats, plants and animals.

FARM

means an area of land classified as a farm under the *Assessment Act*;

FARM BUILDING

means a building which does not contain a dwelling unit and which is (a) associated with and located on land devoted to the practice of farming and (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds; includes barns, produce storage buildings, milking parlours, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storage, greenhouses and garages not attached to the farm residence;

FENCE, SOLID

means a structure intended to prevent escape or intrusion or to mark a boundary which is constructed of, but not limited to, posts or boards which creates a visual barrier; excludes fences constructed of wire or mesh material which do not create a visual barrier;

FLOODPLAIN PLANT SPECIES

means plant species typical of an area with inundated or saturated soil conditions and that are distinct from plant species on freely drained adjacent upland sites.

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FLOOR AREA

means the space on any storey and/or basement of a building from exterior wall to exterior wall; excludes garages, carports and decks; includes all habitable areas;

FLOOR AREA, TOTAL

means the sum of the floor areas of each storey and basement of a structure;

GARAGE

means an attached or detached roofed enclosure or carport used for the storage or parking of motor vehicles which ~~has more than 60% of the total perimeter enclosed by walls, doors, or windows and which~~ shall not exceed 67 m² (721 ft²) ~~in~~ floor area; the height shall be 6 m (20 ft) if detached from principle dwelling or 9 m (30 ft) if attached to principle dwelling;

GOVERNMENT SERVICES

means the use of land, a building, structure, facilities or other works by ~~the Capital Regional District a level of government, improvement district, a public utility regulated under the Utilities Commission Act, an incorporated non-profit society or by a corporation providing service to a municipality or a regional district pursuant to a partnering agreement under the Local Government Act;~~ the Capital Regional District a level of government, improvement district, a public utility regulated under the Utilities Commission Act, an incorporated non-profit society or by a corporation providing service to a municipality or a regional district pursuant to a partnering agreement under the Local Government Act;

HAZARDOUS TREE

means a diseased or damaged tree that poses a danger to a person or property as determined by a Certified Arborist;

HEIGHT

means the vertical distance from natural grade to the highest point of a building having a flat roof, to the mean elevation of the highest roof plane of any sloping roof (gable, hip, shed, mansard or gambrel), or to the highest point of a structure having no roof. Where it is not possible to determine natural grade, the height shall be measured from average grade;

HIGH WATER MARK

means ~~this is the visible high water mark of a stream where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain natural boundary.~~

HOME-BASED BUSINESS

means an occupation, craft, or profession conducted for gain, that may include bed and breakfasts, contractor services, small scale resource extraction, vehicle and/or equipment repair, accessory retail sales, carried out in a dwelling unit or an accessory building by the residents of the dwelling, where such occupation or profession is incidental or secondary to the residential use of the subject property; excludes restaurants, retail stores, kennels, body shops or metal fabricating, wrecking yards, abattoirs, painting of vehicles, trailers or boats, any occupation or use requiring a waste management permit;

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HOTEL

means a building providing temporary accommodation for the travelling public in units without cooking facilities each of which has its own sanitary facilities; may include a pub, restaurant, retail sales and tourist accommodation;

HOUSEHOLD

means:

a person;

~~two or more persons related by blood, marriage, adoption or associated through foster care;~~

~~a group, including boarders who are not related by blood, marriage, adoption or associated through foster care; and~~

~~in addition to the above, up to one housekeeper, nanny or other person who resides in the building in which the dwelling unit is located and who is employed for the purpose of providing services to the other members of the household or in relation to the residence itself;~~

KENNEL

means any use, building or structure where five or more dogs and/or cats, which are more than four months of age are kept, cared for, bred or boarded.

KITCHEN

means a room or a space in a building designed or used for the preparation or storage of food and which contains a sink, refrigerator, stove, hotplate or microwave oven;

MARINA

means a parcel of land and its associated water lease which provides for:

- (a) the rental of mooring space and floats for boats;
- (b) the sale, rental and repair of boats and engines;
- (c) the sale of ~~marine fuel~~, marine supplies and fishing equipment;
- (d) the associated building and space for offices, salesroom for boats, private club, restaurant or café;
- (e) temporary accommodation on boats for a period of not more than 2 months in a calendar year; and/or
- (f) one dwelling unit.

NATURAL BOUNDARY

means the visible high water mark of any lake, river, stream or other body of water 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 lake, river, stream or other body of water a character distinct from that of its banks, in vegetation as well as in the nature of the soil itself as defined in the Land Act; ~~and; means~~ the edge of dormant side channels of any lake, river, stream or other body of water and includes the active floodplain;

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NATURAL GRADE

means the average geodetic elevation of all of the ground covered by the existing or proposed building area prior to any filling or excavation;

OFFICE SPACE

means uses and buildings providing for businesses and support services to businesses which are characterized by one or more of the following features: the provision of professional, management, administrative, consulting, and financial services; the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of maintenance or custodial services; the provision of office security; and the repair or servicing of office equipment and machines;

OUTDOOR RECREATION

means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes: parks, trails, open space, playing fields, playgrounds, ~~low-impact wilderness camping and hunting group shelters, nature facilities, botanical gardens, arboretums, and parking areas.~~

PANHANDLE LOT

means any lot, the building area of which is serviced and gains access and road frontage by means of a relatively narrow strip of land which is an integral part of the lot; the area of the access strip is not included in the minimum lot area calculations;

PARCEL OF LAND

means any lot, block or other area in which land is held or into which it is subdivided or as registered with Land Titles, and means a lot created by deposit of a strata plan under the *Strata Property Act* (British Columbia), but does not include a highway;

PARCEL LINE

means a line which marks the boundary of parcel and in particular:

FRONT PARCEL LINE

means a front parcel line that abuts a highway, and in respect of a corner parcel is the shortest parcel line abutting a highway;

FRONT PARCEL LINE, PANHANDLE

means any parcel line adjoining and approximately perpendicular to the access strip, but excluding any extension of the parcel line in the access strip;

SIDE PARCEL LINE

means a parcel line other than a front or rear parcel line;

REAR PARCEL LINE

means the line of a parcel that lies the most opposite to and is not connected to the front parcel line;

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PARCEL WIDTH

means the mean distance measured from one side parcel line perpendicular to the opposite side parcel line;

POTABLE WATER

means water which ~~is approved for drinking purposes by the Medical Health Officer in accordance with the Health Act~~ meets the standards in the *Drinking Water Protection Regulation*;

PRINCIPAL USE

means a use, building or structure which occupies the major portion of a parcel and constitutes the primary purpose for which the parcel is used;

PROCESSING FACILITY

means the use of land buildings or structures for the sorting, crushing, washing, screening, scaling, milling, processing or storage of material that originates on that lot;

PUBLIC UTILITY

means a use providing for public utility facilities for water, sewer, electrical, telephone, and similar services where such use is established by one of the levels of government, a Crown Corporation or by a company regulated by a government commission; includes but is not limited to plants, equipment and offices;

QUALIFIED PROFESSIONAL (QP)

means a professional whose professional skills will be related to the issue to be addressed, including:

- registered professional biologist (RPBio)
- civil, hydrological, or geotechnical engineer (P Eng)
- professional geologist (P Geo)
- professional agrologist (P Ag)
- member of the Canadian Institute of Planners (MCIP)
- registered professional forester (RPF)
- architect (MAIBC)
- landscape architect (BCSLA)
- land surveyor (BCLS), or
- other professional registered to practice in the Province of British Columbia.

RECREATION VEHICLE

means any structure, trailer or vehicle used or designed to be used primarily for accommodation during travel or recreation; does not include mobile homes;

REGIONAL BOARD

means the Capital Regional District Board;

RESORT CABIN

means a building not greater than 140 m² used for temporary accommodation which is ancillary to a resort with a common caretaker and common facilities;

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RESOURCE EXTRACTION ~~AND PROCESSING FACILITIES~~

means a ~~building, structure or~~ parcel of land used for the extraction of resource products, such as but not limited to forest or mining products, by either physical labour or with machinery or a combination of the two;

RETAIL SALES OR STORE

means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale and includes storage on or about the store premises of limited quantities of the goods, wares, merchandise, substances, articles or things, sufficient only to service the store, but does not include any other retail use specifically permitted by this bylaw;

RIPARIAN AREA

means a streamside protection and enhancement area as defined by the *Riparian Areas Regulation*, including:

- a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and
- b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal;

RIPARIAN ASSESSMENT AREA

means, as defined by the *Riparian Areas Regulation*:

- a) for a stream, the 30 m (98 ft) strip on both sides of the stream, measured from the high water mark,
- b) for a ravine less than 60 m (197 ft) wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 m (98 ft) beyond the top of the ravine bank, and
- c) for a ravine 60 m (197 ft) wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 m (33 ft) beyond the top of the ravine bank;

SECONDARY SUITE

means a suite approved by building permit pursuant to the *British Columbia Building Code*;

SILVICULTURE

means all activities related to the planting, harvesting and managing of timber including the removal of harvestable timber stocks but specifically excludes the processing of wood or wood products;

STAFF ACCOMMODATION

means a building or structure used for temporary sleeping accommodation in rooms in a hostel-style facility containing up to 4 beds where washing, sanitary and kitchen facilities are provided;

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STORAGE YARD

means any lot or tract of land wholly or partly used for the wholly or partially enclosed or screened storage of metals, vehicles in running order and other materials; excludes auto wreckers and salvage yards;

STORAGE, UNENCLOSED

means an area not contained within a building or structure where construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, equipment or machinery are stored, baled, placed, piled or handled; excludes wrecking yards or junk yards;

TEMPORARY ACCOMMODATION

means a total length of stay of not more than 30 ~~consecutive~~ days per calendar year;

TOP OF BANK

means the point at which the upward ground level becomes less than one vertical to four horizontal for a minimum distance of 15m, and refers to the crest of the bank where the slope clearly changes into the natural upland bench;

TOURIST ACCOMMODATION

means a building or area used for the temporary accommodation for tourists including: campsites, recreational vehicle sites, ~~tourist-resort~~ cabins, tourist lodges, and hotels;

~~TOURIST CABIN~~

~~means a building used for temporary accommodation for tourists;~~

TOURIST LODGE

means a commercial use providing temporary accommodation to the travelling public, in sleeping room with or without bathrooms, in a single structure which may or may not include a dwelling unit for the operator; meals may be provided in a common dining area to registered guests; kitchens or cooking facilities for use by the guests are specifically excluded; permits retail sales;

TSUNAMI HAZARD AREA

means the Tsunami hazard area for emergency planning is the upland area extending from the high tide line to an inundation zone elevation determined by Provincial Emergency Preparedness;

WALKWAY

means a covered or roofed pedestrian thoroughfare or breezeway that is no greater than 14 m² (150 ft²) in area used to connect two or more buildings;

WATERCOURSE

means a permanent or non-permanent (containing water at least 6 months of the year) source of water supply that is natural or man-made, including a pond, lake, river, creek, brook, ditch, spring or wetland that is integral to a stream, with well defined banks and a bed of 0.6m or more below the surrounding land serving to

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give direction to or containing a current of water but does not apply to a man-made pond that does not connect to a stream;

WORKS AND SERVICES

means highways, drainage systems, water and sewer systems, sidewalks, roads and boulevards, street lighting, electrical and other wiring or any other works provided for in the subdivision or development of land;

ZONE

means a zone established under this Bylaw.

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SCHEDULE A

PART 1 ADMINISTRATION OF THE LAND USE REGULATIONS

This part of the bylaw constitutes the zoning and other regulations authorized by Division 7 of Part 26 of the *Local Government Act*.

1.1 APPLICATION

This Schedule A applies to all of the land, buildings and structures within the boundaries of the plan area as shown on Map No. 1, which is attached to and forms a part of this bylaw.

1.2 CONFORMITY

Land shall not be used and buildings, structures and signs shall not be constructed, altered, located or used except as specifically permitted in this Bylaw.

1.3 NON-CONFORMING USES

Non-conforming uses of land, buildings, structures and the current siting, size or dimensions of existing buildings or structures, off-street parking areas and loading spaces are governed by the *Local Government Act*.

Lots in existence prior to the adoption of this bylaw do not have to comply with the minimum parcel size requirements.

1.4 ENFORCEMENT

A Capital Regional District Building Official, Bylaw Enforcement Officer or the Planner-Administrator or any designated staff member is authorised at all reasonable times to enter onto real property that is subject to this bylaw to determine whether or not the regulations of the bylaw are being observed.

1.5 VIOLATION

Any person who is an owner or occupier of land in the area subject to this bylaw who:

- 1) Uses or permits the use of land, a building or structure contrary to any provision of this bylaw; or
- 2) Builds, alters, reconstructs, moves or extends any building or structure contrary to the provisions of this bylaw commits an offence and is subject to the penalty prescribed in Part 1.6 of Schedule A.

**Schedule "A" of Capital Regional District Bylaw No. 3602
Rural Resource Lands Land Use Bylaw**

1.6 PENALTY

A person who contravenes this bylaw is liable on summary conviction to a penalty of not less than \$200.00 and not more than the maximum prescribed under the *Offence Act* and to the costs of prosecution.

1.7 METRIC UNITS

Metric units are used for all measurements in this bylaw. The approximate equivalents of these units in imperial measure shown in parentheses following each metric measurement are included for convenience only and do not form part of this bylaw.

1.8 OTHER LEGISLATION

Nothing contained in this bylaw shall relieve any person from the responsibility to seek out and comply with other legislation applicable to their undertaking.

1.8.1 Agricultural Land

Notwithstanding anything contained in this bylaw, land designated as "Agricultural Land Reserve" pursuant to the *Agricultural Land Commission Act*, shall be subject to:

- 1) The *Agricultural Land Commission Act*;
- 2) The regulations made under the *Agricultural Land Commission Act*; and
- 3) relevant orders of the Provincial Agricultural Land Commission made under the *Agricultural Land Commission Act*;

that is to say, without limiting the generality of the foregoing, where land within an "Agricultural Land Reserve" is also within a Zone established under this Bylaw, the Bylaw shall be binding only insofar as it is not inconsistent with the *Agricultural Land Commission Act* and the regulations or an order of the *Agricultural Land Commission Act* and regulations or an order of the Agricultural Land Commission.

For land located within the Agricultural Land Reserve as outlined on Map No. 2, attached to and forming part of this Bylaw, the Bylaw is binding only insofar as it is not contrary to the *Agricultural Land Commission Act* and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation 171/2002. All uses permitted in terms of Parts 2.2 (1) and 2.3 (4), (5) and (6) of Regulation 171/2002 are expressly permitted and all uses falling under Part 2.3 (1) are prohibited.

1.8.2 Private Managed Forest Land

~~2.12 Private Forest Managed Lands~~

The *Private Managed Forest Land Act* does not preclude zoning regulations directly, but restricts new bylaws with regards to certain forest management activities. On any parcel of land, designated as managed forests lands, under the *Assessment Act*, all applicable zoning requirements must be adhered to, to the extent these do not conflict with the provisions of the *Private Managed Forest Land Act*.

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All forestry management activities as outlined in Schedule A of BC Regulation 371/2004 are authorized on all parcels of land as long as the parcel of land is classified under the *Assessment Act* as managed forest land.

**Schedule "A" of Capital Regional District Bylaw No. 3602
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Part 2 GENERAL LAND USE ZONING REGULATIONS

2.1 APPLICATION OF THE GENERAL REGULATIONS

Except as otherwise stated in this schedule, Part 2 of Schedule A applies to all zones established under this bylaw.

2.2 ACCESSORY BUILDINGS

- 1) No accessory building or structure shall be erected until the structure or building or use to which the accessory building is ancillary and subordinate has been erected or will be erected simultaneously with said accessory building;
- 2) where an accessory building or structure is attached to the principal building, ~~it shall be attached to an exterior wall or by a walkway, and by a roof or an open or enclosed structure or walkway, it~~ is to be considered a part of the principal building and shall comply in all respects with the requirements of the Bylaw applicable to the principal building;
- 3) An accessory building or structure shall not be used as a dwelling unit, except as otherwise provided for in the Bylaw, except during the construction phase of a principle building provided that:
 - a) The building permits for both the principle and accessory buildings are applied for at the same time;
 - b) The period during which the accessory building is used as a dwelling unit does not exceed one year and is thereafter returned to the accessory use;
 - c) A method of sewage disposal acceptable to the Medical Health Officer is provided; and
 - d) ~~A~~ supply of potable water is provided ~~to the satisfaction of the Medical Health Officer;~~
- 4) No accessory building or accessory structure shall be located within 3 m ~~clear to sky~~ from of any other building;
- 5) No accessory building or structure shall be located less than 15 m from the front lot line;
- 6) An accessory building or structure shall be not less than 3 m ~~clear to the sky~~ from side and rear lot lines;
- 7) An accessory building shall not exceed 6 m in height, except as otherwise provided for in this Bylaw; and
- 8) The combined total floor area of all accessory buildings and structures excluding garages on the lot shall not exceed 250 m².

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2.3 MINIMUM PARCEL SIZE EXCEPTIONS

Despite any other provision of this schedule, there shall be no minimum parcel size requirements for any of the following uses:

- Ecological reserves;
- Fish and wildlife habitat areas;
- Watershed protection and erosion control areas;
- Parks; and
- Government services.

2.4 PERMITTED USE EXCEPTIONS

Despite the regulations set out in this Bylaw, the following uses are permitted in all zones:

- ~~The keeping of no more than 4 dogs and/or cats;~~
- ~~Community use services and municipal Government~~ services;
- Ecological reserves;
- Fish and wildlife habitat;
- ~~Fish hatchery on lots greater than 4ha;~~
- Parks; and
- Watershed protection and erosion control.

2.5 ACCESS TO ARTERIAL HIGHWAYS

Notwithstanding any regulations contained in this bylaw, access to land adjacent to a controlled access highway must be subject to approval from the Ministry of Transportation pursuant to the *Transportation Act*.

There must be no direct access to a controlled access highway if any alternate access is available without the approval of the Ministry of Transportation.

2.6 PARCELS DIVIDED BY HIGHWAYS

Where a parcel of land is divided by a dedicated highway and under one title, the areas created by such division must be deemed to be separate parcels of land for the purposes of determining parcel coverage, setbacks and the number of permitted dwelling units per parcel.

Where a parcel of land is severed by a dedicated highway, consideration will be given to allowing a subdivision to create a separate parcel of land for each severed parcel provided that an adequate building area is identified and the proposed subdivision complies with all other regulations outlined in this bylaw.

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2.7 GARAGES ATTACHED TO A PRINCIPAL BUILDING

A garage or carport attached to a principal building is deemed to be a portion of the principal building.

2.8 HEIGHT EXCEPTIONS

No building, structure or structural feature shall exceed the height limitations set out in Part 4 of this bylaw except:

- Flag poles;
- Chimneys;
- Public communication towers, antennas or masts for the reception of communication signals;
- Public weather stations;
- Viewing towers not exceeding 10 m² (107 ft²);
- Wind power generating towers;
- Fire Halls;
- Farm buildings;
- Community Halls.

2.9 HOME-BASED BUSINESS

Home-based business shall comply with all of the following regulations:

- 1) There shall be no external display or advertisement other than a sign that shall not exceed 0.42 m² (2 ft²) in area;
- 2) A home-based business must be conducted entirely within a dwelling or within a building accessory to a dwelling or in an outdoor area less than 40 percent (10%) of the total area of the parcel of land 80m² located not less than 30m from any lot line;
- 3) The floor area of the home-based business must not exceed 40 percent (40%) of the entire floor area of the entire dwelling or 80 m² (861 ft²) in an accessory building;
- 4) Limited outdoor storage of material, containers or finished products shall be permitted. The total allowable area for outside storage will be limited to a total of 10 percent (10%) of the area used for the home-based business. The outside storage area must be screened;
- 5) Not more than one two commercial vehicles s or machines shall be parked on the property;
- 6) On lots 4.0 ha (10 acres) or greater, portable sawmills shall not be operated for more than six months in a 12 month period;

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- 7) Outdoor storage of materials, equipment or containers related to the operation shall be located not less than 30 m (98 f) from any lot line and shall be screened from view from the public road and adjacent properties; and
- 8) Includes Bed and Breakfast operations.

2.10 BED AND BREAKFAST

- 1) A bed and breakfast use when permitted in any zone shall be subject to the following regulations:
 - a) Bed and Breakfast units shall be located in the principal dwelling or an accessory building except as otherwise permitted in this bylaw;
 - b) The total number of Bed and Breakfast units shall be 4 per parcel of land;
 - c) The maximum size of all Bed and Breakfast units combined shall be 200-150 m² (1614.5 ft²);
 - d) The total floor area of any Bed and Breakfast unit must not exceed 55 m² (592 ft²).
- 2) The maximum number of persons staying in the Bed and Breakfast shall not exceed 12;
- ~~2)3) Breakfast meals and boxed lunches may be served to transient guests;~~
- ~~3)4) Bed and Breakfast operations must not increase vehicular traffic flow and parking by more than one vehicle at a time for each unit in the Bed and Breakfast, nor shall they involve the use of commercial vehicles for delivery of materials to or from the premises, or parked on the property, except for occasional deliveries consistent with the normal residential use of the property;~~
- ~~4)5) Side and rear setbacks for an accessory building used for Bed and Breakfast units shall be the same as for the principal dwelling in the zone in which it is located;~~
- ~~5)6) Bed and Breakfast units located in the principal dwelling unit may include a coffee maker, kettle, microwave oven and refrigerator;~~
- ~~6)7) Bed and Breakfast units wholly contained in a permitted accessory building may include a coffee maker, kettle, microwave oven, sink and refrigerator; and~~
- ~~7) One non-resident employee is permitted.~~
- ~~8) —~~
- ~~9) 2.11 — Agricultural land use policies~~
- ~~10) —~~
- ~~11) Notwithstanding anything contained in this bylaw, land designated as "Agricultural Land Reserve" pursuant to the Agricultural Land Commission Act, shall be subject to:~~
- ~~12) —~~

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- ~~13) The Agricultural Land Commission Act;~~
~~14)~~
~~15) The regulations made under the Agricultural Land Commission Act; and~~
~~16)~~
~~17) relevant orders of the Provincial Agricultural Land Commission made under the Agricultural Land Commission Act;~~
~~18)~~
~~19) that is to say, without limiting the generality of the foregoing, where land within an "Agricultural Land Reserve" is also within a Zone established under this Bylaw, the Bylaw shall be binding only insofar as it is not inconsistent with the Agricultural Land Commission Act and the regulations or an order of the Agricultural Land Commission Act and regulations or an order of the Agricultural Land Commission;~~
~~20)~~
~~21) For land located within the Agricultural Land Reserve as outlined on Map No. 2, attached to and forming part of this Bylaw, the Bylaw is binding only insofar as it is not contrary to the Agricultural Land Commission Act and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation 171/2002. All uses permitted in terms of Parts 2.2 (1) and 2.3 (4), (5) and (6) of Regulation 171/2002 are expressly permitted and all uses falling under Part 2.3 (1) are prohibited.~~
~~22)~~
~~23) 2.12 Private Forest Managed Lands~~

~~ALL FORESTRY MANAGEMENT ACTIVITIES AS OUTLINED IN SCHEDULE A OF BC REGULATION 371/2004 ARE AUTHORIZED ON ALL PARCELS OF LAND AS LONG AS THE PARCEL OF LAND IS CLASSIFIED UNDER THE ASSESSMENT ACT AS MANAGED FOREST LAND.~~
~~2.11 SECONDARY SUITES~~

2.11 a) Secondary Suites

A secondary suite is permitted on every parcel where a single-family dwelling unit is permitted, subject to the following conditions:

- 1) A secondary suite shall comply with all statutory and bylaw requirements, such as but not limited to approval from the agency having the jurisdiction for the proposed means of sewage disposal;
- 2) The secondary suite shall not exceed 90 m² (969 ft²) or forty (40) percent of the area of the principal single-family dwelling unit, whichever is less;
- 3) No more than one secondary suite shall be located on a parcel of land;
- 4) Secondary suites are only permitted in the principal single family dwelling;
- ~~5) Secondary suites are not permitted in accessory buildings, two-family dwellings or mobile homes;~~
- ~~6) A bed and breakfast use shall not be permitted within a single family dwelling containing a secondary suite;~~

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- 7) The keeping of boarders and lodgers shall not be permitted within a single family dwelling containing a secondary suite;
- 5)8) An owner of the lot must occupy either the secondary suite or the single family dwelling; and
- 6)9) One off street parking space in addition to those required for the principal residential use shall be provided.

2.11 b) Detached Accessory Suites

An accessory small suite is permitted on every parcel where a single-family dwelling unit is permitted, subject to the following conditions:

- 1) The floor area of the detached accessory suite shall not exceed 90m²;
- 2) The detached accessory suite shall be freestanding or combined with an accessory building;
- 3) On additional on-site parking space shall be provided for a detached accessory suite;
- 4) Access to the detached accessory suite is to be provided from the same road access that provides access to the principal dwelling unless otherwise permitted by the Ministry of Transportation and Infrastructure;
- 5) One detached accessory suite or secondary suite shall be permitted per lot;
- 6) The detached secondary suite may be in the form of a manufactured or modular home but shall not include a recreation vehicle or travel trailer;
- 7) Proof of adequate potable water and an approved means of sewage disposal is required;
- 8) An owner of the lot must occupy either the accessory suite or the principle dwelling; and
- 9) A small suite shall not be located on a lot less than 0.4ha.

2.124 SETBACK AREA EXCEPTIONS

Notwithstanding the regulations set out in this Bylaw, no building, structure, or structural feature shall be located in a setback area except:

- Signs and fences;
- Public communication towers, antennas or masts for the reception of communication signals;
- Weather stations;
- A patio or terrace without a roof provided that the patio or terrace does not extend more than 1 m (3.3 ft) into the setback area;

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- A fire escape provided that the fire escape does not extend more than 1 m (3.3 ft) into the setback area;
- A display yard, storage yard, parking spaces or loading spaces, provided that the display yard, storage yard, parking space or loading space is not located within 1 m (3.3 ft) of any parcel boundary.

2.135 PARKING REGULATIONS

- 1) Each parcel must have on-site parking, in all the Zones. There must be no on-street parking for any new parcel of land created, after the adoption of this bylaw;
- 2) The on-site parking requirements are as follows: if more than one function is on the parcel then the combined sum of the parking requirements will be required:

<u>Class of Building/Use</u>	<u>Required Number of Spaces</u>
Dwelling, One Family	two per dwelling unit plus one for a secondary suite
Dwelling, Two Family	two per dwelling unit
Bed and Breakfast	one space for every bedroom offered to patrons plus one per employee
Home Occupation	one space for every 40 m ² (430 ft ²) of area used for the home occupation
Tourist Accommodation	one per unit plus one per employee
Marina	one per two boat spaces plus one per employee
Restaurant	one per three seats plus one per employee

- 3) Each off street parking site must not be less than 2.5 m (8 ft) wide and 5.5 m (18 ft) long. Each site must have a vertical clearance of not less than 2.5 m (8 ft) in height;
- 4) All parking areas must reduce storm water drainage from the site and pervious surfacing is recommended;
- 5) An equivalent number of bicycle parking stalls to those as identified for vehicles shall be provided for all uses except one-family and two-family dwellings;

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- 6) Where calculation of the total required spaces results in a fractional number, rounding off to the larger whole number shall apply; and
- 7) In any development requiring 10 or more parking spaces, accessible parking spaces clearly marked for the exclusive use of vehicles properly displaying a decal issued to the physically handicapped by the Social Planning and Review Council of British Columbia, shall be provided on the following basis:
 - a) One disability space where 10-25 parking spaces are required;
 - b) Two disability spaces where 26-50 parking spaces are required;
 - c) One disability space for each additional 25 parking spaces or portion thereof above 51.

2.146 CONVERSION OF BUILDINGS

Buildings may be converted, altered or remodelled for another use, provided that:

- 1) the Building Inspector is satisfied that the building is structurally suitable for such conversion;
- 2) The converted building and use shall be a permitted use and shall conform to all the provisions and regulations prescribed for the zone in which it is located.

2.157 LOTS DIVIDED BY ZONE BOUNDARY

Where a lot is included in more than one zone, the zone boundary as shown on the map accompanying and forming part of the Bylaw shall be deemed to be a lot boundary for the purposes of determining applicable uses, densities and/or regulations other than building setbacks contained in this Bylaw.

2.168 PROHIBITED USES

- 1) Any use not expressly permitted in a zone is prohibited;
- 2) The following uses shall be prohibited in all zones:
 - a) The keeping, other than in a garage or carport on a lot, of more than one vehicle which does not have attached or affixed thereto vehicle number plates for the current license year issued in respect of that vehicle, in the manner prescribed in the Motor Vehicle Act and Regulation;
 - b) The keeping of ~~not~~ more than two recreational vehicles on a lot;
 - c) The keeping on any lot of detached parts of vehicles unless stored in a building;
 - d) The siting of permitted unlicensed vehicles in the side, rear and front yard setbacks;
 - e) The unenclosed storage of disused or discarded items, junk, scrap metal or unsightly material;
 - f) The operation of a sawmill or forestry scaling activities on lots less than 4ha;

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- ~~g) The operation of a sawmill or forestry scaling activities for more than 30 days within a calendar year unless otherwise permitted by a Temporary Use Permit, by other legislation or through a rezoning;~~
- ~~h) The operation of a kennel. The keeping of alien species as defined in the Wildlife Act;~~
- ~~e) i) The public display of electronic signs.~~

2.179 RESIDENTIAL USES

A tent, travel trailer, recreational vehicle, bus or other vehicle are not considered a residential use or dwelling unit for the purpose of this Bylaw.

2.1820 FENCES

The following limitations apply:

- 1) ~~Solid Fences or walls~~ not greater than 2 m (6.5 ft) may be located anywhere on any lot to the rear of the front building line;
- 2) ~~WFences or walls~~ not greater than 1.2 m (3.9 ft) in height may be located anywhere on a lot;
- 3) The height of a fence or wall shall be determined by measurement from natural grade.

2.19 PROJECTIONS INTO REQUIRED YARDS

The following features may project into a required front, side or rear yard:

- 1) Steps, eaves and gutters, cornices, sills, cantilevered balconies, bay windows above the ground floor level, greenhouse windows, window seats, chimneys or other similar features, provided that such projections do not project more than 1m into the required yard;
- 2) Balconies and sun shades, provided that such projections do not project more than 1m into the required yard;
- 3) Pump-houses.

2.20 LOCATION AND SITING OF BUILDINGS

- 1) No principal or accessory structure or use shall be located in any required front, side, flanking or rear yard except as provided for elsewhere in this Bylaw, and except for fences and retaining walls;
- 2) No swimming pool shall be located in any required front yard or less than 3m from any side or rear lot line;

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4)3) An area within a dwelling unit less than 2m in height shall not be used as habitable space.

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Part 3 CREATION OF ZONES

3.1 DEFINITION OF ZONES

The northern portion of the Juan de Fuca electoral area is divided into the zones depicted on Map No. 2, which is attached to and forms a part of this bylaw and is known as the "Official Land Use Zoning Map".

3.2 LOCATIONS OF ZONES

The location of each zone is defined on Map No. 2 of the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009.

Where a zone boundary is shown on Map No. 2 as following a highway or watercourse the centre line of the highway or watercourse shall be the zone boundary.

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PART 4 ZONING DISTRICTS

4.1 RESOURCE LAND (RL)

4.1.1 Permitted Uses

In addition to the uses permitted by Part 2, Schedule A of this Bylaw, the following uses and no others shall be permitted in the Resource Land (RL) Zone:

- a) Dwelling unit;
- b) Resource Extraction;
- c) Agriculture; and
- d) Outdoor Recreation

Permitted accessory uses and buildings on any parcel include the following:

- a) Home-based business;
- b) Bed and Breakfast;
- a)c) Secondary suite or detached accessory suite;
- b)d) Any buildings or structures accessory to the above uses.

4.1.2 Regulations

On a parcel located in an RL zone:

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size for subdivision purposes is 120 ha (297 acres);
- b) For Section 946(4) of the Local Government Act purposes, the minimum parcel size is ~~120~~ 22.0.0 ha where lands have been removed from Private Managed Forest Land status. -(297 acres).

Density Provisions

One of the following types of dwelling units is allowed on a parcel of land:

- a) One single-family dwelling.
- ~~One (1) two family dwelling.~~

Height

The following applies for building and structure heights associated with this zone:

- a) Dwelling unit 9 m (30 ft);
- b) All others 6 m (19.7 ft)

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Maximum Size of Residential Buildings

- a) Provided that percolation and septic field requirements are met pursuant to the Sewerage System Regulation~~to the satisfaction of the Medical Health Officer~~, residential buildings and structures shall not exceed a Total Floor Area of 418 m² (4500 ft²).
- b) Attached sundecks shall not exceed 90m² or no greater than 25% of the total floor area of the dwelling, whichever is less.

Setbacks

- a) Front yards shall be a minimum of 7.5 m;
- b) Interior and exterior side yards shall be a minimum of 15 m;
- c) Rear yards shall be a minimum of 15 m.

Setbacks for Agriculture Uses and Farm Buildings

Notwithstanding the above, setbacks for agricultural uses and farm buildings are as follows:

- a) 30 m (98.4 ft.) of a front parcel line;
- b) 15 m (49.2 ft.) of a side parcel line; and
- c) 15 m (49.2 ft.) of a rear parcel line.

4.2 GORDON RIVER RECREATION (GR)

4.2.1 Permitted Uses

The following uses and no others are permitted in a GR zone:

- a) Dwelling unit;
- b) Marina and moorage facilities;
- c) Tourist Accommodation including campsites, recreational vehicle sites, tourist cabins, tourist lodges, hotels;
- d) Staff accommodation; and
- e) Eco-tourism Activities.

Permitted accessory uses and buildings include the following:

- a) Accessory buildings ancillary to any permitted use;
- a)b) Public washrooms and showers;
- b)c) Storage Yards;
- e)d) Office Space;
- e)e) Ancillary fuel sales;
- e)f) Equipment rentals; and
- f)g) Boat Storage.

4.2.2 Regulations

On a parcel of land located in a GR zone:

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Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size for subdivision purposes is 32 ha (79 acres);
- b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size is 32 ha (79 acres).

Density Provisions

- a) One dwelling unit;
- b) Twenty campsites, recreational vehicle sites, cabins or hotel units per hectare to a maximum of 250 tourist accommodation units;
- c) A maximum of 300 boat slips associated with the marina;
- d) A maximum of two staff accommodation units are allowed on each parcel of land.

Height

The following applies for building and structure heights associated with this zone:

- a) Dwelling unit and principle structures 9 m (30 ft);
- b) All others 6 m (19.7 ft).

Maximum Size of Residential Buildings

- a) Provided that percolation and septic field requirements are met pursuant to the *Sewerage System Regulation*, residential buildings and structures shall not exceed a Total Floor Area of 418 m² (4500 ft²).
- b) Attached sundecks shall not exceed 90m² or no greater than 25% of the total floor area of the dwelling, whichever is less.

Size Restrictions

- a) Staff accommodation units must not exceed 84 m² (904 ft²);
- b) Campsites and recreational vehicle sites must ~~be greater than 75m² not exceed 90 m² (968.8 ft²);~~
- c) Tourist Cabins must not exceed 140 m² (1,506.9 ft²);
- d) Dwelling unit must not exceed 418 m² (4499.3 ft²);
- e) Hotel must not exceed 1500 m² (16,145.9 ft²); and
- f) Tourist Lodges must not exceed 1000 m² (10,763.9 ft²).

Setbacks

Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:

- a) 6 m (19.7 ft) of a front parcel line;
- b) 1.5 m (4.9 ft) of an interior or exterior side parcel line; and
- c) 3 m (9.8 ft) of a rear parcel line.

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Storage Sheds/Accessory Buildings

- a) In addition to the accessory coverage permitted on the property under Section 2.2 of this bylaw, each cabin and recreation vehicle site may contain a maximum of one storage shed or deck, excluding covered decks, carports or habitable structures, not to exceed dimensions of 103 m² (32.3 ft²).
- a)b) Campsites may not contain structures of any kind.

4.3 AGRICULTURE (AG) – ALR LAND

4.3.1 Permitted Uses

The following uses and no others are permitted in an AG zone:

- a) Dwelling Unit;
- b) Agriculture;
- c) Intensive Agriculture, subject to approval from the Agricultural Land Commission.

Permitted accessory uses and buildings on any parcel include the following:

- a) Home-based business;
- b) Bed and Breakfast;
- c) Secondary suite;
- d) Accessory buildings ancillary to any permitted use; and
- e) Dwelling unit for farm labourers.

4.3.2 Regulations

On a parcel of land located in an AG zone:

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size is 4 ha (9.9 acres);
- b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size is 14 ha subject to approval by the Agricultural Land Commission in accordance with the Home Site Severance Policy #11. ~~(9.9 acres).~~

Density Provisions

One of the following types of dwelling units is allowed on a parcel of land:

- a) One (1) dwelling unit.
- b) Notwithstanding the above, one additional dwelling unit for the sole purpose of housing employees may be located on a parcel of land where the parcel is classified as a farm pursuant to the *Assessment Act*, where the parcel is 4 ha (9.9 acres) or more in area and the additional dwelling has been approved by the Agricultural Land Commission.

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Height

The following applies for building and structure heights associated with this zone:

- a) Dwelling unit and principle structures 9 m (29.5 ft);
- b) All others 6 m (19.7 ft).

Maximum Size of Residential Buildings

- a) Provided that percolation and septic field requirements are met pursuant to the Sewerage System Regulation to the satisfaction of the Medical Health Officer, residential buildings and structures shall not exceed a Total Floor Area of 418 m² (4499.3 ft²);
- b) Attached sundecks shall not exceed 90m² or no greater than 25% of the total floor area of the dwelling, whichever is less.

Setbacks

Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:

- a) 7.5 m (24.6 ft.) of a front parcel line;
- b) 15 m (49.2 ft) of an interior or exterior side parcel line; and
- c) 15 m (49.2 ft) of a rear parcel line.

Setbacks for Agriculture Uses and Farm Buildings

Notwithstanding the above, setbacks for agricultural uses and farm buildings are as follows:

- a) 30 m (98.4ft.) of a front parcel line;
- b) 15 metres (49.2 ft) of an interior or exterior side parcel line; and
- c) 15 metres (49.2 ft) of a rear parcel line.

Additional Requirements

Uses permitted in the *Agricultural Land Commission Act* and the *Agricultural Land Use, Subdivision and Procedure Regulation 171/2002* are permitted on lands within the Agricultural Land Reserve.

4.4 WATER SUPPLY AREA (W)

For purposes of this bylaw, all lands within the Water Supply Area Zone (W) are regulated and administered by the Capital Regional District Water Services.

4.4.1 Permitted Uses

Land within this zone shall be used for the catchment, containment, distribution, management and diversion of water, and any other activities that are required to maintain a continual supply of high quality drinking water such as, but not limited to, the following:

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- a) Construction, upgrade and maintenance of water supply facilities and infrastructure;
- b) Monitoring and management of water bodies and streams;
- c) Monitoring and management of vegetation;
- d) Monitoring and management of fish and wildlife;
- e) Construction, upgrade, maintenance and rehabilitation of service roads;
- f) Installation, upgrade and management of energy transmission corridors;
- g) Protection of historic and cultural sites; and
- h) Scientific research.

**Schedule "A" of Capital Regional District Bylaw No. 3602
Rural Resource Lands Land Use Bylaw**

PART 5 FLOODPLAIN REGULATIONS

If a local government considers that flooding may occur on land, the local government may, by bylaw, designate the land as a flood plain pursuant to Section 910 of the *Local Government Act*.

5.1 FLOODPLAIN DESIGNATION

The following land is designated as Floodplain:

- a) Land lower than the Flood Construction Levels specified in Part 5 of this Bylaw;
- b) Land within the Floodplain Setbacks specified in Part 5 of this Bylaw.

Flood Construction Levels

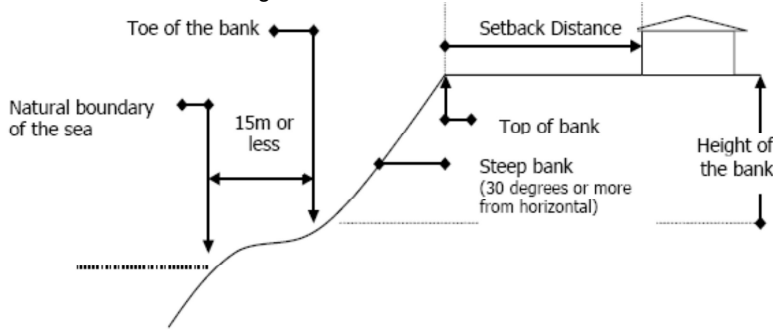
The following elevations are specified as Flood Construction levels, except that where more than one Flood Construction Level is applicable, the higher elevation shall be the flood construction level:

- a) 3 m (9.8 ft) above the Natural Boundary of the sea, any watercourse, lake, marsh or pond.

Floodplain Setbacks

The following distances are specified as Floodplain Setbacks, except that where more than one floodplain setback is applicable, the greater distance shall be the floodplain setback:

- a) 30 m (98.4 ft) from the Natural Boundary of the sea, lake, marsh, pond or any other watercourse or 30m from top of bank of a ravine less than 60m wide or 10m from the top of bank of a ravine 60m wide or greater;
- b) where the building site is at the top of a steep bank (30 degrees or more from horizontal) and where the toe of the bank is subject to erosion and is closer than 30 m (98.4 ft) from the Natural Boundary of the sea or any watercourse, the setback shall be a horizontal distance from the Top of Bank equal to 3 times the height of the bank as measured from the toe of the bank.



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**Schedule "A" of Capital Regional District Bylaw No. 3602
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Application of Flood Construction Levels and Floodplain Setbacks

- a) The underside of any floor system, or the top of any pad supporting any space or room, including a manufactured home, that is used for dwelling purposes, business or the storage of goods which are susceptible to damage by floodwater shall be above that specified level;
- b) Any landfill required to support a floor system or pad shall not extend within any setback from a watercourse or body of water specified by the Bylaw;
- c) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the Flood Construction Levels specified in Part 5 of this Bylaw. The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action and other debris;
- d) The Building Inspector may require that a British Columbia Land Surveyor's certificate and/or qualified environmental professional's report be required to verify compliance with the Flood Construction Levels and Floodplain Setbacks specified in Part 5 of this Bylaw.

Floodplain Exemption

Subject to Provincial regulations, the local government may exempt a person from a bylaw in relation to a specific parcel of land or a use, building or other structure on the parcel of land, if the local government considers it advisable and:

- a) Considers that the exemption is consistent with the Provincial guidelines;
- b) Has received a report from a geotechnical engineer that the land may be used safely for the use intended based on the probability of a two hundred year flood event.

The granting of an exemption may be subject to terms and conditions the local government considers necessary including, without limitation:

- a) Requiring that a person submit a report from a geotechnical engineer;
- a)b) Requiring that a person enter into a covenant under section 219 of the Land Title Act.

**Schedule "A" of Capital Regional District Bylaw No. 3602
Rural Resource Lands Land Use Bylaw**

PART 6 LOTS CREATED BY SUBDIVISION

6.1 SUBDIVISION REGULATIONS

- 1) Notwithstanding the minimum lot area requirements specified in this Bylaw, existing lots which are smaller than permitted in these regulations may be consolidated and re-subdivided into new lots, provided that:
 - a) all parts of the new lots are contiguous;
 - b) no additional lots are created;
 - c) the boundary change does not result in the reduction of any affected lot by 20 percent (20%) or more of its original size;
 - d) all the other requirements of this Bylaw are met.
- 2) Where a lot being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be one tenth of the perimeter of the lot that fronts on the highway;
- 3) If a panhandle lot is not capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point shall be 6 m (19.7 ft);
- 4) If a panhandle lot is capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point shall be 20 m (65.6 ft);
- 5) Each lot shall be required to have a proven source of potable water of at least ~~one~~^{one-1/2} gallon per minute.

6.2 PARKLAND AND SCHOOL SITE DEDICATION POLICIES

- 1) Where subdivision occurs, pursuant to the requirements of the *Local Government Act*, the developer must provide parkland, without compensation, to the community. The size, location and form of parkland will be determined by the Capital Regional District. The parkland shall be in the form of either: trails, regional parks, interpretive parks, waterfront parks, green space or a combination of the above.
- 2) At its discretion, the Capital Regional District may ask for cash-in-lieu as the requirement for compliance with Section 941 of the *Local Government Act* for the future purchase of land for parks or development of parks in the Plan Area.
- 3) The Capital Regional District Parks Department and the Juan de Fuca Electoral Area Parks and Recreation Commission shall collaborate in the acquisition of new Regional and Community parks within the OCP area.
- 4) Dedication of parkland shall require that access to the Strait of Juan de Fuca, other watercourses or features be provided by a developer at the time of subdivision.

**Schedule "A" of Capital Regional District Bylaw No. 3602
Rural Resource Lands Land Use Bylaw**

- 5) Where development occurs in proximity to significant natural or environmental features, existing trails or existing communities, consideration shall be given to acquiring parkland that adds to these features or responds to a need in the community.
- 6) Where an applicant considers a park land dedication is inappropriate it shall be the applicant's responsibility to demonstrate the rationale for it being inappropriate.
- 7) At the time of subdivision of land adjacent to a watercourse, the CRD shall recommend to the Approving Officer that full access to all water bodies be required according to the requirements in Section 75 of the *Land Title Act*, and where more than one access to a water body is required through subdivision the CRD may support consolidation of accesses to create one access for a greater variety of uses.
- 8) CRD Regional Parks is encouraged to expand Regional parks and trails in this area by considering management of existing facilities;
- 9) The requirement for school site dedications is not anticipated during the life of this Plan as there development of this nature and scale are discouraged from locating in the Plan area.

**Schedule "A" of Capital Regional District Bylaw No. 3602
Rural Resource Lands Land Use Bylaw**

PART 7 SERVICING REQUIREMENTS

7.1 ROADS AND SERVICING

The provision of roads and services will play a role in shaping land use development patterns in the Plan area. These shall be developed in compliance with the policies of this Plan.

- 1) The Ministry of Transportation and Infrastructure road standards and requirements shall be adhered to, including the satisfaction of access requirements for private road access onto public roads when development occurs.
- 2) Servicing of proposed development with on-site sewage systems, potable water and water for fire-fighting purposes shall require the approval of the appropriate provincial regulatory agencies.

7.2 UTILITIES AND PUBLIC USE

No new utilities or public uses such as water distribution systems, waste treatment and disposal sites are anticipated for this area. The location of new public facilities should be suitable to the proponent of the use, the agency regulating and should not conflict with other uses in the area.

- 1) New public utilities that are proposed for the Plan area may be located within the Plan area subject to public consultation and approval by the appropriate regulatory agencies.
- 2) Private utility systems are discouraged from locating within the Plan area. However, where private utility systems are proposed they shall be subject to public consultation.