
Cowichan Valley Regional District
Electoral Area G – Saltair/Gulf Islands

Zoning Bylaw

No. 2524



Cowichan Valley Regional District
Electoral Area G – Saltair/Gulf Islands
Zoning Bylaw No. 2524

Amended up to and including Bylaw No. 4123

CONSOLIDATED FOR CONVENIENCE ONLY

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NOTE: CVRD Land Use Services Department staff have made every effort to provide the most up-to-date version of this consolidated bylaw and the associated maps. Nevertheless, this document may be somewhat out of date, particularly if there are amendments underway. Persons using this consolidated bylaw text and the maps should not rely on them for legal purposes or to make important decisions.

AMENDING BYLAWS:

- 2728 Home Based Business Regulation – Text Amendment (February 8, 2006)
- 2867 Community Sewer/Water Definitions – Text Amendment (May 9, 2007)
- 2975 Mini-Storage/Mohr – Text Amendment (August 8, 2007)
- 3363 Parkinson – Map Amendment (July 14, 2010)
- 3753 Medical Marihuana – Text Amendment (December 11, 2013)
- 3782 WCY Rentals – Text Amendment (April 9, 2014)
- 3784 Saltair Self Storage – Text and Map Amendment (May 14, 2014)
- 3858 Swimming Pool Fencing – Text Amendment (May 13, 2015)
- 3583 Laird/Christie – Text and Map Amendment (November 12, 2015)
- 4075 (11198 Chemainus Road) – Smith (Text and Map Amendment) (May 10, 2017)
- 4123 Cannabis Regulations – Text Only – September 26, 2018

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COWICHAN VALLEY REGIONAL DISTRICT

ZONING BYLAW NO. 2524

**A Bylaw To Establish Zones And Regulate
The Use Of Land, Water, Buildings And Structures
Within Electoral Area G – Saltair/Gulf Islands**

WHEREAS the Cowichan Valley Regional District Board of Directors considers it to be in the public interest to:

- a. Pursuant to Section 903 of the *Local Government Act*, regulate or prohibit the use of land, the surface of water, buildings and structures on land and water in Electoral Area G – Saltair/Gulf Islands;
- b. Regulate the density of the use of land, water surfaces, buildings and structures, and the siting, size and dimensions of buildings and structures and the uses that are permitted on the land;
- c. Regulate the shape, dimension and area, including the establishment of minimum and maximum sizes of all parcels of land that may be created by subdivision;
- d. Regulate the provision of off-street parking and loading spaces pursuant to Section 906 of the *Local Government Act*;
- e. Regulate the provision of screening and landscaping to mask or separate certain land uses, pursuant to Section 909 of the *Local Government Act*; and
- f. Establish minimum parcel sizes for lots that may be subdivided pursuant to Section 946 of the *Local Government Act*.

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

PART ONE

INTERPRETATION

1.1 Title

This Bylaw may be cited for all purposes as "**CVRD Zoning Bylaw No. 2524, 2005, Electoral Area G – Saltair/Gulf Islands**".

1.2 Application

This Bylaw shall be applicable to all lands, including the surface of water, and all uses, buildings and structures located within that area of Electoral Area G – Saltair/Gulf Islands of the Cowichan Valley Regional District, as indicated on Schedule "A", the Zoning Map, which is attached to and forms part of this Bylaw.

1.3 Definitions

In this bylaw:

"accessible" means that a disabled person, without assistance from another person, is able to approach, enter, pass to and from and make use of an area and/or its facilities;

"accessory" means ancillary or subordinate to, customarily incidental to, and associated with a principal use, building or structure;

"accessory dwelling unit" means a small secondary dwelling unit not attached to or within another dwelling unit constituting a self-contained dwelling unit in accordance with Section 3.21A of this Bylaw, which is located on a parcel that has a principal dwelling unit on it.

"administrator" means the person appointed from time to time as the Chief Administrative Officer of the CVRD and includes any person designated by the Administrator;

"Agriculture" means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis production (commercial – medical), cannabis production (commercial – non-medical) and cannabis production (personal – home cultivation);

"alteration" means a structural change to a building or structure and also includes:

- (a) an addition to floor area or height;
- (b) the removal of a portion of a building or structure;
- (c) construction of, cutting into, or removal of a wall, partition, column, beam, joist, floor or chimney;
- (d) any change to, or opening or closing of, any means of access of a building or structure;

"animal hospital" means a building or part thereof provided for the prevention, treatment, care and alleviation of disease and injury to animals and includes a shelter for animals exclusively for animals during their period of treatment and recovery;

"assembly" means the gathering of persons for charitable, civic, cultural, educational, entertainment, recreational or religious purposes;

"bed and breakfast accommodation" means the accessory use of a residential dwelling for the overnight tourist accommodation of transient paying guests, in which breakfast is the only meal served;

"Board" means the Board of Directors of the CVRD;

"building" means any structure, wholly or partly enclosed by a roof or roofs supported by walls or columns, which is used or intended to be used for supporting or sheltering any use accommodating persons, animals, chattels or things;

"campground" means a use in which campground spaces are provided, occupied and maintained for temporary accommodation of the travelling public in tents, trailers or recreational vehicles;

"campground space" means an area within a campground, used or intended to be used, rented or leased for the temporary accommodation of the travelling public in tents, trailers or recreational vehicles;

"Cannabis" means cannabis as defined in the *Controlled Drugs and Substances Act* or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives intended for human consumption;

"Cannabis Act" means the statute of the Government of Canada by that name, once in force, or any other statute of Canada which regulates the production and sale of cannabis for non-medical purposes;

"Cannabis-related business" means the carrying on of activity where:

- (a) the primary purpose of the business is to advocate or promote the use of cannabis for medical purposes;
- (b) Cannabis is sold or otherwise provided to persons for medical purposes;
- (c) Cannabis is stored for the purpose of sale or distribution to persons for medical purposes;

"Cannabis consumption lounge" means the use of a building or structure for the service to customers of cannabis products, medical marijuana, equipment, paraphernalia, and related therapeutic services which are primarily intended to be consumed, used or otherwise provided on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service;

"Cannabis production (commercial – medical)" means the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations:

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;

- (c) the storage and transshipping of materials, goods or products;
- (d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (commercial – non-medical)” means the carrying on of any of the following activities in accordance with the requirements of the *Cannabis Act*, but excludes cannabis production (commercial - medical) and cannabis production (personal - home cultivation):

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (personal – home cultivation)” means the use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or the *Cannabis Act*:

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis by an individual for their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulations;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis by an individual for personal use or consumption;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage of materials, goods and products derived from plants or parts of plants of the genus cannabis by an individual for personal use or consumption;

“Cannabis storefront retail” means the use of lands, buildings or structures for the marketing and sale of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building;

"civic use" means a use providing for government functions and services, including but not limited to federal, provincial, regional and municipal offices, public schools and colleges, publicly owned and operated hospitals, fire halls, community halls, libraries, museums, parks, cemeteries, jails and prisons, courts of law, waterworks facilities and sewage facilities;

"clinic" means a building or structure or part of a building or structure used for the medical, dental, surgical or therapeutic treatment of human beings, but does not include a private hospital;

"community service facility" means a structure or grouping of structures intended to provide limited recreational and commercial services to comprehensively developed housing projects and includes the following: swimming pool, theatre, health club, hobby or activity rooms, tennis courts, and news stand;

“community sewer system” means a system of sewerage works or sewage collection, treatment and disposal which serves 75 residential unit equivalents or more and which is owned, operated and maintained by the Cowichan Valley Regional District or a municipality incorporated under the *Local Government Act*;

community water system” means a system of waterworks which serves 75 residential unit equivalents or more and which is owned, operated and maintained by an Improvement District under the *Water Act* or *Local Government Act*, the Cowichan Valley Regional District, or a municipality incorporated under the *Local Government Act*.

"contiguous" means adjoining and touching;

"convenience store" means a retail sales outlet contained under one roof that provides for the sale of items regularly used by neighbourhood resident households, including food, books, magazines and household accessories;

"convention facility" means a building or part thereof in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes, but does not include overnight accommodation;

"CVRD" means the Cowichan Valley Regional District;

"day care facility" means a facility pursuant to the *Community Care Facilities Act* or successor enactment where persons who do not reside at the facility are cared for during the day;

"derelict motor vehicle" means any vehicle as defined under the *Motor Vehicle Act*, that has not been licensed under the *Act* for over a period of one (1) year and is not housed within a carport or garage;

"disabled person" means a person who has a loss, or a reduction of functional ability and activity, and includes a person in a wheelchair and a person with sensory disability;

"dwelling" or **"dwelling unit"** means one or more habitable rooms with one kitchen and self-contained sleeping, living, and sanitary facilities used, designed, or intended as a residence for one family, and does not include a recreational vehicle or park model RV (CSA Z 241)

"exterior side parcel line" means a parcel boundary, other than a front parcel line or a rear parcel line, that abuts a highway;

"family" means a person or persons related by blood, marriage or common law marriage, adoption or foster parenthood living within one dwelling; or not more than five unrelated persons sharing one dwelling;

"fence" means a freestanding structure and includes an arbour, archway, gate, screen, trellis and wall, including retaining wall, but does not include hedges and similar landscaping;

"fish farm" means a facility for the commercial growing and rearing of farmed fish;

"floor area" means the space on any storey of a building between exterior walls and required firewalls, measured from the outside walls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces and their enclosing assemblies;

"front parcel line" means the shortest parcel boundary contiguous with a highway, other than a lane;

"gas bar" means a premise containing no more than two gasoline pumping stations, and which is used for automobile fuel, lubricating oil, and minor motor vehicle accessories sales, directly to the users of automobiles;

"gross floor area" means the total floor area of all buildings on a parcel measured to the outer limits of each building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, and excluding unenclosed swimming pools, parking areas, balconies, sun decks, elevators or ventilating equipment;

"ha" means hectares, a measure of land equivalent to 10,000 m² (square metres);

"height" means the vertical distance from the average existing natural grade at the perimeter of a building or structure (or the surface water at high water/tide) to the highest point of the building or structure;

"high water mark" means the natural boundary as defined in this Bylaw;

"highway" means a way open to public use, and includes a street, road, lane, bridge, viaduct, but does not include a private right-of-way or easement on private property;

"home-based business" means a profession, occupation, business or craft, and the sale of the services and goods where such activities are carried on, as an accessory use in a dwelling or accessory building to the dwelling;

"horticulture" means the practice of growing flowers, fruits, vegetables or ornamental plants, and excludes mushroom farming;

"hotel" means a building or buildings used for the temporary accommodation of persons, which contains sleeping units and may contain accessory assembly, entertainment, restaurant, indoor recreation and retail sales uses;

"institutional use" means a non-profit building or operation which is open to the public or which serves public purposes and includes but is not limited to: an ambulance station, arena, armoury, art gallery, botanical garden, cemetery, civic use, college, community centre, community hall, fire hall, government office, hospital, library, museum, outdoor recreation, park, playground, police station, post office, religious facility, school, stadium, swimming pool and utility;

"intensive agriculture" means the commercial use of land for:

- (a) the growing of mushrooms;
- (b) the operation of feedlots or dairies; and/or
- (c) the processing of livestock, including poultry, swine or fur-bearing animals;

"interior side parcel line" means a parcel boundary between two parcels, other than a front parcel line or a rear parcel line;

"jurisdictional boundary" means a line representing a boundary between electoral areas, municipalities or regional districts, but does not include a boundary between different Official Community Plan designations or zones under this Bylaw;

"kennel" means the use of a parcel, building or structure, for the keeping, boarding and/or breeding of four or more dogs or cats of at least four months of age;

"kitchen" means an area within a dwelling designed or used for the preparation and cooking of food, and includes facilities for washing utensils, food storage areas and serving facilities;

"lane" means a highway less than 11 metres in width, which provides a second means of legal access to a parcel;

"m²" means a measure of surface area expressed in square metres;

"manufactured home" for the purposes of parcels of land that are not subject to the CVRD Mobile Home Park Bylaw, means a transportable, factory-built single family dwelling unit that is:

- (a) exempted under Section 1.1.2.2(I)(g) of the *British Columbia Building Code*;
- (b) able to be connected to utility services;
- (c) designed to provide year-round living accommodation to one family;
- (d) in conformity with the CAN/CSA Z240 Mobile home Series; and
- (e) a maximum of 4.5 metres in width;

"manufactured home park" means land used or occupied for the purpose of providing space for the accommodation of mobile homes, as defined in and permitted by the CVRD Mobile Home Park Bylaw, as amended;

"Medical marijuana" means a cannabis that is produced and consumed or used for a medical purpose in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or any subsequent legislation or regulations which may be enacted in substitution;

"Medical marijuana growing and processing" means the cultivation, harvesting, processing, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* as permitted under the *Marihuana for Medical Purposes Regulation of the Government of Canada*;

"motel" means the same as "hotel", as defined in this Bylaw;

"natural boundary" means:

- (a) 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 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; and/or
- (b) the edge of dormant side channels of any lake, river, stream or other body of water;

"natural grade" means the elevation of the ground surface in its natural state, before alterations, as it adjoins each face of a structure;

- "nursery"** means a building or structure and land, with or without greenhouses, for the growing and the wholesale and retail sale of flowers, fruits, vegetables, plants, shrubs, trees and/or similar vegetation;
- "office"** means the occupancy or use of a building for the purpose of carrying out business or professional activities, but specifically excludes retail activities and personal service use;
- "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 but is not limited to a golf course, park or open space, playing field and botanical garden; and excludes motorized outdoor recreation;
- "parcel"** means any lot, block or other area in which land is held or into which it is subdivided, including water lease lots and strata lots, but not including a highway;
- "parcel coverage"** means the total horizontal ground floor area of all buildings and structures, or part thereof, on a parcel, as measured from the outermost perimeter of all buildings and structures, or part thereof, expressed as a percentage of the total parcel area;
- "passive recreation"** means outdoor recreation activities not including the use of buildings or structures;
- "personal service use"** means a commercial use which provides direct personal goods or services to persons, including but not limited to barber shops, hairdressers, dry cleaners, fitness studios, shoe repair shops, photographers, and picture framers, and may include accessory retail sales;
- "principal use"** means the primary and chief use for which a parcel, building or structure is used, designed or intended to be used;
- "private utility"** means a use and associated works which are privately owned and provide services such as water and sewer to more than one parcel of land and which do not meet this Bylaw's definition of "community water system" or "community sewer system";
- "province"** means the government of the Province of British Columbia, Canada;
- "public park"** means publicly owned land and waterways used or intended to be used for recreation, archaeological, historical, or ecological purposes, and may also include buildings, structures and infrastructure dedicated to the support of ecological preservation and/or indoor and outdoor recreation;
- "public utility"** means a use and associated works which provide for essential services such as community water service, community sewer service, electricity, telephone, natural gas, cable television, and similar services, where such use is established by the CVRD Board of Directors, a municipality, an improvement district, the province, the federal government, or a body that is subject to the *Utility Commission Act*. In addition to the uses and services listed above, public utility includes any service established by the CVRD Board of Directors. Public utility also includes communications infrastructure, solid waste disposal services, navigation aids and public seawalls. Public utility does not include exterior storage of any kind, offices, vehicle or equipment repair facilities, grid-connected power generation plants of any sort, including grid-connected wind turbines, or anything that falls under the definition of "private utility";
- "rear parcel line"** means the parcel boundary that lies the most opposite to and is not connected to the front parcel line;
- "rear yard"** means the total area of a parcel, exclusive of an area bounded by the front parcel line, the side parcel lines, and a line 15 metres distant from the front parcel line, drawn parallel to the front parcel line;
- "recreational facility"** means a facility used and equipped for the conduct of sports and leisure activities;
- "recreational vehicle"** means a vehicle, capable of being licensed under the *Motor Vehicle Act*, which is designed for the temporary accommodation of people, and includes motor homes, camper vans, tent and camper trailers, 5th wheels and other motor vehicles converted or adapted for temporary human accommodation;
- "regional district"** means the Cowichan Valley Regional District;

"religious facility" means a building or structure dedicated to religious worship and may include such accessory uses as a day care, religious education, assembly activities and a manse;

"residence" means the occupancy or use of a building or part thereof as a dwelling;

"residential day care centre" means a day care facility located within a single family dwelling, designed for the day care of not more than eight individuals;

"residential suite" means an accessory dwelling located above a commercial use in a commercial building;

"resort" means a commercially operated facility for transient guests where the primary attraction is one or more recreational features or activities and accommodation is in a lodge, hotel, motel, cottages, separate units or buildings or any combination of them used for temporary accommodation, which may contain sleeping units with cooking facilities, and may include accessory assembly and related uses;

"restricted agriculture" means the keeping of the following animals on parcels 0.4 hectares or larger:

- (a) not more than 2 hogs;
- (b) not more than 2 other farm animals for each 0.5 hectare of parcel area; and
- (c) not more than 12 rabbits or 12 poultry;

"retail" means the sale and rental of goods and wares to the general public;

"secondary suite" means a self contained set of habitable rooms, not exceeding 65m² in floor area, capable of being occupied year round, with a separate entrance and with living facilities, including provision for living, sleeping, cooking, sanitation, food storage and preparation, within a single family dwelling;

"service station" means premises used principally for the retail sale of motor fuels, lubricating oils and motor vehicle parts and accessories, and the accessory servicing of motor vehicles and boat engines, but not including automobile sales or motor vehicle body repairs, painting, storage or wrecking;

"setback" means the minimum permitted horizontal distance required under this Bylaw, between a building or structure and a specified parcel line;

"silviculture" means resource use activities related to the commercial development and care of forests, including seedling and tree nurseries and harvesting, but excluding the processing of wood or wood products;

"sleeping unit" means a room or group of rooms which does not contain cooking facilities, used for the temporary accommodation of any person;

"storey" means the portion of a building that is situated between the top of any floor and:

- (a) the top of the next floor above it; or
- (b) the ceiling above it where there is no floor above the ceiling;

"strata lot" has the same meaning as in the *Strata Property Act*;

"structure" means any construction fixed to, supported by, or sunk into land or water, but not concrete paving or asphalt paving or similar surfacing of a parcel;

"subdivision" means:

- (a) a subdivision as defined in the *Land Title Act*; or
- (b) a subdivision under the *Strata Property Act*;

"temporary accommodation" means the accommodation of any person for a total of less than twenty-two (22) weeks in a calendar year;

"theatre" means a building or outdoor structure used for presenting dramatic performances, motion pictures, or lectures;

"use", "uses" and "used" mean the purpose or function to which land, the surface of water, buildings or structures are designed, occupied, put or intended to be put;

"utility" please see the definitions of "public utility" and "private utility";

"watercourse" means any natural drainage course or source of water, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, the sea or source of ground water and includes portions that may be contained within a conduit or culvert;

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, estuaries and similar areas.

2.1 Conformity

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

2.2 Enforcement

1. The Administrator, or other such person as may be designated by the Board to act in the place of the Administrator, may enter any parcel, building or premises at any reasonable time to ascertain whether the regulations of this Bylaw are being obeyed. In the event that the owner denies access to a parcel, building or premises, the Administrator may instruct staff to obtain a Court Order to gain access under this Section.
2. The Bylaw Enforcement Officer, Building Inspector or other such person that may be appointed by the Board may enforce this Bylaw.

2.3 Prohibitions

1. Any use not expressly permitted in this Bylaw is prohibited.
2. Non-conforming uses of land, buildings and structures, as well as siting, size or dimensions of buildings and structures are governed by Section 911 of the *Local Government Act*.
3. For additional clarity, the following uses are amongst those explicitly prohibited:
 - (a) cannabis-related business;
 - (b) cannabis consumption lounge;
 - (c) cannabis production (commercial - medical);
 - (d) cannabis production (commercial - non-medical);
 - (e) cannabis production (personal - home cultivation);
 - (f) cannabis storefront retail;

2.4 Violation

1. Every person who:
 - (a) violates any provision of this Bylaw;
 - (b) causes or permits any act or thing to be done in contravention or violation of any provision of this Bylaw;
 - (c) neglects to do or refrains from doing any act or thing required under this Bylaw;
 - (d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Bylaw;
 - (e) fails to comply with an order, direction or notice given under this Bylaw; or
 - (f) prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.

2. Each day's continuance of an offence under Section 2.4.1 constitutes a new and distinct offence.

2.5 Penalty

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

2.6 Severability

If any section, sentence, clause, phrase, word or schedule of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

2.7 Amendment

1. Application for amendment to this bylaw shall be subject to the provisions of the *Local Government Act*.
2. All applications for amendment to this Bylaw shall be subject to the requirements of CVRD Development Application Procedures and Fees Bylaw No. 2255, as amended.

2.8 Effective Date

This Bylaw shall become effective upon adoption.

2.9 Repeal

1. That part of Cowichan Valley Regional District Electoral Area "G" Zoning Bylaw No. 1180, 1988 and all amendments thereto, which applies to Electoral Area G – Saltair, is hereby repealed.
2. That part of Cowichan Valley Regional District Off-street Parking Bylaw No. 1001, 1986, which applies to Electoral Area G – Saltair, is hereby repealed.
3. That part of Cowichan Valley Regional District Bylaw 1740 (subdivision for a relative) which applies to Electoral Area G – Saltair, is hereby repealed.

3.1 Application

Except as otherwise specified in this Bylaw, all provisions of Part Three apply to all the zones established under this Bylaw in Electoral Area G.

3.2 Accessory Buildings and Structures

For zones within which accessory buildings and structures are permitted, the following regulations apply:

1. No accessory building or structure shall be situated on a parcel unless the principal building, to which the accessory building is incidental, has already been erected or will be erected simultaneously with the accessory building on the same parcel, with the exception of one accessory building or structure not exceeding 25 m² of gross floor area, used only for storage purposes.
2. No part of an accessory building shall be used as a dwelling unit or sleeping unit, except as otherwise provided for in this Bylaw.
3. No accessory building shall contain plumbing other than that necessary for the installation of one toilet and one sink, and no other plumbing or plumbing fixtures shall be permitted.
4. An accessory building shall be located on the same parcel as the principal building or use.
5. One greenhouse, not exceeding 15 m² in floor area shall be permitted as an accessory residential structure. Greenhouses exceeding 15 m² in floor area shall be considered agricultural buildings, be permitted only in zones where agriculture is listed as a permitted use and shall comply with the relevant agricultural building setbacks from parcel lines.

3.3 Bed and Breakfast Accommodation

1. For zones in which it is permitted, bed and breakfast use shall:
 - (a) be completely contained within a single family dwelling which is a principal use on the parcel;
 - (b) be conducted by a resident on the parcel, who may employ not more than one non-resident person on the parcel; and
 - (c) not involve the use of more than three rooms per parcel at any one time, for overnight guest accommodation.
2. Where a renovation, an addition or new construction is required to allow the bed and breakfast use to occur, applications for building permits shall explicitly show which rooms in the dwelling will be used for bed and breakfast purposes.

3.4 Dwelling Units – Numbers, Occupation and Rooms

Except as otherwise specifically stated in this Bylaw:

1. Not more than one dwelling unit shall be located on any one parcel;
2. No dwelling unit shall be used or occupied by more than one family;
3. All rooms of a dwelling unit shall be accessible from within that dwelling unit;
4. Not more than one kitchen shall be contained within a dwelling unit.

3.5 Fencing and Screening

Except as otherwise specifically stated in this Bylaw:

1. The height of a fence or wall shall be measured to the highest point from and perpendicular to a line representing the average natural grade level at its base;
2. A fence, where permitted within a required front yard, shall not exceed a height of 1.2 metres, and fences on all other parts of a parcel shall not exceed a height of 2.0 metres, except within agricultural, commercial, institutional and industrial zones, in which case the maximum height shall be 2.5 metres;

3. Notwithstanding the provisions of Section 3.5.2, fences used in association with recreational uses, such as playing fields, playgrounds, golf courses and other similar sports, public utility uses and industrial storage areas shall not exceed a height of fifteen (15) metres, provided such fences are constructed of material that permits visibility, such as wire mesh;
4. Fences may be constructed on any portion of a parcel, including within a required setback area, with the following exceptions:
 - (a) closed fences and landscape screens shall be less than 2 metres in height when sited in a required setback area from a lot line adjoining a residential use; and
 - (b) no tree, plant, shrub, fence or other structure greater than 1 metre in height shall be located within a sight triangle, defined in Section 3.25 of this Bylaw.
5. The use of barbed wire for fencing within a residential, institutional and/or commercial zone shall be prohibited except along an Agricultural Land Reserve boundary.

3.6 Floodplain Requirements

All buildings and structures shall conform to a Floodplain Management Bylaw, if one is in effect, and until one is in effect, shall be dealt with in accordance to Section 699 of the *Local Government Act* until such time as a Floodplain Management Bylaw may be adopted by the CVRD.

3.7 Garage Attached to a Principal Building

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

3.8 Height

Notwithstanding other height restrictions in this Bylaw, agricultural buildings, church belfries, chimneys, domes, flag poles, grain elevators, industrial cranes, lighting poles, federally-regulated microwave communications towers, monuments, radio or television antennas, religious facility spires, silos, scenery lofts, stadium bleachers and light standards, stair towers, tanks and windmills may be of an unlimited height. However, where such structures are located on top of a building, they shall not occupy more than 10% of the horizontal plane of the roof area as seen from any direction.

3.9 Home-Based Business Regulations

For zones in which a home-based business is a permitted use, the following regulations shall apply:

1. The home-based business use shall only be conducted:
 - (a) within a principal dwelling unit on a parcel which is less than 0.2 hectare in area, or
 - (b) within a principal dwelling unit or a wholly enclosed permitted accessory building on a parcel which is 0.2 hectare or larger in area.
2. The maximum floor area per parcel for the home-based business use, including office space, storage, processing or sale, shall not exceed:
 - (a) 50 m² on a parcel which is less than 0.2 hectare in area;
 - (b) 100 m² on a parcel which is 0.2 hectare or larger in area.
3. The home-based business shall be clearly subservient and incidental to the use of the dwelling unit for residential purposes and to the residential use of the parcel on which the dwelling is located.
4. There shall be no variation of the external residential appearance of the land and premises where the home-based business use is located.
5. The home-based business shall not produce any hazard, offensive odour, noise, dust, smoke, glare, toxic or noxious matter, contaminated site, heat, electrical interference, fire hazard, litter, additional waste, floodlighting, vibration, excessive customer or service traffic, or create a nuisance of any kind.
6. The home-based business shall have no external display or advertisement other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m² in area.
7. The home-based business shall not involve exterior storage of any material or equipment used directly or indirectly in the processing, servicing or sale of any product.

8. The home-based business shall only be conducted by a resident on the parcel and shall employ not more than two non-resident persons.
9. No home-based business shall encourage the generation of excessive non-local traffic on residential streets;
10. The home-based business shall not involve the servicing, repair, painting or bodywork of motor vehicles.
11. Off-street parking, required in accordance with Section 3.13 of this bylaw, shall be located on the parcel where the home-based business is located.
12. Where a home-based business involves the use of commercial vehicles:
 - (a) no commercial vehicles with a maximum gross vehicle weight of 5000 kg or greater, associated with the home-based business, shall be located outside of a building or structure on a parcel which is less than 1 ha in area; and
 - (b) not more than one commercial vehicle with a maximum gross vehicle weight of 5000 kg or greater, associated with the home-based business, shall be located outside of a building or structure on a parcel which is 1 ha in area or larger.
13. Any home-based business must comply with all Regional, Provincial and Federal Environmental Protection Regulations.
14. All articles sold through a home occupation shall be produced or manufactured on the parcel, and no retail activity of any other materials or goods shall occur.

3.10 Minimum Parcel Frontage

1. The minimum frontage of a parcel shall be ten percent of the perimeter of that parcel.
2. Notwithstanding the provisions of Section 3.10(1), the minimum frontage may be reduced for lots on a road curve with a radius of 80 metres or less subject to the required frontage being attained at the required front yard setback as stated for the zone in which the parcel is situated.

3.11 Minimum Parcel Size Exceptions

The minimum size of a parcel is the minimum parcel size prescribed in Part 5 of this Bylaw for the zone in which the parcel is located, except to the extent as varied by the following provisions:

1. **Parcel Consolidations and Addition of Roads:** The minimum parcel size requirements do not apply to the consolidation of existing parcels or the addition of closed streets to an existing parcel.
2. **Dedication for Public Use:** A parcel which is reduced in size by not more than ten (10) percent as a result of a dedication for a public use by:
 - (a) the Regional District;
 - (b) a municipality;
 - (c) the Provincial Government;
 - (d) the Federal Government;
 - (e) an Improvement District;
 - (f) the Board of School Trustees; or
 - (g) a Public Utility;

by expropriation or purchase, shall be considered to have the same size as it did prior to the dedication for public use. If this deemed size would permit further subdivision, then such subdivision may occur pursuant to the general regulations of this Bylaw and the regulations of the zone in which the parcel is located. No individual parcel created pursuant to this regulation shall, following subdivision, be more than 10% smaller than the minimum parcel size of the zone in which it is located.

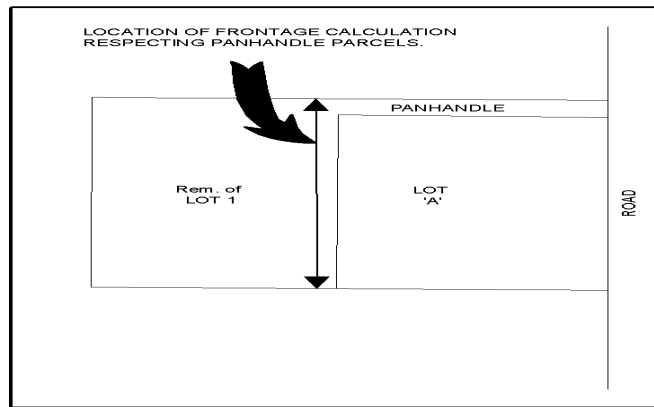
- (a) **Parcels Severed by a Road or another Parcel:** Notwithstanding the minimum parcel size provisions of each zone, where a portion of a parcel is physically separated from the remainder of the parcel by a public road or another parcel, the physically separated portion may be subdivided from the remainder of the parcel, to an absolute minimum area of 2000 m² where the parcel is serviced

with community water, and 1 hectare where the parcel is not serviced with community water. This regulation only applies to parcels and public roads in existence at the date of adoption of this bylaw.

No subdivision or boundary adjustment, which creates new parcels separated by a road or another parcel, shall be approved unless a covenant is registered in the name of the Cowichan Valley Regional District, prior to subdivision approval, prohibiting the further subdivision of the newly created severed parcel. This covenant requirement also applied to new dedications of public road, occurring outside of the subdivision process. Even in the event that the Ministry responsible for creating new roads neglects to register the covenant against the title, no subdivision of a separated parcel shall be permitted, other than in conformity with the regulations of the zone in which the parcel is located.

3. **Parcels Severed by a Jurisdictional Boundary Line:** Notwithstanding the minimum parcel size provisions of each zone, where a portion of a parcel is separated from the remainder by a jurisdictional boundary line, the parcel may be subdivided along the jurisdictional boundary line, provided that:
 - (a) the jurisdictional boundary line is used as the subdivision boundary; and
 - (b) no parcel created pursuant to this Section shall be less than one hectare in area where there is no community water service connection and 2000 m² in area where community water service connections are made to each parcel.
4. **Parcels Subdivided for Public Parks or Public Utility Uses:** The minimum parcel size provisions as prescribed in each zone shall not apply where the parcel being created is to be used solely for the unattended equipment necessary for the operation of:
 - (a) a bus shelter, railway station, public transit station;
 - (b) a community water system;
 - (c) a community sewer system;
 - (d) a community gas distribution system;
 - (e) a community radio or television relay broadcasting antenna;
 - (f) a radio or television relay broadcasting antenna;
 - (g) a telecommunication relay station;
 - (h) an automatic telephone exchange;
 - (h) an air or marine navigation aid;
 - (i) a solid waste transfer station or recycling station;
 - (j) other public utilities not specifically listed but considered to be similar in nature to those uses listed in Section 3.11.5(a) through (i);
 - (k) a public park; or
 - (l) a rest stop for a Provincial or National Highway or the Cowichan Valley Trail.
6. **Undersized Parcels:** Undersized parcels that:
 - (a) exist as separate and titled parcels in the records of the Land Titles Office, at the effective date of adoption of this Bylaw;
 - (b) have been created pursuant to the provisions of this Bylaw; or
 - (c) have been created under the authority of a statute of the Province of BC;may be occupied for the uses permitted in the zone in which they are located, subject to all other regulations of this or any other Bylaw, regulation or statute.
7. **Panhandle Parcels:** Where a parcel is a panhandle lot:
 - (a) the access strip (or panhandle) shall not be calculated as part of the parcel area for purposes of subdivision; and
 - (b) When panhandles are created, as an integral part of a parcel, the frontage requirement as specified in Section 3.10 shall not be calculated for the panhandle portion fronting on the highway, but for the width of the lot area fronting on the extension of the panhandle as shown in Figure A:

FIGURE A



3.12 Off-Street Loading Requirements

1. Minimum Off-Street Loading Requirements

Minimum off-street loading spaces and facilities shall be provided in accordance with the following table. Where a specific use is not identified, a similar use to one listed in the following table shall be selected as the applicable standard:

USE	LOADING REQUIREMENT
Automobile, marine and equipment related industries, such as service stations, marine sales and service, building supply stores, automobile wreckers, recycling depots, warehousing, manufacturing and equipment sales and rentals.	1 space for uses with less than 700 m ² gross floor area, plus 1 space for each additional 700 m ² to a maximum of 4 spaces
Churches, Religious facilities	1 space for passenger loading for every 100 m ² of gross floor area
Convenience Stores	1 space
Financial Institutions, offices and personal service uses	1 space per 2700 m ² of gross floor area
Indoor Recreational Uses	1 space per 2700 m ² of gross floor area
Institutional uses, including civic uses, hospitals	1 space per 2700 m ² of gross floor area
Outdoor Recreational Uses	1 passenger loading space
Retail Stores, nurseries	1 space for uses occupying less than 700 m ² of gross floor area, plus one space for each additional 500 m ² of gross floor area
Schools, Colleges	1 passenger loading space per 3,000 m ² of gross floor area
Shopping Centres	1 space per 100 m ² of gross floor area
Theatre	1 passenger loading space plus 1 loading space
Transportation Facilities	1 passenger loading space

2. **Required Loading Spaces in Specified Zones:** Notwithstanding the requirements of Section 3.12.1, a minimum of one off-street loading space shall be provided on each parcel in a C-2, C-3, C-4, C-5, or P-2 Zone.
3. **Calculation Resulting in a Fraction:** Where the calculation of the required off-street loading space results in a fraction, one space shall be provided with respect to the fraction.
4. **Location of Off-Street Loading Spaces:** Required loading spaces for all uses shall be located on the same parcel as the building or use.
5. **Access to Loading Spaces:** Each off-street loading space shall have at all times access to an aisle that intersects with a highway. No loading space shall gain direct access to a highway.

6. **Dimensions of Loading Spaces:** Each off-street loading space involving the receipt and delivery of goods or materials by vehicles shall be not less than 3 metres wide, 9 metres long and have a clear height of not less than 4 metres.
7. **Loading Spaces Additional to Off-Street Parking:** Off-street loading spaces shall not be credited against the requirements for off-street parking.
8. **Parcels With More Than One Use:** When a building or parcel contains more than one function or use, the required number of loading spaces is the sum of the requirements for each function or use.
9. **Extending or Expanding an Existing Use:** The requirements established in this Section do not apply to a building or use existing prior to the adoption date of this Bylaw. However, if there is an expansion or addition to an existing use or building, then the provisions of Section 3.12.1 shall apply to such expansion or addition.

3.13 Off-Street Parking

1. **Off-Street Parking Requirements:** Minimum off-street parking spaces and facilities shall be provided in accordance with the following Table. Where a specific use is not identified, a similar use to one listed in the following table shall be selected as an applicable standard.

CATEGORY	USE	PARKING
Residential Uses	Bed and Breakfast Accommodation	1 space per bedroom used for guest accommodation.
	Dwelling Units	Two spaces per each dwelling unit, where a parcel contains less than 3 dwelling units. Where a building or parcel contains 3 or more dwelling units, 1.5 spaces per dwelling unit is required.
	Home-based business	1 space per non-resident employee
	Secondary Suite and Sec. Dwelling	1 space
	Secondary Suite, Sec. Dwelling & Accessory Dwelling Unit	1 space
Commercial, Industrial, Institutional Uses	Animal Hospital	1 space per 35 m ² of gross floor area
	Art Gallery, library or museum	1 space per 30 m ² of gross floor area
	Automobile Service Stations, Fuel Sales, and Repair Facilities	1 space per 15 m ² of gross floor area
	Automobile and marine sales and rentals	1 space per 15 m ² of gross floor area plus two spaces per service bay
	Bakery	1 space per 35 m ² of gross floor area
	Boat building, repair and storage	1 space per 50 m ² of storage area plus 1 space per 35 m ² of gross floor area
	Community Centre	1 space per 35 m ² of gross floor area
	Clinic	1 space per 35 m ² of gross floor area
	Convenience Store	1 space per 35 m ² of gross floor area
	Convention Facility	Ten spaces plus 1 space per 35 m ² of gross floor area
	Day Care Facility	Three spaces plus 1 space per 50 m ² of gross floor area
	Equipment and machinery sales, rentals, servicing and repair	1 space per 15 m ² of gross floor area
	Entertainment centres including bowling alleys, pool halls, arcades, bingo halls, or ice arenas	1 space per 30 m ² of gross floor area or 1 space for every 4 potential players or participants (at capacity), whatever is greater
	Financial Institution such as a Bank or Credit Union	1 space per 15 m ² of gross floor area
	Fire Hall/Police Station	1 space per 15 m ² of gross floor area
	Funeral parlour religious facility, church	1 space per 4 seats
	Golf Course	150 spaces
	Golf Driving Range	1 space per tee plus 5 spaces
	Hospital (private or public)	1 space per two employees plus 1 space for every 5 beds
Commercial, Industrial, Institutional Uses Continued...		

Hotel, motel, campground, recreational vehicle Park, resort, or similar temporary commercial accommodation	1 space per unit or campground space plus three spaces
Kennel	Four spaces
Laundromat	1 parking space per 3 washing machines
Lumber and Storage Yard, Building Supply Store	1 space per 100 m ² of storage area plus 1 space per 35 m ² gross floor area
Manufacturing	1 space per 100 m ² of gross floor area
Marina/Moorage Facilities for Taxi, ferry or fishing boats	1 space per 2 boat stalls plus three spaces
Nursery	1 space per 15 m ² of gross floor area of retail sales building plus 1 space per 465 m ² of outdoor display
Offices (business, administrative, civic, and professional)	1 space per 35 m ² of gross floor area
Personal Service Uses	1 space per 12 m ² of gross floor area
Post Office	1 space per 30 m ² of gross floor area
Printing and publishing establishments	1 space per 30 m ² of gross floor area
Neighbourhood Pub	1 space per 3 seats (at full capacity), plus three spaces
Recreation Facility	1 space per 10 m ² of gross floor area or 1 space per 3 seats, whichever is greater
Recycling, Wrecking and/or Storage of automobiles and or other materials or equipment	1 space per 100 m ² of covered storage plus 1 space per employee
Restaurant (may include drive in or drive through service)	1 space per 3 seats (at full capacity), plus three spaces
Retail Store	1 space per 20 m ² of gross floor area
School (Kindergarten and Elementary)	2.5 spaces per classroom
School (Secondary), business or private school, university or college	Two spaces per classroom plus 1 space per 10 non-boarding students
Shopping Centre	5.5 spaces per 100 m ² of gross floor area
Small Lot Local Commercial Use	3 spaces per lot or 1 space per 40m ² of gross floor area, whichever is greater.
Theatre	1 space per 10 seats
Transportation Facilities including Bus Depot	Three spaces minimum plus 1 space per 50m ² of gross floor area
Warehouse or wholesale use	1 space minimum per business use plus 1 space per 185 m ² of gross floor area
Welding Shop	1 space plus 1 space per 50 m ² of gross floor area

2. **Calculation Resulting in a Fraction:** Where the calculation of the required off-street parking space results in a fraction, one parking space shall be provided with respect to the fraction.
3. **Seating Accommodation Requirements:** Where seating accommodation is the basis for a unit of measurement under this Section and consists of benches, pews, booths or similar seating accommodation, each 0.64 m² of seating area shall be deemed to be one seat.
4. **Parcels with more than one use:** Where a building or parcel contains more than one function or use, the required number of parking spaces shall be the sum of the requirements for each function or use.
5. **Location of Off-Street Parking Spaces:** Required parking spaces for all uses shall be located on the same parcel as the building or use, and shall be located a minimum of 3 m from any parcel line;

6. **Dimensions of Parking Spaces:** The minimum required dimensions for parking spaces under this Bylaw is set out as follows:

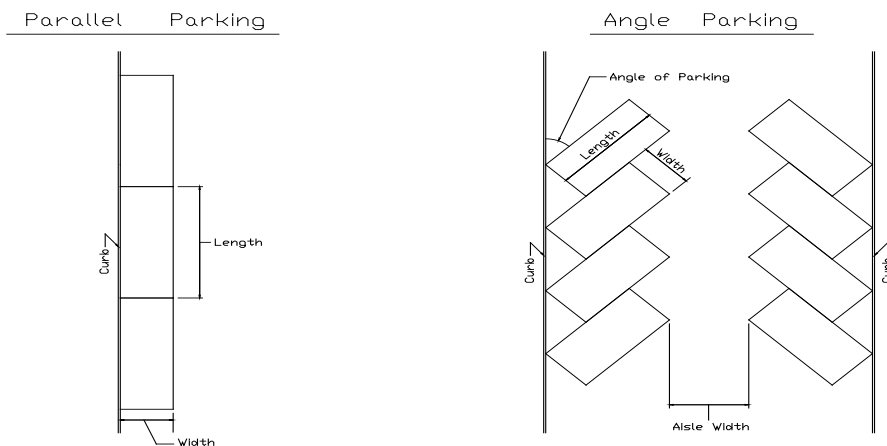
Minimum Dimensions	Width	Length
Angle Parking Spaces	2.8 metres	5.8 metres
Parallel Parking Spaces	2.6 metres	7.0 metres

However, with respect to a parking area containing more than 100 parking spaces, up to 20 percent of the total required number of parking spaces may be reduced to 4.6 metres in length provided that each parking space is identified by the words "small auto only" on the pavement in the space itself or on a wall facing it.

7. **Dimensions of Aisle Space:** The minimum required dimensions for aisle space under this Bylaw is set out as follows refer to diagrams below for interpretation):

ANGLE OF PARKING	0°	30°	45°	60°	90°
MINIMUM WIDTH OF AISLE	3.7 metres	3.4 metres	3.9 metres	5.5 metres	7.3 metres

Parking Diagrams



8. **Access to Parking Spaces:** Except in the case of a single-family residential building, no parking space shall gain direct access to a highway.
9. **Street access or egress:** Street access or egress shall be not less than 15 metres from the nearest point of intersection of two highways.
10. **Surfacing of Parking Areas:** Where more than ten parking spaces are required by this Bylaw, the parking area shall be surfaced with a dust-free material such as asphalt, grass-crete, concrete, or other suitable dust free material, and each space shall be clearly marked. All other outdoor parking areas must be, as a minimum standard, graveled.
11. **Provision of Oil/Water Separator:** Parking areas paved with an impervious material shall include an oil-water separator, to ensure that contaminants do not seep into the surface water or groundwater, and it shall be the responsibility of the landowner to properly maintain the oil-water separator in good working order.
12. **Parking for Disabled Persons:**
- (a) For any use required to be accessible to disabled persons by the BC Building Code, a minimum of one disabled person parking space shall be provided.
 - (b) Where 25 or more parking spaces are required by this Bylaw, the greater of one parking space or a minimum of 1 percent of all spaces shall be accessible to disabled persons.

- (c) All parking spaces designed for use by a disabled person shall be:
 - i. A minimum of 3.7 metres in width and 5.8 metres in length;
 - ii. Surfaced with concrete or asphalt to provide ease of access for wheelchairs;
 - iii. Located in the most accessible and convenient location available within the parking areas; and
 - iv. Marked or otherwise designated for sole use by disabled persons.

13. Bicycle Parking:

All commercial developments requiring at least 5 parking spaces shall have a bicycle rack capable of accommodating at least four bicycles.

14. Extending or Expanding an Existing Use

The parking requirements established in this Section do not apply to a building or use existing prior to the adoption date of this Bylaw. However, if there is an expansion or addition to an existing use or building, then the provisions of Section 3.13 shall apply to such expansion or addition.

3.14 Parcel Realignments and Consolidations

Existing parcels may be consolidated and re-subdivided into new parcels for matters of convenience provided that:

1. the subject parcels are contiguous;
2. no additional lots are created;
3. where the proposed parcels are under 1 hectare in area, the boundary change does not result in the reduction of any parcel by 20% or more of its original size; and
4. the requirements of this Bylaw respecting siting of buildings and structures is complied with.

3.15 Recreational Vehicle Parking

Not more than two (2) recreational vehicles or trailered boats shall be parked or stored on a parcel that is located in a zone which lists "single family dwelling" as a principal use.

3.16 Residential Uses in Non-Residential Zones

Notwithstanding the setback requirements of this bylaw, where a single-family dwelling is permitted in a non-residential zone, the following setbacks shall apply:

- Front: 7.5 metres
- Interior Side: 10% of the parcel width or 3 metres, whichever is less;
- Exterior Side: 4.5 metres
- Rear: 4.5 metres

3.17 Residential Use of Water Lease Lots

Unless otherwise provided for in this bylaw, a water lease lot shall not be used for residential purposes.

3.18 Residential Use of a Recreational Vehicle During New House Construction

An owner of a parcel may occupy a recreational vehicle on the parcel while in the process of constructing a dwelling on the same parcel, provided that the following conditions are met:

1. The period of recreational vehicle occupancy shall not extend beyond twelve (12) months from its commencement.
2. The recreational vehicle occupancy shall not be established until a building permit has been issued for the construction of a principal dwelling on the parcel, nor shall the recreational vehicle be occupied after occupancy of the newly constructed principal dwelling has begun.
3. Sewage shall be disposed of at approved off-site sanitation-dump locations, or if it is disposed of on-site, in a location and manner that is permitted by the jurisdiction having authority.

3.19 Residential Use of an Existing Dwelling During New House Construction

An owner of a parcel which already has an existing dwelling located on it, while in the process of constructing a new principal dwelling on the same parcel, may continue to occupy the existing dwelling during construction of the new principal dwelling, provided that the following conditions are met:

1. The owner of the parcel shall enter into a restrictive covenant in favour of the CVRD pursuant to Section 219 of the *Land Title Act* to the effect that the owner undertakes to remove the existing dwelling or render it uninhabitable to the satisfaction of the Building Inspector following the granting of the certificate of occupancy for the new principal dwelling.
2. The covenant referenced in Section 3.19.1 shall also specify that a letter of credit or bond in the amount of \$5000 be issued in favour of the CVRD by the applicant for the new dwelling, to be forfeited to the CVRD in the event that the other terms of the covenant are not complied with, in which case the CVRD shall use the \$5000 to offset any costs of legal action to obtain compliance.
3. A maximum time period of 2 years shall be allowed for the situation described in Section 3.19.1, from the date of the application for a building permit to completion and occupancy of the new principal dwelling, and this time period shall be specified in the covenant referenced in Section 3.19.1.

3.20 Resource Extraction Activities

A number of Provincial Acts pertaining to resource extraction activities supersede the authority of the Regional District over both Crown and private lands. These include the *Mines Act*, the *Coal Act*, and the *Mineral Tenure Act*. In view of this fact, this Zoning Bylaw cannot restrict mineral, gravel and coal exploration and/or mining activities, except for storage, processing or other non-mining activities. The Mines Branch has a review process to address the public interest in such matters.

3.21 Secondary Suites

For zones in which secondary suites are permitted, the following regulations apply:

1. The secondary suite shall be located within a principal single-family dwelling.
2. The secondary suite shall not occupy more than 40% of the gross floor area of the dwelling.
3. The secondary suite shall be legally constructed and inspected in accordance with the British Columbia Building Code and the CVRD Building Bylaw, and have the approval of the authorities responsible for domestic waste disposal and domestic water supply.
4. The secondary suite shall not have a gross floor area in excess of 74 m².
5. The secondary suite shall not be located on a parcel of land that has another secondary suite or secondary dwelling on it.
6. The secondary suite shall not be located on a parcel of land unless an owner of the parcel resides on the same parcel.
7. The secondary suite shall not have, through subdivision or strata plan, a separate title distinct from the one for the parcel of land upon which it is located.
8. The secondary suite shall not be located on a parcel that is less than 0.4 hectares in area.
9. The secondary suite shall not be subdivided from the parcel upon which it is situated and the owner must enter into and register a restrictive covenant to this effect on the owner's title in the Land Title Office.

3.21A Accessory Dwelling Units

For zones in which accessory dwelling units are permitted, the following regulations apply:

1. shall not be located on a parcel of land that has a secondary suite or another accessory dwelling unit on it;
2. shall be free standing or attached to a building that is accessory to residential use;
3. shall not exceed 85 m² (914 ft²) in floor area;

4. shall only be permitted when both the primary residence and accessory dwelling unit are serviced by an approved water source and an approved sewage disposal system;
5. shall only be permitted on parcels that are at least 0.4 hectares in area and where the main residence and accessory residence are both serviced by a community water system;
6. shall be legally constructed and inspected in accordance with the British Columbia Building Code and the CVRD Building Bylaw, and have the approval of the authorities responsible for domestic waste disposal and domestic water supply;
7. shall have an additional off-street parking space in accordance with Section 3.13;
8. may be subdivided from the parcel upon which it is located only if:
 - a. it is in a zone which would allow for the proposed parcel sizes following subdivision;
 - b. the principal dwelling and accessory dwelling unit are so located as to allow for setback requirements to be met following subdivision, with each being on a separate parcel following subdivision;
 - c. the approval of the Health Authority for sewage disposal has been obtained.

If the parcel upon which the accessory dwelling unit would be located is in a zone which would not allow for subdivision, the owner shall, prior to the issuance of a building permit for the accessory dwelling unit, register a covenant under Section 219 of the *Land Title Act* in favour of the CVRD against the title to the parcel which prohibits its subdivision or the registration of any form of strata plan under the *Strata Property Act*.

For parcels that meet the requirements of Subsections (6) a., b., and c., following the subdivision, the dwelling that was formerly considered to be the accessory dwelling unit will no longer be subject to the regulations of Section 3.21A of this Zoning Bylaw.

3.22 Section 946 Subdivisions

The minimum size for a parcel that may be subdivided under Section 946 of the *Local Government Act* throughout Electoral Area G – Saltair shall be 25 hectares.

3.23 Setback Exceptions

1. Except as otherwise provided in particular zones, the setback requirements of this Bylaw do not apply with respect to:
 - (a) A pump house;
 - (b) Bay windows, belt courses, chimneys, exterior finish, heating equipment, sills, sunlight control projections, sunshades, unenclosed stairwells, and ventilating equipment, if the projections do not exceed 1 m measured horizontally; and
 - (c) Eaves, canopies, cornices, gutters, sunshades, and unenclosed stairwells if the projections, measured horizontally, do not exceed:
 - i. 2 m in the case of a rear yard;
 - ii. 1.5 m in the case of a front yard or side yard.
 - (d) signs;
 - (e) open fences; and
 - (f) closed fences and landscape screens that are less than 2 metres in height.
2. Notwithstanding any other provision of this Bylaw, the consent of the Ministry of Transportation is required to place any building or structure closer than 4.5 m to a property line adjacent to a highway.
3. No other features may project into a required setback area.

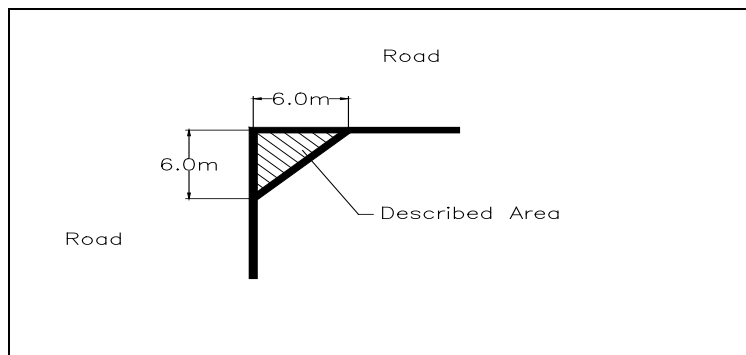
3.24 Setbacks from a Watercourse

1. Notwithstanding any other provision of this Bylaw, no building or structure shall be located within 15 metres of the high water mark of any watercourse, including the sea, unless specified in a Development Permit.
2. Notwithstanding any other provision of this bylaw, no building used for the accommodation of livestock shall be located within 30 metres of the high water mark of a watercourse, including the sea, unless specified in a Development Permit or subject to the provincial *Farm Practices Protection Act*.

3.25 Sight Triangle

No person being the owner, occupier or lessee of any land located at the intersection of any two streets, shall place or permit to be placed, construct or grow any tree, plant, shrub, fence or other structure greater than 1 metre in height within a sight triangle bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines 6 metres from their point of intersection. For greater certainty, a diagram shown as part of this section and labeled "Figure B" depicts the area described in this section.

FIGURE B



3.26 Siting Applied to Strata Subdivisions

1. The siting regulations of this bylaw apply to all parcels, including bare land strata lots.
2. The interior side parcel line requirements of this bylaw shall not apply to strata lots under a registered plan pursuant to the *Strata Property Act* where the subject parcel line is a common wall shared by two or more dwellings within a building.

3.27 Storage of Junk or Wrecks

Unless specifically permitted by this Bylaw, no parcel shall be used as a junkyard or for the external storage, collection or accumulation of all, or part, of any automobile wreck, derelict motor vehicle, or all or part of any motor vehicle that is not:

1. validly registered, licensed and insured in accordance with the *Motor Vehicle Act*; and
2. can be moved under its own power.

3.28 Uses of Land, Buildings and Structures Permitted in all Zones

Except as otherwise stated in this Bylaw, the following uses are permitted in all zones:

1. highways;
2. conservation, ecological reserves and wildlife sanctuaries;
3. landscape screening and fencing;
4. public parks and public trails;
5. public utilities, excluding offices, maintenance garages and storage areas;
6. uses, works, buildings and structures customarily incidental to a principal permitted use on the parcel;

7. temporary siting of a mobile home or recreational vehicle, for the property owner, while a permitted dwelling is being constructed, subject to the requirements of Section 3.18 of this Bylaw;
8. temporary buildings, structures or storage of materials, for a maximum of one year, required for an approved construction project on the same parcel provided such temporary buildings, structures, and/or storage areas are removed within 30 days of the completion of the project; and
9. railways.

3.29 Use of Tents, Trailers or Recreational Vehicles as a Residence

A tent, trailer, recreational vehicle, park model unit (CSA Z241), bus or other motor vehicle shall not be used as a residence, except in accordance with Section 3.18 of this Bylaw.

3.30 Commercial Cannabis Regulations

1. Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations:
 - (a) the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
 - (b) all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
 - (c) all parcels used for that purpose shall be located not less than 300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone
2. Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

3.31 Swimming Pool Fencing Required

Swimming pools shall be enclosed in a structure or be surrounded by a fence not less than 1.5 metres and not more than 1.8 metres in height, designed to prevent climbing, and where equipped with gates, the gate shall be operated by hinges and a lock and shall be able to be opened freely from the inside only.

4.1 Creation of Zones

For the purposes of this Bylaw, Electoral Area G – Saltair of the Cowichan Valley Regional District is divided into the following zones:

CATEGORY	ABBREVIATION	ZONE TITLE
Agricultural Resource	A-1	Agricultural Resource 1 Zone
Forestry/Natural Resource	F-1	Forestry/Natural Resource 1 Zone
Suburban Residential	R-2	Suburban Residential 2 Zone
General Residential	R-3	General Residential 3 Zone
Stocking Creek Corridor	R-4	Residential 4 Zone
Manufactured Home Park Residential	MP-1	Manufactured Home Park Residential 1 Zone
Local Commercial	C-2	Local Commercial 2 Zone
Small Lot Local Commercial	C-2A	Small Lot Local Commercial 2 Zone
Service Commercial	C-3	Service Commercial 3 Zone
Tourist Commercial	C-4	Tourist Commercial 4 Zone
Suburban Residential	R-2A	Suburban Residential 2A Zone
Neighbourhood Pub Commercial	C-5	Neighbourhood Pub Commercial 5 Zone
Parks/Recreational	P-1	Parks 1 Zone
Railway Transportation	T-1	Railway Transportation 1 Zone
Institutional	P-2	Institutional 2 Zone
Water Conservation Zone	W-2	Water Conservation 2 Zone
Shellfish Culture Zone	W-9	Shellfish Culture 9 Zone

4.2 Definition of Zones

1. The area of each zone is defined by Schedule "A" – the Zoning Bylaw Map – which is attached to and forms part of this Bylaw;
2. Where a zone boundary is shown on Schedule "A" as following a road allowance or a watercourse, the centre line of the road allowance or the centre of a watercourse, excluding a lake or the sea, shall be the zone boundary. In the case of a lake or the sea, the natural boundary shall be the zone boundary unless otherwise indicated on Schedule "A".

5.1 A-1 AGRICULTURAL RESOURCE 1 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the A-1 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the A-1 Zone:

- (a) Agriculture, Silviculture, Horticulture, Fish Farm, Turf Farm;
- (b) Horse riding arena, boarding stable;
- (c) Single family dwelling;

The following accessory uses are permitted in the A-1 Zone:

- (d) Secondary suite, on parcels over 1 ha in area;
- (e) Bed and breakfast accommodation;
- (f) Farm retail sales;
- (g) Buildings and structures accessory to a permitted principal use;
- (h) Home-based business.

2. Minimum Parcel Size

The minimum parcel size in the A-1 Zone is 20 hectares.

3. Number of Dwellings

Not more than one single-family dwelling and one secondary suite is permitted on a parcel zoned A-1.

4. Setbacks

The following minimum setbacks apply in the A-1 Zone:

Type of Parcel Line	Principal and Accessory Agricultural Use	Principal and Accessory Residential Use
Front parcel line	15 metres	7.5 metres
Interior side parcel line	7.5 metres	3.0 metres
Exterior side parcel line	7.5 metres	4.5 metres
Rear parcel line	7.5 metres	7.5 metres

5. Height

In the A-1 Zone, the height of all principal buildings and structures shall not exceed 10 metres, and the height of all accessory buildings shall not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

- (a) The parcel coverage in the A-1 Zone shall not exceed 30 percent for all buildings and structures.
- (b) Notwithstanding Section 5.1.6(a), parcel coverage may be increased by an additional 45% of the site area for the purpose of constructing greenhouses.

7. Parking and Loading

Off-street parking and loading spaces in the A-1 Zone shall be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

5.2 F-1 FORESTRY/NATURAL RESOURCE 1 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the F-1 Zone:

1. Permitted Uses:

The following principal uses and no others are permitted in the F-1 Zone:

- (a) Agriculture;
- (b) Silviculture;
- (c) Extraction of mineral resources and aggregate materials, excluding all processing and manufacturing;
- (d) Single family dwelling;

The following accessory uses are permitted in the F-1 Zone:

- (e) Secondary suite;
- (f) Bed and breakfast accommodation;
- (g) Buildings and structures accessory to a principal permitted use;
- (h) Home-based business.

2. Minimum Parcel Size

The minimum parcel size in the F-1 Zone is 20 hectares.

3. Number of Dwellings

Not more than one single-family dwelling and one secondary suite is permitted on a parcel zoned F-1.

4. Setbacks

The following minimum setbacks apply in the F-1 Zone:

Type of Parcel Line	Principal and Accessory Agricultural Use	Principal and Accessory Residential Use
Front parcel line	30 metres	7.5 metres
Interior side parcel line	15 metres	3.0 metres
Exterior side parcel line	15 metres	4.5 metres
Rear parcel line	15 metres	7.5 metres

5. Height

The height of all buildings and structures in the F-1 Zone shall not exceed 10 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the F-1 Zone shall not exceed 20 percent for all buildings and structures.

7. Parking and Loading

Off-street parking and loading spaces in the F-1 Zone shall be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

5.3 R-2 SUBURBAN RESIDENTIAL 2 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the R-2 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the R-2 Zone:

(a) Single family dwelling;

The following accessory uses are permitted in the R-2 Zone:

(b) Restricted agriculture;

(c) Bed and breakfast accommodation;

(d) Home-based business;

(e) Secondary suite, on parcels 0.4 ha or larger in area;

(f) Residential day care centre;

(g) Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Size

The minimum parcel size in the R-2 Zone is 1 hectare for parcels not connected to a community sewer system, and 0.4 hectare for parcels connected to a community sewer system.

3. Number of Dwellings

Not more than one dwelling is permitted on a parcel under 0.4 hectare in area, that is zoned R-2. For parcels zoned R-2 that are 0.4 hectare in area or larger, one secondary suite is also permitted.

4. Setbacks

The following minimum setbacks apply in the R-2 Zone:

Type of Parcel Line	Principal and Accessory Residential Use	Restricted Agricultural Use
Front parcel line	7.5 metres	30 metres
Interior side parcel line	3.0 metres	15 metres
Exterior side parcel line	4.5 metres	15 metres
Rear parcel line	7.5 metres	15 metres

5. Height

In the R-2 Zone, the height of all principal buildings and structures shall not exceed 10 metres, and the height of all accessory buildings shall not exceed 6 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the R-2 Zone shall not exceed 25 percent for all buildings and structures.

7. Parking

Off-street parking spaces in the R-2 Zone shall be provided in accordance with Section 3.13 of this Bylaw.

5.3A SUBURBAN RESIDENTIAL 2A ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the R-2A Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the R-2A Zone:

- (a) Single family dwelling;

The following accessory uses are permitted in the R-2A Zone:

- (b) Restricted agriculture, horticulture;
- (c) Bed and breakfast accommodation;
- (d) Home-based business;
- (e) Secondary suite, on parcels 0.4 ha or larger in area;
- (f) Accessory dwelling unit, on parcels 0.4 ha or larger in area;
- (g) Residential day care centre;
- (h) Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Size

The minimum parcel size in the R-2A Zone is 1 hectare for parcels not connected to a community sewer system, and 0.4 hectare for parcels connected to a community sewer system.

3. Number of Dwellings

Not more than one dwelling is permitted on a parcel under 0.4 hectare in area, that is zoned R-2A. For parcels zoned R-2A that are 0.4 hectare in area or larger, one secondary suite or accessory dwelling unit is also permitted.

4. Setbacks

The following minimum setbacks apply in the R-2A Zone:

Type of Parcel Line	Principal and Accessory Residential Use	Restricted Agricultural Use
Front parcel line	7.5 metres	30 metres
Interior side parcel line	3.0 metres	15 metres
Exterior side parcel line	4.5 metres	15 metres
Rear parcel line	7.5 metres	15 metres

5. Height

In the R-2A Zone, the height of all principal buildings and structures shall not exceed 10 metres, and the height of all accessory buildings shall not exceed 6 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the R-2A Zone shall not exceed 25 percent for all buildings and structures.

7. Parking

Off-street parking spaces in the R-2A Zone shall be provided in accordance with Section 3.13 of this Bylaw.

5.4 R-3 GENERAL RESIDENTIAL 3 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the R-3 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the R-3 Zone:

- (a) Single family dwelling;

The following accessory uses are permitted in the R-3 Zone:

- (b) Bed and breakfast accommodation;
- (c) Buildings and structures accessory to a principal permitted use;
- (d) Residential day care centre;
- (e) Home-based business;
- (f) Horticulture;
- (g) Secondary suite on parcels 0.4 ha or larger.

2. Minimum Parcel Size

The minimum parcel size in the R-3 Zone is:

- (a) 1 hectare if not connected to a community water system.
- (b) 0.4 hectare if connected to a community water system;
- (c) 0.2 hectare if connected to a community water system and a community sewer system.

3. Number of Dwellings

Not more than one dwelling is permitted on a parcel under 0.4 hectare in area, that is zoned R-3. For parcels zoned R-3 that are 0.4 hectare in area or larger, one secondary suite is also permitted.

4. Setbacks

The following minimum setbacks apply in the R-3 Zone:

Type of Parcel Line	Residential Use	Accessory Residential Use
Front parcel line	7.5 metres	7.5 metres
Interior side parcel line	3.0 metres or 10% of the parcel width, whichever is less	3.0 metres or 10% of the parcel width, whichever is less, or 1 metre if the building is located in a rear yard
Exterior side parcel line	4.5 metres	4.5 metres
Rear parcel line	4.5 metres	4.5 metres

5. Height

The height of all buildings and structures in the R-3 Zone shall not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the R-3 Zone shall not exceed 35 percent for all buildings and structures.

7. Parking

Off-street parking in the R-3 Zone shall be provided in accordance with Section 3.13 of this Bylaw.

5.5 R-4 STOCKING CREEK CORRIDOR RESIDENTIAL 4 ZONE

The purpose of the R-4 zone is to allow medium density residential development in the vicinity of the Saltair commercial core, when a significant land dedication has been made to the community.

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the R-4 zone:

1. Permitted Uses

The following uses and no others are permitted in the R-4 Zone:

- (a) Sing family dwelling;

The following accessory uses are permitted in the R-4 Zone:

- (b) Bed and Breakfast accommodation;
- (c) Buildings and Structures accessory to a principal permitted use;
- (d) Residential daycare centre;
- (e) Home-based business;
- (f) Horticulture

2. Density, Density Bonus and Amenity Provision

- (a) The number of residential parcels that may be created by subdivision in the R-4 Zone shall not exceed two, including any remainder parcel;
- (b) Despite Section 5.5.2(a), the number of parcels that may be created by subdivision in the R-4 zone may be increased up to 7 if the condition in Section 5.5.2(c) is met;
- (c) In order to develop more than two residential lots, 1.77 hectares of land in a location acceptable to the Regional District and generally identified as P-1 on Schedule A of Bylaw 3583, shall be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, and the costs of transfer including the Regional District's actual, reasonable legal costs paid by the subdivider;
- (d) Not more than one dwelling per parcel shall be permitted;
- (e) Density averaging is permitted, provided that the average density in any subdivision, including public plan dedication, does not exceed one parcel per 0.4 hectares of gross land area, provided the condition in Section 5.5.2(c) is met;
- (f) The smallest parcel size that can be achieved through density averaging is 1200 square metres;
- (g) The minimum parcel size in the R-4 Zone is:
 - 1 hectare if not connected to a community water
 - 0.4 hectares if connected to a community water system.

3. Setbacks

The following minimum setbacks apply in the R-4 Zone:

Type of Parcel Line	Residential and Accessory Use Buildings and Structures
Front, Excluding Garage Entrance	4.5 metres
Front or Side Exterior Garage Entrance	6 metres
Side Interior	3 metres from one side property line; 1 metre from the opposite side property line
Side Exterior	4.5 metres
Rear	4.5 metres

4. Height

The height of all principal buildings and structures in the R-4 Zone shall not exceed 7.5 metres, and the height of all accessory buildings shall not exceed 5 metres, except in accordance with Section 3.8 of this Bylaw.

5. Parcel Coverage

The parcel coverage in the R-4 Zone shall not exceed 15 percent for all buildings and structures.

6. Landscaping

Where a parcel adjoins a commercially zoned lot, a minimum landscaped buffer of 3 metres is required.

7. Parking

Off-street parking in the R-4 Zone shall be provided in accordance with Section 3.13 of this Bylaw.

5.6 C-2A SMALL LOT LOCAL COMMERCIAL ZONE

1. Permitted Uses

The following principal uses and no others are permitted in the C-2A zone:

- (a) Arcade, billiard room, games room;
- (b) Artist studio;
- (c) Clinic;
- (d) Community educational use;
- (e) Community police office;
- (f) Equipment sales, servicing and repair;
- (g) Financial establishment;
- (h) Health studio;
- (i) Market;
- (j) Nursery;
- (k) Office;
- (l) Parking garage and parking lot;
- (m) Personal service use, excluding hairdressing and cloth washing facilities;
- (n) Printing and publishing; library;
- (o) Recreational facility;
- (p) Restaurant;
- (q) Retail sales, including automotive parts and accessory sales;

2. Minimum Parcel Size

- (a) The minimum parcel size in the C-2A Zone is 220 m².
- (b) In no case shall the number of parcels in the C-2A Zone exceed 20.

3. Setbacks:

The following minimum setbacks apply in the C-2A Zone:

Parcel Line	Principal and Accessory Use
Front	3.0 metres
Interior Side	0.8 metres
Exterior Side	0.8 metres
Rear	4.5 metres

4. Height:

The height of all buildings and structures in the C-2A Zone shall not exceed 6.0 metres, except in accordance with Section 3.8 of this Bylaw.

5. Parcel Coverage:

Parcel coverage in the C-2A zone shall not exceed 50 percent for all buildings and structures.

6. Special Regulations:

- (a) All parcels must be connected to a community water system;
- (b) No outdoor storage is permitted

7. Parking

Off-street parking in the C-2A zone shall be provided in accordance with Section 3.12 and 3.13 of this bylaw. Minimum off-street parking space requirements in the C-2A Zone shall be determined using the “Small Lot Local Commercial Use” in Section 3.13.1 of this bylaw.

5.7 MP-1 MANUFACTURED HOME ZONE 1

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the MP-1 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the MP-1 Zone:

- (a) Single family dwelling;
- (b) Manufactured home;

The following accessory uses are permitted in the MP-1 Zone:

- (c) Community service facility;
- (d) Home-based business;
- (e) Buildings and structures accessory to a principal permitted use;
- (f) Horticulture.

2. Minimum Parcel Size

The minimum parcel size in the MP-1 Zone where a recreation area of 10% or more of the site is not designated and developed for common recreation area is 1.0 hectare.

The minimum parcel size in the MP-1 Zone where a recreation area of 10% or more of the site is designated and developed for common recreation area is 1,100 square metres.

3. Density

The permitted density in the MP-1 Zone is 9 dwelling units per hectare.

4. Setbacks

Type of Parcel Line	Principal and Accessory Use
Front	6.0 m
Interior Side	1.5 m on one side; 3.0 metres opposite side
Exterior Side	6.0 m
Rear	6.0 m
Setback from Required Landscaped Buffer	1.5 M

5. Parcel Coverage

Parcel coverage in the M-1 zone shall not exceed 35%.

6. Height

In the MP-1 Zone, the height of all principal buildings and structures shall not exceed 7.5 metres, and the height of all accessory buildings shall not exceed 4.5 metres, except in accordance with Section 3.8 of this Bylaw.

7. Landscaped Buffers

A landscaped buffer of 7.5 metres shall be maintained from any public road and property boundary where the adjacent parcel is zoned other than MP-1. No building or structure is permitted in the required buffer area. Where land is subdivided in the MP-1 Zone, a covenant is required to define and secure the required landscaped buffer.

8. Parking

Off-street parking spaces in the MP-1 Zone shall be provided in accordance with Section 3.13 of this Bylaw.

5.8 C-2 LOCAL COMMERCIAL 2 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the C-2 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the C-2 Zone:

- (a) Animal hospital;
- (b) Arcade, billiard room, games room, bowling alley;
- (c) Bakery;
- (d) Bus depot, transportation facility;
- (e) Car wash;
- (f) Clinic;
- (g) Community educational use;
- (h) Community Police office;
- (i) Convenience store, having a floor area not exceeding 200 m²;
- (j) Day care facility;
- (k) Equipment sales, servicing and repair, excluding external storage of goods;
- (l) Financial establishment;
- (m) Gas Bar;
- (n) Mini-storage facility;
- (o) Nursery;
- (p) Office;
- (q) Parking garage and parking lot;
- (r) Personal service use;
- (s) Printing and publishing, library;
- (t) Recreational use;
- (u) Restaurant;
- (v) Retail stores, including automotive parts and accessory sales, but excluding external storage of goods;
- (w) Accessory dwelling, located above a commercial use;
- (x) Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Size

The minimum parcel size in the C-2 Zone is:

- (a) 0.4 hectare for parcels served by a community water system; and
- (b) 1 hectare for parcels not served by a community water system.

3. Setbacks

- (a) The minimum setbacks for buildings and structures in the C-2 Zone is 4.5 metres from all parcel lines.
- (b) The interior side parcel line requirements of this Bylaw shall not apply to parcels under a registered strata plan where there is a common wall shared by two or more parcels within a building.

4. Height

The height of all buildings and structures in the C-2 Zone shall not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

5. Parcel Coverage

The parcel coverage in the C-2 Zone shall not exceed 50 percent for all buildings and structures.

6. Parking and Loading

Off-street parking and loading spaces in the C-2 Zone shall be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

5.9 C-3 SERVICE COMMERCIAL 3 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the C-3 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the C-3 Zone:

- (a) Automobile retail sales, rental, servicing, parts and accessories sales and motor vehicle repair, excluding automobile wrecking;
- (b) Bus depot;
- (c) Convenience store;
- (d) Laundromat;
- (e) Mobile home, RV, boat, motorcycle, snowmobile/all terrain vehicle sales, service and repair;
- (f) Nursery, including accessory outdoor storage;
- (g) Office;
- (h) Restaurant;
- (i) Retail and wholesale sale of building and camping, fishing and hunting supplies, including accessory outdoor storage;
- (j) Service station, excluding automobile wrecking;
- (k) Mini-storage, storage including outdoor storage of vehicles, boats, travel trailers, and recreational vehicles;
- (l) Accessory dwelling, located above a commercial use;
- (m) Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Size

The minimum parcel size in the C-3 Zone is:

- (a) 0.4 hectare for parcels served by a community water system; and
- (b) 1 hectare for parcels not served by a community water system.

3. Setbacks

The minimum setback for buildings and structures in the C-3 Zone is 4.5 metres from all parcel lines.

4. Height

The height of all buildings and structures in the C-3 Zone shall not exceed 10 metres, except in accordance with Section 3.8 of this Bylaw.

5. Parcel Coverage

The parcel coverage in the C-3 Zone shall not exceed 50 percent for all buildings and structures.

6. Parking and Loading

Off-street parking and loading spaces in the C-3 Zone shall be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

5.10C-4 TOURIST COMMERCIAL 4 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the C-4 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the C-4 Zone:

- (a) Convention facility;
- (b) Golf course, pitch-and-putt course and driving range, including clubhouses, pro shops and similar ancillary facilities customarily incidental to golf course operation;
- (c) Hotel, motel, campground (subject to CVRD Campsite Standards Bylaw No. 1520), resort;
- (d) Marina operations, including accessory boat sales, rental and servicing, but excluding boat building and the rental of personal water craft vessels;
- (e) Recreational facility;
- (f) Restaurant;

The following accessory uses are permitted in the C-4 Zone:

- (g) Buildings and structures accessory to a principal permitted use;
- (h) Gift shop, accessory retail sales.
- (i) Single Family Dwelling;

2. Minimum Parcel Size

The minimum parcel size in the C-4 Zone is:

- (a) 0.4 hectare for parcels served by a community water system;
- (b) 1 hectare for parcels not served by a community water system.

3. Setbacks

The minimum setback for buildings and structures in the C-4 Zone is 4.5 metres from all parcel lines.

4. Height

The height of all buildings and structures in the C-4 Zone shall not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

5. Parcel Coverage

The parcel coverage in the C-4 Zone shall not exceed 20 percent for all buildings and structures.

6. Parking and Loading

Off-street parking and loading spaces in the C-4 Zone shall be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

5.11 C-5 NEIGHBOURHOOD PUB COMMERCIAL 5 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the C-5 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the C-5 Zone:

- (a) Neighbourhood public house, licensed under Provincial regulations;
- (b) Restaurant;

The following accessory uses are permitted in the C-5 Zone:

- (c) Buildings and structures accessory to a principal permitted use;
- (d) Single-family dwelling, or one residential suite per parcel located on the second storey of a commercial building.

2. Minimum Parcel Size

The minimum parcel size in the C-5 Zone is:

- (a) 0.4 hectare for parcels served by a community water;
- (b) 1 hectare for parcels not served by a community water system.

3. Number of Dwellings

Not more than one dwelling or one residential suite, but not both, is permitted on a parcel in the C-5 Zone, as an accessory use to a principal permitted use.

4. Setbacks

The minimum setback for buildings and structures in the C-5 Zone is 6 metres from all parcel lines.

5. Height

The height of all buildings and structures in the C-5 Zone shall not exceed 10 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the C-5 Zone shall not exceed 40 percent for all buildings and structures.

7. Parking and Loading

Off-street parking and loading spaces in the C-5 Zone shall be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

5.12 P-1 PARKS 1 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the P-1 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the P-1 Zone:

(a) Public park;

The following accessory uses are permitted in the P-1 Zone:

(b) Buildings and structures directly related to the park use;

(c) Park caretaker's residence.

2. Number of Dwellings

Not more than one single-family dwelling is permitted on a parcel in the P-1 Zone.

3. Setbacks

The minimum setback in the P-1 Zone is 6.0 metres from all parcel lines, for all buildings and structures.

4. Height

The height of all buildings and structures in the P-1 Zone shall not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

5. Parking and Loading

Off-street parking and loading spaces in the P-1 Zone shall be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

5.13 T-1 RAILWAY TRANSPORTATION 1 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the T-1 Zone:

1. Permitted Uses

The following uses and no others are permitted in the T-1 Zone:

- (a) Railways, including passenger and freight services and light rail transit;
- (b) Terminal facilities for passenger and freight services;
- (c) Railway stations and railway depots;
- (d) Roundhouses, engine sheds and railway vehicle maintenance facilities;
- (e) Public trails;
- (f) Other uses customarily incidental to the operation of a railway.

2. Condition of Use

Notwithstanding Section 4.3 of this Bylaw, no parcel in a T-1 Zone shall be used for the burial of public utilities or pipelines if these would interfere with the use of the T-1 zoned transportation corridor for railway use.

5.14 P-2 INSTITUTIONAL 1 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the P-2 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the P-2 Zone:

(a) Institutional use;

The following accessory uses are permitted in the P-2 Zone:

(b) Buildings and structures accessory to a principal permitted use;

(c) Single-family dwelling.

2. Minimum Parcel size

The minimum parcel size in the P-2 Zone is 2 hectares.

3. Number of Dwellings per Parcel

Not more than one single-family dwelling is permitted on a parcel in the P-2 Zone.

4. Setbacks

The minimum setback in the P-2 Zone is 6.0 metres from all parcel lines, for all buildings and structures.

5. Height

In the P-2 Zone, the height of all buildings and structures shall not exceed 10 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the P-2 zone shall not exceed 40% for all buildings and structures.

7. Parking and Loading

Off-street parking and loading spaces in the P-2 Zone shall be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

5.15 W-1 WATER CONSERVANCY 1 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the W-1 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the W-1 Zone:

- (a) Activities directed towards environmental protection and habitat enhancement;
- (b) Passive recreation.

2. Prohibited Uses

No residential use of floats, piles or vessels of any kind is permitted in the W-1 Zone.

5.16 W-9 SHELLFISH CULTURE 9 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations shall apply in the W-9 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the W-9 Zone:

- (a) Any use permitted in the W-1 Zone;
- (b) Shellfish Culture.

2. Prohibited Uses

No residential use of floats, piles or vessels of any kind is permitted in the W-9 Zone.

PART SIX

FORCE AND EFFECT

6.1 This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME this 27th day of April, 2005

READ A SECOND TIME this 27th day of April, 2005.

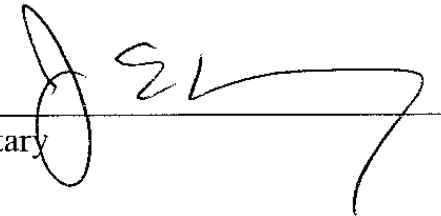
SECOND READING RESCINDED this 22nd day of June, 2005.

READ A SECOND TIME AS AMENDED this 22nd day of June, 2005.

READ A THIRD TIME this 22nd day of June, 2005.

ADOPTED this 9th day of November, 2005.


Chairperson


Secretary

APPENDIX ONE

Minimum Parcel Size Summary

(Provided for Convenience Purposes Only)

ZONE	Parcels Not Served by a Community Water System	Parcels Served by a Community Water System	Parcels Served by a Community Water System and a Community Sewer System
A-1 Agricultural Resource	20 ha	20 ha	20 ha
F-1 Forestry / Natural Resource	20 ha	20 ha	20 ha
R-2 Suburban Residential	1 ha	1 ha	0.4 ha
R-2A Suburban Residential	1 ha	1 ha	0.4 ha
R-3 General Residential	1 ha	0.4 ha	0.2 ha
R-4 Stocking Creek Corridor Residential 4	1 ha	0.4 ha	0.4 ha
MP-1 Manufactured Home Park Residential	<i>See MP-1 Zone</i>		
C-2 Local Commercial	1 ha	0.4 ha	0.4 ha
C-2A Small Lot Local Commercial	<i>As per Section 5.5.2</i>		
C-3 Service Commercial	1 ha	0.4 ha	0.4 ha
C-4 Tourist Commercial	1 ha	0.4 ha	0.4 ha
C-5 Neighbourhood Pub	1 ha	0.4 ha	0.4 ha
P-1 Parks	N/A	N/A	N/A
T-1 Railway Transportation	N/A	N/A	N/A
P-2 Institutional	2 ha	2 ha	2 ha
All W-zones	N/A	N/A	N/A

Note: ha = hectares;

APPENDIX TWO

Metric Conversion Table

(Provided for Convenience Purposes Only; metric measurements shall prevail in all cases of interpretation)

Metric		Imperial	
0.4 m ²		4.3 ft ²	
0.64 m ²		6.8 ft ²	
1 m ²		10.7 ft ²	
10 m ²		107.6 ft ²	
12 m ²		129.1 ft ²	
15 m ²		161.4 ft ²	
20 m ²		215.2 ft ²	
25 m ²		269.1 ft ²	
30 m ²		322.9 ft ²	
35 m ²		376.7 ft ²	
50 m ²		538.2 ft ²	
74 m ²		796.5 ft ²	
100 m ²		1,076.4 ft ²	
185 m ²		1,991.3 ft ²	
200 m ²		2,152.8 ft ²	
465 m ²		5,005.3 ft ²	
500 m ²		5,382.1 ft ²	
700 m ²		7,534.9 ft ²	
1,000 m ²		10,764.2 ft ²	
2,000 m ²		21,528.5 ft ²	
2,700 m ²		29,063.5 ft ²	
3,000 m ²		32,292.7 ft ²	
10,000 m ²		107,642.6 ft ²	
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1 ha		2.47 acres	
1.25 ha		3.08 acres	
2 ha		4.94 acres	
20 ha		49.42 acres	
60 ha		148.2 acres	
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Metric	Imperial	Metric	Imperial
1 m	3'2"	5.5	18'
1.2 m	3'9"	5.8	19'
2 m	6'5"	6 m	19'6"
2.5 m	8'2"	7	22'9"
2.6 m	8'5"	7.3	23'9"
2.8 m	9'1"	7.5 m	24'6"
3 m	9'8"	9 m	29'5"
3.4 m	11'1"	10 m	32'8"
3.7	12'1"	11 m	36'
3.9	12'7"	15 m	49' 2"
4	13'1"	30 m	98' 4"
4.5 m	14'7"	45 m	147' 6"
4.6	15'	50 m	164'
5	16'4"	80 m	262'4"