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**Cowichan Valley Regional District  
Electoral Area H – North Oyster/Diamond**

# **Zoning Bylaw**

**No. 1020**



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**Cowichan Valley Regional District  
Electoral Area H – North Oyster/Diamond  
Zoning Bylaw No. 1020**

**Amended up to and including Bylaw No. 4142**

**CONSOLIDATED FOR CONVENIENCE ONLY**

Please check with the Land Use Services Department (250.746.2620) for current information on this Bylaw



## **AMENDING BYLAWS**

*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 Nevertheless, this document may be somewhat out of date, particularly if there are amendments underway.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.*

- 1066 (Mobile home as separate permitted use in all electoral areas) – June 22, 1987 – Text
- 1133 (A-2 rezoning, Cloke Road) – March 23, 1988 – Text and Map
- 1175 (P-2 rezoning, Chemainus FN school) – February 22, 1989 – Text and Map
- 1191 (New general subdivision regulations) – January 11, 1989 – Text
- 1214 (Parcel coverage regulation, R-2 Zone) – May 24, 1989 – Text
- 1228 (New R-10 Zone & new minimum parcel size table) – August 23, 1989 – Text and Map
- 1243 (Rural Residential Zone Tideland Road) – June 27, 1990 – Map
- 1264 (Truck and trailer rentals in I-1 Zone) – May 9, 1990 – Text
- 1267 (Undersized parcels clause) – February 13, 1991 – Text
- 1276 (Deletion of auto wrecking from I-2 Zone) – August 22, 1990 – Text
- 1297 (1<sup>st</sup> reintroduction of R-10 Zone & parcel size table) – November 14, 1990 – Text and Map
- 1314 (New W-10 Moorage Zone) – October 23, 1991 – Text and Map
- 1357 (New definition of parcel coverage in all electoral areas) – June 12, 1991 – Text
- 1362 (Definition of private wharf, dock or float) – October 23, 1991 – Text
- 1377 (Jurisdictional boundary definition in all electoral areas but C) – October 23, 1991 – Text
- 1379 (New C-2B Zone, Chuckwagon Market) – November 13, 1991 – Text and Map
- 1394 (Dunsmuir Island rezoning from W-4 to W-2) – February 26, 1992 – Text and Map
- 1401 (F-1 to R-2 rezoning, Grouhel Road) – March 25, 1992 – Map
- 1492 (Residential, temporary, strata lot, tourist accom. definitions) – March 10, 1993 – Text
- 1498 (2<sup>nd</sup> reintroduction of R-10 Zone & parcel size table) – May 26, 1993 – Text and Map
- 1551 (New A-2A Zone David Road, Takala) – June 22, 1994 – Text and Map
- 1604 (R-2 to A-2 rezoning, Fairtide/Shell Beach Road) – July 27, 1994 – Map
- 1696 (Revised community Sewer/Water definitions) – July 26, 1995 – Text
- 1749 (New P-2A Zone for North Oyster Community Centre) – February 28, 1996 – Text and Map
- 1818 (I-1 Zone permitted use alterations) – June 25, 1997 – Text
- 1826 (R-1 Zone Site Coverage revision) – August 17, 1997 – Text
- 1884 (Introduction of Separate, Small Suite Regulations) – June 24, 1998 – Text
- 1887 (Addition of Bed and Breakfast to F-1 Zone) – April 28, 1999 – Text
- 1925 (R-10 to R-1) – June 9, 1999 – Text and Map
- 2114 (Guest House 1 Zone, Kolossoff) – February 28, 2001 – Text and Map
- 2208 (Contaminated Soil Prohibition) – October 27, 2004 – Text
- 2366 (E&N Railway Transportation Zone) – August 27, 2003 – Text and Map
- 2410 (Number of Dwellings per Parcel) – October 8, 2003 – Text
- 2499 (New U-1 Zone, Terasen LNG) – May 26, 2004 – Text and Map
- 2508 (Second Dwelling Covenants) Text – October 27, 2004
- 2544 (Separated Parcels) – April 27, 2005 – Text
- 2547 (New MH-1 Zone, Birchwood Estates Ltd.) – July 28, 2004 – Text and Map
- 2679 (R-2 to R-1 at Coffin Point, Ronald Greene) – July 27, 2005 – Map
- 2702 (Jurisdictional Boundary Definition) – October 12, 2005 – Text
- 2775 (Height Exceptions Deletion) – April 12, 2006 – Text
- 2798 (Density Averaging Repeal) – July 11, 2007 – Text
- 2849 (Height Limit) – May 9, 2007 – Text
- 2868 (Revised Community Sewer/Water Definitions) – May 9, 2007 – Text
- 2965 (W-3 Zone expansion, Page Point Inn) – August 8, 2007 – Text and Map
- 3021 (F-1 Lot Size) – May 14, 2008 – Text and Map
- 3256 (New W-4 Zone area, Chemainus First Nation) – March 25, 2009 – Text and Map
- 3420 (P-2A Zone minimum lot size reduction) – October 13, 2010 – Text
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- 3702 (North Oyster Fire Hall) – December 14, 2016 – Map
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- 3776 (New I-3 Zone, Citta Group/Taje Developments) – April 9, 2014 – Text and Map
- 3859 (Swimming Pool Fencing) – May 13, 2015 – Text
- 3934 (25 ha Section 946 Regulation) – November 12, 2015 – Text
- 4124 (Cannabis Regulations) – September 26, 2018 – Text Only
- 4142 (PID: 008-477-043) – January 24, 2018 – Text and Map

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**COWICHAN VALLEY REGIONAL DISTRICT  
ZONING BYLAW No. 1020**

A Bylaw to Establish Zones and Regulate the Use of  
Land, Buildings and Structures Within the Zones

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**WHEREAS** pursuant to Section 963 of the *Municipal Act*, R.S.B.C. 1979, c.290 (the "Act") the Regional Board is empowered to prepare and adopt a zoning bylaw;

**AND WHEREAS** the Regional District Board deems it appropriate to adopt a zoning bylaw respecting those lands within Electoral Area "H" of the Regional District;

**AND WHEREAS** Section 946(4) of the *Local Government Act* authorizes the Regional Board to establish the minimum size for a parcel that may be subdivided for a relative outside of an Agricultural Land Reserve;

**NOW THEREFORE** the Regional Board of Cowichan Valley Regional District in open meeting assembled HEREBY ENACTS AS FOLLOWS:

<b>PART ONE:      TITLE</b>
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**1.0** This bylaw may be cited for all purposes as "the Cowichan Valley Regional District Electoral Area "H" Zoning Bylaw No. 1020, 1986".

<b>PART TWO:      ADMINISTRATION</b>
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**2.1** The Administrator, being an Officer; the Manager; Planner; By-law Enforcement Officer; Chief Building Inspector; Senior Building Inspector and Building Inspector being designated to act in the place of the Administrator for the purpose of this by-law are authorized

- (a) between 0800 hours and 1700 hours of any day, or
- (b) at such other time of the day as may be agreed to with the owner or occupier of the land to be inspected

to enter upon any property subject to the regulations of this by-law to ascertain whether such regulations are being obeyed, provided that:

- (a) consent to inspect the property has been obtained from the owner or occupier of the land, or
- (b) where such consent has been refused, notice of the intent to inspect has been given to the owner not less than 24 hours prior to the time of inspection.

**2.2** Every person who:

- (a) violates any of the provisions of this bylaw;
- (b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
- (c) neglects or omits to do anything required under this bylaw;
- (d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of 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 authorized entry of the Administrator, Manager (Land Use Services), Planner, Chief Building Inspector, Senior Building Inspector or Building Inspector or Building Inspector on property under Section 2.

shall be deemed to be guilty upon summary conviction of an offence under this bylaw.

**2.3** Every person who commits an offence under this bylaw is liable on summary conviction to a fine as provided by the *Offence Act*.

## PART THREE: DEFINITIONS

**3.1** In this bylaw, unless the context otherwise requires:

"accessory" means ancillary or subordinate to a principal use;

"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);

"aisle space" means the area of a parcel which provides space for motor vehicle access and does not include required space for motor vehicle parking;

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

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

"artist studio" means the use of a building or portion thereof, used for the creation, display or sale of arts and crafts;

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

"bed & breakfast accommodation" means the accessory use of a residential dwelling for the overnight accommodation of transient paying guests in which breakfast is normally served;

"bedroom accommodation unit" means a commercially available unit comprising a sleeping/living area, en-suite sanitary facility, but shall not mean or permit any cooking facility or kitchen appliance, except a coffee maker and bar refrigerator;

"building" means any structure with a gross floor area exceeding 8 square metres used or intended for supporting or sheltering any use or occupancy;

"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;

"church" means an assembly building used for public worship;

"commerce" means the selling, servicing and repair of goods, the provision of services and commercial office functions;

"commercial recreation and entertainment" means the use of land, buildings or structures for the purpose of operating a commercial recreation and entertainment business including bowling alleys, arcades, indoor and outdoor rock climbing facilities, dance halls, pools, skating rinks, mini-golf, and includes uses of a similar nature;

"community centre" means a building or structure used for community gatherings, community services, meetings, functions, historical centre, museum, daycare centre and special events on a non-commercial basis and which is maintained and operated by a non-profit society or by the Cowichan Valley Regional District;

"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;

"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* or the Cowichan Valley Regional District;

"crustacea" means any of the aquatic invertebrate of the phylum arthropoda having crustlike shells and including crab and prawn;

"duplex" means two dwellings placed one above the other or side by side in a principal building containing cooking facilities and which may contain sleeping, sanitary and recreation facilities;

"dwelling" means a self-contained set of habitable rooms located in a principal building containing cooking facilities and which may contain sleeping, sanitary and recreation facilities;

"exterior side parcel line" means a parcel boundary, other than a front parcel line, located between a parcel and a highway;

"family" means:

- (a) two or more persons related by blood, marriage, adoption or foster parenthood sharing one dwelling; or
- (b) not more than five unrelated persons sharing one dwelling;

"fence" includes arbor, archway, gate, screen trellis and wall;

"fish farm" means the growing and rearing but not the processing of 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 a parcel boundary common to a parcel and a highway other than a lane, provided that where a parcel is contiguous to the intersection of two highways, the front parcel line is the shortest parcel boundary contiguous to a highway other than a lane;

"grade" means the lowest of the average levels of ground adjoining each face of a structure;

"gravel processing" means the washing, screening, grading, sorting and milling of rocks, earth, clay, sand or gravel;

"gross floor area" means the total floor area of all buildings on a parcel measured to the outer limits of the building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircase, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding auxiliary parking, unenclosed swimming pools, balconies or sundecks, elevators or ventilating machinery and building features referred to in Section 5.3 of this bylaw;

"guest lodge" means guest sleeping accommodation in a single family residential dwelling with no more than one kitchen, used for the overnight accommodation of transient, temporary paying guests;

"height" means the vertical distance from the average finished ground level (or the surface of water at high water) at the perimeter of a building or structure to the highest point of the building or structure;

"high water mark" means the high water mark identified on the plan of subdivision or the plan accompanying the instrument covering Crown land in fee simple, which plan was most recently filed in a Land Title Office before the adoption of this bylaw, or in the case where such information is unavailable, high water mark means the point where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the watercourse or lake a character distinct from that of the banks thereof in respect to vegetation as well as in respect to the nature of the soil itself;

"highway" includes a street, road, lane, bridge, viaduct and any other way open to public use but does include a private right-of-way on private property;

"horticulture" means the practice of growing fruits, vegetables, flowers or ornamental plants;

"historical centre" means a building or structure used to preserve, protect and display historical artefacts and which is maintained and operated by a non-profit society or the Cowichan Valley Regional District;

"home occupation" means an occupation or craft and the sale of the goods made on the same parcel where such activities are carried on as an accessory use in a dwelling or accessory building to the dwelling;

"industry" means processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing or salvaging goods, materials or things;

"institution" includes an arena, armoury, cemetery, college, community centre, court of law, federal office fire hall, hospital, library, municipal office, park, playground, police station, provincial office, public art gallery, public museum, school, stadium or public swimming pool;

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

"jurisdictional boundary" means a line representing a boundary between electoral areas, municipalities, regional districts and shall include the boundary of the Agricultural Land Reserve;

"kennel" means the use of a parcel, building, or structure for the boarding or breeding of dogs and cats;

"lane" means a highway which provides a second access to a parcel and is less than 11 metres wide;

"manufactured home" means a factory built dwelling that conforms to the CSA A277 series standard and is assembled on a permanent foundation;

"medical marijuana" means 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 marihuana 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;

"mollusk" means any of the soft bodied invertebrates usually protected by a calcareous shell of one or more pieces and including clam, oyster, mussel and scallop;

"mobile home" means a dwelling unit, factory built and factory assembled, designed for conveyance after fabrication on streets and highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundation, or connection to utilities. Neither a prefabricated home (or structure) nor motor home, travel trailer or recreational vehicle shall be included in this definition;

"mobile home park" means land used or occupied by a person for the purpose of providing space for the accommodation of one or more mobile homes and for imposing a charge or rental for the use of that space and one single family residential dwelling unit for the owner or mobile home park manager;

"motel" means a building which contains sleeping units and may contain auxiliary assembly, commerce, entertainment, indoor recreation or restaurant uses and premises licensed to serve alcoholic beverages;

"parcel" means any lot, block or other area in which land is held or into which it is subdivided including water lease lots, but does not include a highway;

"parcel coverage" means the total horizontal ground floor area as measured from the outermost perimeter of all buildings and structures or part thereof on the parcel expressed as a percentage of the total parcel area;

"passive recreation" means outdoor recreation activities which does not involve the use of buildings and structures;

"principal" with respect to a use or building means primary and chief;

"pumphouse" means a building measuring not greater than 9 square metres in floor area and used exclusively for housing water pumping equipment;

"rear parcel line" means the parcel boundary which lies the most opposite to and is not connected to the front parcel line;

"recreation (public and private)" means the use of the surface of water by individual members of the public for passive enjoyment of nature and exercise, and the non-exclusive use of the surface of water by private groups such as commercial canoe or kayak harbour tours;

"Regional District" means the Cowichan Valley Regional District;

"residence" means:

- (a) occupancy or use of a building or part thereof as a dwelling; and
- (b) the dwelling occupied or used;

"private or public wharf, dock or float" means a wharf, dock or float used for personal or community purposes on a non-commercial basis;

"residential" means a fixed place of living to which a person intends to return when absent;

"retail" means the sale of goods to the general public;

"seafood" means fish, Crustacea, mollusks, seaweed, and other forms of marine life;

"seafood processing" means the storage, drying, cooking, packing, preparation and manufacture of seafood;

"secondary suite" means a self-contained set of habitable rooms, 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;

"separate suite" means a self-contained set of habitable rooms, 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;

"service station" means premises used principally for the retail sale of motor fuels, lubricating oils and motor vehicle accessories and the servicing of motor vehicles, but not wholesale sales or motor vehicle structural or body repairs or painting;

"setback" means the minimum permitted distance required under this bylaw between a building and a specified parcel line;

"shellfish culture" means the growing, rearing and harvesting of mollusks and Crustacea, excluding processing;

"silviculture" means all activities related to the development and care of forests, including seedling and tree nursery but specifically excludes the processing of wood or products;

"sleeping unit" means a dwelling which may or may not contain cooking facilities;

"special event" means a community, cultural or historic event of limited duration and may include flea market, concerts, performances, art exhibits, craft sales;

"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) ceiling above it where there is no floor above the ceiling;

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

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

"subdivision" means the division of land into two or more parcels, whether by plan, apt descriptive words or otherwise; and includes parcels created under the *Land Titles Act* and the *Condominium Act*;

"temporary" means a total of less than ten (10) weeks in a calendar year;

"tourist accommodation" means a building or set of buildings used for the temporary accommodation of persons, which contain sleeping units and may contain auxiliary assembly, commerce, entertainment, or restaurant uses, premises licensed to serve alcoholic beverages and staff accommodation and includes hotel, motel, resort, lodge and guest cabins;

"utility" means broadcast transmission, electrical, telephone, sewer or water services established or licensed by a government and does not include oil or gas storage tanks or a public storage and works yard;

"watercourse" means a depression with a bed 0.6 metres or more below the natural elevation of surrounding land:

- (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or
- (b) having a drainage area of two square kilometres or more.

## **PART FOUR: BASIC PROVISIONS**

- 4.1** Except where otherwise specifically stated, this bylaw applies to the entire area of Electoral Area "H", being that certain area of the Regional District defined in Schedule "A".
- 4.2** Land or the surface of water shall not be used and structures shall not be constructed, altered, located or used except as specifically permitted by this bylaw.
- 4.3** Notwithstanding any other provision of this by-law, the following uses are permitted in any zone:
- (a) pumphouse;
  - (b) utility use;
  - (c) public park; and
  - (d) group home.
- 4.4** Except where otherwise specifically stated, all uses permitted by this bylaw include those uses reasonably auxiliary to the permitted principal uses and all buildings or structures include all buildings or structures reasonably auxiliary to buildings or structures constructed, located or used with respect to permitted principal uses.
- 4.5** The correct name of each zone provided for in this bylaw is set out in Column I of Section 28 of this bylaw so inclusion of the names contained in Column II of Section 28 is for convenience only.
- 4.6** If any section, subsection, sentence, clause or phrase 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.
- 4.7** **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 the provisions 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.

## **PART FIVE: GENERAL REGULATIONS**

### **5.1 Applicability**

Except as otherwise specified in this bylaw, all provisions of Part Five apply to all zones established under this bylaw.

### **5.2 Siting**

- (a) The siting regulations of this bylaw apply to parcels and, notwithstanding the generality of the foregoing, to bare land strata lots.
- (b) The interior side parcel line requirements of this bylaw shall not apply to strata lots under a registered plan pursuant to the *Condominium Act* where there is a common wall shared by two or more dwellings within a building.

### **5.3 Setback Exceptions**

Except as otherwise provided in particular zones, the setback requirements of this bylaw do not apply with respect to:

- (a) a pumphouse, fences;
- (b) gutters, cornices, sills, belt courses, bay windows, chimneys, exterior finish, heating or ventilation equipment if the projections do not exceed one metre, measured horizontally; and
- (c) eaves, unenclosed stairwells or balconies, canopies and sunshades if the projections, measured horizontally, do not exceed:
  - (1) 1.5 metres in the case of front and side yards, or
  - (2) 2 metres in the case of rear yards,

and no other features may project into a required setback area.

### **5.4 Storage of Junk**

No parcel shall be used for a junk yard.

### **5.5 Attached Garage**

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

### **5.6 Number of Dwellings Per Parcel**

Not more than one dwelling shall be located on any one parcel except as specifically permitted by this bylaw.

## 5.7 Accessory Buildings and Structures

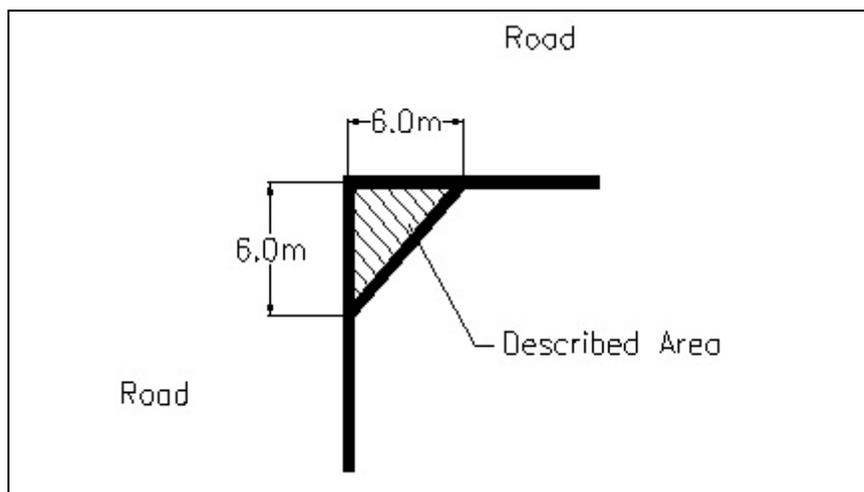
- (a) Buildings and structures accessory to principal uses, buildings and structures are permitted in any zone.
- (b) No accessory building or structure shall be situated on a parcel unless the principal building, to which the accessory building is incidental, has been erected or will be erected simultaneously with the accessory building on the same parcel.
- (c) Notwithstanding Section 5.7(b), an accessory building may be situated on a parcel contiguous to a parcel on which the principal building is situated.
- (d) An accessory building shall not be used as a dwelling except as otherwise provided in this bylaw.
- (e) One greenhouse, not exceeding 25 square metres in floor area shall be permitted per parcel as an accessory residential structure. Greenhouses exceeding 25 square metres in floor area shall be considered as agricultural buildings and shall respect the relevant agricultural building setbacks from parcel lines.

## 5.8 The following special height regulations apply:

- (a) where a height limit for buildings and structures does not exist within any zone under this Bylaw, the height limit for buildings and structures is 10 metres.
- (b) Notwithstanding any height limit in this bylaw, the following items may be of unlimited height: industrial crane, grain elevator, barn, tower tank and bunker, retaining wall, radio or television antenna, church spire, belfry and dome, monument, smoke and fume disposal and dispersal facilities, drive-in theatre screen, stadium bleacher, lighting pole, windmill, silo, elevator shaft, stair tower and scenery loft.

## 5.9 On a corner parcel contiguous to a highway intersection, no structure shall be allowed at a height greater than 1.0 metre above the established elevation of the centre point of intersecting highways, and within an area extending out from the corner of the parcel and bound by a line joining a point on each parcel line, a distance of 6.0 metres from the corner of the parcel. For greater certainty, a diagram shown as part of this section and labelled "Figure A" depicts the area described in this section.

**FIGURE A**



#### **5.10 Fences**

Except as otherwise specifically stated in this bylaw,

- (a) the height of a fence or wall shall be measured to the highest point from and perpendicular to a line representing the average grade level at the base; and
- (b) fences within a residential, commercial or industrial zone, except for lands within the Suburban Residential Zone wherein a fence, shall not exceed a height of 1.8 metres.

#### **5.11 Home Occupation**

- (a) A home occupation shall be enclosed within the interior of a principal building in which a dwelling is located or a permitted accessory building.
- (b) With respect to a home occupation, no material used in or resulting from the processing of a product shall be stored exterior to a building.
- (c) There shall be no variation from the external residential character of the dwelling in which a home occupational use is conducted.
- (d) In addition to the resident, no more than two persons shall be employed in a home occupational use on a parcel.

#### **5.12 Bed and Breakfast Accommodation Regulations**

In the zones permitted, bed and breakfast accommodation shall:

- (a) be completely contained within a single family dwelling which is the principal use on the parcel;
- (b) be conducted by the principal resident who may employ not more than one person on the premises;
- (c) not involve the use of more than three rooms at any one time for guest accommodation;
- (d) with the exception of breakfast, not involve the provision of meals to transient visitors.

#### **5.13 Setback from Watercourse**

- (a) Notwithstanding any other provisions of this bylaw, no habitable building shall be located within 15 metres of the high water mark of a watercourse, lake or the sea.
- (b) 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, lake or the sea.

#### **5.14 Siting of Kennel Buildings**

Within a zone in which kennels are a permitted use, buildings and structures for the accommodation of dogs including dog runs, shall not be located within 45 metres of a parcel line.

### **5.15 Residential Use in Non-Residential Zones**

Notwithstanding the setback requirements of this bylaw, where a single family dwelling is permitted in a commercial, industrial or institutional zone, the following setbacks shall apply:

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

### **5.16 Residential Use of Water Lease Lots**

Notwithstanding any other provision of this bylaw, a water lease lot shall not be used for residential purposes.

### **5.17 Minimum Setback from a Highway**

Notwithstanding any other provision of this bylaw, no structure other than a fence shall be located within 4.5 metres of a highway other than a lane.

### **5.18 Mobile Home**

A mobile home use shall only be permitted in those zones in which it is specifically listed as a permitted use.

### **5.19 Secondary Suite**

- (a) The secondary suite shall be located within a principal dwelling and shall have a separate access.
- (b) The secondary suite shall be constructed in accordance with the provisions of the *B.C. Building Code*.
  - i) the secondary suite shall not occupy more than 40% of the floor area of the residence.
  - ii) the floor area of the secondary suite shall not exceed 90 sq. m. ( $\pm$ 968 sq. ft.).
- (c) Prior approval of the jurisdiction having authority for liquid waste disposal shall be obtained prior to issuance of the building permit.
- (d) Prior approval of the jurisdiction having authority for domestic water supply shall be obtained prior to issuance of the building permit.
- (e) Off-street parking shall be provided.
- (f) Only one secondary suite or one separate suite shall be permitted per parcel.
- (g) The secondary suite is subject to Section 5.22 of this Bylaw.
- (h) An owner must occupy either the secondary suite or the dwelling which it is within.

**5.20 Separate Suite**

(a) The maximum floor area of a separate suite shall be as follows:

<b>Parcel Size</b>	<b>Maximum Floor Area</b>
0.2 Ha. - 0.7999 Ha. (±1/2 acre to 2 acres)	60 sq.m. (±650 sq. ft.)
0.8 Ha. and larger (±2 acres and larger)	74 sq. m. (±800 sq. ft.)

- (b) A separate suite shall not be permitted on a parcel less than 0.2 ha. (±1/2 acre).
- (c) The separate suite may be freestanding or attached to a residential accessory building; it shall not be located within nor attached to another dwelling.
- (d) The separate suite may be in the form of a mobile, manufactured or modular home.
- (e) Off-street parking shall be provided.
- (f) Prior approval of the jurisdiction having authority for liquid waste disposal shall be obtained prior to issuance of building permit.
- (g) Prior approval of the jurisdiction having authority for domestic water supply shall be obtained prior to issuance of building permit.
- (h) Only one separate suite or one secondary suite shall be permitted per parcel.
- (i) The separate suite shall be constructed in accordance with the provisions of the *B.C. Building Code*.
- (j) The separate suite is subject to Section 5.22 of this Bylaw.
- (k) An owner of the parcel shall occupy either the separate suite or the principal dwelling.
- (l) The separate suite shall not be in the form of a recreational vehicle.

**5.21 Contaminated Soil and Waste**

Unless explicitly permitted in a zone, no parcel shall be used for the purpose of storing contaminated waste or contaminated soil, if the contaminated material did not originate on the same legal parcel of land that it is being stored on.

**5.22 Covenant Required For More Than One Dwelling per Parcel**

Parcels upon which there are located two or more dwelling units as permitted under this bylaw shall not be subdivided, nor shall any Strata Plan pursuant to the *Strata Property Act* be registered on the parcel or the buildings located on the parcel, and the owner(s) of the parcel shall enter into and register on the title of the parcel a covenant agreement to this effect as a pre-requisite to obtaining a building permit for the extra dwelling(s).

### **5.23 Commercial Cannabis Regulations**

- (a) 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.
- (b) Notwithstanding Section 4.7.3, 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.

### **5.24 Swimming Pool Fencing**

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.

### **5.25 Section 946 Subdivision Regulation**

The minimum size for a parcel outside of the Agricultural Land Reserve that may be subdivided under Section 946 of the *Local Government Act* throughout Electoral Area H - North Oyster/Diamond is 25 hectares, or the minimum parcel size of the zone within which the parcel of land is located, whichever is larger.

## **PART SIX: CREATION AND DEFINITION OF ZONES**

### **6.1 Creation of Zones**

The area of Electoral Area H is divided into the zones identified in Column I and each zone is briefly described in Column II.

<b><u>COLUMN I</u></b>	<b><u>COLUMN II</u></b>
A-1	Primary Agricultural
A-2	Secondary Agricultural
A-2A	Restricted Secondary Agricultural
F-1	Primary Forestry
F-2	Secondary Forestry
R-1	Rural Residential
R-2	Suburban Residential
R-10	Rural Water Conservancy
MP-1	Mobile Home Park
MH-1	Manufactured Home Residential
MH-2	Bush Creek Manufactured Home Residential
C-2	Local Commercial
C-2A	Local Commercial A
C-2B	Local Commercial
C-3	Service Commercial
C-4	Tourist Recreational Commercial
GL-1	Guest Lodge
P-1	Parks and Recreation
P-2	Institutional
P-2A	Institutional
I-1	Light Industrial
I-2	Heavy Industrial
W-1	Water Conservancy
W-2	Water Recreation
W-3	Water Marina
W-4	Shellfish
W-5	Shellfish Processing
W-7	Water Industrial
W-10	Motor Vessel Moorage
T-1	Railway Transportation
U-1	Utility (LNG)

### **6.2 Definition of Zones**

- (a) The area of each zone is defined by Schedule B.
- (b) Where a zone boundary is shown on Schedule B as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

**PART SEVEN: AGRICULTURAL AND FORESTRY ZONES**

**7.1 A-1 ZONE PRIMARY AGRICULTURAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

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

1. Agriculture, horticulture, silviculture, turf farm, fish farm;
2. One single family residential dwelling or mobile home;
3. Two single family residential dwellings or mobile homes on parcels of 2.0 hectares or larger;
4. Horse riding arena, boarding stable;
5. Home occupation;
6. Bed & breakfast accommodation;
7. Sale of products grown or reared on a farm;
8. Daycare, nursery school accessory to a dwelling;
9. Separate or secondary suite on parcels 2 ha or larger (may be subject to Provincial Agricultural Land Commission approval).

(b) Conditions of Use

For any parcel in an A-1 Zone:

1. The parcel coverage shall not exceed 15 percent for all buildings and structures, except for greenhouses which shall not exceed a parcel coverage of 50 percent;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory structure uses in Column II and for agricultural, stable and accessory structure uses in Column III:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Residential & Accessory Uses	<b>COLUMN III</b> Agricultural & Accessory Use
Front	7.5 metres	15 metres
Side (Interior or Exterior)	3.0 metres	15 metres
Rear	4.5 metres	15 metres

**7.2 A-2 ZONE SECONDARY AGRICULTURAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an A-2 Zone:

1. Agriculture, horticulture, silviculture, turf farm and fish farm;
2. One single family residential dwelling or mobile home;
3. Two single family residential dwellings or mobile homes on parcels of 2.0 hectares or larger;
4. Home occupation;
5. Sale of products grown and reared on a farm;
6. Bed and breakfast accommodation;
7. Daycare, nursery school accessory to a dwelling;
8. Separate or secondary suite on parcels 2 ha or larger (may be subject to Provincial Agricultural Land Commission approval).

(b) Conditions of Use

For any parcel in an A-2 Zone:

1. The parcel coverage shall not exceed 15 percent for all buildings and structures, except for greenhouses which shall not exceed a site coverage of 50 percent;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory structure uses in Column II and for agricultural, stable and accessory structure uses in Column III:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Residential & Accessory Uses	<b>COLUMN III</b> Agricultural & Accessory Use
Front	7.5 metres	15 metres
Side (Interior or Exterior)	3.0 metres	15 metres
Rear	4.5 metres	15 metres

**7.2.1 A-2A ZONE RESTRICTED SECONDARY AGRICULTURAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an A-2A Zone:

1. Agriculture, horticulture, silviculture, turf farm, fish farm;
2. One single family residential dwelling or mobile home;
3. Two single family residential dwellings or mobile homes on parcels of 2.0 hectares or larger;
4. Home occupation;
5. Sale of products grown and reared on a farm;
6. Bed and breakfast accommodation;
7. Daycare, nursery school accessory to a dwelling.

(b) Conditions of Use

For any parcel in an A-2A Zone:

1. The parcel coverage shall not exceed 15 percent for all buildings and structures, except for greenhouses which shall not exceed a site coverage of 50%;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory structure uses in Column II and for agricultural, stable and accessory structure uses in Column III:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Residential & Accessory Uses	<b>COLUMN III</b> Agricultural & Accessory Use
Front	7.5 metres	15 metres
Side (Interior or Exterior)	3.0 metres	15 metres
Rear	4.5 metres	15 metres

### 7.3 **F-1 ZONE PRIMARY FORESTRY**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

#### (a) Permitted Uses

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

1. Management and harvesting of primary forest products, excluding sawmilling and all manufacturing and dry land log sorting operations;
2. Gravel extraction and processing incidental to forestry operations;
3. One single family residential dwelling or mobile home;
4. Silviculture, horticulture;
5. Home occupation;
6. Separate or secondary suite on parcels 2 ha. or larger (may be subject to Forest Land Commission approval);
7. Bed and breakfast accommodation.

#### (b) Conditions of Use

For any parcel in an F-1 Zone:

1. The parcel coverage shall not exceed 10 percent for all buildings and structures;
2. The height of all buildings and structures shall not exceed 15 metres;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory structure uses in Column II and for agricultural, stable and accessory structure uses in Column III:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Residential & Accessory Uses	<b>COLUMN III</b> Agricultural & Accessory Use
Front	7.5 metres	15 metres
Side (Interior)	3.0 metres	15 metres
Side (Exterior)	4.5 metres	15 metres
Rear	4.5 metres	15 metres

#### 7.4 **F-2 ZONE SECONDARY FORESTRY**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in the F-2 Zone:

(a) **Permitted Uses**

The following uses and no others are permitted in an F-2 Zone:

1. Management and harvesting of primary forest products, excluding sawmilling and all manufacturing and dry land log sorting operations;
2. Gravel extraction and processing incidental to forestry operations;
3. One single family dwelling or mobile home;
4. Silviculture, horticulture;
5. Home occupation;
6. Separate or secondary suite on parcels 2 ha or larger;
7. Bed and breakfast accommodation.

(b) **Conditions of Use**

For any parcel in an F-2 Zone:

1. The parcel coverage shall not exceed 10 percent for all buildings and structures;
2. The height of all buildings and structures shall not exceed 15 metres;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory structures in Column II, and for agricultural and agricultural accessory uses in Column III:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Residential and Accessory Structures	<b>COLUMN III</b> Agricultural and Agricultural Accessory Structures
Front	7.5 metres	15 metres
Interior side	3 metres	15 metres
Exterior side	4.5 metres	15 metres
Rear	4.5 metres	15 metres

**PART EIGHT: RESIDENTIAL ZONES**

**8.1 R-1 ZONE RURAL RESIDENTIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an R-1 Zone:

1. Agriculture, horticulture, silviculture and fish farms;
2. One single family residential dwelling or mobile home;
3. Two single family residential dwellings or mobile homes on parcels of 2.0 hectares or larger;
4. Home occupation;
5. Sale of products grown and reared on the parcel;
6. Bed & breakfast accommodation;
7. Daycare, nursery school accessory to a dwelling;
8. Separate or secondary suite.

(b) Conditions of Use

For any parcel in an R-1 Zone:

1. The parcel coverage shall not exceed 20 percent for all buildings and structures except for greenhouses which shall not exceed a parcel coverage of 30 percent;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory structure uses in Column II and for agricultural and accessory structure uses in Column III:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Residential and Accessory Structures	<b>COLUMN III</b> Agricultural and Accessory Use
Front	7.5 metres	15 metres
Side (Interior or Exterior)	3.0 metres from one side parcel line and ten percent of the parcel width from the parcel line up to a maximum of 3 metres	15 metres
Rear	4.5 metres	15 metres

**8.2 R-2 ZONE SUBURBAN RESIDENTIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

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

1. One single family residential dwelling or mobile home;
2. Agriculture, horticulture, silviculture;
3. Home occupation;
4. Sale of products grown and reared on a farm;
5. Bed & breakfast accommodation;
6. Daycare, nursery school accessory to a dwelling;
7. Separate or secondary suite.

(b) Conditions of Use

For any parcel in an R-2 Zone:

1. The parcel coverage shall not exceed 20 percent for all buildings and structures except for greenhouses which shall not exceed a site coverage of 30 percent;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Residential & Accessory Uses	<b>COLUMN III</b> Agricultural & Accessory Use
Front	7.5 metres	15 metres
Side (Interior or Exterior)	3.0 metres from one side parcel line and ten percent of the parcel width from the other parcel line up to a maximum of 3 metres	15 metres
Rear	4.5 metres	15 metres

**8.3 R-10 ZONE RURAL WATER CONSERVANCY**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an R-10 Zone:

1. One single family residential dwelling or mobile home;
2. Daycare, nursery school accessory to a dwelling;
3. Bed & breakfast accommodation;
4. Home occupation; and
5. Silviculture, horticulture.

(b) Conditions of Use

For any parcel in an R-10 Zone:

1. The parcel coverage shall not exceed 10 percent for all buildings and structures except for greenhouses which shall not exceed a site coverage of 30 percent;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Residential & Accessory Uses
Front	7.5 metres
Side (Interior or Exterior)	3.0 metres from one side parcel line and ten percent of the parcel width from the other parcel line up to a maximum of 3 metres
Rear	4.5 metres

#### 8.4 **MP-1 ZONE MOBILE HOME PARK ZONE**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

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

1. Mobile home park; and
2. Daycare or nursery school (within a Mobile Home Park accessory or recreation building).

(b) Density

For any parcel in the MP-1 Zone, the maximum density of dwelling units shall not exceed 15 units per hectare of parcel area.

**8.5 MH-1 ZONE – MANUFACTURED HOME RESIDENTIAL**

(a) Permitted Uses

The following principal use and no others are permitted in the MH-1 Zone:

1. Single-family dwelling.

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

2. Buildings and structures accessory to a principal permitted use.

(b) Conditions of Use

For any parcel in an MH-1 Zone:

1. The parcel coverage shall not exceed 35% for all buildings and structures;
2. The height of all buildings and structures shall not exceed 6 metres and shall not exceed one story; and
3. The minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>Column I</b> Type of Parcel Line	<b>Column II</b> Residential and Accessory Uses
Front	6.0 metres
Side (Interior)	3.0 metres from one side parcel line and 1.5 metres from the opposite side parcel line
Side (Exterior)	4.5 metres
Rear	3.0 metres

(c) Number of Dwelling Units Per Lot

Not more than one dwelling shall be permitted on a parcel that is zoned MH-1.

**8.6 MH-2 BUSH CREEK MANUFACTURED HOME RESIDENTIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

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

1. Single Family Dwelling;
2. Manufactured Home.

The following accessory uses and no others are permitted in the MH-2 Zone:

1. Buildings and structures accessory to a principal permitted use;
2. Administration and recreation buildings;
3. Home occupation;
4. Horticulture.

(b) Conditions of Use

For any parcel in the MH-2 Zone:

1. The parcel coverage shall not exceed 35% for all buildings and structures;
2. The height of principal structures shall not exceed 7.5 metres;
3. The height of accessory structures shall not exceed 5.0 metres;
4. The minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>Column I</b> Type of Parcel Line	<b>Column II</b> Residential and Accessory Uses
Front	5.5 metres
Side (Interior)	3.0 metres from one side parcel line and 1.5 metres from the opposite side parcel line
Side (Exterior)	4.5 metres
Rear	7.5 metres

(c) Density, Density Bonus and Amenity Provisions

1. The number of residential parcels that may be created by subdivision in the MH-2 Zone shall not exceed three, including any remainder parcel;
2. Despite Section 8.5(c)(1), the number of residential parcels that may be created by subdivision in the MH-2 Zone may be increased up to 147 if the condition in Section 8.5(c)(3) is met;

3. In order to develop more than three residential lots, 24.51 hectares of land, in a location acceptable to the Regional District and generally identified as P-1 and P-2 on Schedule A of Bylaw 3372, 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;
4. Despite Section 8.5(c)(3), the owner of the subject lands may register rights of first refusal by way of a restrictive covenant on the lands to be transferred to the CVRD under this Section, with the terms of such rights of first refusal to be valid for no more than 10 years from the date of transfer of the lands to the CVRD, with the terms and conditions of the covenant to be approved in writing by the CVRD prior to registration;
5. Not more than one dwelling per parcel shall be permitted;
6. The minimum parcel area for the purposes of s. 946(4) of the *Local Government Act* is 25 hectares.

(d) Minimum Parcel Size

Subject to part 13, the minimum parcel size in the MH-2 Zone shall be:

1. 540 sq. m. for parcels served by a community water and sewer system;
2. 2.0 ha. for parcels served by a community water system only;
3. 2.0 ha. for parcels served by neither by a community water or sewer system.

**PART NINE: COMMERCIAL ZONES**

**9.1 C-2 ZONE LOCAL COMMERCIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

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

1. Bakeshop or confectionary whose products of which are retailed on the premises;
2. Barbershop, beauty parlour, shoe repair shop, electric and electronic shop;
3. Restaurant, excluding drive in;
4. Retail store, excluding storage yard;
5. One single family residential dwelling per parcel accessory to and in addition to any of the above uses, provided that no portion of the first storey of a building used for commercial purposes may be used for residential purposes except in the case of a separate residential entrance or separate residential dwelling;
6. Separate or secondary suite.

(b) Conditions of Use

For any parcel in a C-2 Zone:

1. The parcel coverage shall not exceed 50 percent for all buildings and structures;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>Column I</b> Type of Parcel Line	<b>Column II</b> Buildings and Structures
Front	7.5 metres
Side (Exterior or Interior)	6.0 metres
Rear	6.0 metres where there is no rear lane and 6 metres from the centre line of the lane where a lane exists

**9.2 C2A LOCAL COMMERCIAL A ZONE**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in a C-2A Zone:

1. Artist Studio;
2. Bakeshop or confectionary whose products of which are retailed on the premises;
3. Barbershop, beauty parlour, shoe repair shop, electric and electronic shop;
4. Commercial recreation and entertainment;
5. Restaurant, excluding drive in;
6. Retail sales, excluding storage yard;
7. One single family residential dwelling per parcel accessory to and in addition to any of the above uses, provided that no portion of the first storey of a building used for commercial purposes may be used for residential purposes except in the case of a separate residential entrance or separate residential dwelling; and
8. Separate or secondary suite.

(b) Conditions of Use

For any parcel in a C-2A Zone:

1. The parcel coverage shall not exceed 50 percent for all buildings and structures;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>Column I</b> Type of Parcel Line	<b>Column II</b> Buildings and Structures
Front	7.5 metres
Side (Exterior or Interior)	6.0 metres
Rear	6.0 metres where there is no rear lane and 6 metres from the centre line of the lane where a lane exists

### 9.3 **C-2B ZONE LOCAL COMMERCIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

#### (a) Permitted Uses

The following uses and no others are permitted in a C-2B Zone:

1. Bakeshop or confectionary whose products of which are retailed on the premises;
2. Barbershop, beauty parlour, shoe repair shop, electric and electronic shop;
3. Restaurant, excluding drive in;
4. Gas bar;
5. Retail store, excluding storage yard;
6. One single family residential dwelling per parcel accessory to and in addition to any of the above uses, provided that no portion of the first storey of a building used for commercial purposes may be used for residential purposes except in the case of a separate residential entrance or separate residential dwelling;
7. Separate or secondary suite.

#### (b) Conditions of Use

For any parcel in a C-2B Zone:

1. The parcel coverage shall not exceed 50 percent for all buildings and structures;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>Column I</b> Type of Parcel Line	<b>Column II</b> Buildings and Structures
Front	7.5 metres
Side (Exterior or Interior)	6.0 metres
Rear	6.0 metres where there is no rear lane and 6 metres from the centre line of the lane where a lane exists

**9.4 C-3 ZONE SERVICE COMMERCIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

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

1. Automotive and truck sales;
2. Automotive and truck rentals;
3. Retail and wholesale sale of automotive parts and accessories;
4. Retail sale of building supplies, lumber yard;
5. Retail sale of camping supplies;
6. Retail sale of gardening supplies;
7. Gasoline service station including auto repair;
8. Sale, rental or servicing of mobile home, camper vehicle, boat, and farm and industrial machinery;
9. Theatre, drive-in;
10. Warehousing auxiliary to retail sales;
11. Wholesaling;
12. One single family residential dwelling per parcel accessory to but located in a building separate from a building containing a use permitted in Sections 9.3(a)(1) to (11);
13. Separate or secondary suite.

(b) Conditions of Use

For any parcel in a C-3 Zone:

1. The parcel coverage shall not exceed 50 percent for all buildings and structures;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I Type of Parcel Line</b>	<b>COLUMN II Buildings and Structures</b>
Front	7.5 metres
Side (Exterior or Interior)	6.0 metres
Rear	6.0 metres where there is no rear lane and 6 metres from the centre line of the lane where a lane exists

**9.5 C-4 ZONE TOURIST RECREATIONAL COMMERCIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

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

1. Restaurant;
2. Tourist accommodation;
3. Campground;
4. Marina operation including launching, docking, mooring, fueling, but excluding boat building;
5. Golf course, golf driving range and accessory uses;
6. One single family dwelling per parcel accessory to the above uses;
7. Separate or secondary suite.

(b) Conditions of Use

For any parcel in a C-4 Zone:

1. The parcel coverage shall not exceed 15 percent for all buildings and structures;
2. The height of all buildings and structures shall not exceed 7.5 metres;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>Column I</b> Type of Parcel Line	<b>Column II</b> Buildings and Structures
Front	7.5 metres
Side (Exterior or Interior)	4.5 metres
Rear	6.0 metres

**9.6 GL-1 ZONE GUEST LODGE**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

1. Agriculture, horticulture, silviculture;
2. One single family residential dwelling;
3. Two single family residential dwellings on parcels 2 ha. or larger;
4. Home occupation;
5. Sale of products grown or reared on the farm;
6. Guest lodge.

(b) Conditions of Use

For any parcel in a GL-1 Zone:

1. The parcel coverage shall not exceed 15 percent for all buildings and structures, except for greenhouses, which shall not exceed a site coverage of 50 percent;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out in Columns II and III:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Principal & Accessory Commercial & Residential Uses	<b>COLUMN III</b> Agricultural & Accessory Uses
Front	7.5 metres	15 metres
Interior Side	6.0 metres	15 metres
Exterior Side	6.0 metres	15 metres
Rear	6.0 metres	15 metres

3. A maximum of 12 bedroom accommodation units shall be used for guest sleeping accommodation;
4. A Guest Lodge shall be limited to a maximum occupancy of 24 adult persons at any one time;
5. The number of dining room seats shall be limited to two per bedroom accommodation unit, utilized for guest sleeping accommodation, to a maximum of 24 seats;
6. The sale or provision of food to overnight patrons may be permitted;
7. The sale or provision of food to non-overnight patrons is prohibited;
8. The sale or provision of alcohol is prohibited;
9. An owner of the parcel must occupy one of the dwelling units and the Guest Lodge shall be owner operated;
10. Not more than one dwelling per parcel shall contain a Guest Lodge;
11. No bedroom accommodation unit shall be owned on a separate Certificate of Title;
12. No person shall occupy a bedroom accommodation unit for more than ten (10) weeks in a calendar year.

**PART TEN: PARK AND INSTITUTIONAL ZONES**

**10.1 P-1 ZONE PARKS AND RECREATION**

Subject to compliance with the General Requirements in Part Five of this Bylaw the following provisions apply in this Zone:

(a) Permitted Uses

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

1. Park, park reserve and greenbelt;
2. Playground;
3. Ecological reserve, wildlife sanctuary; and
4. Public botanical garden.

(b) Conditions of Use

For any parcel in a P-1 Zone:

1. The parcel coverage shall not exceed 15 percent for all buildings and structures;
2. The height for all buildings and structures shall not exceed 12.0 metres;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Buildings and Structures
Front Yard	6.0 metres
Side Yard	6.0 metres
Rear Yard	6.0 metres

**10.2 P-2 ZONE INSTITUTIONAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

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

1. Institution;
2. Church;
3. Civic use, including transportation station;
4. Post office;
5. Public utility;
6. Personal care home, senior citizen home;
7. Independent school including boarding facilities;
8. One single family residential dwelling unit per parcel accessory to the above uses;
9. Separate or secondary suite.

(b) Conditions of Use

For any parcel in a P-2 Zone:

1. The parcel coverage shall not exceed 40percent for all buildings and structures;
2. The height for all buildings and structures shall not exceed 12.0 metres;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> Type Parcel Line	<b>COLUMN II</b> Buildings and Structures
Front Yard	6.0 metres
Side Year	6.0 metres
Rear Yard	6.0 metres

### 10.3 P-2A ZONE INSTITUTIONAL

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in a P-2A Zone:

1. Historical centre;
2. Community centre;
3. One single family residential dwelling accessory to a use permitted in Section 10.3(a) (1) to (2);
4. Separate or secondary suite.

(b) Conditions of Use

For any parcel in a P-2A Zone:

1. The parcel coverage shall not exceed 40 percent for all buildings and structures;
2. The height for all buildings and structures shall not exceed 12.0 metres;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Buildings and Structures
Front	6.0 metres
Side (Interior & Exterior)	6.0 metres
Rear	6.0 metres

<b>PART ELEVEN: INDUSTRIAL ZONES</b>
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**11.1 I-1 ZONE-LIGHT INDUSTRIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an I-1 Zone:

1. Automotive body repair and painting;
2. Automotive repair shop;
3. Boat building;
4. Book binding, publishing;
5. Sale of wholesale and retail building supplies, lumber yard;
6. Broom and brush manufacturing;
7. Cabinet and furniture manufacturing including a joinery;
8. Candy manufacturing;
9. Canning of fruits or vegetables;
10. Cold storage plant;
11. Dairy products manufacturing;
12. Door and window manufacturing;
13. Electric equipment manufacturing;
14. Feed and seed storage;
15. Food products manufacturing, processing and packaging, excluding meat processing and fish processing;
16. Frozen food locker;
17. Parking garage;
18. Kennel;
19. Laboratory;
20. Laundry, dry cleaning and dyeing establishment;
21. Jewellery, mattress, musical instrument, toy, paper box and cardboard, sign, glass, textile, tool, tent and awning, wax products and window shade manufacturing;
22. Contractors workshop, yard and storage;
23. Modular or prefabricated home and truss manufacturing;
24. Welding shop;
25. Warehouse, including mini-warehouse, truck and trailer rentals, and;
26. Recycling, sorting and storage of glass, plastic, aluminum, wood, paper, cardboard, but excluding external storage of any material, and excluding the recycling, sorting and storage of heavy metals, batteries, appliances, wrecked motor vehicles or automotive parts;
27. One single family residential dwelling unit per parcel accessory to a use permitted in Section 11.1 (a) 1 to 26;
28. Separate or secondary suite.

(b) Conditions of Use

For any parcel in an I-1 Zone:

1. The parcel coverage shall not exceed 50 percent for all buildings and structures.
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Buildings and Structures
Front Yard	9.0 metres
Side Yard (Exterior or Interior)	9.0 metres
Rear Yard	9.0 metres

3. All uses shall be carried on inside an enclosed building except for storage of material and vehicles.

**11.2 I-2 ZONE HEAVY INDUSTRIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an I-2 Zone:

1. Any use permitted in the I-1 Zone;
2. Dry land log sort;
3. Manufacturing plant;
4. Sawmill, planer mill;
5. Storageyard;
6. Abattoir, meat processing, fish processing;
7. Concrete mixing operation;
8. Recycling, sorting and storage of any substance or material including paper, wood and-metal (excluding wrecked motor vehicles or automotive parts);
9. One single family dwelling per parcel accessory to the above uses;
10. Separate or secondary suite.

(b) Conditions of Use

For any parcel in an I-2 Zone:

1. The parcel coverage shall not exceed 50 percent for all buildings and structures;
2. The height for all buildings and structures shall not exceed 12.0 metres;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Buildings and Structures
Front Yard	9.0 metres
Side Yard (Exterior or Interior)	9.0 metres
Rear Yard	9.0 metres

4. All uses shall be carried on inside an enclosed building except for storage of material and vehicles.

### 11.3 I-3 ULTRA LIGHT INDUSTRIAL ZONE

Subject to compliance with the General Requirements in Part 5 of this Bylaw, the following provisions apply in the I-3 Zone:

#### (a) Permitted Uses

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

1. Book binding, publishing;
2. Wholesale and retail building supply sales and storage;
3. Clothing and garment manufacturing and repair;
4. Cabinet and furniture manufacturing;
5. Cold storage plant;
6. Contractors workshop, yard and indoor storage;
7. Dairy Products Manufacturing;
8. Door and window manufacturing;
9. Dry food storage facility;
10. Equipment sale, rental repair and storage;
11. Feed and seed storage;
12. Food products manufacturing, processing and packaging, excluding fish processing, meat processing and abattoir;
13. Frozen food storage;
14. Gardening and landscaping supplies and sales;
15. Jewellery, mattress, musical instrument, toy, paper box and cardboard, sign, glass, textile, tool, tent and awning, wax products and window shade manufacturing;
16. Modular, log or pre-fabricated homes and truss manufacturing;
17. Office use;
18. Research and development, or high technology centre, education centre;
19. Warehouse, including mini-warehouse; and
20. One single family dwelling unit per parcel accessory to a use permitted in Section 11.3(a) 1 to 19.

#### (b) Parcel Coverage

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

#### (c) Height

The height of all buildings and structures in the I-3 Zone shall not exceed 10 metres.

(d) Setbacks

The following setbacks for buildings and structures apply in the I-3 Zone:

<b>Type of Parcel Line</b>	<b>Where the adjoining parcel is zoned other than Industrial</b>	<b>Where the adjoining parcel is zoned Industrial</b>
Front Parcel Line	4.5 metres	4.5 metres
Interior Side Parcel Line	9 metres	0 metres
Exterior Parcel Line	4.5 metres	4.5 metres
Rear Parcel Line	9 metres	0 metres

(e) Prohibition

All uses shall be carried on inside an enclosed building except for parking and loading of vehicles.

#### 11.4 U-1 ZONE – UTILITY (LNG)

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this zone:

##### (a) Permitted Uses

The following permitted uses and no others are permitted in a U-1 Zone:

1. Management and harvesting of forest products, including silviculture, excluding sawmilling, manufacturing and dry land log sorting;
2. Storage and transportation of liquefied natural gas (LNG);
3. Transmission, liquefaction, vaporization, transportation and storage of natural gas;
4. Water storage for firefighting and other purposes;
5. Buildings, structures and uses that are required for, accessory to or customarily incidental to, the operation of a liquefied natural gas storage facility.

##### (b) Conditions of Use

For any parcel in a U-1 Zone:

1. The parcel coverage shall not exceed 20 percent for all buildings and structures;
2. The height for all buildings and structures, including a liquefied natural gas storage tank, shall not exceed 65 metres from natural grade;
3. The minimum setback from all lot lines for Liquefied Natural Gas storage tanks is 30 metres from all parcel lines;
4. The minimum setback for all other buildings and structures is 7.5 metres from all parcel lines;
5. Not more than two liquefied natural gas storage tanks shall be located on a parcel, and the size of each storage tank shall not exceed a nominal volume of 70,000 m<sup>3</sup>.

<b>PART TWELVE: WATER USE ZONES</b>
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**12.1 W-1 WATER CONSERVANCY ZONE**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

**(a) Permitted Uses**

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

1. Activities directed towards environmental protection and habitat enhancement;
2. Passive recreational activities;
3. Management of a waterbody, lake or reservoir, by an improvement district, municipality or the Cowichan Valley Regional District or a community of water users for use as a community water supply.

**(b) Conditions of Use**

In a W-1 Zone:

1. No building or structure shall exceed a height of 3.6 metres;
2. No residential use of floats, piles or vessels of any kind is permitted.

**12.2 W-2 ZONE WATER RECREATION**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

**(a) Permitted Uses**

The following uses and no others are permitted in a W-2 Zone:

1. Private and public wharf;
2. Navigation aids, buoys, and markers;
3. Seawall, breakwater, ramp and floats; or
4. Recreation (private and public).

**(b) Conditions of Use**

In a W-2 Zone:

1. No building or structure shall exceed a height of 3.6 metres; and
2. No residential use of floats, piles or vessels of any kind is permitted.

### **12.3 W-3 ZONE WATER-MARINA**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

#### **(a) Permitted Uses**

The following uses and no others are permitted in a W-3 Zone:

1. Any uses permitted in the W-2 Zone;
2. Sales and rental of boats and sporting equipment;
3. Marina operation including launching, docking, mooring, fueling, but excluding boat building;
4. Yacht club;
5. Boat sheds or shelter;
6. Moorage facilities for water taxi, ferry, fishing boats, sea planes or similar commercial use;
7. Marina fueling station and storage up to a 23,000 litre capacity;
8. Slips, docks, breakwaters, ramps, dolphins and pilings necessary for the establishment and or maintenance of the uses permitted in Section 12.3(1) through (7) above.

#### **(b) Conditions of Use**

In a W-3 Zone:

1. Buildings including boat shelters shall not exceed 6.0 metres in height;
2. No residential use on floats, piles or vessels of any kind is permitted;
3. Any dock facilities in association with a marina use shall possess at least one sewage pump-out that is permanently connected to an approved on-site, land-based sewage treatment and disposal system, along with a system for ensuring that moored boats with head facilities only use that pump-out.

### **12.4 W-4 ZONE SHELLFISH**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

#### **(a) Permitted Uses**

The following use and no others is permitted in the W-4 Zone:

1. Shellfish culture.

#### **12.4A W-4A ZONE SHELLFISH CULTURE 4A**

Subject to compliance with the General Requirements in Part 5 of this Bylaw, the following provisions apply in the W-4A Zone:

(a) Permitted Uses

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

1. Shellfish culture;
2. Navigation aids, buoys and markers;
3. Recreation (private and public);
4. Activities directed towards environmental protection and habitat enhancement.

(b) Prohibited Uses

The use of predator netting is not permitted in the W-4A Zone.

#### **12.5 W-5 ZONE SHELLFISH PROCESSING**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in a W-5 Zone:

1. The shucking and processing of molluscs and crustaceans, but excluding the processing of other forms of seafood;
2. Freezer plant and cooler operations to handle products auxiliary to the shucking and processing of shellfish;
3. Clam and oyster depuration facility;
4. The retail or wholesale sale of mollusc and crustacea.

(b) Conditions of Use

In a W-5 Zone:

1. The site coverage shall not exceed fifty (50) percent for all buildings and structures;
2. The height of all buildings and structures shall not exceed 10.0 metres except for accessory buildings which shall not exceed a height of 4.5 metres;
3. The minimum setbacks for all buildings and structures excluding docks, floats and ramps shall be 3.0 metres from all parcel lines including the sides of a lease area.

## **12.6 W-7 ZONE WATER INDUSTRIAL**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

### **(a) Permitted Uses**

The following uses and no others are permitted in the W-7 Zone:

1. Any use permitted in W-1 to W-4 Zones;
2. Boat building, repairs or sales;
3. Storage areas for the shipment, loading, unloading or storage of logs, including booming grounds;
4. Breakwaters, slips, docks, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this part.

### **(b) Conditions of Use**

In a W-7 Zone, buildings including boat shelters shall not exceed 6.0 metres in height.

## **12.7 W-10 ZONE MOTOR VESSEL MOORAGE**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

### **(a) Permitted Uses**

The following uses and no others are permitted in a W-10 Zone:

1. Public wharf;
2. Navigation aids, buoys and markers;
3. Seawall, breakwater, ramp and floats; or
4. Recreation (private and public);
5. Moorage of one commercial fishing vessel not exceeding 20 metres in length owned or operated by the resident of an abutting upland parcel of land.

### **(b) Conditions of Use**

In a W-10 Zone:

1. No building or structure shall exceed a height of 5.0 metres; and
2. No residential use of floats, piles or vessels of any kind is permitted.

## 12.8 T-1 ZONE RAILWAY TRANSPORTATION

Subject to compliance with the general requirements detailed in Parts 4 and 5 of this Bylaw, the following regulations shall apply in the T-1 Zone:

### (a) Permitted Uses

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

1. Railways, including passenger and freight services and light rail transit;
2. Terminal facilities for passenger and freight rail services;
3. Railway stations and railway depots;
4. Roundhouses, engine sheds and railway vehicle maintenance facilities;
5. Other uses customarily incidental to the operation of a railway.

### (b) 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.

**PART THIRTEEN: AREA, SHAPE AND DIMENSIONS OF PARCELS**

**13.1** With respect to the Zones identified in Column I of Section 61 and briefly described in Column II, the minimum parcel size shall, except to the extent as varied by the provisions of Sections 13.2, 13.11, and 13.12 be in accordance with the following table based on the method of sewage disposal and water supply:

**MINIMUM PARCEL SIZE**

Zone Classification under Zoning Bylaw No. 1020		Parcels Served by Community Water and Sewer	Parcels Served by Community Water System Only	Parcels Neither Served by Community Water or Sewer
A-1	Primary Agricultural	12 ha	12 ha	12 ha
A-2	Secondary Agricultural	2 ha	2 ha	2 ha
A-2A	Restricted Secondary Ag.	1.2 ha (3 acres)	1.2 ha (3 acres)	1.2 ha (3 acres)
F-1	Primary Forestry	80 ha	80 ha	80 ha
F-2	Secondary Forestry	20 ha	20 ha	20ha
R-1	Rural Residential	2 ha**	2 ha**	2 ha**
R-2	Suburban Residential	0.4 ha**	0.4 ha**	2.0 ha**
R-10	Rural Water Conservancy	8.0 ha	8.0 ha	8.0 ha
MP-1	Mobile Home Park	2 ha*	2 ha*	2 ha*
MH-1	Manufactured Home Res	325m <sup>2</sup>	325m <sup>2</sup>	2 ha
C-2	Local Commercial	1100m <sup>2</sup>	1675m <sup>2</sup>	0.8 ha
C-2B	Local Commercial	1100m <sup>2</sup>	1675m <sup>2</sup>	0.8 ha
C-3	Service Commercial	1100m <sup>2</sup>	1675m <sup>2</sup>	0.8 ha
C-4	Tourist Recreation Commercial	1100m <sup>2</sup>	1675m <sup>2</sup>	0.8 ha
GL-1	Guest Lodge	4 ha	4 ha	4 ha
P-1	Parks and Recreation	-	-	8.0 ha**
P-2	Institutional	1100m <sup>2</sup>	1675m <sup>2</sup>	0.8 ha
P-2A	Institutional	0.6 ha	0.6 ha	0.6 ha
I-1	Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-2	Heavy Industrial	2 ha	2 ha	2 ha
I-3	Ultra Light Industrial	0.2 ha	0.4 ha	0.8 ha
U-1	Utility (LNG)	10 ha	10 ha	10 ha

Note: ha = hectare

\* However, provided that in the case of strata title mobile home parks, the minimum parcel size shall be 325 square metres for a single wide mobile home and 460 square metres for a double wide mobile home, but in no case shall exceed a density of 15 units per hectare.

\*\* In the case of bare land strata subdivision, the minimum parcel size may vary within the development, but in no case shall the number of strata lots created exceed the density requirements as stated above had a conventional subdivision been undertaken.

\*\*\* Existing parcels in the P-1 Zone may not be subdivided to lot sizes smaller than 8.0 hectares, however, parkland acquired at a smaller parcel size may be designated P-1 through a bylaw amendment.

**13.2** (a) The minimum parcel size provisions specified in Section 13.1 may be decreased by as much as five (5%) percent in a case where due to:

1. unusual terrain;
2. the size or configuration of the parcel; or
3. additional highway dedication being required above and beyond what is necessary to serve the parcels to be created;

the parcel size as stated in Section 13.1 cannot be achieved and therefore subdivision would be precluded provided that at the decreased size all other requirements of this and any other relevant bylaws may be met.

(b) The provisions of Section 13.2(a) shall apply to not more than one parcel to be created.

(c) Undersized Parcels

Parcels that exist as separate and titled parcels in the records of the Land Titles Office, and the time of the passage of this bylaw or;

parcels that have been reduced to a size that is less than the allowable minimum parcel size, as a result of highway widening by the Ministry of Transportation and Highways or;

parcels that have been created under the authority of a statute of the Province of B.C.;

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.

**13.3** Notwithstanding the requirements of Section 13.1, existing parcels which are smaller than permitted in these regulations may be consolidated and re-subdivided into new parcels, provided that:

- (a) all parts of all new parcels are contiguous;
- (b) no additional lots are created;
- (c) the boundary change does not result in the reduction of either parcel by 20% or more of its original size;
- (d) the requirements of this bylaw respecting siting of buildings is complied with.

**13.4** Notwithstanding the requirement of Section 13.1

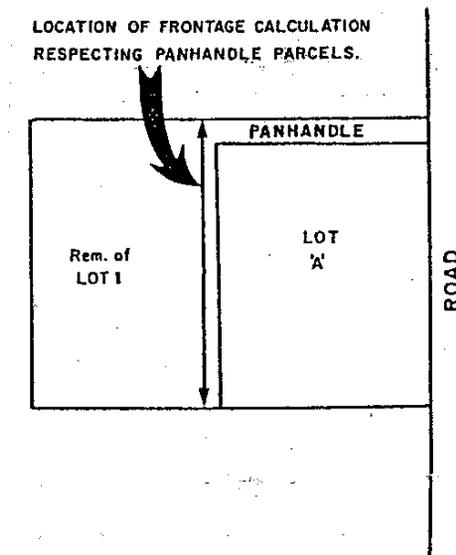
- (a) where a portion of a parcel is physically separated from the remainder of the parcel by a public road or another parcel, the physically separated portion may be subdivided from the remainder of the parcel, to an absolute minimum area of 2000 m<sup>2</sup> where the parcel is serviced with community 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.
- (b) where a parcel is cut in two by a jurisdictional boundary line between a municipality and the electoral area the parcel may be subdivided along the jurisdictional boundary line.

**13.5** 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 prohibiting the further subdivision of the

newly created severed parcel prior to subdivision approval. This covenant requirement also applies 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.

- 13.6** The minimum frontage of a parcel shall be ten (10) percent of the perimeter of that parcel.
- 13.7** Notwithstanding the provisions of Section 13.6 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.
- 13.8** Panhandle lots: When panhandles are created, as an integral part of a parcel, the frontage requirement as specified in Section 13.6 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 B.

**FIGURE B**



- 13.9** Where a parcel is a panhandle lot the access strip (or panhandle) shall not be calculated as part of the parcel area for purposes of determining minimum parcel size.
- 13.10** (a) Where a parcel is a panhandle lot capable of further subdivision, the panhandle shall be of adequate width to provide a future road in the event the parcel undergoes further subdivision.  
(b) The further subdivision of a panhandle lot shall be conditional upon the dedication of the panhandle as a public road (highway).
- 13.11** The minimum parcel size provisions as specified in Section 13.1 shall not apply:
- (a) where the parcel being created is to be used solely for the unattended equipment

necessary for the operation of:

- i) a bus shelter, railway station, public transit station, excluding airports;
- ii) a community water system;
- iii) a community sewer system;
- iv) a community gas distribution system;
- v) a community radio or television receiving antenna;
- vi) a radio or television broadcasting antenna;
- vii) a telecommunication relay station;
- viii) an automatic telephone exchange;
- ix) an air or marine navigational aid;
- x) other public utilities not specifically listed but considered to be similar in nature to those uses listed in i) through ix) above;

(b) to parks; and

(c) where the owner agrees in writing to registering a condition or covenant pursuant to Section 215 of the *Land Title Act* in favour of the Regional District at the time the subdivision is registered, and shall restrict or prohibit the construction of buildings or structures on, and/or the use of any parcel.

**PART FOURTEEN: TRANSITION**

**14.1** Cowichan Valley Regional District Zoning Bylaw No. 110, 1974, as amended, is hereby repealed.

**14.2** Sections 8.0 through 8.2, and Sections 8.6 through 8.11 of the Subdivision Bylaw of the Cowichan Valley Regional District No. 82, 1972, applicable to Electoral Area "H" only, as amended are hereby repealed.

READ A FIRST TIME this 27<sup>th</sup> day of August, 1986.

READ A SECOND TIME this 27<sup>th</sup> day of August, 1986.

READ A THIRD TIME this 28<sup>th</sup> day of January, 1987.

APPROVED PURSUANT TO THE HIGHWAY ACT, R.S.B.C. 1979, c. 167 this 23<sup>rd</sup> day of December, 1986.

RECONSIDERED AND ADOPTED this 11<sup>th</sup> day of February, 1987.

  
CHAIRMAN

  
SECRETARY

## SCHEDULE "A"

### AREA OF ELECTORAL AREA "H" OF THE COWICHAN VALLEY REGIONAL DISTRICT

Commencing at the north-east corner of Lot 42, Oyster Land District, being a point on the south-westerly shore of Ladysmith Harbour; thence southerly along the easterly boundaries of Lots 42 and 67 to the south-east corner of said Lot 67; thence westerly and northerly along the southerly and westerly boundaries of Lot 67 to the south-east corner of Lot 52; thence westerly along the southerly boundary of said Lot 52 to the southwest corner thereof; thence northerly and westerly along the easterly and northerly boundaries of Lot 103 to the northwest boundary thereof; thence westerly along the northerly boundary of Block 192 and the southerly boundary of Block 218 to the south-west corner of said Block 218; thence west to the point of intersection with the easterly boundary of Block 1, Oyster, Cowichan Lake, Bright and Chemainus Land Districts; then in a general northerly, westerly and south-westerly direction along the easterly, northerly and north-easterly boundaries of said Block 1 to the north-east corner of Block 340, Bright Land District; thence easterly along the southerly boundaries of Blocks 301 and 302 to the northwest corner of Block 338; thence in a general northerly, westerly and southerly direction along the easterly, northerly and westerly boundaries of Block 49, Cowichan Lake, Bright and Douglas Land Districts to the south-east corner of Block 395, Douglas Land District; thence northerly along the easterly boundary of Block 915, Cowichan Lake Land District, and the easterly boundary of Block 1251, Douglas Land District, to the north-west corner of Block 631; thence easterly along the northerly boundaries of Blocks 631 and 395 and continuing easterly along the northerly boundary of that part of Block 395 in Bright Land District and the northerly boundaries of Blocks 343 and 345 to the westerly boundary of Lot 19; thence southerly, easterly and northerly along the westerly, southerly and easterly boundaries of said Lot 19 to the north-east corner thereof; thence easterly along the northerly boundaries of Lot 5 and Section 4, Bright Land District and Section 54, Oyster Land District, to the south-west corner of Lot 9; thence northerly along the westerly boundary of said Lot 9 to the north-west corner thereof; thence westerly, northerly, and easterly along the southerly, westerly and northerly boundaries of Lot 8 to the south-west corner of Section 7G; thence northerly along the westerly boundary of said Section 7G to the north-west corner thereof; thence easterly along the southerly boundaries of Section 1 in Ranges 1, 2, 3, 4, 5, 6, and 7, Cedar Land District, to the south-east corner of said Section 1, Range 7; thence due east to the middle line of Stuart Channel; thence southerly along the said middle line of Stuart Channel to the point of intersection with a line drawn perpendicular to the general direction of the high water mark of Ladysmith Harbour on the south-westerly shore thereof from the aforesaid north-east corner of Lot 42, Oyster Land District; thence south-westerly in a straight line to the said north-east corner, being the point of commencement; save and except thereout any land, foreshore or land covered by water lying within the corporate limits of any city, district, town or village municipality or any land, foreshore or land covered by water that may be hereafter incorporated therein.