



MENZIES BAY AREA ZONING BYLAW, 1996

The following is a consolidated version of the Menzies Bay Area Zoning Bylaw, 1996 bylaw and includes the following amendment bylaws:

BYLAW No.	BYLAW NAME	ADOPTED	PURPOSE
RDCS 1955	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 1	December 10, 1998	To amend zoning designation on Map Schedule H-6 to rezone property from RU-20 to IN-1 and text amendment in Section 610(1) by adding Marina, moorage, boat ramps, wharves or floats.
RDCS 2099	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 2	April 26, 1999	To amend zoning designation on Map H-9 to rezone property from Mixed Use Five (MU-5) to Industrial One (IN-1) and text amendment in Section 109(1)(a) Appeals, Amendments and Permits and Section 401(1) Minimum Lot Size footnote.
RDCS 2484	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 3	May 26, 2003	To amend Part 200 Interpretation by deleting and replacing Utility Use and Utility Service Building with a new Utility Use definition.
CSRD 2504	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 4	Not adopted	
RDCS 2949	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 7	October 30, 2006	To amend Part 200, Interpretation by deleting the definition for Utility Use and inserting a new definition and Part 400, siting Specifications is amended by deleting the word antennas in Section 403(3) of Exceptions.
CSRD 2915	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 5	January 29, 2007	To amend Schedule H-6 to rezone property from Rural Twenty (RU-20) to Industrial One (IN-1)

CSRD 2938	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 6	Not adopted	
CSRD 2963	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 8	January 29, 2007	To amend the definition of Guest Cottage, amend Commerical-Industrial Zones to include Guest Cottages and amending Part 4 Density to include Guest Cottages.
SRD 87	Menzies Bay Area Zoning Bylaw, 1996 Amendment No. 9.	April 26, 2012	To amend Part 200 – Interpretation by deleting and adding terms and by the addition the siting specifications entitled Development Adjacent to Streams and Siting of Buildings and Structures Adjacent to Streams.
SRD 178	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 10	June 26, 2014	To amend Part 406 – adding information into each of the existing tables as RR-1 and adding a new Part 605. Map amendment rezone from Rural Twenty (RU-20) to Rural Recreation One (RR-1) Brown's Bay Resort Holdings Ltd.
SRD 181	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 11	June 26, 2014	To amend by adding Mixed Use Five 'A' (Mu-5A), adding new definitions in Part 200. Map amendment rezoning from MU-5 to MU-5A Brown's Bay Resort Holdings Ltd.
SRD 409	Menzies Bay Area Zoning Bylaw, 1996, Amendment No. 12	January 27, 2021	Map amendment – redesignate land from Agricultural to Industrial.

This bylaw may not be current due to pending updates or revisions and SHOULD NOT BE RELIED UPON FOR LEGAL PURPOSES. Please contact the Corporate Services Manager for the Strathcona Regional District for the most current version.

REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 1794

A bylaw to regulate the location and use of buildings and structures and the use and subdivision of land, including the surface of water in the Regional District of Comox-Strathcona.

The Board of the Regional District of Comox-Strathcona, in open meeting assembled, enacts as follows:

PART A TITLE

1. This bylaw may be cited for all purposes as Bylaw No. 1794, being the "Menzies Bay Area Zoning Bylaw, 1996".

PART B APPLICATION

1. This bylaw shall be applicable to that portion of Electoral Area "H" (Sayward-Bloedel), identified in Schedules H-1 to H-10 attached to and forming part of this bylaw.
2. Any mineral or mining management activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified a "mineral" under the *Mineral Tenure Act* or a "mine" under the *Mines Act* shall not be restricted by any terms or conditions of this bylaw so long as the Ministry of Energy, Mines and Petroleum Resources or other appropriate provincial agency manages the activities and land for that purpose.
3. Any forestry management activity relating to the production and harvesting of timber on any land that is classified as managed forest land pursuant to the *Assessment Act* or any land within a license area under the *Forest Act* shall not be restricted by any terms or conditions of this bylaw so long as the land continues only to be classified for that purpose.
4. Where land is classified as "Forest Reserve Land" pursuant to the *Forest Land Reserve Act*, the provisions of those regulations shall take precedence over this bylaw.
5. Where land is classified as "Agricultural Land Reserve" pursuant to the *Agricultural Land Commission Act*, the provisions of those regulations shall take precedence over this bylaw.
6. For the purpose of this bylaw, Schedule "A" is attached to and forms an integral part of this bylaw and bears the words "Schedule "A".

PART C ENACTMENT AND REPEAL

1. The following bylaw is hereby amended to exclude the land and water zoned by this bylaw upon its adoption: Bylaw No. 673 as amended, being the "Campbell River Area Subdivision Control Bylaw, 1983".



BYLAW NO. 1794

MENZIES BAY AREA ZONING BYLAW, 1996

Schedule “A”

The version of this bylaw may not be complete due to pending updates or revisions and therefore is here for reference purposes only.

THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES.

Please come into the regional district office to view the complete bylaw when required.

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PART 100 ADMINISTRATION

101 Application

- 1) The areas described in Part B, "Application", are hereby divided into zones contained in this bylaw. The extent of each zone is shown on Schedules H-1 to H-10 inclusive which are attached to and form part of this bylaw.
- 2) When the zone boundary is designated as following a highway or creek, the centre line of such highway or creek shall be the zone boundary.
- 3) Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning maps referred to in Section 101(1).
- 4) Where a parcel is divided by a zone boundary, the areas created by such division shall be deemed to be separate lot areas for the purpose of determining the requirements of this bylaw.
- 5) Where a zone boundary has frontage on the sea, such zoning discontinues at the natural boundary and the foreshore zone for the adjacent area commences.
- 6) Where two or more regulations conflict, the more restrictive standard shall apply.

102 Permitted Uses

- 1) No land, surface of water, building, or structure in any zone shall be used for any purpose other than that specified for the zoning in which it is located. Uses not expressly listed as a permitted principal, conditional or accessory use within a zone are prohibited.
- 2) Existing lots below the minimum lot area for subdivision may be used for the permitted uses in any zone, subject to compliance with the site area requirements for each use.
- 3) The permitted uses in any zone are subject to the approval of federal and provincial agencies.
- 4) Parcels in the Agricultural Land Reserve (ALR) are subject to the Agricultural Land Commission Act and orders of the B.C. Agricultural Land Commission. Approval from the Agricultural Land Commission may be required to use or subdivide ALR parcels as permitted in this bylaw.

- 5) Parcels in the Forest Land Reserve (FLR) are subject to the Forest Land Commission Act and orders of the B.C. Forest Land Commission. Approval from the Forest Land Commission may be required to use or subdivide FLR parcels as permitted in this bylaw.

103 Buildings and Structures

- 1) No building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier or other person so that it contravenes the requirements for the zone in which it is located or to be located.
- 2) No parcel shall have constructed or placed upon it by the owner, occupier or other person more buildings and structures than that permitted by the zone which applies to the parcel.

104 Subdivision

- 1) No land shall be subdivided in contravention of this bylaw.

105 Enforcement

- 1) The Administration Officer, Director of Planning, Building Inspector, Senior Planner, Planner II, Planner I, Planning Assistant, Planning Technician, Assistant Planning Technician, Secretary, and the Deputy Secretary are hereby appointed by the Regional Board pursuant to Section 299 of the Municipal Act to administer this bylaw.
- 2) Persons appointed under Subsection 1 may enter at all reasonable times on any parcel that is subject to this bylaw to ascertain whether the requirements and regulations of the bylaw are being obeyed.

106 Violation

- 1) It shall be unlawful for any person to cause, suffer or permit any building or structure to be constructed, reconstructed, altered, moved, extended, or used, or land to be occupied or used in contravention of this bylaw or otherwise to contravene or fail to comply with this bylaw except as provided for under Sections 962, 970 and Division 5 of the Municipal Act.
- 2) It shall be unlawful for any person to prevent or obstruct any official appointed under Section 105(1) from performing his or her duties under this bylaw.

- 3) Nothing in this bylaw shall exempt any person from complying with the requirements of any other bylaws in force within the Regional District or from obtaining any license, permission, permit authority, or approval required by this or any other bylaw of the Regional District of Comox-Strathcona.

107 Penalty

- 1) Any person who violates the provisions of this bylaw commits an offense and is liable on conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00) or imprisonment for a period not exceeding six months, or both.
- 2) Each day during which such violation is continued shall be deemed to constitute a new and separate offense.
- 3) Upon conviction, the Provincial Court Judge may direct that no prosecution under Subsection 2 may be made, with respect to the continuance of the violation, for such period of time as he directs.

108 Severability

- 1) 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.

109 Appeals, Amendments and Permits

- 1) Site-specific exemptions, permits and amendments may be approved pursuant to the following:

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- a) *Bylaw No. 1931*, and amendments thereto, being the "Bylaw Amendment, Permit Procedure and Fee Bylaw, 1997" of the Regional District of Comox-Strathcona;
 - b) *Bylaw No. 1351*, and amendments thereto, being the "*Board of Variance Bylaw, 1991*" of the Regional District of Comox-Strathcona;
 - c) As described and permitted within this bylaw.

PART 200 INTERPRETATION

The following definitions shall be used to interpret the regulations of this bylaw. Those definitions borrowed from other statutes or legislation are subject to change and shall be considered amended as changes are adopted by Parliament or the Legislative Assembly.

ACCESSORY BUILDING	See "BUILDING Accessory"
AGRICULTURAL LAND RESERVE	means a reserve of land established under the <u>Agricultural Land Commission Act</u> .
AGRICULTURAL PRODUCTS	means commodities or goods derived from the cultivation and husbandry of land, plants and animals.
AGRICULTURAL USE	means the growing, rearing, producing, harvesting, processing and sale of food products; including the storage and sale of products harvested, reared, or produced by that particular farming operation and the storage and repair of implements and machinery used by that particular farming operation, but specifically excludes intensive agriculture.
AGRICULTURAL USE Intensive	means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, feedlots, or for the growing of mushrooms.
ANCILLARY BUILDING	See "BUILDING Ancillary"
ANCHORAGE	means moorage by anchor.
ANIMAL CARE	means the use of land, buildings or structures for an animal hospital, kennel or veterinary clinic.
ANIMAL HOSPITAL	means the use of land, buildings or structures for medical and surgical treatment of animals including the housing, boarding, grooming and incidental care of the treated animals or the selling of animal medicines.
APPLICANT	means the owner of the property, or an agent of the owner, who has made an application under <i>Bylaw No. 1244</i> , and amendments thereto, being the <i>"Bylaw Amendment, Permit Procedure and Fee Bylaw, 1990"</i> of the Regional District of Comox-Strathcona.
APPROVAL	means approval in writing from the authority having jurisdiction.

APPROVING OFFICER	means approving officer designated as such pursuant to the <u>Land Titles Act</u> or the <u>Condominium Act</u> and or other such regulations or legislation as may from time to time be adopted by the provincial government.
AUTOMOBILE BODY SHOP	means a premise used or intended to be used for the repair/replacement of parts and painting of automobiles.
AUTOMOBILE SERVICE STATION	means a premise used or intended to be used for the selling and dispensing of vehicular fuels and other automotive accessories, as well as the washing, servicing and repair of vehicles.
AUTOMOBILE WRECKING YARD	means a place where two or more derelict vehicles are stored, kept, disassembled or repaired and where parts from derelict vehicles may be salvaged, purchased, or reused subject to compliance with the <u>Motor Vehicle Act</u> and pursuant regulations.
BED and BREAKFAST	means the use of a dwelling unit for the provision of temporary accommodation for the travelling public.
BUFFER	means an area within a lot, generally adjacent to and parallel with a property line, consisting of either existing vegetation or created by use of trees, shrubs, berms or fencing, and designed to obscure views from adjacent lots or public roads by at least fifty percent of the see-through visibility.
BUILDING	means a structure used or intended for supporting or sheltering any use, or occupancy.
BUILDING, Accessory	means a building or structure, the use of which is secondary to the principal permitted use of the lands, buildings or structures located on the same parcel, but specifically excludes buildings used for residential use or farm buildings.
BUILDING Ancillary	means a building for the common use of the tenants including recreation buildings, laundry and other service facilities.
BUILDING, Farm	means a building or part thereof which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage, processing, marketing and selling of agricultural and horticultural produce or feeds.

BUILDING Principal	means the main buildings and structures on a parcel which reflect the primary permitted uses of that parcel.
BULK STORAGE	means the storage of chemicals, petroleum products, water and other materials in above-ground or below-ground containers for subsequent resale to distributors or retail dealers or outlets.
CABIN	See" tourist commercial accommodation"
CAMPGROUND	means a parcel occupied and maintained for temporary accommodation of the travelling public in tents, trailers or recreation vehicles which are licensed for the current year and have been brought to the site by the traveller. It does not include cabins, hotels, mobile homes, mobile home parks, motels or park model trailers.
CLUSTER HOUSING	means a form of residential development where the lots and dwellings are grouped together in compact arrangements, or clusters, while portions of the development site area are preserved as common open space or used to provide common facilities.
COMMERCIAL	means any activity in which goods and services are traded for monetary gain.
COMMON FACILITIES	means buildings, structures, equipment, recreational facilities or other physical improvements provided as an amenity for the common use and benefit of the residents in a particular development and where desired the community at large such as shared cooking facilities, meeting rooms, day care, exercise equipment, extra storage lockers, indoor bicycle storage, and playground equipment. These facilities shall be constructed and funded by the owner of the parcel which he or she is developing. Common facilities shall be owned and managed in common by the residents in a particular development, a non-profit society or dedicated to a public agency including the Regional District though the use and future subdivision of areas containing common facilities shall be restricted by a permanent covenant. The covenant shall run with the land, provide for protection in perpetuity, and be granted and deeded to the Regional District.

COMMON OPEN SPACE	means a parcel or parcels of land, an area of water, or combination of land and water to be conserved as an amenity for the common use and benefit of residents in a particular development and the community at large. Parcels of common open space may be owned and managed by a group of residents, a non-profit society or a public agency including the Regional District though the use and future subdivision of such areas shall be restricted by a permanent conservation covenant. The conservation covenant shall run with the land, provide for protection in perpetuity, and be granted and deeded to the Regional District.
COMMUNITY CARE FACILITY	means a facility that is licensed or is under permit by the Provincial Government as a community care facility or like establishment.
COMMUNITY SEWAGE SYSTEM	means a system of waste collection, treatment and disposal serving two or more dwelling units.
COMMUNITY STORMWATER MANAGEMENT SYSTEM	means practices designed to ensure runoff rates after development match predevelopment runoff rates.
COMMUNITY WATER SYSTEM	means the carriage or supply of water to two or more dwelling units.
CONSERVATION	means the care and protection of natural resources including their management and use in a sustainable manner.
DERELICT VEHICLE	means the storage, collection or accumulation of all or part of any wrecked vehicle or all or part of any motor vehicle which is not validly registered and licensed in accordance with the <u>Motor Vehicle Act</u> , RSBC 1979 and amendments thereto, and which is not housed in a garage or carport.
DOMESTIC INDUSTRIAL USE	See "INDUSTRIAL USE Domestic"

DEVELOPMENT

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Means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

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

DWELLING,
Apartment

means any building divided into not less than three (3) dwelling units each of which is occupied or intended to be occupied as a permanent home or residence of one family as distinct from a hotel, motel, or similar accommodation for the travelling public.

DWELLING,
Duplex

means any building divided into two dwelling units which are either placed one above the other or side by side, sharing a common wall, each unit of which is occupied or intended to be occupied as the permanent home or residence of one family and shall not include a mobile home(s).

DWELLING,
Multi-Family

means a building divided into three or more dwelling units such as an apartment, co-housing complex, condominium, patio home, townhouse or row house where each unit is occupied or intended to be occupied as the permanent home or residence of one family.

DWELLING,
Single Family

means a detached building or mobile home used for residential use for one family and consisting of one dwelling unit.

DWELLING UNIT	means a self-contained unit consisting of one or more rooms designed, occupied, or intended for occupancy, as a separate household with sleeping and sanitary facilities and not more than one set of kitchen and cooking facilities, but specifically excluding recreational vehicles. A second set of kitchen and cooking facilities shall be permitted where required by a provincial health agency to operate a home occupation or bed and breakfast involving food products.
ENVIRONMENTALLY SENSITIVE AREAS	means areas of land or land and water which contain fish and wildlife habitat, terrain or vegetation which may be sensitive to development. Environmentally sensitive areas may include but are not limited to wetlands, riparian areas, leave strips, remnants of old-growth, larger patches of mature forest, herbaceous communities, woodlands, vegetated coastal bluffs and scarcely vegetated areas such as cliffs, sand dunes and spits, and sensitive ecosystems mapped under the Sensitive Ecosystems Inventory.
FABRICATING	means assembling from parts.
FAMILY	means one person or two or more persons who are interrelated by bonds of marriage, legal adoption or consanguinity, or a group of not more than five (5) unrelated persons occupying a dwelling unit.
FARM	means one or more legal parcels operated as a farm business under normal accounting procedures and assessed as "Farm" by the BC Assessment Authority.
FARM BUILDING	See "BUILDING Farm"
FEEDLOTS	means an area used for intensive fattening of livestock or as a temporary holding area for livestock prior to shipping.
FISH HABITAT	means the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly to carry out their life processes.
FLOOR AREA	means the total area of all floors, measured to the extreme outer limits of the building but excluding interior parking spaces, any space where the floor to ceiling height is less than 1.8 m (6.0 feet) and areas of indoor landscaping.
FLOOR AREA RATIO	means the figure obtained when the floor area of all buildings on a parcel is divided by the area of the parcel.

FOREST RESERVE LAND	means land designated as forest reserve land under the <u>Forest Land Reserve Act</u> .
FORESTRY	means the science, art and practice of managing and using the natural resources that occur on and in association with forest lands including the conservation and management of sustainable forests and forest lands for the continuing use and enjoyment of their forests elements and resources guided by, but not necessarily limited to, the rules, regulations and policies of federal and provincial agencies.
FRONT LOT LINE	See "LOT LINE, Front Lot Line"
FRONT YARD	See "YARD, Front"
FRONTAGE	means the total length of all lot lines which adjoin a public road right-of-way or common property serving as a roadway in a strata plan.
GARDEN NURSERY	means the use of land, buildings or structures for growing, displaying or selling of plants, nursery stock, Christmas trees and gardening and horticultural accessories.
GRADE LEVEL	See "NATURAL GRADE LEVEL"
GUEST COTTAGE	means a dwelling unit intended for use b the travelling public.
HABITAT	means the attributes of an area that in combination influence or create the conditions under which animal and plant organisms live and develop.
HEIGHT OF BUILDING	means the vertical distance from the average natural grade level of the building footprint to the highest part of the roof surface.
HIGH WATER MARK	See NATURAL BOUNDARY.
HIGHWAY	includes a street, road, lane, bridge, road, viaduct, and any other way open to public use, but does not include a private right-of-way on private property or a linear parkway.

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HOME OCCUPATION	means any trade, occupation, profession or craft for economic gain or support which is clearly incidental to the principal residential use of a parcel, but specifically excludes repair of automobiles not owned or operated by those living on the subject parcel.
HOTEL	means a building or buildings providing temporary accommodation for the travelling public which may include cabins, motels, resorts or lodges and associated accessory uses such as pubs, lounges, restaurants, and gift shops incidental to the principal use but shall not include recreational vehicles, park model trailers, mobile homes or apartments.
INDUSTRIAL EQUIPMENT SALES & SERVICES	means the use of land, buildings or structures for the display, sale, or rental of assembled, operable industrial vehicles and machinery. Servicing, repair and salvage of industrial equipment is permitted only within an enclosed building. It specifically excludes vehicle and equipment salvage, or wrecking operations not within an enclosed building.
INDUSTRIAL USE	means a use providing for the manufacturing, assembly, processing salvaging, testing, service, repairs, warehousing, wrecking or wholesaling of goods and materials and can include automobile service stations, bulk storage, servicing of industrial equipment, meat and seafood processing, wood processing, and retail sales accessory to a principle use.
INDUSTRIAL USE Domestic	means any occupation for gain or support clearly incidental to the principal residential use of a parcel which involves the storage, parking, maintenance, service and repair of commercial or industrial vehicles and equipment owned or operated by those residing on the parcel but specifically excludes vehicles and equipment for agricultural use.
INSTITUTIONAL USE	means a non-profit or quasi public use or institution such as a church, library, public or private school or health care facilities.
INTENSIVE AGRICULTURAL USE	See "AGRICULTURAL USE Intensive"

JUNKYARD	is a place where old articles, waste or discarded material including but not limited to rubber tires, metal, plastics, plastic containers, glass, papers, sacks, wire, ropes, rags, machinery, cans, any other scrap or salvage, are stored or kept, whether or not for commercial purposes or as part of a trade or calling, including automobile wrecking yards.
KENNEL	means the use of land, buildings or structures for breeding, boarding, grooming, housing, keeping, raising, selling and training animals.
LEAVE STRIPS	are the areas of land and vegetation adjacent to watercourses containing fish or fish and wildlife habitats that are to remain in an undisturbed state throughout and after the development process. These areas help to regulate water temperature, stabilize stream banks, prevent stream bank erosion and provide fish with food organisms and cover. As well, leave strips play a major role in the filtration, absorption and biological uptake of storm water runoff.
LINEAR PARKWAY	means a statutory right-of-way or parcels of land providing non-highway access to parks, schools and neighbourhood facilities for those travelling by foot or with the aid of a human or electric powered device.
LIVESTOCK	means animals used for agricultural purposes, which are used or the products of which are used for eventual consumption and in addition includes animals for work or are capable of work such as horses, donkeys or mules.
LOG HANDLING	means the industrial activities of log dumping, storage, sorting, booming, barging and all related industrial activities.
LOT	See "PARCEL"
LOT AREA	means the area of land within the boundaries of the lot but excludes the panhandle area.
LOT COVERAGE	means the total horizontal area measured to the outside of the exterior walls of the buildings on a lot, expressed as a percentage of the lot area.

LOT LINE	means a line which marks the boundary of a lot as shown in Figure 1 and in particular: a) Front Lot Line means the lot line which immediately adjoins a highway, excluding lanes and walkways. Where two or more lot lines adjoin a highway, only the shortest lot line along a highway shall be deemed to be the front lot line. b) Rear Lot Line means the lot line opposite to and most distant from the front line. Where the rear portion of the lot is bounded by two intersecting side lot lines, it shall be the point of such intersection. c) Side Lot Line means a lot line other than a front or rear lot line.
LOW IMPACT RECREATION	See "RECREATION Low Impact"
MANUFACTURING	means mechanical or chemical transformation of materials or substances into new products, and can also mean processing.
MARINA	means a facility for berthing, fueling, launching, mooring, securing, servicing and storing boats, seaplanes and other watercraft, and may include as accessory uses administrative offices, public facilities for showering and laundry, restaurants, retail and rental shops, and tourist kiosks.
MOBILE HOME or UNIT	means a dwelling unit designed to be moved from time to time, which arrived at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connections of utilities, and some incidental assembly, and meets or exceeds Canadian Standards Association's Z240, Z241 or A277 standards, but specifically excludes recreational vehicles.
MOBILE HOME AREA	means that part of a mobile home park used primarily for installed mobile homes, including permissible additions, and which is not used for buffer area, owner's residential plot, the procuring and treatment of water, collective sewage treatment, effluent disposal from a collective sewage treatment plant, garbage disposal, or ancillary buildings.

MOBILE HOME PAD	See "PAD"
MOBILE HOME PARK	means land used for the siting of two or more mobile homes on land zoned for mobile home park use, and for imposing a charge or rental for the use of a mobile home space, and shall include mobile home strata subdivisions pursuant to the <u>Condominium Act</u> .
MOBILE HOME SPACE	means an area of land for the installation of one mobile home with permissible additions and situated within a mobile home area, and can mean one strata lot pursuant to the <u>Condominium Act</u> .
MOORAGE	means a place where watercraft; including all manner of marine vessels, aircraft on floats, and other such craft can be tied or secured.
MOORAGE, Commercial	means moorage which is used as the principal location for the operation of a business or commercial service, or where a fee is charged or collected to moor or berth.
MOORAGE, Private	means non-commercial moorage associated with the private use of an adjacent upland parcel.
MOORAGE, Public	means non-commercial moorage for use by the general public.
NATURAL BOUNDARY	means the visible high watermark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soils itself, as defined in Section 1 of the <u>Land Act</u> , and also includes the edge of dormant side channels of any lake, river, stream, or other body of water.
NATURAL GRADE LEVEL	means the average level of the natural ground elevation adjoining each exterior wall of a building, or where there is no building, the average level of natural ground elevation measured at each corner of the lot.
NATURAL GROUND ELEVATION	means the undisturbed ground elevation prior to site preparation.

NEIGHBOURHOOD PUB	means an establishment operating under a "D" type license issued pursuant to the <u>Liquor Control and Licensing Act</u> and amendments thereto, but shall also include a Legion, club, or other similar society registered pursuant to the <u>Society Act</u> that operates under an "A" type license issued pursuant to the <u>Liquor Control and Licensing Act</u> and amendments thereto.
NON-CONFORMING BUILDING OR USE	means any building or use which does not conform with all the regulations of this bylaw or any amendments thereto, for the zoning designation in which such building or use is located.
NUISANCE	means a person, thing or circumstance causing trouble or annoyance including anything harmful or offensive to the community, or a member of it, and for which a legal remedy exists.
OFFICE	means the occupancy or use of a building for the purpose of carrying out business or professional activities, but specifically excludes retail activities.
OUTDOOR STORAGE	means the keeping, in an unroofed or roofed area with unenclosed sides, of any goods, material, merchandise or vehicles associated with a permitted principal use, in the same place for more than 24 hours.
SRD 181 PAD	means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a mobile home or unit, or a concrete pad for supporting a habitable area.
PANHANDLE LOT	means a lot serviced or accessed by a relatively narrow strip of land which extends along a side of an adjoining lot, as illustrated in Figure 1.
PARCEL	means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway.
PARCEL AREA	means the area of land within the boundaries of the lot but excludes the panhandle area.
PARK	means any area of land or water used or intended to be used by the public for active and passive recreation purposes, administered by a government agency.

PARK MODEL TRAILER	means a dwelling unit designed to be moved from time to time which arrived at the site where it is occupied complete and ready for occupancy except for placing on foundation supports, utility connections necessary for operation of installed fixtures and appliances and some incidental assembly and meets or exceeds the Canadian Standards Association's Z241 standards.
PARKING SPACE	means an open area of land used for the parking of one vehicle.
PERMITTED ACCESSORY USE	means a use that is ancillary to the permitted principal use of the land, building or structure located on the same parcel or on a parcel contiguous to a parcel on which the principal use is situated when both parcels are owned by the same person and both parcels have the same zoning.
PERMITTED PRINCIPAL USE	means the principal permissible purpose for which land, buildings or structures may be used, and for the purpose of this bylaw all uses not listed as permitted shall be deemed to be a prohibited use in that zone.
POTABLE WATER	means water which is approved for drinking purposes by the appropriate provincial agency.
PRINCIPAL BUILDING	See "BUILDING Principal"
PRINCIPAL USE	means the main purpose for which a lot, principal building or structure is used.
PUBLIC ASSEMBLY USE	means the use of land, buildings or structures for religious institutions, cemeteries, clubs, hospitals, community care facilities, institutional uses, government offices, daycare centres, schools, museums, community halls, auditoriums, publicly funded recreation facilities, community water or sewer service, and public works yards with related facilities.
PUBLIC ROAD RIGHT-OF-WAY	See "HIGHWAY"

QUALIFIED
ENVIRONMENTAL
PROFESSIONAL

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means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.

REAR LOT LINE

See "LOT LINE, Rear Lot Line"

REAR YARD

See "YARD, Rear"

RECREATION
FACILITIES

means a facility used and equipped for the conduct of sports, leisure and entertainment activities which may include instructional courses, equipment rentals, showers and storage.

RECREATION
Low Impact

means activities of sport or leisure such as camping, hiking, hunting, fishing, canoeing, kayaking and windsurfing which do not require the construction of buildings or structures.

RECREATION VEHICLE

means any structure, trailer, or vehicle used or designed to be used for living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled, but specifically excludes mobile homes and park model trailers.

REGIONAL DISTRICT

means the Regional District of Comox-Strathcona.

RESEARCH AND
TEACHING FACILITY

means the use of buildings and land for conducting scientific research directly related to natural resource uses such as agriculture, aquaculture or forestry, which may include instruction or teaching directly related to this research.

RESIDENTIAL USE

means the occupancy and use of a dwelling unit.

RESTAURANT

means an eating establishment providing for the sale of prepared foods and beverages to be consumed on the premises, but specifically excludes neighbourhood pubs.

RETAIL		means the sale of goods to the general public and the maintenance and repair of goods sold.
RIDING ACADEMY		means an establishment where horses are boarded and cared for and where instruction in riding, jumping and showing may be offered and the general public may, for a fee, hire horses for riding and includes horse related events or shows.
RIPARIAN AREA	SRD 87	means a Streamside Protection and Enhancement Area (SPEA).
RIPARIAN ASSESSMENT AREA	SRD 87	means: (a) for a stream, the 30.0 metre strip on both sides of the stream, measured from the high water mark, (b) for a ravine less than 60.0 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30.0 metres beyond the top of the ravine bank, and (c) for a ravine 60.0 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10.0 metres beyond the top of the ravine bank.
ROADWAY		means an allowance suitable for vehicular use so vehicles can gain access to abutting parcels.
RURAL RESOURCE CENTRE		means the use of buildings and land for conducting scientific research and teaching directly related to natural resource uses such as agriculture, aquaculture or forestry, and may include as accessory uses accommodation for up to 25 guests, administrative offices, meeting facilities for up to 80, food and beverage services for community events, conferences, tours and student research and teaching.
SCREENED or SCREENING		means a continuous solid fence, wall, berm, compact evergreen hedge, or other densely planted vegetation of sufficient height to visually shield or obscure one abutting structure, building or lot from another, broken only by access drives and walks.
SEAFOOD PROCESSING		means the storage, drying, cooking, packing or preparation, of any aquatic organism.

SERVICE ESTABLISHMENT	means an establishment whereby professional or personal services are provided and goods, wares, merchandise, articles or things accessory to the provision of such services are sold. Without restricting the generality of this definition, service establishments may include animal care, barber shops, beauty salons, catering, dry cleaning, engineering, health care, launderette, legal offices, photographic studios, and shoe repair, but specifically excludes automobile repair.
SETBACK	means the required minimum horizontal distance measured from the respective lot line or other feature as may be identified to any building or structure or part thereof.
SHORELINE PROTECTION DEVICE	means breakwaters, seawalls, bulkheads, riprap, deposition of materials such as stone and concrete rubble, bluff stabilization projects, and similar measures employed to protect property from the sea and watercourses.
SIDE LOT LINE	See "LOT LINE, Side Lot Line"
SIDE YARD	See "YARD, Side"
SIGHT TRIANGLE	means a triangular shaped portion of land established at road intersections as illustrated in Figure 1 in which nothing is permitted to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
SIGN	means any object, device, display, structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, service, event or location by any means including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images.
SITE AREA	See "Lot Area"
SILVICULTURE	means all activities related to the development and care of forests, including the removal of harvestable timber stocks, but does not include the processing of wood or wood products.

SPECIAL NEEDS HOUSING	means affordable housing specially designed and located to accommodate those residents with special needs due to age, health, crisis or disability including physically or mentally challenged residents, men, women and children in crisis, those requiring support services, senior citizens, single parents, and students. Special needs housing may include all types and styles of residential dwelling units.
STRATA LOT	means a strata lot as defined by the <u>Condominium Act</u> and amendments thereto, of the Province of British Columbia.
STREAM SRD 87	includes any of the following that provides fish habitat: (a) a watercourse, whether it usually contains water or not; (b) a pond, lake, river, creek or brook; (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).
STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA) SRD 87	means an area: (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and (b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.
STRUCTURE	means anything that is constructed or erected, and includes swimming pools, mobile home spaces, and major improvements accessory to the principal use of land, but specifically excludes retaining walls under 2.0 metres (6.6 feet) in height as well as landscaping, paving improvements, signs and fences.
SUBDIVISION	means any change in existing size, shape, number or arrangement of a parcel registered in the Land Title Office.
TENANT	means a person or persons who occupy a mobile home within a mobile home space or mobile home strata lot.
THIRD PARTY ADVERTISING	means a sign which directs attention to a business, product, service or entertainment conducted, sold or offered at a location other than the parcel on which the sign is located.

TOP OF BANK means the point at which the upward ground level becomes less than one (1.0) vertical to four (4.0) horizontal, and refers to the crest of the bank or bluff where the slope clearly changes into the natural upland bench; or as designated by the appropriate provincial agency.

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TOURIST COMMERCIAL ACCOMMODATION means a building or buildings providing temporary accommodation for the traveling public which may include cabins, lodges, motels, hotels, inns, or resorts, but shall not include recreational vehicles, park model trailers, mobile homes or apartments.

TRAVELLING PUBLIC means any person or family staying at a location other than their permanent home or address.

UTILITY USE

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means the use of land for the establishment of utility facilities and associated appurtenances for the provision of water, sewer, electrical, natural gas, communication, fire protection, and transportation; where such use is established by a local, provincial or federal government, an improvement district, a Crown corporation or by a company or person regulated by a government agency or commission; or the use of land for such facilities where they are regulated by a government act or regulation. This definition of "utility use" specifically excludes sewage lagoons, power generating plants including grid connected wind turbines (wind farms) and power distribution stations.

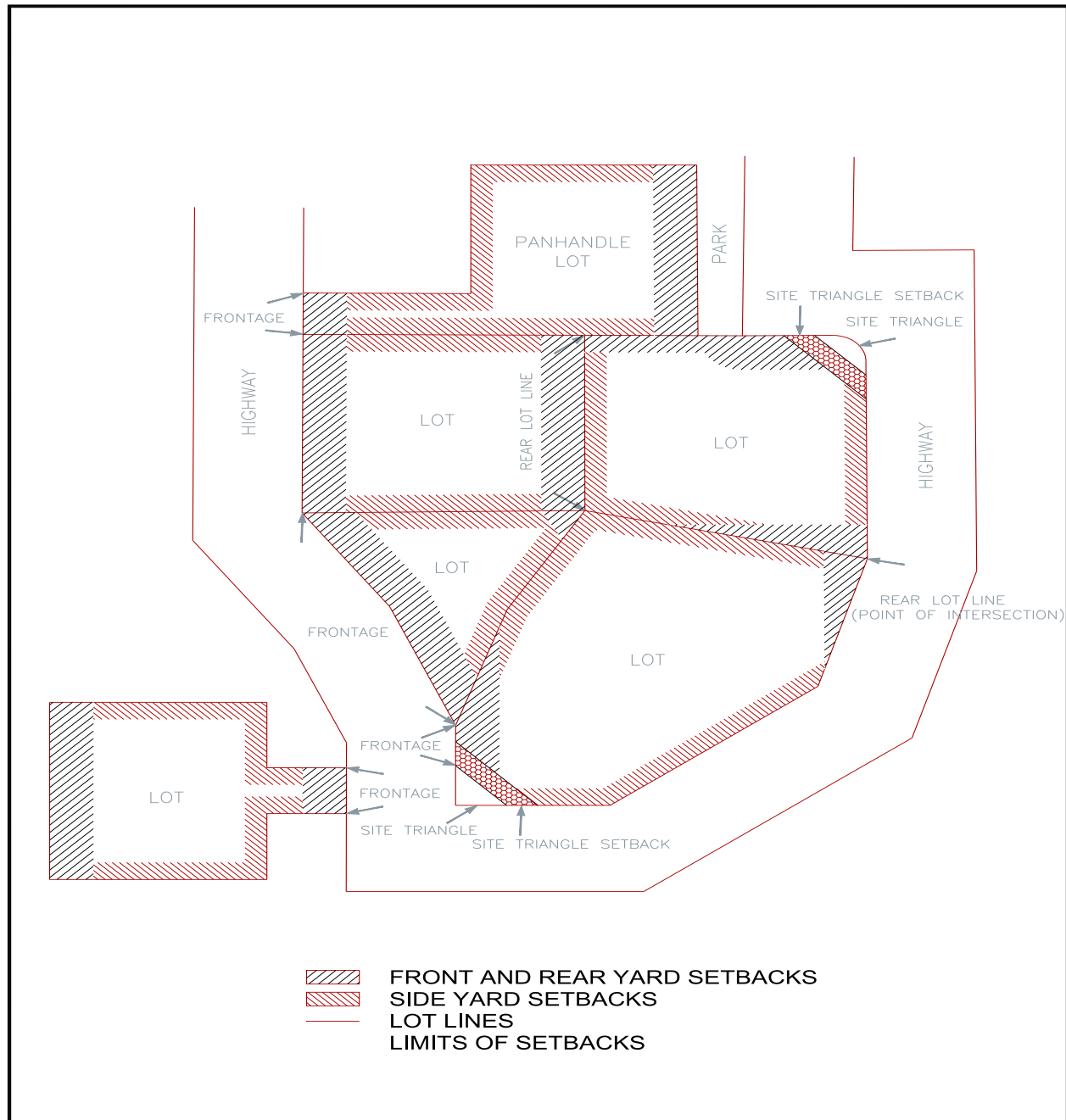
VETERINARY CLINIC means a business operated by a professional person licensed by, and in good standing with the BC Veterinary Medical Association, to perform the profession of caring for the health and welfare of animals of all species.

WAREHOUSE means a building used for the receiving and storage of goods or personal property and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations.

WAREHOUSING means the terminal facilities operated for the storage of commercial, industrial, household, or private goods and freight.

WATERCOURSE	means any natural or man-made depression with well-defined banks and a bed zero point six (0.6) metres (1.97 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two (2) square kilometres (0.77 square miles) or more upstream of the point of consideration, or as required by a designated official of the appropriate provincial agency.
WETLAND	includes land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.
SRD 87	
WHARF	means a structure attached to a shore at which watercraft, including all manner of marine vessels, aircraft on floats, and other such craft, can be tied or secured.
WHOLESALE	means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies and includes the maintenance and repair of such goods that are sold.
WOOD PROCESSING	means the production of lumber and value added items such as mouldings, shakes, fencing, furniture, doors, windows and other wood products.
YARD, Front	means the area from the front lot line to a line drawn parallel to the front lot line equal to the minimum required building setback from the front lot line as illustrated in Figure 1.
YARD, Rear	means the area from the rear lot line to a line drawn parallel to the rear lot line equal to the minimum required building setback from the rear lot line as illustrated in Figure 1.
YARD, Side	means the area from the side lot line to a line drawn parallel to the side lot line equal to the minimum required building setback from the side lot line as illustrated in Figure 1.

FIGURE 1 — SETBACKS



PART 300 GENERAL REGULATIONS

301 Buildings and Structures

- 1) In those zones where accessory buildings are permitted and no permitted principal use exists, an accessory building may be constructed on a parcel provided the building is no greater than 90.0 square metres (968.8 square feet) and is used only for the storage of goods and materials owned by the owner of the same parcel.
- 2) An accessory building or structure shall not be used as a dwelling except as otherwise provided for in this bylaw.
- 3) A building or structure which is to be attached to the structure housing the principal use shall be considered an accessory building unless at least one of the following conditions are satisfied:
 - a) The full principal roofline of either structure is extended to connect with the other structure.
 - b) The two structures are attached by a covered breezeway which is not less than 3.5 metres (11.5 feet) in width, and not more than 6.0 metres (19.7 feet) in length. The roofing material or the pitch of the breezeway shall be consistent with those of the principal structure.
 - c) The new building or structure and the existing dwelling have one common wall.
- 4) The following shall not be subject to the height requirements of this bylaw unless otherwise specified: antennas, church spires, farm buildings including silos, flagpoles, monuments, transmission towers, utility poles, warning devices and water tanks.
- 5) The construction of a second dwelling on one parcel, where permitted by this bylaw, is not to be construed in any way as a justification for future subdivision.
- 6) Whenever an owner wishes to construct a dwelling unit on a parcel which already has the maximum permitted number of dwelling units, it shall be lawful to occupy an existing dwelling unit during the construction of the new dwelling unit, provided the owner first:
 - a) enters into a registerable covenant in a form acceptable to the Regional District:
 - i) covenanting to demolish or remove the existing dwelling unit, or where permitted elsewhere in this bylaw, to convert it to a non-residential accessory building forthwith upon occupancy of the new dwelling unit, within two years from the date of the covenant, or at the request of the Regional District, whichever event is earlier; and

- ii) authorizing the Regional District to cause the demolition, removal or conversion if for any reason the owner neglects or refuses to do so within 30 days of being requested to do so and undertaking to indemnify the Regional District for all costs incurred in so doing; and
- b) provides a negotiable security in the form of a certified cheque, cash, irrevocable letter of credit, or similar security to the Regional District in the amount of \$1500.00 to ensure that the existing dwelling unit is removed upon occupancy of the new dwelling unit.
- c) The provisions of subsection (a) shall apply to lands within the Agricultural Land Reserve only to the extent that the policies and regulations of the B.C. Agricultural Land Commission will allow.

302 Home Occupations

Where home occupations are permitted the following requirements shall apply:

- 1) **No external indication** shall exist that any building is utilized for any purpose other than normally associated with a residential building except for a single sign not exceeding 2.0 square metres (21.5 square feet) and located on the parcel where the home occupation is operated.
- 2) **No use shall create** any off-site parking, excessive customer or service traffic nor shall it become or create a nuisance to the surrounding residents or general public by reasons of unsightliness, odour emission, liquid effluent, dust, noise, fumes, smoke or glare.
- 3) **All uses shall be conducted entirely within a completely enclosed building** permitted in this bylaw with no external storage of materials, equipment, containers, or finished products, except for daycare use and instruction in outdoor recreational activities such as horseback riding.
- 4) **All articles sold through a home occupation must be produced, manufactured, or repaired on site** with an exception allowing for the incidental selling of goods not manufactured on site but directly related to the home occupation.
- 5) **Articles manufactured off site may be sold through a home occupation** provided that all distribution of articles will be carried out off site by persons employed in the home occupation.
- 6) **The maximum floor area per lot** that can be used for home occupation use including storage, processing or sale, shall be as follows unless specified otherwise in a particular zone designation:

- a) No greater than **75 square metres (807.30 square feet)** for parcels zoned under Part 500 Residential Zones;
- b) No greater than **125 square metres (1345.53 square feet)** for parcels zoned under Part 700 Rural Resource Zones.
- c) No greater than **100 square metres (1076.42 square feet)** for parcels located in the Agricultural Land Reserve unless approved by the B.C. Agricultural Land Commission.

The area used may be located in either a dwelling unit, an accessory building or combination thereof.

- 7) ***Persons employed in a home occupation*** are limited to those residing in the dwelling unit in which that home occupation or practice is located and two non-resident employees.
- 8) ***Any person intending to operate a home occupation shall obtain written approval*** from the Regional District and Ministry of Health prior to commencing the home occupation on any parcel.
- 9) ***Service establishments*** may be operated as a home occupation provided they comply with the above provisions for home occupations.
- 10) The sale of food and beverages for consumption on or off site may be considered as a home occupation when operated in accordance with the following:
 - a) All foods and beverages offered for sale are prepared on site;
 - b) No alcoholic beverages are served; and
 - c) Seating for no more than 15 people is provided;
 - d) In accordance with all other home occupation provisions; and
 - e) In accordance with the policies and regulations of the Agricultural Land Commission where the subject parcel is located in the Agricultural Land Reserve.
- 11) **Daycares** of no more than **ten (10) children** may be operated as a home occupation where licensed pursuant to the Community Care Facility Act.

303 **Bed and Breakfast**

Where a bed and breakfast is permitted the following requirements shall apply:

- 1) ***The maximum number of bedrooms*** which may be used for bed and breakfast accommodation per lot shall be as follows unless otherwise specified in a particular zone designation:
 - a) No more than **three (3) bedrooms** for parcels zoned under Part 500 Residential Zones;
 - b) No more than **five (5) bedrooms** for parcels zoned under Part 600 Commercial-Industrial Zones or Part 700 Rural Resource Zones.
 - c) No more than **three (3) bedrooms** for parcels located in the Agricultural Land Reserve unless approved by the B.C. Agricultural Land Commission.

The bedrooms used must be located in a dwelling unit. Use of an accessory building to provide bed and breakfast accommodation is not permitted.
- 2) ***At least one automobile parking space shall be provided*** on the same lot for each room available for accommodation, in addition to the parking requirements for the residence, but parking spaces may be behind other parking spaces on the same lot.
- 3) ***Meals may be provided*** to customers of a bed and breakfast operation only. No cooking facilities beyond what are required by the family of the dwelling shall be permitted unless specifically required by a provincial health agency.
- 4) ***Persons employed as part of a bed and breakfast*** are limited to those residing in the dwelling unit in which the bed and breakfast is located and two non-resident employees.
- 5) ***No external indication*** shall exist that any building is utilized for any purpose other than normally associated with a residential building except for a single sign not exceeding 2.0 square metres (21.5 square feet) and located on the parcel where the bed and breakfast is operated.
- 6) ***Any person intending to operate a bed and breakfast shall obtain written approval*** from the Regional District and Ministry of Health.

304 Domestic Industrial Use

Where domestic industrial use is permitted the following requirements shall apply:

- 1) Storage of commercial and industrial vehicles and equipment is permitted up to a maximum combined floor area of 100 square metres (1076.43 square feet) within any accessory building or structure.
- 2) Repair of vehicles or equipment owned by the owner of the subject property is permitted in area of no more than 75.0 square metres (807.3 square feet) within an accessory building or structure and a single designated outdoor work area. The designated work area must be screened from adjacent parcels by either vegetation, fencing, berms, or any combination thereof which creates a solid screen. Work areas are not permitted in any required front, rear or side yard.
- 3) Outside storage of commercial and industrial vehicles and equipment is limited to three pieces of equipment including trucks and trailers, and two fuel tanks. Outside storage of other materials, or containers must be within the designated work area. On parcels larger than 2.0 hectares (4.94 acres) an additional two pieces of equipment are permitted to be stored outside a building or structure.
- 4) No use shall create any off-site parking or excessive traffic, nor shall it become or create a nuisance to the surrounding residents and general public, by reason of unsightliness, odour emission, liquid effluent, dust, noise, fumes, smoke, vibration or electrical interference.
- 5) A single sign not exceeding 2.0 square metres (21.5 square feet) and located on the parcel where the domestic industrial use is sited shall be permitted.
- 6) Retail or wholesale of any items is not permitted.
- 7) Persons employed on site in a domestic industrial use are limited to a maximum of four people and must include at least one person residing on the property.
- 8) Any person intending to operate a domestic industrial use shall obtain written approval from the Regional District prior to commencing.
- 9) Uses of this nature may create a contaminated site. Care should be taken in handling, storing and disposing of substances such as fuels and oils. Operators of a domestic industrial use are advised to contact the Waste Management Branch of the provincial government to enquiry if a waste management permit is required.

305 Storage

- 1) In all zones, except Industrial, no parcel shall be used for the wrecking or storage of more than one derelict vehicle or as a junkyard.
- 2) In all zones, except Industrial, no parcel shall be used to store a single family dwelling, mobile home or accessory building which is being moved from one parcel to another for more than 30 days.
- 3) In all zones, except Rural, Industrial and Mixed Use the parking of commercial or industrial vehicles on a parcel is limited to one licenced vehicle, one trailer and one piece of equipment.

306 Off-Street Parking

- 1) General Requirements
 - a) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a highway shall be provided.
 - b) Buildings conforming as to use but non-conforming as to required off-street parking spaces may be occupied, but shall not be extended unless the required off-street parking is provided for the entire building.
 - c) When off-street parking is required, a plan of the proposed parking arrangement, drawn at a scale of 1:500 metric, showing the off-street parking spaces and access driveways shall be filed with the Building Department prior to issuance of a building permit or with the Planning Department when a building permit is not required for the proposed use.
 - d) Where the parking requirements and standards of another government agency exceed the requirements of this bylaw, the requirements and standards of the other agency shall prevail.
 - e) All parking areas shall be provided with adequate driveways to facilitate vehicular movement to and from all parking spaces. Parking areas on adjoining lots may be served by common exits and entrances.
 - f) No parking space in a parking area shall gain access directly from a highway.
 - g) No parking space shall be located closer than 16.5 metres (54.1 feet) to the centre line of the Island Highway right-of-way. If the right-of-way is not known, a minimum of 16.5 metres (54.1 feet) from the centre line of the highway shall be required.

2) Parking for the Physically Challenged

- a) Where off-street parking requirements exceed 10 spaces, five per cent of the total number of parking spaces to a maximum of 10 shall be designated for the use of persons with a physical disability.
- b) Each parking space for persons with a physical disability shall be a minimum of 4.0 metres (13.1 feet) in width.
- c) Each parking space for persons with a physical disability will be marked with the International Symbol of Accessibility for the handicapped.
- d) Parking space for persons with a physical disability shall be located as near as practical to the building entrance designed for handicap persons. Changes in elevations between the entrance and the parking space shall be gradual and clearly marked.

3) Required Number and Size of Off-Street Parking Spaces

- a) Where off-street parking requirements exceed 10 spaces, bicycle parking facilities shall be provided at a ratio of 1 bicycle space for every 10 automobile spaces.
- b) The required number and size of parking spaces will be determined by the Ministry of Transportation and Highways, as well as in accordance with any additional requirements noted in this bylaw.

307 Signs

- 1) Signs advertising a business, product or service, including home occupations and bed and breakfast operations, shall be permitted only on the parcel where the advertised business, product or service is operated or offered.
- 2) Roof top signs and third party advertising of any type are not permitted on any parcel or structure.

308 Nuisance

- 1) Nothing shall be permitted which is or can become a nuisance to any person who believes their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, smoke, or electrical interference, excluding agricultural uses.

309 Buffers and Screening

For Existing Industrial Operations

- 1) Where residential or commercial use is developed adjacent or abutting to an existing industrial operation, any buffers or screening required between the two uses shall be provided on the parcel or parcels where residential or commercial use is being established.

PART 400 SITING SPECIFICATIONS

401 Development Adjacent to Streams

Riparian Area Regulation (RAR) Requirements

In accordance with the provincial RAR, where development, as defined by RAR, is proposed to take place within 30.0 metres of a stream connected to fish habitat, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation (RAR) is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:

- i. certifies that the qualified environmental professional is qualified to carry out the assessment,
- ii. certifies that the assessment methods have been followed, and
- iii. provides the professional opinion of the qualified environmental professional that:
 - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
 - (b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

4.02 Siting of Buildings and Structures Adjacent to Streams

1. Where the siting of buildings and structures is proposed adjacent to streams and where the Riparian Areas Regulation (RAR) applies, the siting of buildings and structures adjacent to streams shall be determined by the Qualified Environmental Professional's Riparian Area Assessment Report that is filed with and acknowledged by MOE. However, notwithstanding the QEP's assessment report, this bylaw further requires that no building or structure shall be sited closer than 7.5 metres of a stream.
2. Where RAR is not applicable and where the definition of stream pursuant to RAR does not apply, no building or structure shall be sited within 7.5 metres of a water feature.
3. Notwithstanding the above, the regional district floodplain management bylaw also specifies floodplain setback requirements that may further regulate siting of buildings and structures adjacent to streams.

4.03 Lot Size, Coverage, Setbacks and Maximum Heights

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1) MINIMUM LOT SIZE and LOT COVERAGE

	R-1	R-2	RM-1	MHP	RR-1	MU-5	IN-1	RU-20	PA-1	AC
Minimum Lot Size For Subdivision	1.0 ¹ ha	2.0 ha	1.0 ha	2.0 ² ha	1.0 hectare (2.5 acres)	5.0 ¹¹ ha	1.0 ha	20.0 ha	1.0 ha	LSA ³
Maximum Lot Coverage ⁴	0.4 ⁵	35%	35%	35%	35%	45%	35%	15%	35%	N/A

¹ See Section 501 "Residential One (R-1)" - Minimum Lot Area

² See Section 520 "Mobile Home Park (MHP)" - Minimum Lot Area

³ regulated by *Local Services Act*

⁴ Maximum Lot Coverage does not apply to greenhouses

⁵ Floor Area Ratio

¹¹ Minimum Lot Size for the Rem. Of Lot A, District Lot 130, Sayward District, Plan VIP54086 shall be 3.5ha.

NOTE:
The Ministry of Health may require larger minimum lot sizes on unserviced parcels.

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2) MINIMUM SETBACKS FOR PRINCIPAL BUILDINGS FROM:

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	R-1	R-2	RM-1	RR-1	MHP	MU-5	MU-5A	IN-1	RU-20	PA-1	AC
Front Lot Line	4.5m	4.5m	4.5m	7.5 metres (24.6 feet)	2.0m	7.5m	4.5m	7.5m	7.5m	7.5m	N/A
Rear Lot Line	4.5m	4.5m	7.5m	7.5 metres (24.6 feet)	1.5m	7.5m	4.5m	7.5m	7.5m	7.5m	N/A
Side Lot Line abutting another lot	1.75m	1.75m	7.5m	3.5 metres (11.48 feet)	1.5m	3.5 m ⁶	1.5m	7.5 m ⁷	3.5 m ⁸	7.5m	N/A

⁶ Setback is reduced to 1.5m where the abutting parcel to the side yard is zoned Mixed Use or Industrial

⁷ Setback is be reduced to 1.5m where the abutting parcel to the side yard is zoned Industrial

- 8 Setback is reduced to 1.75m where the width of the lot is 31.0m or less at the required front yard setback

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**3) MINIMUM SETBACKS FOR ACCESSORY BUILDINGS 6 metres or less
IN HEIGHT FROM:**

	R-1	R-2	RM-1	RR-1	MHP	MU-5	MU-5A	IN-1	RU-20	PA-1	AC
Front Lot Line	7.5m	7.5m	7.5m	7.5 metres (24.6 feet)	2.0	7.5m	4.5m	7.5m	7.5m	7.5m	N/A
Rear Lot Line	2.0m	2.0m	2.0m	7.5 metres (24.6 feet)	1.5	7.5m	1.0m	7.5m	7.5m	7.5m	N/A
Side Lot Line abutting another lot	2.0m ⁹	2.0m ⁹	2.0m ⁹	3.5 metres (11.48 feet)	1.5	3.5m ⁶	1.0m	7.5m ⁷	3.5m	7.5m	N/A

- ⁹ The minimum required setback is reduced to 1.0m from the side and rear property lines if the accessory building is less than 4.5m in height

4) MINIMUM SETBACKS FOR ACCESSORY BUILDINGS 6.1 metre or greater IN HEIGHT FROM:

SRD
178,
181

	R-1	R-2	RM-1	RR-1	MHP	MU-5	MU-5A	IN-1	RU-20	PA-1	AC
Front Lot Line	7.5m	7.5m	7.5m	7.5 metres (24.6 feet)	n/a	7.5m	4.5m	7.5m	7.5m	7.5m	N/A
Rear Lot Line	4.5m	4.5m	4.5m	7.5 metres (24.6 feet)	n/a	7.5m	1.0m	7.5m	7.5m	7.5m	N/A
Side Lot Line abutting another lot	2.0m	2.0m	2.0m	3.5 metres (11.48 feet)	n/a	3.5m ⁶	1.0m	7.5m ⁷	3.5m	7.5m	N/A

5) MINIMUM PUBLIC ROAD SETBACKS FOR ALL BUILDINGS AND STRUCTURES FROM:

SRD 178, 181	R-1	R-2	RR-1	MHP	MU-5	MU-5A	IN-1	RU-20	PA-1	AC
Centre Line of Island Highway Right-of-Way	22.5m									N/A
Other Public Road Right-of-Ways	4.5m									N/A
Sight Triangles	4.5m ¹⁰									N/A

¹⁰ See Section 402 "*Sight Triangles*" for specific requirements.

These setbacks may be reduced to the minimum lot line setback by the appropriate government agency.

6) MINIMUM SETBACKS FOR BUILDINGS USED FOR INTENSIVE AGRICULTURE FROM:

SRD 181	R-1	R-2	MHP	MU-5	MU-5A	IN-1	RU-20	PA-1	AC
Existing Dwellings on Adjacent Parcels	75.0m								N/A
Any Lake, Sea or Watercourse	75.0m								N/A

7) MAXIMUM HEIGHTS FOR BUILDINGS, STRUCTURES AND FENCES

SRD 178, 181	R-1	R-2	RM-1	RR-1	MHP	MU-5	MU-5A	IN-1	RU-20	PA-1	AC
At the required setback	10.0m			10.0 metres (33.3 feet)	4.5m	10.0m	11.0m	10.0m			
Setback plus 1.0m	11.0m			11.0 metres (36.1 feet)	4.5m	11.0m	12.0m	11.0m			

Setback plus 2.0m	12.0m	12.0 metres (39.4) feet)	4.5m	12.0m	13.0m	12.0m
Fences	2.0m	2.0 metres (6.6 feet)	2.0m	2.0m	2.0m	2.0m

metric conversions:

hectares	acres
1.0	2.5
2.0	4.9
5.0	12.4
20.0	49.4

metres	feet
1.0	3.3
1.75	5.74
2.0	6.6
3.5	11.5
4.5	14.8
7.5	24.6
10.0	32.8
11.0	36.1
12.0	39.4
15.0	49.2
22.5	73.8
30.0	98.4
75.0	246.1

404 Sight Triangles

- 1) No person, being the owner, occupier or lessee of any land at the intersection of two highways shall place or permit to be placed or grow any tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.6 metres (2.0 feet) within the sight triangle above an elevation such that an eye 0.9 metres (3.0 feet) above the surface of one highway cannot see an object 0.9 metres (3.0 feet) above the surface of the other highway.

405 Exceptions

- 1) Where bay windows, chimneys, cornices, gutters, leaders, open decks and porches, ornamental features, pilasters, service station canopies, sills, or steps project beyond the face of a building, the minimum distance to an abutting lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 metres (2.0 feet) provided that such reduction shall apply only to the projecting feature and except for a zero lot line in which case no feature shall project over the lot line.
- 2) Where eaves project beyond the face of a building, the minimum distance to an abutting front, rear and side lot line as permitted elsewhere in this bylaw may be reduced by not more than 50% of such distance up to a maximum of 2.0 metres (6.6 feet), provided that such reduction shall apply only to the projecting feature.
- 3) Boat ramps, docks, flagpoles, fish hatcheries and enhancement facilities, freestanding lighting poles, pools, retaining walls less than 2.0 metres (6.6 feet) in height, signs, shoreline protection devices, utility poles, warning devices, wharves and wires may be sited on any portion of a lot.
- 4) Where a British Columbia Land Surveyor (B.C.L.S.) determines a completed foundation for a building or structure does not meet the required setback from a line lot by no more than 10.0 cm (3.9 inches), the non-conforming siting shall be considered conforming though any subsequent additions to the subject building or structure must comply with the setbacks required in the applicable zone.
- 5) Where a portion of an existing parcel is taken to increase the width of a public road right-of-way, any non-conforming siting created by this change shall be considered conforming though any subsequent additions to the subject building or structure must comply with the setbacks required in the applicable zone.

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PART 500 RESIDENTIAL ZONES

501

RESIDENTIAL ONE (R—1)

This zone is intended to encourage the clustering of dwellings, the preservation of open space and the development of common facilities in a rural setting.

1) PERMITTED PRINCIPAL USE

On any lot or portion of any lot zoned Residential One (R—1) only the following uses are permitted:

- a) Agricultural use excluding the keeping of livestock;
- b) Common facilities;
- c) Common open space;
- d) Park use;
- e) Residential use;
- f) Utility use.

On any lot over 4000 m² (1.0 acre):

- g) Agricultural use.

2) PERMITTED ACCESSORY USES

On any lot or portion of any lot zoned R—1 only the following accessory uses are permitted:

- a) Accessory buildings;
- b) Bed and breakfast;
- c) Home occupations.

3) CONDITIONS OF USE

Screening and Landscaping

- a) Where a front, side, or rear yard abuts, or is adjacent to, a parcel which is in the Agricultural Land Reserve a buffer of 3.0 metre (9.8 feet) or as specified by the Agricultural Land Commission shall be provided and maintained in good condition at all times in the abutting yard(s) to minimize land use conflicts. The buffer may consist of a landscaped berm or a dense combination of vegetation to a minimum height of 1.5 metres (4.9 feet) or as specified by the Agricultural Land Commission.
- b) A buffer of no less than 7.5 metres (24.6 feet) shall be provided along highways abutting cluster housing. This buffer may be waived by the Regional District where the buffer is not desired.

- c) All landscaping and screening required herein shall be completed not later than twenty-four (24) months from the date a land use activity is initiated.
- d) Cluster housing development shall be in compliance with a comprehensive development plan approved and incorporated into this bylaw by the Regional District Board as a zoning bylaw amendment. The comprehensive development plan shall illustrate the following:
 - i) Environmentally sensitive areas such as watercourses, fish and wildlife habitat, leave strips, floodplains, ground water recharge areas and slopes greater than 20%;
 - ii) Forested areas, pasture land and areas of open space;
 - iii) Site features as such as ridgelines, views, scenic values, archaeological sites, right-of-ways and existing man-made features;
 - iv) Proposed lots, roads, areas of common open space, services including drainage systems, buildings, common facilities, trails and walkways, screening and buffers, and portions of the parcel which the owner intends to retain.
- e) A restrictive covenant in favour of the Regional District prohibiting further subdivision of the land is to be registered against all parcels within a cluster housing development.
- f) Parcels of common open space shall:
 - i) abut a highway and shall be accessible to the public from the said highway.
 - ii) have water frontage where the parent parcel abuts or features a lake, watercourse or sea.
 - iii) include environmentally sensitive areas including areas with slopes greater than 20%, floodplains, wetlands, ground water recharge areas, archaeological sites and other critical or sensitive areas worthy of preservation where the parent parcel contains these.
 - iv) not include any land within individual single family, duplex or multi-family lots, road right-of-ways or land dedicated under the Municipal Act for school or park use.
- g) Parcels of common open space may be owned and managed by a group of residents, a non-profit society or a public agency including the Regional District though the use and future subdivision of areas shall be restricted by a permanent conservation covenant. The conservation covenant shall run with the land, provide for protection in perpetuity, and be granted and deeded to the Regional District.
- h) Common facilities may be owned and managed by a group of residents, a non-profit society or a public agency including the Regional District though the use and future subdivision of areas containing these facilities shall be restricted by a permanent covenant. The covenant shall run with the land, provide for protection in perpetuity, and be granted and deeded to the Regional District.

- i) To assist with the on-going maintenance costs of the common facilities or common open space. 10% of the selling price of each bonus unit or parcel shall be placed in a permanent fund managed by the Regional District. Spending of these funds should be restricted to expenditure of interest only to preserve the principal.
- j) Prior to the adoption of a comprehensive development plan featuring common facilities, a Letter of Credit in the amount equal to the value of the featured common facilities shall be filed with the Regional District. The condition of posting the Letter of Credit is that should the owner fail to complete the common facilities as featured in the comprehensive development plan, the Regional District may use the security to have the facilities completed.
- k) All common facilities shall be completed within 24 months of the final approval of the plan of subdivision.
- l) The provision of affordable or special needs housing shall be subject to a housing agreement between the land owner and the Regional District under Section 963.2 of the Municipal Act. The agreement shall specify the number of units, the tenure, availability, management of the units and maximum rents or selling prices. The housing agreement shall be filed in the Land Title Office.

4) DENSITY

- a) Residential use is limited to one single family dwelling per lot.
- b) When a community water system, community sewage system, a community storm water management system and at least one of the following amenities are provided:
 - common open space (COS);
 - common facilities (CF); or
 - affordable or special needs housing (A/SNH)

an increase in density shall be permitted as noted in the chart below:

Amenity Provided	Bonus
COS	1 Lot per 0.5 ha of COS
CF	1 Lot per \$35,000 expenditure, excluding cost of land and servicing.
A/SNH	1 Lot per 2 Lots designated for A/SNH

5) MINIMUM LOT AREA

- a) The minimum lot area for subdivision shall be 1.0 hectares (2.5 acres)
- b) Where an increase in density occurs in exchange for the provision of amenities as noted in Section 501(4) (b) above, the minimum lot area for subdivision shall be determined using the following formula:

$$\frac{\text{Site Area of Parcel} - (\text{COS} + \text{Area Required for CF} + 5\% \text{ Parkland Dedication})}{(\text{Site Area} - 5\% \text{ Parkland Dedication}) + \text{Permitted Bonus}}$$

This minimum lot area may serve as an average minimum lot area where approved under Section 501 (3)(d).

- c) No minimum shall apply to land designated for common open space or common facilities.

End • R-1

502

RESIDENTIAL TWO (R—2)

This zone is intended to provide unserviced land for rural estates and hobby farms.

1) PERMITTED PRINCIPAL USE

On any lot or portion of any lot zoned Residential Two (R—2) only the following uses are permitted:

- a) Agricultural use excluding the keeping of livestock;
- b) Park use;
- c) Residential use;
- d) Utility use.

On any lot over 4000 m² (1.0 acre):

- e) Agricultural use.

2) PERMITTED ACCESSORY USES

On any lot or portion of any lot zoned R—2 only the following accessory uses are permitted:

- a) Accessory buildings;
- b) Bed and breakfast;
- c) Home occupations.

3) CONDITIONS OF USE

- a) Where a front, side, or rear yard abuts, or is adjacent to, a parcel which is in the Agricultural Land Reserve a buffer of 3.0 metre (9.8 feet), or as specified by the Agricultural Land Commission, shall be provided and maintained in good condition at all times in abutting yard(s) to minimize land use conflicts. The buffer may consist of a landscaped berm or a dense combination of vegetation to a minimum height of 1.5 metres (4.9 feet) or as specified by the Agricultural Land Commission.
- b) All landscaping required herein shall be completed not later than twenty-four (24) months from the date a land use activity is initiated.

4) DENSITY

- a) On any lot less than 4.0 ha (9.9 ac): one single family dwelling
- b) On any lot 4.0 ha (9.9 ac) or more: two single family dwellings

End • R-2

510

RESIDENTIAL MULTIPLE ONE (RM-1)

This zone is intended to provide opportunities for duplexes and multi-family dwellings in rural settings.

1) PERMITTED PRINCIPAL USES

On any lot or portion of any lot zoned RM-1 only the following principal uses are permitted:

- a) Park use;
- b) Residential use;
- c) Utility use.

2) PERMITTED ACCESSORY USES

On any lot or portion of any lot zoned RM-1 only the following accessory uses are permitted:

- a) Agricultural use excluding the keeping of livestock;
- b) Accessory buildings;
- c) Home occupations.

3) CONDITIONS OF USE

- a) Where a front, side, or rear yard abuts, or is adjacent to, a parcel which is in the Agricultural Land Reserve a buffer of 3.0 metres (9.8 feet) or as specified by the Agricultural Land Commission shall be provided and maintained in good condition at all times in the abutting yard(s) to minimize land use conflicts. The buffer may consist of a landscaped berm or a dense combination of vegetation to a minimum height of 1.5 metres (4.9 feet) or as specified by the Agricultural Land Commission.
- b) Screening shall be provided and maintained in good condition at all times where a multi-family dwelling or parking area adjoins a parcel used for a single family or duplex dwelling. The screening may consist of a landscaped berm, dense combination of vegetation, painted fence, or wall to a minimum height of 1.5 metres (4.9 feet).
- c) All landscaping required herein shall be completed not later than twenty-four (24) months from the date a land use activity is initiated.

- d) Off-street parking for multiple family dwellings shall be provided and maintained in accordance with Section 306 "Off-Street Parking". Parking areas shall be located at least 6.0 metres (19.7 feet) away from habitable rooms at or below grade.

4) DENSITY

- a) Unless noted otherwise below, residential use is limited to apartment dwellings, duplexes, townhouses, or single family dwellings with a maximum density of 15 dwelling units per hectare (6 dwelling units per acre).
- b) Location:
 - Lot 5, District Lot 665, Sayward District, Plan 19112
 - 6200 Race Point Road - Schedule 'H-7'.
 - i) Notwithstanding any provisions of this bylaw, residential use at the location noted above is limited to one duplex dwelling.
- c) Location:
 - Lot 4, District Lot 665, Sayward District, Plan 19112
 - Race Point Road - Schedule 'H-7'.
 - i) Notwithstanding any provisions of this bylaw, residential use at the location noted above is limited to one single family dwelling, one duplex or one multi-family dwelling with a maximum of three (3) dwelling units.

End • RM-1

520

MOBILE HOME PARK (MHP)

This zone is intended to permit mobile home parks.

1) PERMITTED PRINCIPAL USES

On any lot or portion of any lot zoned MHP only the following uses are permitted:

- a) Mobile home parks;
- b) Park;
- c) Utility use.

2) PERMITTED ACCESSORY USES

a) **On any lot or portion of any lot zoned MHP only the following accessory uses are permitted:**

- a) Accessory buildings;
- b) Agricultural use excluding livestock;
- c) Bed and breakfast;
- d) Home occupations.

3) CONDITIONS OF USE

Development of Mobile Home Parks must comply with the requirements of Part 900 "Mobile Home Park Regulations and Standards".

4) DENSITY

The maximum density for a mobile home park shall be 15 mobile home units per hectare (6 units per acre).

5) MINIMUM LOT AREA

- a) The minimum lot area for subdivision shall be 2.0 hectares (4.9 acres).
- b) Where both a community water system and a community sewer system are provided the minimum lot size will be in accordance with the mobile home space requirements of Part 903(1) Mobile Home Space/Lot, subject to the parent lot before subdivision having a minimum lot size of 2.0 hectares (4.9 acres).
- c) Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone provided the permitted density in Section 520(4) is not exceeded.

End • MHP

PART 600 COMMERCIAL-INDUSTRIAL ZONES

601

MIXED USE FIVE (MU-5)

This zone is intended to permit commercial, industrial, residential and resource uses in close proximity.

1) PERMITTED PRINCIPAL USES

On any lot or portion of any lot zoned MU-5 only the following principal uses are permitted:

- a) Agricultural use;
- b) Bed and Breakfast;
- c) Campgrounds;
- d) Fish hatcheries;
- e) Guest Cottage;
- f) Industrial;
- g) Licensed establishment pursuant to the Liquor Control and Licensing Act and amendments thereto;
- h) Low impact recreation;
- i) Marine craft sales/service;
- j) Marinas, moorage, boat ramps, wharves or floats;
- k) Offices;
- l) Park use;
- m) Residential use;
- n) Retail and wholesale sales to a maximum floor area of 2,000 square metres (21,528.5 square feet) per parcel;
- o) Research and teaching facility;
- p) Restaurants;
- q) Service establishments;
- r) Utility use;

CSRD
2963

2) PERMITTED ACCESSORY USES

On any lot or portion of any lot zoned MU-5 only the following accessory uses are permitted:

- a) Accessory buildings;
- b) Home Occupations.

3) CONDITIONS OF USE

a) **Campgrounds, shall be subject to the following conditions:**

- i) All recreational vehicle units in a campground must be licensed for the current year to travel on a public highway in B.C.
- ii) No additions are permitted to any recreational vehicle.
- iii) The maximum length of stay for any occupant shall be 6 months for any 12 month period.

b) **Campgrounds, industrial uses, utility uses, retail and wholesale sales, restaurants and service establishments shall be subject to the following conditions:**

- i) Any nuisance produced by the above uses such as noise, glare, odours, dust, unsightliness or vibrations shall be screened and buffered from adjacent uses.
- ii) Parking, loading, storage areas or supply yards shall be screened from adjacent or adjoining dwelling units and located a minimum of 30.0 metres (98.4 feet) of any dwelling, and if the adjacent or abutting lot is zoned Residential or Rural, 3.5 metres (11.5 feet) of any lot line. Parking for dwelling units is excluded from this requirement.

c) Guest cottages shall be subject to the following conditions:

- (i) The maximum length of stay for any occupant shall be 6 months for any 12 month period.
- (ii) The maximum gross floor area of a guest cottage shall not exceed 120 square metres (129.8 square feet).

CSRD
2963

- d) Where a front, side, or rear yard abuts, or is adjacent to, a parcel which is in the Agricultural Land Reserve a buffer of 3.0 metres (9.8 feet) or as specified by the Agricultural Land Commission shall be provided and maintained in good condition at all times in the abutting yard(s) to minimize land use conflicts. The buffer may consist of a landscaped berm or a dense combination of vegetation to a minimum height of 1.5 metres (4.9 feet) or as specified by the Agricultural Land Commission.
- e) Screening required in this zone shall consist of at least one of the following: landscaped berm; dense combination of vegetation; painted fence; wall or any combination thereof which creates a solid screen of a minimum height of 1.5 metres (4.9 feet).
- f) All landscaping and screening required herein shall be completed not later than twenty-four (24) months from the date a land use activity is initiated.
- g) Off-street parking shall be provided and maintained in accordance with Section 306 Off-Street Parking.
- h) No signs shall exceed 8.0 square metres (86 square feet) in size.

- i) The design and construction of buildings must be accessible and usable by disabled persons as required in Section 3.7 *"Building Requirements For Person With Disabilities"* of the B.C. Building Code, 1992.

4) DENSITY

- a) The density of permitted uses shall be as follows:

- i) Residential use shall be limited to single family dwellings inclusive of guest cabins and float homes, and to dwellings contained in structures or buildings used for commercial or industrial use. The number of permitted single family dwellings shall be one per 4.0 hectares (9.9 acres) to a maximum of 20 dwelling units per parcel.
- ii) Campground sites and guest cottages shall be limited to a combined maximum of 150 units per parcel.
- iii) Industrial use shall be limited to one (1) per parcel.
- iv) Licensed establishments shall be limited to one (1) per parcel.
- v) Restaurant use shall be limited to one (1) per parcel.

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End • MU-5

602

MIXED USE FIVE A (MU-5A)

SRD
181

This Mixed Use Five A (MU-5A) zone is intended to permit a variety of land uses including residential, commercial, industrial and resource uses in close proximity and is divided into the following subzones: 'Resort Waterfront', 'Resort Residential', 'Resort Industrial/Resource' and 'Resort Open Space' as shown on Appendix 3.

1) PERMITTED PRINCIPAL USES

a) Within any MU-5A Subzone:

- i) Agricultural use;
- ii) Low impact recreation;
- iii) Park use;
- iv) Public assembly use; and
- v) Utility use.

b) Within Subzone RW 'Resort Waterfront':

- i) Licensed establishment pursuant to the Liquor Control and Licensing Act and amendments thereto;
- ii) Marinas, moorage, boat ramps, wharves or floats;
- iii) Marine craft sales/service;
- iv) Offices;
- v) Retail and wholesale sales;
- vi) Residential use;
- vii) Restaurant;
- viii) Service establishment; and
- ix) Tourist commercial accommodation.

c) Within Subzone RR 'Resort Residential':

- i) Residential use.

d) Within Subzone RIR 'Resort Industrial/Resource':

- i) Industrial use;
- ii) Marine craft sales/service;
- iii) Retail and wholesale sales;
- iv) Offices; and
- v) Outdoor storage.

e) Within Subzone ROS 'Resort Open Space':

- i) Low impact recreation; and
- ii) Park Use.

2) PERMITTED ACCESSORY USES

a) Within any MU-5A Subzone:

- i) Accessory buildings and structures.

b) Within Subzone RR 'Resort Residential':

- i) Home occupation; and
- ii) Bed and breakfast.

3) CONDITIONS OF USE

a) Subzone RW 'Resort Waterfront' and Subzone 'RIR' 'Resort Industrial/Resource shall be subject to the following conditions:

i) Screening and Landscaping:

- a. Loading, public parking, storage areas or supply yards shall be screened from adjacent or adjoining dwelling units and located a minimum of 7.5 metres (24.6 feet) of any dwelling and where the adjacent or abutting lot is zoned primarily for residential use, 3.5 metres (11.5 feet) of any lot line. Parking for dwelling units is excluded from this requirement.
- b. Any nuisance associated with industrial, commercial and utility uses such as noise, glare, odours, dust, unsightliness or vibrations shall be screened and buffered from adjacent uses by means of the following: landscaped berm; dense combination of vegetation; painted fence; wall or any combination thereof which creates a solid 2.0 metre (6.6 foot) screen.

ii) Signage:

- a. Signs shall not exceed 8.0 square metres (86.0 square feet) in size.
- b. Only one fascia sign per building face is permitted.

4) DENSITY

a) In Subzone RR 'Resort Residential':

- i) Residential use shall be limited to one single family dwelling per lot and is limited to an overall density of 120 dwelling units.

b) In Subzone RW 'Resort Waterfront':

- i) Tourist commercial accommodation units shall be limited to a maximum of 100 units.
- ii) Residential use shall be limited to dwelling units contained within mixed use buildings and is limited to an overall density of 10

dwelling units per 1.0 hectare (2.5 acres) to a maximum of 20 dwelling units.

5) PUBLIC AND OPEN SPACE

- a) The MU-5A zone requires that a minimum of 40% of the lot area of the parent parcel be retained as open space.

6) SERVICING REQUIREMENTS

- a) All residential and public buildings within the MU-5A zone must be connected to a community sewer and water system approved by the appropriate government agency.

End • MU-5A

605

RURAL RECREATION ONE (RR-1)

SRD
178

1) PERMITTED USES

On any lot or portion of any lot zoned RR-1 only the following principal uses are permitted:

- a) Campground;
- b) Low Impact Recreation;
- c) Park Use; and
- d) Utility Use.

2) PERMITTED ACCESSORY USES

On any lot or portion of any lot zoned RR-1 only the following accessory uses are permitted:

- a) Accessory or ancillary buildings, including office use, retail, and recreation facilities; and
- b) Residential Use.

3) CONDITIONS OF USE

Campgrounds shall be subject to the following conditions:

- a) All recreational vehicle units in a campground must be licensed for the current year to travel on a public highway in BC;
- b) No additions are permitted to any recreational vehicle;
- c) The maximum length of stay for any occupant shall be 6 months for any 12 month period; and
- d) No campsite shall be located within 7.5 metres (24.6 feet) of any property line.

4) DENSITY

The density of permitted uses shall be as follows:

- i) Campground sites for tents and recreational vehicles shall be limited to a combined maximum of 40 camping sites per parcel;
- ii) Residential use is limited to one single family dwelling per parcel; and
- iii) Accessory or ancillary buildings, including office use, retail, and recreation facilities are limited to a combined maximum floor area of 100 square metres.

End • RR-1

610

INDUSTRIAL ONE (IN-1)

This zone is intended to provide land and water for industrial operations.

1) PERMITTED PRINCIPAL USES

On any lot or portion of any lot zoned IN-1 only the following principal uses are permitted:

- a) Automobile body shop;
- e) Barge ramps, waterfront freight handling facilities and warehousing;
- f) Industrial;
- g) Industrial equipment sales and service;
- h) Log handling and storage facilities;
- i) Marina, moorage, boat ramps, wharves or floats;
- j) Park;
- k) Utility use;
- l) Wood processing including handling, storage, fabricating, manufacturing and wholesale distribution of wood products.

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1955

2) PERMITTED ACCESSORY USES

On any lot or portion of any lot zoned IN-1 only the following accessory uses are permitted:

- a) Offices;
- b) Residential use limited to two dwelling units;
- c) Retail and wholesale sales.

3) CONDITIONS OF USE

- a) No parking, loading, storage areas or supply yards shall be located within 3.0 metres (9.8 feet) to any adjoining or adjacent property zoned to permit commercial, residential or public assembly use as a principal permitted use. No setback is required for parking, loading or storage areas adjacent to any other property zoned Industrial.

- b) Where a front, side, or rear yard abuts, or is adjacent to, a parcel zoned to permit commercial, residential or public assembly use as a principal permitted use, and the development on the subject parcel is visible from either these adjacent parcels or highway, this yard shall be used to create a solid screen not less than 2.0 metres (6.6 feet) in height by use of landscaped berms, vegetation, fencing or a combination thereof. This fence shall be well maintained and uniformly painted.
- c) No signs shall exceed 8.0 square metres (86.1 square feet) in size.
- d) All landscaping required herein shall be completed not later than twenty-four (24) months from the date a land use activity is initiated.

End • IN-1

PART 700 RURAL RESOURCE ZONES

701

RURAL TWENTY (RU—20)

This zone is intended to ensure the maintenance of resource land in large parcels.

Parcels in the Agricultural Land Reserve (ALR) are subject to the Agricultural Land Commission Act and orders of the B.C. Agricultural Land Commission. Approval from the Agricultural Land Commission may be required to use or subdivide ALR parcels as permitted in this zone.

Parcels in the Forest Land Reserve (FLR) are subject to the Forest Land Commission Act and orders of the B.C. Forest Land Commission. Approval from the Forest Land Commission may be required to use or subdivide FLR parcels as permitted in this zone.

1) PERMITTED PRINCIPAL USES

On any lot or portion of any lot zoned Rural Twenty (RU-20) only the following principle uses are permitted:

- a) Agricultural use;
- b) Fish hatcheries;
- c) Intensive agricultural use;
- d) Low impact recreation;
- e) Park use;
- f) Utility use;
- g) Residential use;

On any lot 4000 square metres (1.0 acre) or larger:

- h) Animal care.

On any lot 2.0 hectares (4.9 acres) or larger:

- i) Riding academy.

On any lot 4.0 hectares (9.9 acres) or larger:

- j) Wood processing.

On any lot 4.0 hectares (9.9 ac) or larger and which is classified as managed forest land or farm pursuant to the *Assessment Act* or is within a licensed area under the *Forest Act*:

- k) Research and teaching facility;
- l) Rural resource centre to a maximum floor area of 240 square metres (2583 square feet).

2) PERMITTED ACCESSORY USES

On any lot or portion of any lot zoned RU—20 only the following accessory uses are permitted:

- a) Accessory buildings;
- b) Bed and breakfast;
- c) Domestic industrial use;
- d) Home occupations;
- e) Retail and wholesale sales of agricultural products to a maximum floor area of 100 square metres (1076 square feet).

3) CONDITIONS OF USE

a) Residential use shall be subject to the following conditions:

- i) Residential use is limited to one dwelling unit or one duplex on any lot or portion of any lot zoned Rural Twenty (RU-20) including lots in the Forest Reserve Land but excluding those in the Agricultural Land Reserve.
- ii) Residential use shall be as permitted by the B.C. Agricultural Land Commission on any lot or portion of any lot zoned Rural Twenty (RU-20) and included in the Agricultural Land Reserve.

b) Wood processing and rural resource centres shall be subject to the following conditions:

- i) A minimum setback of 15.0 metres (49.5 feet) along all lot lines.
 - ii) A minimum setback of 30.0 metres (98.4 feet) from any lot line abutting a parcel zoned under Part 500 Residential Zones.
 - iii) No loading or storage areas shall be located in any required yards.
 - iv) Screening shall be provided of no less than 1.5 metres (4.9 feet) in height for wood processing uses and a rural resource centre abutting a parcel zoned under Part 500 Residential Zones.
 - v) A single sign not exceeding 1m² (11 square feet).
- c) Fences of 3.0 metres (9.8 feet) shall be permitted for agricultural, forestry, silviculture and wood processing uses.

End • RU-20

710

PUBLIC ASSEMBLY ONE (PA-1)

This zone is intended to provide land for public activities.

1) PERMITTED PRINCIPAL USES

On any lot or portion of any lot zoned PA—1 only the following principle uses are permitted:

- a) Agricultural use;
- b) Fish hatcheries;
- c) Institutional use;
- d) Low impact recreational use;
- e) Park use;
- f) Public assembly use;
- g) Utility use.

2) PERMITTED ACCESSORY USES

On any lot or portion of any lot zoned PA-1 only the following accessory uses are permitted:

- a) Residential use limited to one dwelling unit.

End • PA-1

720

ACCESS (AC)

This zone is intended to limit the use of the water surface to recreation and navigational aids.

1) PERMITTED PRINCIPAL USES

In any area zoned AC only the following uses are permitted:

- a) Low impact recreation;
- b) Navigational aids;
- c) Park use;
- d) Public or private moorage, floats, docks and wharves, excluding facilities associated with private yacht, boating or similar recreational clubs or organizations, and any facility offered for commercial gain;
- e) Utility use.

End • AC

PART 800 SUBDIVISION REGULATIONS

801 Administration

1) Authority — Approving Officer

- a) No land within the area described in Part B, "Application", of this bylaw shall be subdivided unless and until the subdivision has first received the approval of the Approving Officer.
- b) The approval procedure and all other subdivision requirements shall be those as enforced by the Ministry of Transportation and Highways unless otherwise stated in this bylaw.

2) Application for Subdivision Approval

- a) To obtain approval for subdivision, an applicant shall apply to the Ministry of Transportation and Highways, Courtenay, B.C.
- b) The Ministry of Transportation and Highways shall forward one copy of the proposed subdivision together with all supporting documentation to the Regional District.
- c) The Regional District shall advise the Ministry of Transportation and Highways, in writing, as to any requirements for the subdivision.
- d) Where an application for a subdivision has been submitted to the Ministry of Transportation and Highways in a form satisfactory to the Approving Officer and the Regional District adopts a bylaw that would otherwise be applicable to that subdivision, then the bylaw has no effect with respect to the subdivision for a period of 12 months after the bylaw is adopted unless the applicant agrees in writing that it should have effect.

3) Application Fee

- a) In addition to any fees required pursuant to Section 83 of the Land Title Act, to be paid to the Regional District prior to final approval by the Approving Officer, each subdivision application shall be subject to an application fee payable to the Regional District, as prescribed in Bylaw No. 1244, and amendments thereto, being the "Bylaw Amendment, Permit Procedure and Fee Bylaw, 1990" of the Regional District of Comox-Strathcona.

802 General Provisions

1) Suitability

- a) The Approving Officer, at the request of the Regional District, may refuse the subdivision or strata subdivision of any parcel of land:
 - i) unless all the requirements of this bylaw and any other applicable regulations under the Health Act, and those of improvement districts and other relevant agencies, have been observed;
 - ii) should the subdivision make any existing use on that parcel non-conforming in respect to any other bylaw of the Regional District;
 - iii) if the anticipated development of the subdivision would injuriously affect the established amenities of adjoining or reasonably adjacent properties;
 - iv) if the land is subject, or could reasonably be expected to be subject, to flooding, erosion, land slip, or avalanche;
 - v) if the anticipated development of the subdivision would adversely affect the natural environment to an unacceptable level;
 - vi) if the cost to the Province of British Columbia or the cost to the Regional District of providing public utilities or other works or services would be excessive;
 - vii) if it is not suited to the use for which it is intended;
 - viii) if it is not suited to the configuration of the land being subdivided;
 - ix) if it makes impractical the future subdivision of the land within the proposed subdivision, or of any adjacent land;
 - x) if it is against the public interest;
 - xi) if the anticipated development of the subdivision would provide additional storm water runoff sufficient to overload an existing downstream drainage facility, flood adjacent parcels or inhibit the fish bearing capabilities of downstream locations.
- b) In considering the application for subdivision, the Regional District may hear objections from any interested persons in order to determine if the subdivision would be against the public interest or would to an unreasonable extent injuriously affect the established amenities of adjoining or adjacent properties.

2) Information Required

- a) At the request of the Regional District, the Approving Officer may require:
 - i) the submission of a sketch plan showing that the parcels into which the land is proposed to be subdivided can conveniently be subdivided into further small parcels;
 - ii) the submission of plans, including the appropriate contour plans, and data on the measures necessary to remedy wet conditions, surface water discharges, or liability to flood;
 - iii) the submission of engineering and planning studies bearing the seal of a professional engineer;
 - iv) that the owner of land being subdivided state in writing the intended use of any parcel being created or of any remainder of the parent parcel;
 - v) that the owner of land being subdivided submit a sketch plan outlining the plan of subdivision of any remainder of the parent parcel.
- b) Each application for subdivision referred to the Regional District shall be accompanied by a sketch plan or plans drawn to a suitable scale, clearly showing:
 - i) the scale of each plan and the direction of north thereon;
 - ii) the arrangement of all parcels (including remainders), roads, easements and rights-of-way to be created;
 - iii) approximate dimensions of all parcels (including remainders), roads, easements and rights-of-way to be created, including: the length of all property boundary lines and arcs, the width of all roads, easements and rights-of-way, and the area of all parcels (including remainders);
 - iv) all watercourses or water frontage within or adjacent to the land to be subdivided;
 - v) all steep banks or slopes within or adjacent to the land to be subdivided;
 - vi) all existing buildings, identified and approximately located, existing within the land to be subdivided;
 - vii) any existing property lines or roads to be extinguished; and
 - viii) the relationship of the proposed subdivision to adjacent roads, and the connections of proposed new roads thereto.

- c) The Regional District shall not process any application for subdivision until all information required in Subsection (b) has been submitted.
- d) The Regional District may require that notice in writing of the proposed subdivision be served on any owner or other person whose land or interest therein might, in the opinion of the Regional District, be detrimentally affected by the proposed subdivision.

803 Subdivision Standards

1) Area and Frontage Requirements

- a) For the purposes of this bylaw, the minimum lot size requirements for subdivision within each zone shall be as noted in Section 401, Lot Size, Coverage, Setbacks and Maximum Heights and as noted in Parts 500, 600 and 700 of this bylaw.
- b) The minimum frontage being that portion of the lot that fronts on a public right-of-way shall be 10% of perimeter of the lot unless specified otherwise elsewhere in this bylaw. The frontage requirement shall apply to a bare land strata plan under the *Condominium Act*.
- c) Lots with water (sea or lake) access shall be considered as having double frontage and shall meet the 10% frontage requirement for the portion of the lot fronting on the public road right-of-way as well as frontage to depth ratio of 1 to 3 on rectangular lots and an average width to average depth ratio of 1 to 3 on irregular shaped lots for the portion of the lot fronting on the water.
- d) Notwithstanding the above, the minimum lot area and frontage requirements may be reduced by as much as five percent (5%) by the Director of Planning in the following situations provided that at the decreased size, all other applicable requirements of this bylaw can be satisfied:
 - i) where a parcel features unusual terrain or configuration;
 - ii) where additional road dedication is required above and beyond the roads necessary to serve the proposed lots;
 - iii) where the required road dedication would prohibit a subdivision otherwise permitted by the specified minimum lot area;
 - iv) where the provision of a linear parkway requested by the Regional District would leave the proposed lots below the specified minimum lot area; or
 - v) where the proposed parcels are five percent (5%) or less below the required minimum lot area but are equal to or greater than the median lot area of all abutting and adjacent parcels of the parent parcel.

- e) The creation of panhandle lots will only be considered and permitted at the discretion of the Director of Planning in the following situations provided that at the decreased size, all other applicable requirements of this bylaw can be satisfied:
 - i) where a parcel features unusual terrain or configuration; or
 - ii) where the proposed lots would allow for more efficient land use.

2) Lot Size Exceptions

- a) No minimum lot size shall apply:
 - i) where the lot is intended for a non-sewage generating use such as unattended utility, navigational aid, park or public assembly use, or where a restrictive covenant is registered satisfactory to the Approving Officer which restricts or prohibits the construction of buildings and structures and the use of the lot;
 - ii) where lot lines are relocated or removed to facilitate an existing development or improve a subdivision pattern provided:
 - 1) no additional lots are created;
 - 2) all parts of all lots are contiguous;
 - 3) the lot line change is minor in nature.
 - iii) where a Crown foreshore lease is granted;
 - iv) where a portion of the parcel is physically separated from the remainder of a parcel by a registered right-of-way (such as a public road, logging road, railway, powerline, or another legal parcel), but shall not include areas marked "Return to Crown" as indicated on a registered plan. In such cases, each severed portion may become a separate parcel.
- b) No subdivision shall be permitted which creates new severed parcels except where approved by both the Regional District and the Approving Officer.

3) Strata Subdivision

- a) Where a parcel is subdivided under Section 2(2) of the Bare Land Strata Regulations (bare land strata plan containing strata lots less than the permitted minimum lot size), a restrictive covenant in the favour of the Regional District shall be registered against all parcels in the subdivision, including remainder parcels, limiting further subdivision of these parcels to a density no greater than that permitted for the parent parcel by the minimum lot size of the applicable zone.

- b) Where a strata plan is a building strata plan, the Approving Officer shall be the Regional Board of the Regional District, or its appointed representative.

4) Subdivision to Provide Residence for a Relative

- a) No subdivision shall be permitted pursuant to Section 996 of the Municipal Act, on lands not within the Agricultural Land Reserve, unless the parent parcel is at least two times the minimum lot area required within the applicable zone.
- b) A homesite severance approved by the B.C. Agricultural Land Commission shall be permitted pursuant to Section 996 of the Municipal Act.

5) Design Requirements

- a) The design requirements for public road right-of-ways shall be those enforced by the Ministry of Transportation and Highways or other appropriate provincial agency.
- b) The Approving Officer may require at the request of the Regional District, that the following be provided at the time of subdivision:
 - i) Linear parkways with a the minimum width of 3.0 metres (9.8 feet) wherever a shorter, more convenient route is desired to provide pedestrian access to schools, parks and other neighbourhood facilities than that which is provided by the highway system.
 - ii) Adequate storm water management to minimize additional storm water run-off from one parcel to another.

6) Provision of Park Land

- a) The owner of land being subdivided shall provide, without compensation, land subject to the requirements of the Municipal Act for purposes of providing sufficient open space for community parks.

7) Provision of School Sites

- a) The owner of land being subdivided shall provide, without compensation, land subject to the requirements of the Municipal Act for purposes of providing sufficient land for public schools.

PART 900 MOBILE HOME PARK REGULATIONS and STANDARDS

Mobile home parks shall be established or extended in accordance with the following regulations and standards.

901 General Requirements

- 1) No person shall establish or construct a mobile home park until a mobile home park permit has been issued by the Regional District.
- 2) The issuance of a mobile home park permit shall not relieve any person from obtaining the necessary building permits and other necessary approvals for construction of buildings and structures.
- 3) All provisions of this schedule shall apply to mobile home parks established after the date of adoption of this bylaw, and to any addition of mobile home pads or alteration or addition of services to existing mobile home parks.

902 Occupancy

- 1) No parcel of land or portion thereof may be occupied as a mobile home park by tenants or owners until all requirements of the mobile home park permit have been completed. Where a mobile home park permit indicates a phased program of construction, the Regional District may authorize occupancy of each phase of development once the requirements of the mobile home park permit for that phase have been completed.
- 2) The Regional District may require as a condition of the issuance of a mobile home park permit that the holder provide a performance bond or other security in the amount and form prescribed in the mobile home park permit to ensure that the development of additional phases is completed in accordance with the terms and conditions set out in the permit. Any interest earned on the bond or other security shall accrue to the holder of the permit.
- 3) A mobile home park owner shall not permit occupancy of a mobile home space until all the requirements of the mobile home park permit have been completed.

903 Standards

1) Mobile Home Space / Lot:

- a) The minimum area of each mobile home space or lot in a mobile home park shall be not less than:
 - i) 325 square metres (3498 square feet) for spaces or lots intended for a single wide mobile home, but in no case shall the width of the space be less than 12 metres (39.4 feet);
 - ii) 460 square metres (4952 square feet) for spaces or lots intended for double wide mobile homes, but in no case shall the width of the space be less than 14.5 metres (47.6 feet).
- b) Each mobile home space shall be clearly marked off by permanent flush stakes, markers or other suitable means.
- c) All mobile home spaces shall:
 - i) be drained properly;
 - ii) be clearly numbered;
 - iii) have a clearly discernible mobile home pad constructed in accordance with the B.C. Building Code.

2) Mobile Home Standards, Provisions and Installation Requirements

- a) All mobile homes shall meet or exceed the Canadian Standards Association Standard Z240, Z241 or A277, as the case may be.
- b) All connections to services shall be in accordance with the B.C. Building Code and the B.C. Plumbing Code.
- c) In mobile homes located in a mobile home park:
 - i) the installation and maintenance of all oil burners and oil-burning equipment and appliances using inflammable liquids as fuel;
 - ii) the storage and disposal of inflammable liquids and oils;
 - iii) the installation, maintenance, carriage, and use of compressed gas systems;shall be in accordance with the regulations of the Fire Services Act or the Gas Act, as the case may be.
- d) No mobile home shall be located elsewhere in a mobile home park than in a mobile home area on a mobile home pad that has been approved by the Building Inspector.

- e) No more than one mobile home shall be located in a mobile home space.
- f) Notwithstanding Subsection (d), no more than one unoccupied mobile home for every ten mobile home spaces in a park may be located in a designated storage area.

3) Setbacks, Height Limit:

- a) No mobile home shall be located within 6.0 metres (19.7 feet) of another mobile home, or 1.5 metres of an ancillary building.
- b) No part of any mobile home or any addition shall be located:
 - i) within 2.0 metres (6.6 feet) of any internal access road right-of-way or common parking area;
 - ii) within 1.5 metres (4.9 feet) of any boundary of the mobile home space.
- c) No building or structure shall exceed 4.5 metres (14.8 feet) in height.

4) Skirting:

- a) Skirtings shall be installed within sixty (60) days of installation of a mobile home on a mobile home pad, and shall have one easily removable access panel of a minimum width of 1.2 metres (3.9 feet) for inspecting or servicing the service connections to the mobile home. Such an access panel shall be located close to the point at which such services are located under the mobile home.
- b) Skirtings shall be factory prefabricated or of equivalent quality and shall be painted or pre-finished so that the design and construction should compliment the main structure.
- c) Spaces shall be ventilated, as required pursuant to the B.C. Building Code.

5) Permissible Additions:

- a) Only the following additions to mobile homes are permitted:
 - i) carports or garages;
 - ii) shelters against sun or rain (ramadas);
 - iii) vestibules;
 - iv) rooms added to a mobile home.
- b) All attached or accessory structures such as porches, sun rooms, additions, and storage facilities shall comply with the requirements of the B.C. Building Code.

6) Parking (Off-Roadway):

- a) One level easily accessible car parking space shall be provided near each mobile home. In addition, for every two (2) mobile homes located adjacent to a collector or distributor road, one additional parking space shall be provided and for every one mobile home located adjacent to minor roadways, one additional parking space shall be provided.
- b) Parking spaces shall be graded for proper drainage and be paved or have a compacted gravel surface.
- c) Each parking space shall be a minimum of 2.5 metres (8.2 feet) wide by 6.0 metres (19.7 feet) long.

7) Owner's Residential Plot:

- a) An owner's residential plot shall be permitted within a mobile home park if the area of the plot is not less than 325 square metres (3498.4 square feet) when the residence is a mobile home unit, and 560 square metres (6028 square feet) when the residence is a conventional dwelling unit.
- b) An owner's residence plot shall include sufficient area to provide one off-street parking space for owner's use and minimum of two parking spaces for visitors and customers.

8) Tenant's Storage:

- a) One storage facility (shed) may be constructed on each mobile home space, provided that:
 - i) it is a maximum of 9.0 square metres (96.9 square feet) in floor area;
 - ii) it does not exceed 2.5 metres (8.2 feet) in height.
- b) No tenant storage facility shall be located within 1.5 metres (4.9 feet) of another building, mobile home or structure, or within 2.0 metres (6.6 feet) of any internal access road, right-of-way, or common parking area.

9) Service Buildings and Storage Areas:

- a) At least one open communal storage site having a surface area of a minimum average of 27.0 square metres (290.6 square feet) for each mobile home site will be located within each mobile home park. The communal storage site shall be located in a section of the park where it will not create a nuisance as to site, sound, or smell, be adequately landscaped, provide adequate security, and not be located in any buffer or recreation area. Not more than fifty per cent (50%) of the communal storage site may be developed with structures or buildings.

- b) Each mobile home park shall be equipped with a park office or other suitable facility including a designated mobile home within the park for:
 - i) the reporting of problems of tenants concerning park facilities or other areas within the park administration responsibility;
 - ii) the pick-up of mail for each mobile unit where individual postal delivery to each mobile home lot is not available.

A copy of the mobile home park permit shall be made available at the park office for the reference of the residents.

10) Recreation Areas:

- a) Not less than five per cent (5%) of the gross site area of the mobile home park shall be devoted to tenant's recreational uses, and shall be provided in a convenient and accessible location. For the purpose of calculating recreational space requirements, any indoor recreational space provided shall be counted as double its actual area.
- b) The recreation areas shall not include yard areas, parking areas, ancillary buildings, mobile home spaces, driveways and storage areas.
- c) In mobile home parks where more than 1000 square metres (0.3 acres) of recreation space is required, two or more recreational areas may be provided.
- d) Recreation areas in the mobile home park, except indoor recreation facilities, shall be of a grass or asphaltic surface and shall be properly landscaped.
- e) Swimming pools, if provided, shall be in accordance with the B.C. Building Code and shall be separated from the remainder of the mobile home park by a fence not less than 1.5 metres (4.9 feet) in height.

11) Access, Roadways and Walkways:

a) Access

A second access from a public highway separated by at least 60.0 metres (196.9 feet) from the first access, shall be provided to each mobile home park containing 50 or more mobile home spaces, up to a maximum of three accesses, subject to approval of the Ministry of Transportation and Highways.

b) Roadways and Walkways

- i) All mobile home spaces, owner's residential plot, storage areas and service buildings as well as other facilities where access is required shall have access by internal street systems.

- ii) Minimum roadway width requirements shall be as follows:
 - 1) Collector or distributor roads shall have a minimum paved (surfaced) width of 6.5 metres (21.3 feet) and a right-of-way of 12.0 metres (39.4 feet).
 - 2) *Minor Roadways:*
 - a) Cul-de-sacs and two-way minor roads shall have a minimum paved (surfaced) width of 4.9 metres (16.1 feet) and a right-of-way of 9.0 metres (29.5 feet);
 - b) One-way minor roads shall have a minimum paved (surfaced) width of 4.3 metres (14.1 feet) and a right-of-way of 9.0 metres (29.5 feet);
 - c) One-way minor roads shall not exceed 150.0 metres in length (492.1 feet);
 - d) Cul-de-sacs shall not exceed 100.0 metres (328.1 feet) in length;
 - 3) Dead-end roads and cul-de-sacs shall have a turning circle right-of-way at the dead-end with a radius of at least 12.0 metres (39.4 feet).
 - 4) Roads shall be adapted to the topography, and shall have suitable gradient for safety of traffic.
 - 5) Walkways shall provide safe, convenient, all season pedestrian access. They shall be of adequate width for intended use and shall be durable and convenient to maintain.
 - 6) Individual walks shall provide access to each mobile home stand from a street or parking space connected to the street.
 - 7) Common walks shall be located in areas where pedestrian traffic is concentrated; e.g., the park entrance, park office, and other important facilities. Common walkways should preferably be through interior areas removed from the vicinity of streets.
 - 8) Width, alignment and gradient of walkways shall be appropriate for safety, convenience, and appearance, and shall be suitable for use both by pedestrians and for the circulation of small wheeled vehicles such as baby carriages and service carts.
 - 9) Width of walkways shall generally be at least 0.8 metres (2.5 feet) for common walkways.

12) Drainage:

- a) Paved gutters, drainlines or other necessary surface drainage structures shall be constructed in accordance with accepted engineering practice where erosion due to a high run-off velocity can occur. Where run-off quantities exceed natural drainage limitations, catch basins and storm sewers shall be constructed in accordance with accepted engineering practice to limit the increase in rate of water run-off to the hydraulic capacity of the natural drainage system.
- b) Paved gutters shall be of brick, concrete, or other durable material of adequate depth and width for the intended use and installed in such a manner that they will provide permanent drainage with reasonable maintenance.
- c) Land development shall be designed to minimize any disruption of the natural drainage pattern.

13) Water Supply:

The owner of the mobile home park shall supply the Regional District of Comox-Strathcona with proof of adequate water quantity and quality, as specified by Regional District water standards and by the Ministry of Health requirements.

- a) Waterworks systems shall be designed, fabricated and installed in accordance with good engineering practice and to the water supply standards as set by the Regional District.
- b) Potable water shall be distributed to:
 - i) each mobile home space;
 - ii) stand pipes or hydrants, if required.
- c) Water shall not be distributed to any terminal from which the water would not be intercepted by an approved sewage fixture, excepting hose bibs, stand pipes and hydrants.
- d) Each water distribution branch line serving a mobile home space shall have a minimum diameter of 19.0 millimetres (0.74 inches).
- e) The design and installation of the waterworks system shall be approved by the Regional District.

14) Sewage Treatment and Disposal Systems:

The owner of a mobile home park shall provide for the disposal of all waste water and of all body wastes that are generated within the mobile home park by providing a sewage system connected to all plumbing fixtures and sewage laterals in the mobile home park.

- a) This sewage system shall be designed, fabricated and installed in accordance with good engineering practice and to the sewer standards as set by the Regional District. The design and installation of a private sewage system shall be subject to the approval of the Regional District and the Public Health Inspector or the Waste Management Branch where their jurisdiction prevails.
- b) In each mobile home space a lateral sewer terminus shall be gas tight, protected from mechanical damage and protected from storm water infiltration.
- c) For the purpose of determining pipe sizes, each mobile home space shall be considered as having a hydraulic load according to requirements of the B.C. Plumbing Code.

15) Garbage Disposal:

- a) The owner of a mobile home park shall dispose or arrange for disposal of garbage or refuse.
- b) If the owner of a mobile home park establishes one or more depots within the park for the collection of garbage and refuse, he shall:
 - i) provide fly-tight metal containers in ample number;
 - ii) maintain the containers so that they shall not become foul-smelling, unsightly, or a breeding place for flies;
 - iii) screen the depot with shrubs, trees or fencing from adjacent mobile home spaces.
- c) If garbage is to be disposed of on the site, the methods and locations shall be in accordance with the Pollution Control Act.

16) Fire Hydrants:

- a) Fire hydrants meeting the requirements of the Regional District shall be installed and connected to the internal water supply of a mobile home park such that no mobile home space is beyond 120.0 metres (393.7 feet) from a fire hydrant, as measured along the internal and/or external roadway system.

17) Street Lighting:

- a) Street lighting may be installed and maintained to adequately illuminate the travelled portion of the roadway at the following locations:
 - i) the intersection of access roads and public highways;
 - ii) all internal intersections;
 - iii) the turning circle of cul-de-sacs;
 - iv) any point at which an internal roadway changes direction 30 degrees or more.

18) Buffer:

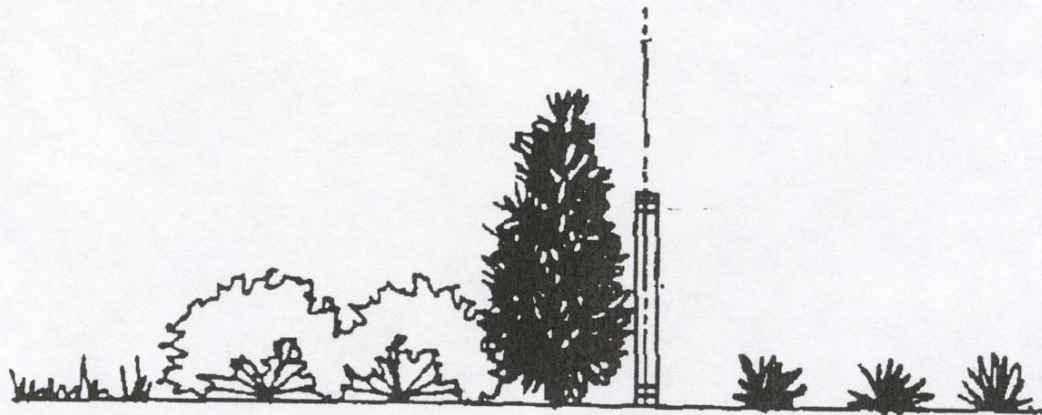
- a) Every mobile home park shall have immediately within all its boundaries, a buffer of a minimum of 4.5 metres (14.8 feet) in width within which:
 - i) no recreation, amenity or service areas may be located, except for waterfront recreation or amenity areas;
 - ii) no mobile home space or an owner's residential plot may be located;
 - iii) no building or structure may be erected or placed, except a sign, fence or walk;
 - iv) no garbage disposal area and no part of any private sewage disposal system, other than such parts of such systems as may be underground, shall be located;
 - v) except where danger is involved, no plant material may be removed nor may any substance of which land is composed be deposited or removed, except as a part of a recognizable beautification scheme;
 - vi) no vehicle parking shall be located.
- b) The only roads permitted in the buffer are those which cross it as close to right angles as practical and connect directly with the road system contained within the remainder of the mobile home park. No road shall traverse the buffer and give direct access from any public highways to any mobile home space.

LAND USE SUMMARY

USE	R-1	R-2	RM-1	MHP	MU-5	IN-1	RU-20	PA-1	AC
Accessory buildings	A	A	A	A	A		A		
Agricultural use					P		P	P	
Agricultural use lots >4000m ²	P	P							
Agricultural use excluding livestock	P	P	A	A					
Agricultural, Intensive							P		
Animal Care lots >4000m ²							P		
Automobile Body Shop						P			
Barge ramps, waterfront freight handling facilities and warehousing						P			
Bed and Breakfast	A	A		A	P		A		
Campgrounds					P				
Common Facilities	P								
Common Open Space	P								
Domestic, Industrial Use							A		
Fish Hatcheries					P		P	P	
Home Occupations	A	A	A	A	A		A		
Industrial					P	P			
Industrial Equip. Sales & Service						P			
Institutional Use								P	
Licensed Establishment					P				
Log Handling and Storage Facilities						P			
Low Impact Recreation					P		P	P	P
Marinas, Moorage, Ramps, Floats					P	P			
Marine Craft Sales/Service					P				
Navigational Aids									P
Offices					P	A			
Park Use	P	P	P	P	P	P	P	P	P
Public Assembly Use								P	
Public or Private Moorage, Floats, Docks and Wharves excluding any facility offered for private clubs or commercial gain									P
Research and Teaching Facility					P		P		
Residential Use	P	P	P	P	P	A	P	A	
Restaurants					P				
Retail and Wholesale Sales of Agricultural Products							A		
Retail and Wholesale Sales					P	A			
Riding Academy lots >2 hectares							P		
Rural Resource Centre							P		
Service Establishment					P				
Utility Use	P	P	P	P	P	P	P	P	P
Wood Processing						P			
Wood Processing lots >4 hectares							P		

A - permitted as an accessory use only

P - permitted as a principal use

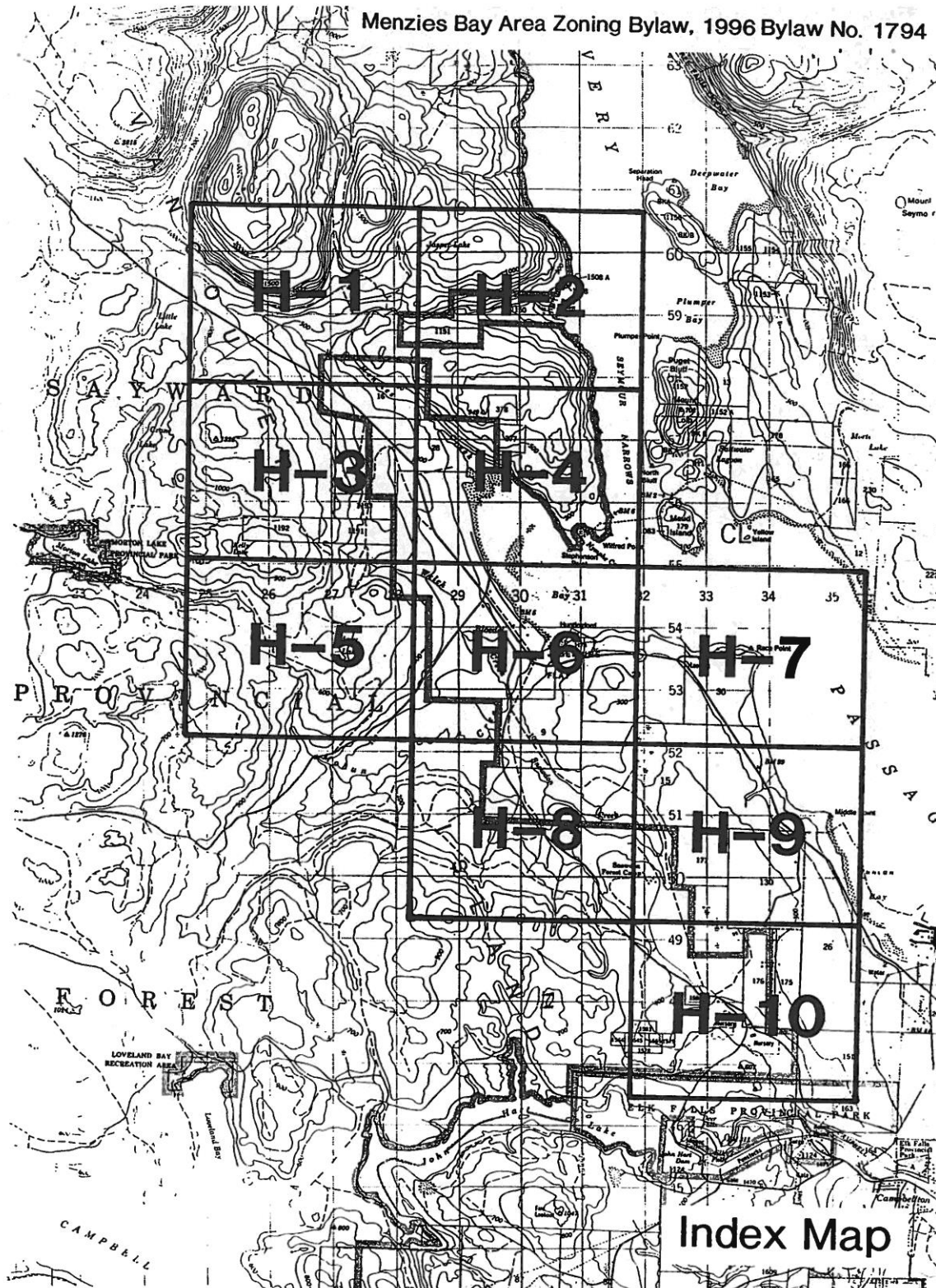


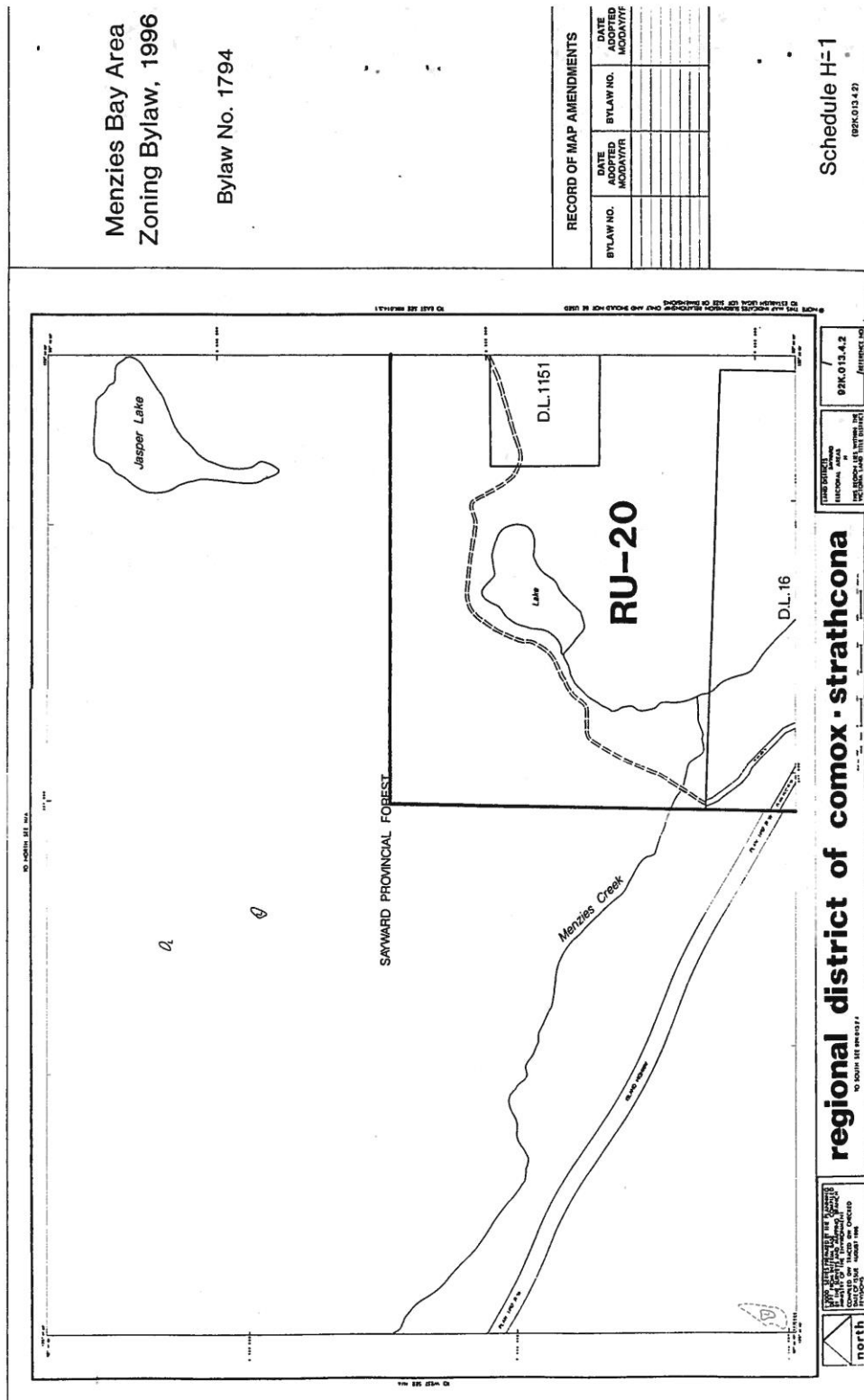
Minimum Buffer width, 3.0 metres (9.8 feet)
or as specified by the Agricultural Land
Commission

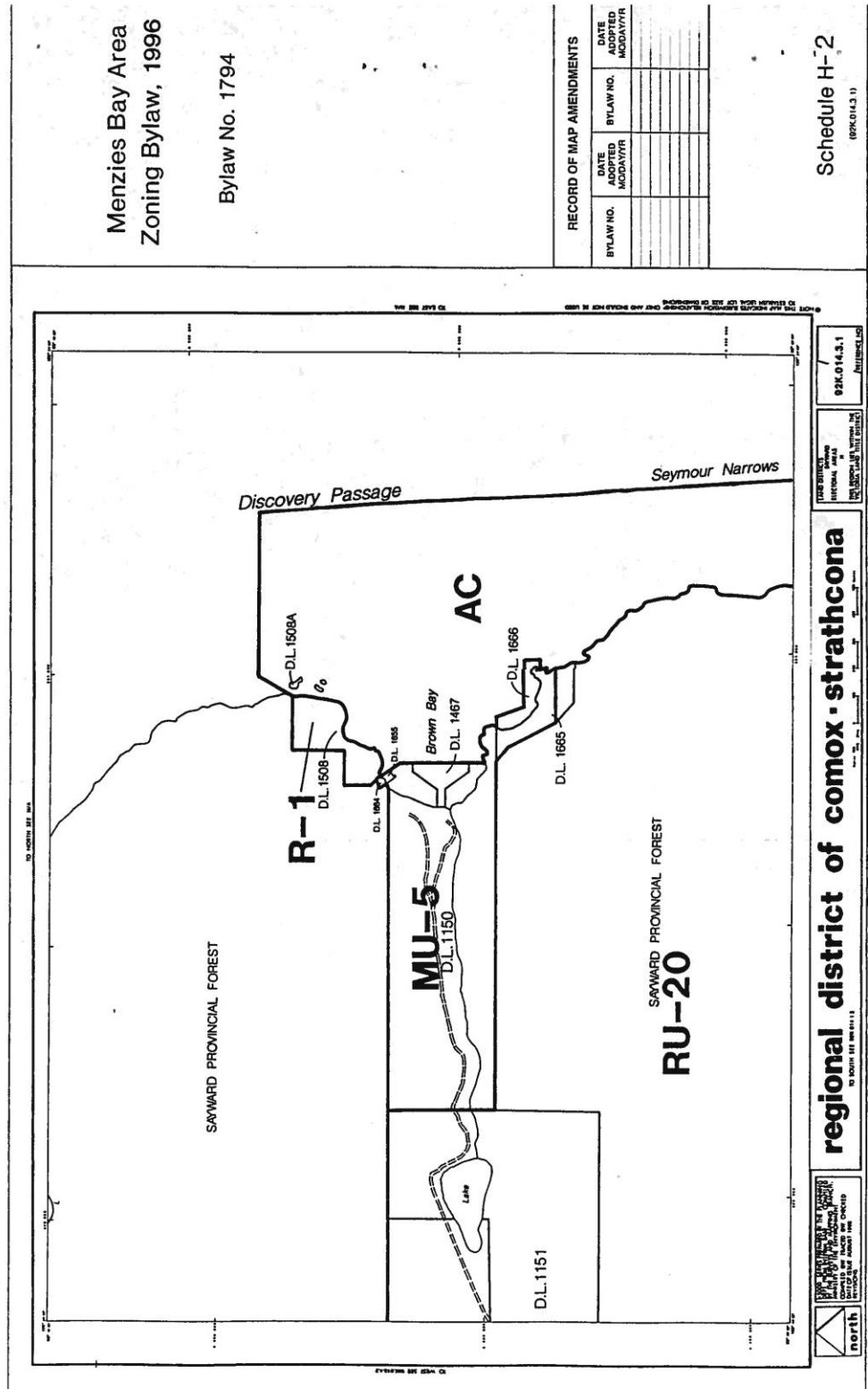
Property in the
Agricultural Land Reserve

APPENDIX 2 — ALR BUFFER

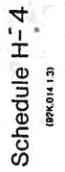
ZONE SUMMARY <i>NOTE: Provincial and/or Federal regulations may apply in addition to zoning bylaw requirements</i>				
ZONE	FULL TITLE		MINIMUM LOT SIZE	
			Hectares	Acres
AC	Access	Georgia Strait	LSA	
IN-1	Industrial One	industrial	1.0	2.5
MU-5	Mixed Use Five	mixed use	5.0	12.3
MHP	Mobile Home Park	mobile home parks	2.0	4.9
PA-1	Public Assembly One	public assembly	1.0	2.5
R-1	Residential One (See zoning bylaw for density bonus provisions)	cluster housing	1.0	2.5
R-2	Residential Two	one single family dwelling	2.0	4.9
RM-1	Residential Multiple One	multi-family	1.0	2.5
RU-20	Rural Twenty	ALR ¹ , FLR ² and large lot zoning	20.0	49.4
LSA Minimum lot size as per <u>Local Services Act</u> ¹ <u>Agricultural Land Reserve Act</u> regulations apply to all lands within the Agricultural Land Reserve (ALR) in addition to zoning bylaw requirements ² <u>Forest Land Reserve Act</u> regulations apply to all lands within the Forest Land Reserve (FLR) in addition to zoning bylaw requirements.				

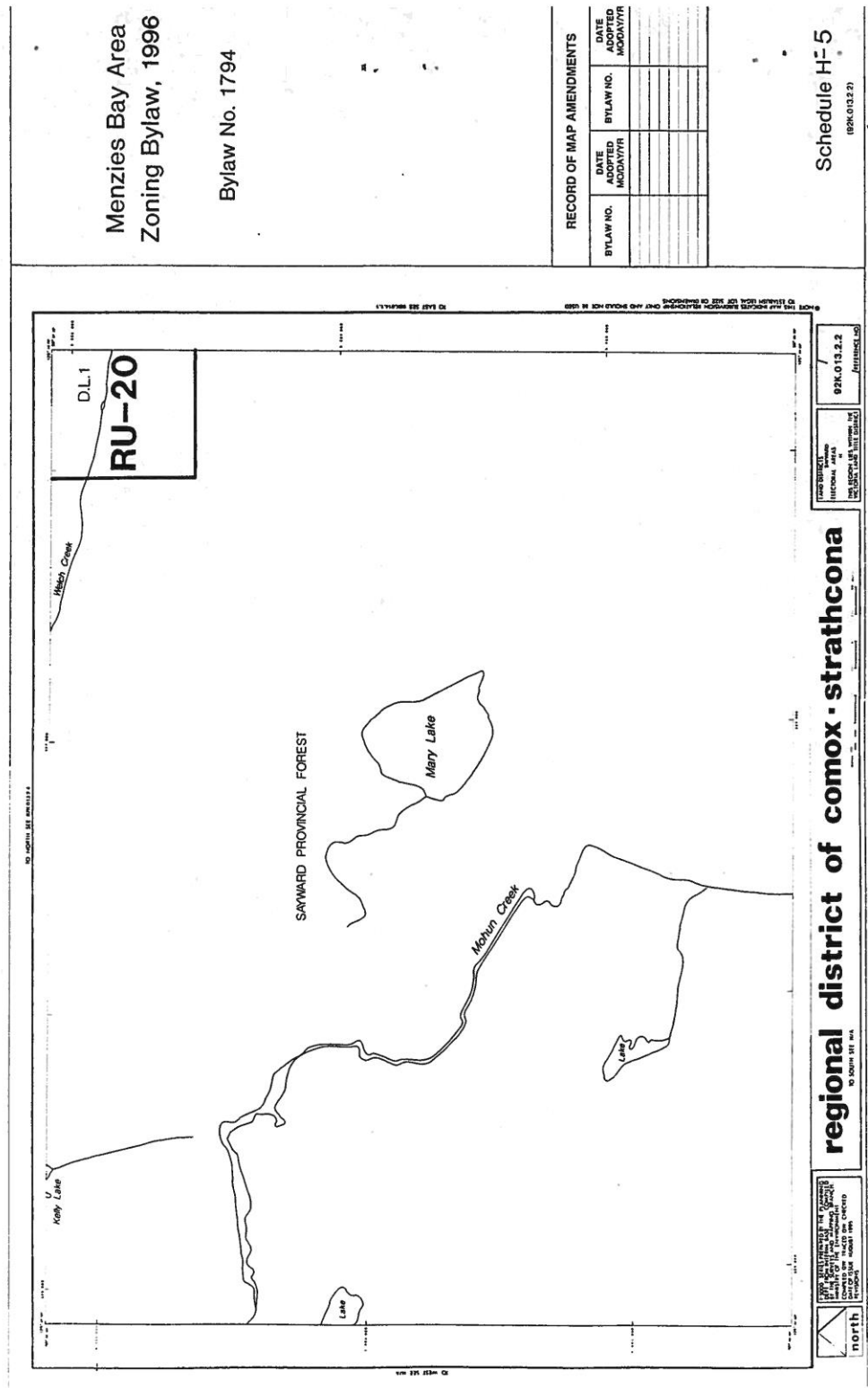


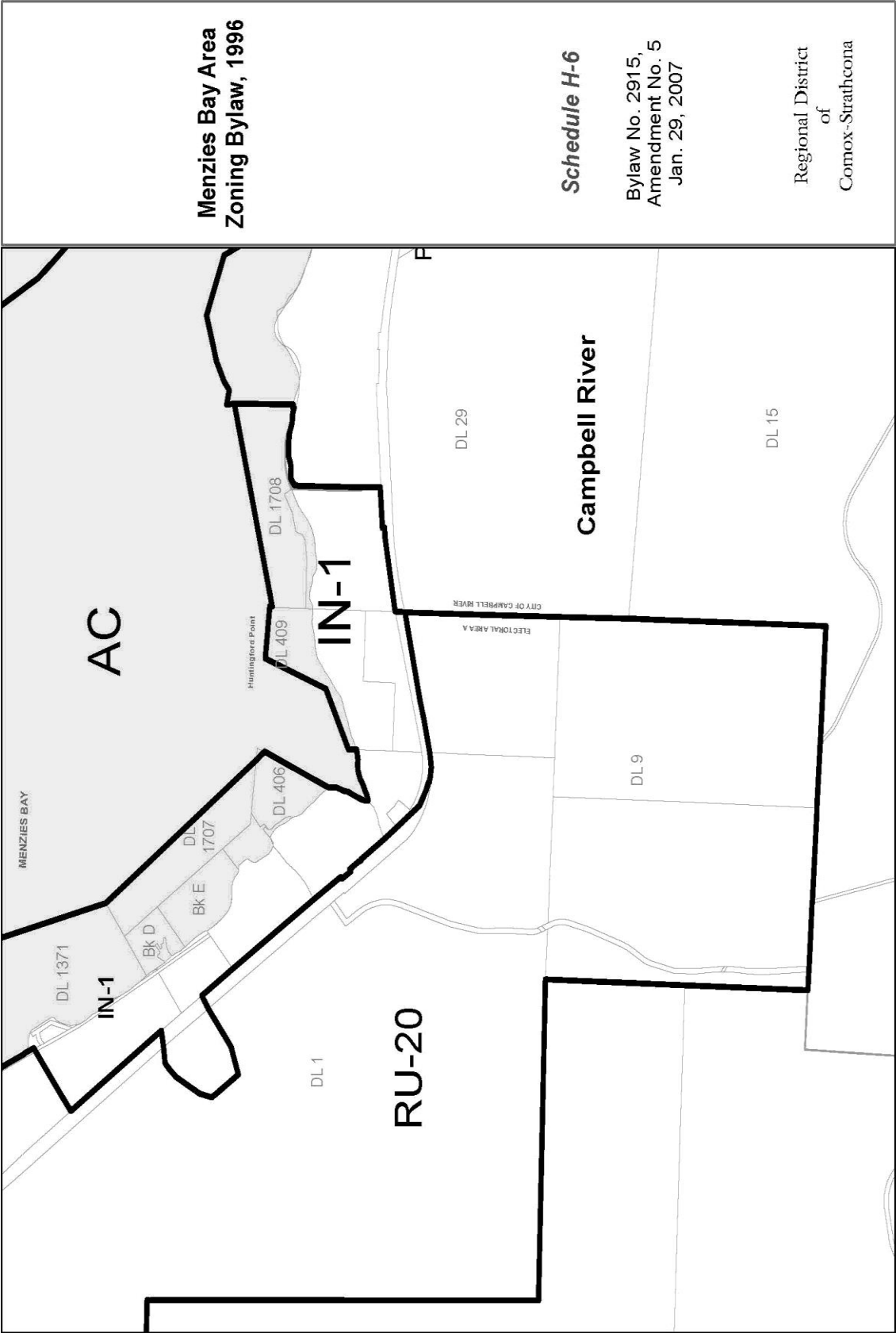




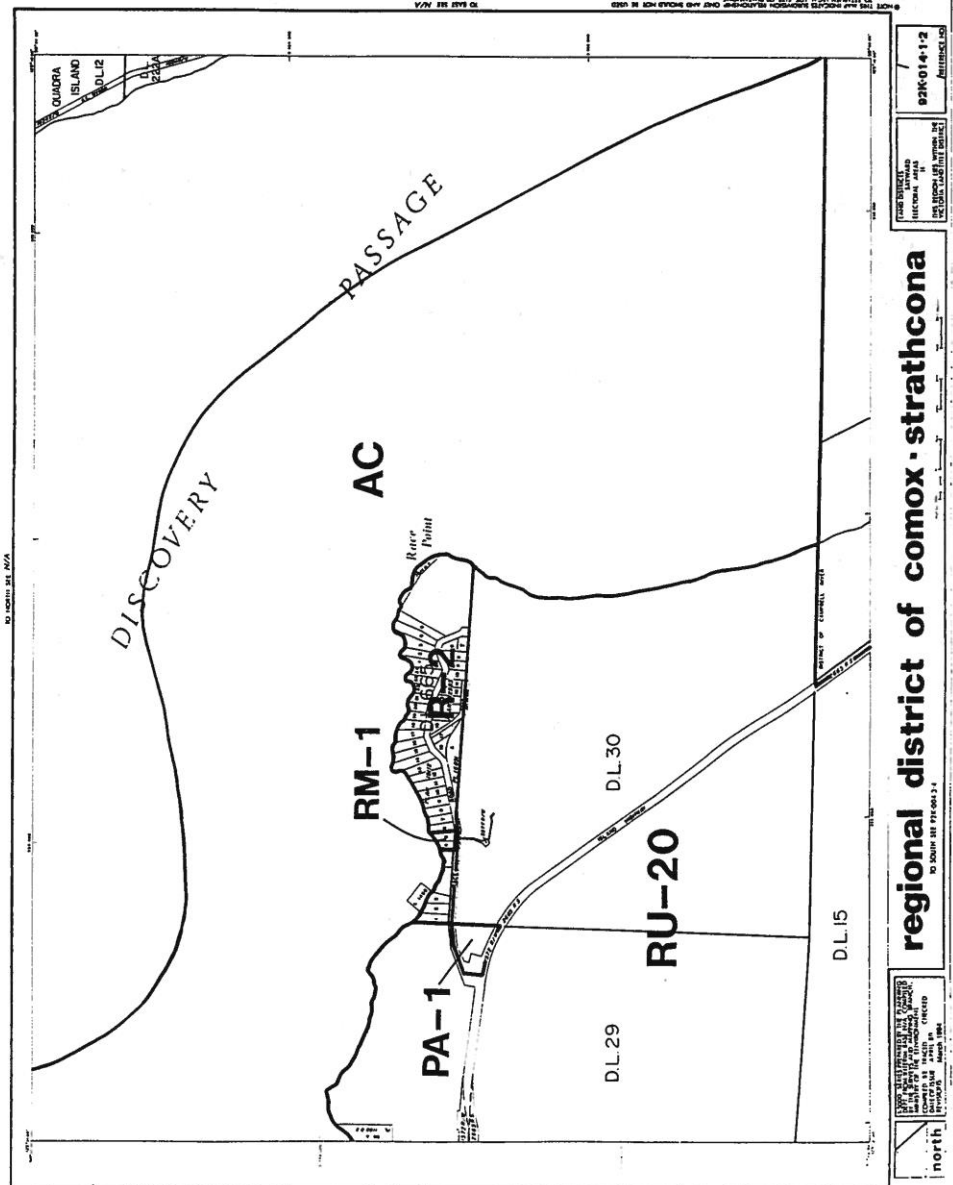








Bylaw No. 1794

[illegible]Schedule H-7
(92K014.12)

Bylaw No. 1794

[illegible]

Schedule H-8

