



Making a difference...together

BYLAW NO. 3602

Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED MARCH 3, 2010

(Includes all amending bylaws adopted by November 10, 2021)

(Consolidated with Amending Bylaws 3684, 3926, 3958, 4022, 4412)

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AMENDING BYLAWS CONSOLIDATED

Bylaw No.	Type	Date Adopted	Purpose
3684	Text and Map	October 13, 2010	Z-03-08 – New CD-2 Zone
3926	Text	January 14, 2015	Medical Marihuana Provisions
3958	Text	January 14, 2015	Definition Outdoor Recreation
4022	Text and Map	December 9, 2015	RZ000237 – New RL-MT Zone
4412	Text	November 10, 2021	Amend Permitted Use Exceptions and Delete Outdoor Recreation Definition and Permitted Use

SECTION 5 TITLE

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

SECTION 6 IMPLEMENTATION

READ A FIRST TIME THIS 11th day of March, 2009

READ A SECOND TIME THIS 10th day of February, 2010

READ A THIRD TIME THIS 10th day of February, 2010

Schedule "A" of this Bylaw is approved by the Minister of Transportation and Infrastructure this 19th day of February, 2010

ADOPTED this 3rd day of March, 2010

Original signed by Geoff Young
CHAIR

Original signed by Carmen Thiel
CORPORATE OFFICER

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

Table of Contents

I.	INTERPRETATION AND ADMINISTRATION.....	7
II.	DEFINITIONS.....	8
	SCHEDULE A.....	16
	PART 1 ADMINISTRATION OF THE LAND USE REGULATIONS.....	16
	1.1 Application.....	16
	1.2 Conformity.....	16
	1.3 Non-conforming Uses.....	16
	1.4 Enforcement.....	16
	1.5 Violation.....	16
	1.6 Penalty.....	16
	1.7 Metric Units.....	17
	1.8 Other Legislation.....	17
	1.8.1 Agricultural Land.....	17
	1.8.2 Private Managed Forest Land.....	17
Part 2	GENERAL LAND USE ZONING REGULATIONS.....	18
	2.1 Application of the General Regulations.....	18
	2.2 Accessory Buildings.....	18
	2.3 Minimum Parcel Size Exceptions.....	18
	2.4 Permitted Use Exceptions.....	19
	2.5 Access to Arterial Highways.....	19
	2.6 Parcels divided by highways, other Parcels or Rivers.....	19
	2.7 Garages attached to a principal building.....	19
	2.8 Height exceptions.....	19
	2.9 Home-based business.....	20
	2.10 Bed and Breakfast.....	20
	2.11 SUITES.....	21
	2.11 a) Secondary Suites.....	21
	2.11 b) Detached Accessory Suites.....	22
	2.12 Setback Area Exceptions.....	23
	2.13 Parking Regulations.....	23
	2.14 Conversion of Buildings.....	24
	2.15 Lots divided by zone boundary.....	24
	2.16 Prohibited Uses.....	24
	2.17 Residential Uses.....	25
	2.18 Fences.....	25
	2.19 Projections into Required Yards.....	25
	2.20 Location and Siting of Buildings.....	25
Part 3	CREATION OF ZONES.....	26
	3.1 Definition of Zones.....	26
	3.2 Locations of Zones.....	26
PART 4	ZONING DISTRICTS.....	27
	4.1 Resource Land (RL).....	27
	4.1.1 Permitted Uses.....	27
	4.1.2 Regulations.....	27
	4.1A RESOURCE LAND - METEOROLOGICAL TOWER (RL-MT).....	29
	4.1A.1 Permitted Uses.....	29
	4.1A.2 Regulations.....	29
	4.2 Rural Resource Land (RRL).....	31
	4.2.1 Permitted Uses.....	31

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

4.2.2	Regulations	31
4.3	Gordon River Recreation (GR).....	33
4.3.1	Permitted Uses.....	33
4.3.2	Regulations	33
4.4	Agriculture (AG)	35
4.4.1	Permitted Uses.....	35
4.4.2	Regulations	35
4.5	Water Supply Area (W)	37
4.5.1	Permitted Uses.....	37
4.6	Comprehensive Development Zone (CD-2).....	38
4.6.1	Permitted Uses.....	38
4.6.2	Regulations	38
PART 5	FLOODPLAIN REGULATIONS	40
5.1	Floodplain Designation.....	40
PART 6	LOTS CREATED BY SUBDIVISION.....	42
6.1	Subdivision Regulations	42
6.2	Parkland and School Site Dedication Policies	42
PART 7	SERVICING REQUIREMENTS	44
7.1	Roads and Servicing.....	44
7.2	Utilities and Public Use	44

List of Maps

Maps Numbered 1 – 2 are attached to this Bylaw.

Map No. 1: Location

Map No. 2: Official Land Use Zoning Map

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

I. INTERPRETATION AND ADMINISTRATION

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

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

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

II. DEFINITIONS

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

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

ACTIVE FLOODPLAIN means an area of land that supports floodplain plant species and is adjacent to a watercourse that may be subject to temporary, frequent or seasonal inundation.

AGRICULTURE means a farm use as defined in the *Agricultural Land Commission Act and Regulations*; specifically excludes Intensive Agriculture and all manufacturing, processing, storage and repairs not specifically included in this definition, on non-ALR lands.

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

AGRICULTURE, INTENSIVE – MEDICAL MARIHUANA PRODUCTION means a use related to the growing, production, processing, selling, provision, shipping, delivering, transporting, destroying, research, exporting and/or importing of marihuana for medical purposes undertaken by a medical marihuana licensed producer pursuant to the Marihuana for Medical Purposes Regulation, *SOR/2013-119*.
(Bylaw 3926)

BED AND BREAKFAST means the accessory use of up to a maximum of four bedrooms in a single family dwelling or accessory building for tourist accommodation on a nightly basis. Such use may include breakfasts served in the single family dwelling. The area designated for bed and breakfast use shall not contain the following:

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

BED AND BREAKFAST UNIT means temporary accommodation provided in a Bed and Breakfast and consisting of a sleeping room, a bathroom or a shared bathroom, and may include a sitting room or a share in a sitting room; specifically excludes kitchens.

BOAT STORAGE means the enclosed or unenclosed dry land storage of boats for repair or off season.

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy.

CABIN means a structure or building less than 90 m² which is used as temporary accommodation for the travelling public; which may or may not include a kitchen or sanitary facilities.

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

CAMPGROUND means a site operated as temporary accommodation for travellers in travel trailers, recreation vehicles or tents; excludes mobile home parks, motels and hotels; may include sanitary and laundry facilities.

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

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

CONTIGUOUS means adjacent and touching.

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

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

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

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

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

DWELLING UNIT means one or more rooms which comprise a self-contained unit used or intended to be used for habitation by one or more residents, including living, sleeping, sanitary facilities and a single kitchen; includes mobile homes, modular homes or prefabricated dwellings meeting CSA-A277 or CSA-Z240 standards or equivalent, but not recreational vehicles, tents, buses, travel trailers or other vehicles.

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

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

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

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

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

ENVIRONMENTALLY SENSITIVE AREA means any parcel of land or area that has environmental attributes worthy of retention or special care. Environmentally sensitive areas range in size from small patches to extensive landscape features and includes rare habitats, plants and animals. This area designation will be determined by accredited professionals, within their area of expertise.

FARM means an area of land used for ‘agriculture’ or land classified as a farm under the *Assessment Act*, or both.

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

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

FLOODPLAIN PLANT SPECIES means plant species typical of an area with inundated or saturated soil conditions and not commonly found on freely drained adjacent upland sites.

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

FLOOR AREA, TOTAL means the sum of the floor areas of each storey and basement of a structure.

GARAGE means an attached or detached roofed enclosure or carport used for the storage or parking of motor vehicles.

GOVERNMENT SERVICES means the use of land, a building, structure, facilities or other works by the Capital Regional District.

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

GRADE means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

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

HIGH WATER MARK means natural boundary.

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

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

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

KITCHEN means a room or a space in a building designed or used for the preparation or storage of food and which contains a sink, refrigerator, or stove.

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

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

MEDICAL MARIHUANA LICENSED PRODUCER means a licensed producer pursuant to the Marihuana for Medical Purposes Regulation, *SOR/2013-119* authorized to grow, produce, possess, sell, provide, ship, deliver, transport, destroy, research, export and/or import marihuana for medical purposes. *(Bylaw 3926)*

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

METEOROLOGICAL TOWER means a tower which carries equipment, such as anemometers, wind direction vanes, and temperature and pressure sensors, and is designed to assess a wind resource. (Bylaw 4022)

NATURAL BOUNDARY means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of its banks, in vegetation as well as in the nature of the soil itself as defined in the *Land Act*; and the edge of dormant side channels of any lake, river, stream or other body of water and includes the active floodplain.

NATURAL GRADE means the average elevation above sea level of all of the ground covered by the existing or proposed building area.

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

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

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

PARCEL LINE means a line which marks the boundary of parcel and in particular.

FRONT PARCEL LINE means a front parcel line that abuts a highway, and in respect of a corner parcel is the shortest parcel line abutting a highway.

FRONT PARCEL LINE, PANHANDLE means any parcel line adjoining and approximately perpendicular to the access strip, but excluding any extension of the parcel line in the access strip.

SIDE PARCEL LINE means a parcel line other than a front or rear parcel line.

REAR PARCEL LINE means the line of a parcel that lies the most opposite to and is not connected to the front parcel line.

PARCEL WIDTH means the mean distance measured from one side parcel line perpendicular to the opposite side parcel line.

POTABLE WATER means water which meets the standards in the *Drinking Water Protection Regulation*.

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

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

PROCESSING FACILITY means the use of land buildings or structures for the sorting, crushing, washing, screening, scaling, milling, processing or storage of material.

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

QUALIFIED PROFESSIONAL (QP) means a professional whose professional skills will be related to the issue to be addressed, including:

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

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

RECREATION VEHICLE SHELTER means an unenclosed structure consisting of posts and a roof to shelter a recreation vehicle, boat or boat trailer.

REGIONAL BOARD means the Capital Regional District Board.

RESOURCE EXTRACTION means the removal of resource products, such as but not limited to forest or mining products, by either physical labour or with machinery or a combination of the two.

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

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

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

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

RIPARIAN ASSESSMENT AREA means, as defined by the *Riparian Areas Regulation*:

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

SECONDARY SUITE means a suite approved by building permit pursuant to the *British Columbia Building Code*.

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

STAFF ACCOMMODATION means a building or structure used for temporary sleeping accommodation in rooms in a hostel-style facility containing up to four beds where laundry, sanitary and kitchen facilities are provided.

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

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

TEMPORARY ACCOMMODATION means a total length of stay of not more than 60 consecutive days or a total of six months per calendar year.

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

TOURISM USES means a facility, building or uses for tourists including: cabins, campgrounds, recreational vehicle sites, resorts and tourist lodges.

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

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

TSUNAMI HAZARD AREA means the tsunami hazard area for emergency planning is the upland area extending from the high tide line to an inundation zone elevation determined by Provincial Emergency Preparedness.

WALKWAY means a covered or roofed pedestrian thoroughfare or breezeway that is no greater than 14 m² in area used to connect two or more buildings.

WATERCOURSE means a permanent or non-permanent (containing water at least six months of the year) source of water supply that is natural or man-made, including a pond, lake, river, creek, brook, ditch, spring or wetland that is integral to a stream, with well defined banks and a bed of 0.6m or more below the surrounding land serving to give direction to or containing a current of water but does not apply to a man-made pond that does not connect to a stream.

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

ZONE means a zone established under this Bylaw.

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

**SCHEDULE A
PART 1 ADMINISTRATION OF THE LAND USE REGULATIONS**

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

1.1 APPLICATION

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

1.2 CONFORMITY

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

1.3 NON-CONFORMING USES

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

Lots that are, at the time this bylaw is adopted, smaller than the minimum parcel size requirements established by this bylaw are considered to conform to the minimum parcel size requirements.

1.4 ENFORCEMENT

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

1.5 VIOLATION

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

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

1.6 PENALTY

A person who contravenes this bylaw is liable on summary conviction to a penalty of not less than \$200 and not more than the maximum prescribed under the *Offence Act* and to the costs of prosecution.

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

1.7 METRIC UNITS

Metric units are used for all measurements in this bylaw.

1.8 OTHER LEGISLATION

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

1.8.1 Agricultural Land

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

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

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

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

1.8.2 Private Managed Forest Land

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

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

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

Part 2 GENERAL LAND USE ZONING REGULATIONS

2.1 APPLICATION OF THE GENERAL REGULATIONS

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

2.2 ACCESSORY BUILDINGS

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

2.3 MINIMUM PARCEL SIZE EXCEPTIONS

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

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

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

2.4 PERMITTED USE EXCEPTIONS

Despite the regulations set out in this bylaw, the following uses are permitted in all zones except the Water Supply Area:

- The keeping of a total of four dogs and/or cats;
- Government services;
- Ecological reserves;
- Fish and wildlife habitat;
- Fish hatchery on lots greater than 4 ha;
- Parks, hiking trails, horse trails and bicycle paths; and (Bylaw 4412)
- Watershed protection and erosion control.

2.5 ACCESS TO ARTERIAL HIGHWAYS

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

There must be no direct access to a controlled access highway without the approval of the Ministry of Transportation.

2.6 PARCELS DIVIDED BY HIGHWAYS, OTHER PARCELS OR RIVERS

Where a parcel of land is severed by a highway dedicated prior to the date of adoption of this bylaw, or the San Juan River or Gordon River or is non-contiguous and under one title, the areas created by such division must be deemed to be separate parcels of land for the purposes of determining parcel coverage, setbacks and the number of permitted dwelling units per parcel.

Where a parcel of land is severed by a highway dedicated prior to the date of adoption of this bylaw, or the San Juan River or Gordon River or is non-contiguous, the Approving Officer may consider allowing a subdivision to create a separate parcel of land for each severed parcel provided that an adequate building area is identified and the proposed subdivision complies with all other regulations outlined in this bylaw.

2.7 GARAGES ATTACHED TO A PRINCIPAL BUILDING

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

2.8 HEIGHT EXCEPTIONS

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

- Flag poles;
- Chimneys;
- Public communication towers, antennas or masts for the reception of communication signals;
- Meteorological towers; (Bylaw 4022)
- Public weather stations;
- Viewing towers not exceeding 10 m²;

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

- Wind power generating towers;
- Fire Halls;
- Farm buildings;
- Community Halls.

2.9 HOME-BASED BUSINESS

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

- 1) There shall be no external display or advertisement other than a sign that shall not exceed 0.4 m² in area.
- 2) A home-based business must be conducted entirely within a dwelling or within a building accessory to a dwelling or in an outdoor area less than 80 m² located not less than 30 m from any lot line.
- 3) The floor area of the home-based business must not exceed 40 percent (40%) of the entire floor area of the entire dwelling or 80 m² in an accessory building.
- 4) Limited outdoor storage of material, containers or finished products shall be permitted. The outside storage area must be screened.
- 5) Not more than two business related commercial vehicles or machines shall be parked on the property.
- 6) Outdoor storage of materials, equipment or containers related to the operation shall be located not less than 30 m from any lot line and shall be screened from view from the public road and adjacent properties.
- 7) Includes Bed and Breakfast operations.

2.10 BED AND BREAKFAST

- 1) A bed and breakfast use when permitted in any zone shall be subject to the following regulations:
 - a) Bed and Breakfast units shall be located in the principal dwelling or an accessory building except as otherwise permitted in this bylaw.
 - b) The total number of Bed and Breakfast units shall be four per parcel of land.
 - c) The maximum size of all Bed and Breakfast units combined shall be 200 m².
 - d) The total floor area of any Bed and Breakfast unit must not exceed 55 m².
- 2) The maximum number of persons staying in the Bed and Breakfast shall not exceed 12.
- 3) Breakfast meals and boxed lunches may be served to registered guests.
- 4) Bed and Breakfast operations must not increase vehicular traffic flow and parking by more than one vehicle at a time for each unit in the Bed and Breakfast, nor shall they involve the use of commercial vehicles for delivery of materials to or from the premises, or parked on the property, except for occasional deliveries consistent with the normal residential use of the property.

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

- 5) Side and rear setbacks for an accessory building used for Bed and Breakfast units shall be the same as for the principal dwelling in the zone in which it is located.
- 6) Bed and Breakfast units located in the principal dwelling unit may include a coffee maker, kettle, microwave oven and refrigerator.
- 7) Bed and Breakfast units wholly contained in a permitted accessory building may include a coffee maker, kettle, microwave oven, sink and refrigerator.
- 8) One non-resident employee is permitted.

2.11 SUITES

2.11 a) Secondary Suites

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

- 1) A building permit must be obtained for a secondary suite. An assessment of the property's ability to accommodate an increase in onsite sewerage capacity i.e., that the system is capable of supporting the additional effluent flow produced by the suite is required. An Authorized Person as defined in the Public Health Sewerage System Regulation is to conduct the assessment and determine whether an expansion of the existing system would be possible and submit a letter either authorizing the existing system is satisfactory or requiring specific upgrades.
- 2) Proof of source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1400 litre per day.
- 3) The secondary suite shall not exceed 90 m² or 40% of the area of the principal single-family dwelling unit, whichever is less.
- 4) Only one secondary suite or one detached accessory suite shall be permitted per lot.
- 5) Secondary suites are only permitted in the principal single family dwelling.
- 6) Secondary suites are not permitted in accessory buildings, two-family dwellings or mobile homes.
- 7) The keeping of boarders and lodgers shall not be permitted within a single family dwelling containing a secondary suite.
- 8) An owner of the lot must occupy either the secondary suite or the single family dwelling.
- 9) One off street parking space in addition to those required for the principal residential use shall be provided.

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

2.11 b) Detached Accessory Suites

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

- (a) A detached accessory suite shall only be permitted if the parcel size is 0.4 ha or greater.
- (b) Only one detached accessory suite or one secondary suite shall be permitted per lot.
- (c) The detached accessory suite can be freestanding or combined with an accessory building.
- (d) A building permit must be obtained for a detached accessory suite. An assessment of the property’s ability to accommodate an increase in onsite sewerage capacity i.e., that the system is capable of supporting the additional effluent flow produced by the suite, is required. An Authorized Person as defined in the Public Health Sewerage System Regulation is to conduct the assessment and determine whether an expansion of the existing system would be possible and submit a letter either authorizing the existing system is satisfactory or requiring specific upgrades.
- (e) Proof of source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1400 litre per day.
- (f) The floor area of a detached accessory suite shall not exceed 90 m².
- (g) The maximum height of an accessory building used for a detached accessory suite shall be 7 m to the peak of roof of a one storey building.
- (h) Detached accessory suites must be located within the same front, side and rear yard setbacks as the principal dwelling.
- (i) One additional on-site parking space shall be provided for a detached accessory suite.
- (j) Access to the detached accessory suite is to be provided from the same road access that provides access to the principal dwelling or a second access must be approved by the Ministry of Transportation and Infrastructure.
- (k) The detached accessory suite may be in the form of manufactured or modular home but shall not exceed a length of 13 m, but does not include a Recreation Vehicle or Travel Trailer.
- (l) An owner of the lot must occupy either the detached accessory suite or the principal dwelling.
- (m) The keeping of boarders and lodgers shall not be permitted within a single family dwelling on a lot containing a detached accessory suite.
- (n) A bed and breakfast use shall only be permitted in the principal dwelling unit on a lot containing a detached accessory suite.

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

2.12 SETBACK AREA EXCEPTIONS

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

- Signs and fences;
- Public communication towers, antennas or masts for the reception of communication signals;
- Weather stations;
- A patio or terrace without a roof provided that the patio or terrace does not extend more than 1m into the setback area;
- A fire escape provided that the fire escape does not extend more than 1m into the setback area;
- A display yard, storage yard, parking spaces or loading spaces, provided that the display yard, storage yard, parking space or loading space is not located within 1m of any parcel boundary;
- A pump-house.

2.13 PARKING REGULATIONS

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

<u>Class of Building/Use</u>	<u>Required Number of Spaces</u>
Dwelling, One Family	two per dwelling unit plus one for a secondary suite or detached accessory suite
Dwelling, Two Family	two per dwelling unit
Bed and Breakfast	one space for every bedroom offered to patrons plus one per employee
Home Based Business	one space for every 40 m ² of area used for the home business
Tourism Uses	one per cabin, campsite or bedroom plus one per employee
Marina	one per two boat spaces plus one per employee
Restaurant	one per three seats plus one per employee

- 3) Each off street parking site must not be less than 2.5 m wide and 5.5 m long. Each site must have a vertical clearance of not less than 2.5 m in height.
- 4) All parking areas must reduce off-site storm water drainage from the site and pervious surfacing is recommended.

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

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

2.14 CONVERSION OF BUILDINGS

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

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

2.15 LOTS DIVIDED BY ZONE BOUNDARY

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

2.16 PROHIBITED USES

- 1) Any use not expressly permitted in a zone is prohibited;
- 2) The following uses shall be prohibited in all zones:
 - a) the keeping, other than in a garage or carport on a lot, of more than six vehicles which do not have attached or affixed thereto vehicle number plates for the current license year issued in respect of that vehicle, in the manner prescribed in the *Motor Vehicle Act* and Regulation;
 - b) the keeping of more than two recreational vehicles on a lot, except for lands zoned Gordon River Recreation (GR);
 - c) the keeping on any lot of detached parts of vehicles unless stored in a building;
 - d) the siting of permitted unlicensed vehicles in the side, rear and front yard setbacks;
 - e) the unenclosed storage of disused or discarded items, junk, scrap metal or unsightly material;
 - f) the keeping of alien species as defined in the *Wildlife Act*;
 - g) the public display of electronic signs.

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

2.17 RESIDENTIAL USES

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

2.18 FENCES

The following limitations apply:

- 1) Solid fences not greater than 2 m may be located anywhere on a lot.
- 2) Walls not greater than 1.2 m in height may be located anywhere on a lot.
- 3) The height of a fence or wall shall be determined by measurement from natural grade.

2.19 PROJECTIONS INTO REQUIRED YARDS

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

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

2.20 LOCATION AND SITING OF BUILDINGS

- 1) No principal or accessory structure or use shall be located in any required front, side, flanking or rear yard except as provided for elsewhere in this bylaw, and except for fences and retaining walls;
- 2) No swimming pool shall be located in any required front yard or less than 3 m from any side or rear lot line;
- 3) An area within a dwelling unit less than 2 m in height shall not be used as habitable space.

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

Part 3 CREATION OF ZONES

3.1 DEFINITION OF ZONES

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

3.2 LOCATIONS OF ZONES

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

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

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

PART 4 ZONING DISTRICTS

4.1 RESOURCE LAND (RL)

4.1.1 Permitted Uses

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

- a) Dwelling unit;
- b) Resource Extraction; and
- c) Agriculture.

(Bylaw 4412)

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

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

4.1.2 Regulations

On a parcel located in an RL zone:

Minimum Parcel Size for Subdivision Purposes

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

Density Provisions

- a) One single-family dwelling;
- b) One secondary suite or one detached accessory suite.

Height

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

- a) Dwelling unit 9 m;
- b) All others 6 m.

Setbacks

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

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

Setbacks for Agriculture Uses and Farm Buildings adjacent to non-farm parcels

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

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

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

4.1A RESOURCE LAND - METEOROLOGICAL TOWER (RL-MT)

4.1A.1 Permitted Uses

This zone applies to:

- PID: 003-418-685; Lot A, Block 1264, and District Lot 124, Malahat District, Plan 21358
- PID: 003-034-372; Lot 1, Block 1263 and of District Lot 124, Malahat District, Plan 24436
- PID: 003-034-429; Lot A, District Lot 124, and of Block 1271, Malahat District, Plan 24437
- PID: 003-383-202; Lot 1, Block 1270, District Lot 124, Malahat District, Plan 21327
- PID: 003-521-958; Lot 1 Of Lot 123, Block 1299, Malahat District, Plan 20837
- PID: 008-024-103; Block 1410, Malahat District, Containing 8714 Acres More Or Less
- PID: 009-377-298; Block 1234, Malahat District And Cowichan Lake Districts
- PID: 009-382-607; Block 1272, Malahat District

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

- a) Dwelling unit;
- b) Resource Extraction;
- c) Agriculture; and
- d) Meteorological Tower.

(Bylaw 4412)

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

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

(Bylaw 4022)

4.1A.2 Regulations

On a parcel located in the RL-MT zone:

Minimum Parcel Size for Subdivision Purposes

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

Density Provisions

- a) One single-family dwelling;
- b) One secondary suite or one detached accessory suite.

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

Height

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

- a) Dwelling unit: 9 m;
- b) All other buildings and structures: 6 m.

Setbacks

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

Setbacks for Agriculture Uses and Farm Buildings adjacent to non-farm parcels

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

- a) Front yards shall be a minimum of 30 m;
- b) Interior and exterior side yards shall be a minimum of 15 m;
- c) Rear yards shall be a minimum of 15 m.

(Bylaw 4022)

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

4.2 RURAL RESOURCE LAND (RRL)

4.2.1 Permitted Uses

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

- a) Dwelling unit;
- b) Resource Extraction; and
- c) Agriculture.

(Bylaw 4412)

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

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

4.2.2 Regulations

On a parcel located in an RRL zone:

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size for subdivision purposes is 4 ha;
- b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size for parcels to be subdivided is 4 ha.

Density Provisions

- a) One single-family dwelling;
- b) One secondary suite or one detached accessory suite.

Height

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

- a) Dwelling unit 9 m;
- b) All others 6 m.

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

Maximum Size of Residential Buildings

- a) Provided that percolation and septic field requirements are met pursuant to the *Sewerage System Regulation*, residential buildings and structures shall not exceed a total floor area of 418 m².

Setbacks

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

Setbacks for Agriculture Uses and Farm Buildings adjacent to non-farm parcels

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

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

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

4.3 GORDON RIVER RECREATION (GR)

4.3.1 Permitted Uses

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

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

Permitted accessory uses and buildings include the following:

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

4.3.2 Regulations

On a parcel of land located in the GR zone:

Minimum Parcel Size for Subdivision Purposes

The minimum parcel size for subdivision purposes is 32 ha;

Density Provisions

- a) One dwelling unit per hectare;
- b) Twenty campsites, recreational vehicle sites, cabins or hotel units per hectare to a maximum of 250 tourist accommodation units;
- c) A maximum of 300 boat slips associated with the marina;
- d) A maximum of two staff accommodation units are allowed on each parcel of land; and
- e) One recreation vehicle shelter to a maximum of 75 m² per site.

Height

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

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

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

Maximum Size of Residential Buildings

- a) Provided that percolation and septic field requirements are met pursuant to the *Sewerage System Regulation*, residential buildings and structures shall not exceed a total floor area of 418 m².

Size Restrictions

- a) Staff accommodation units must not exceed 84 m²;
- b) Cabins must not exceed 90 m²;
- c) Dwelling unit must not exceed 418 m²;
- d) Hotel must not exceed 1500 m²; and
- e) Tourist Lodges must not exceed 1000 m².

Setbacks

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

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

Accessory Buildings

- a) In addition to the accessory coverage permitted on the property under Section 2.2 of this bylaw, each cabin and recreation vehicle site may contain a maximum of one storage shed or deck, excluding covered decks, carports or habitable structures, not to exceed dimensions of 10 m².
- b) Campsites may not contain structures of any kind.

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

4.4 AGRICULTURE (AG)

4.4.1 Permitted Uses

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

- a) Dwelling Unit;
- b) Agriculture;
- c) Intensive Agriculture, subject to approval from the Agricultural Land Commission;
- d) Resource Extraction, subject to approval from the Agricultural Land Commission;
- e) Intensive Agriculture – Medical Marihuana Production is permitted on lands within the Agricultural Land Reserve.

(Bylaw 3926)

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

- a) Home-based business;
- b) Bed and Breakfast;
- c) Accessory buildings ancillary to any permitted use; and
- d) Dwelling unit for farm labourers, subject to approval from the Agricultural Land Commission.

4.4.2 Regulations

On a parcel of land located in an AG zone:

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size is 4 ha;
- b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size is 1 ha subject to approval by the Agricultural Land Commission in accordance with the *Home Site Severance Policy #11*.

Density Provisions

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

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

Height

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

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

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

Maximum Size of Residential Buildings

- a) Provided that percolation and septic field requirements are met pursuant to the *Sewerage System Regulation*, residential buildings and structures shall not exceed a total floor area of 418 m².

Setbacks

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

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

Setbacks for Agriculture Uses and Farm Buildings adjacent to non-farm parcels

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

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

Setbacks for Intensive Agriculture and Intensive Agriculture – Medical Marihuana Production Buildings

Setbacks for Intensive Agriculture and Intensive Agriculture – Medical Marihuana Production Buildings are as follows:

- a) 30 m of a front parcel line;
b) 30 m of an interior or exterior side parcel line; and
c) 30 m of a rear parcel line.

(Bylaw 3926)

Additional Requirements

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

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

4.5 WATER SUPPLY AREA (W)

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

4.5.1 Permitted Uses

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

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

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

4.6 COMPREHENSIVE DEVELOPMENT ZONE (CD-2)

4.6.1 Permitted Uses

1) In the area marked “A” (“Area A”) as shown on Plan No. 1 attached to this Bylaw:

(a) A One-Family Dwelling;

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

- a) Home-based business;
- b) Bed and Breakfast;
- c) Secondary suite;
- d) Detached Accessory suite;
- e) Accessory buildings ancillary to any permitted use;

2) In the area marked “B” (“Area B”) as shown on Plan No. 1 attached to this Bylaw:

- a) One Tourist Lodge or one one-family dwelling per parcel;
- b) Each Tourist Lodge shall have a maximum of 10 units for the travelling public;
- c) Each Tourist Lodge shall have a maximum of one unit for staff accommodation;
- d) Each Tourist Lodge shall have a maximum of one unit for the owner/operator.
(Bylaw 3684)

4.6.2 Regulations

Subdivision Regulations

- a) Where the amenities referred to below are provided; an average gross density equivalent of 2 ha per parcel is permitted;
- b) Where the amenities referred to below are not provided, the minimum parcel size is 120 ha; and
- c) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size is 120 ha.

Parcel Averaging

For the purposes of this zone, parcel averaging is permitted except that no parcel shall be less than 1 ha.

Amenities

The Amenities include the provision of the following:

- a) The transfer of lands to protect First Nation cultural features to the Capital Regional District;
- b) The provision of proposed land for a 3-5 stall parking area and a heli-pad through a statutory right-of-way for the Capital Regional District;
- c) Designation of protected wildlife corridor by restrictive covenant over the steep slope and riparian areas in favour of the Capital Regional District; and

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

- d) Designation of flood lands below the 20 m tsunami inundation zone by restrictive covenant in favour of the Capital Regional District.

Density Provisions

- 1) One of the following types of dwelling units is permitted on a parcel of land in the area marked “A” (“Area A”) as shown on Plan No. 1: Comprehensive Development Two Zone attached to this Bylaw:
- a) One one-family dwelling;
 - b) One secondary suite or one detached accessory suite.
- 2) The following are permitted on a parcel of land in the area marked “B” (“Area B”) as shown shaded on Plan No. 1: Comprehensive Development Zone attached to this Bylaw:
- a) One Tourist Lodge or one one-family dwelling per parcel;
 - b) Each Tourist Lodge shall have a maximum of 10 units for the travelling public;
 - c) Each Tourist Lodge shall have a maximum of one unit for staff accommodation;
 - d) Each Tourist Lodge shall have a maximum of one unit for the owner / operator.

Height

The maximum height of a dwelling unit or tourist lodge shall be 9 m.

Maximum Size of Buildings

- (a) Provided that percolation and septic field requirements are met pursuant to the *Provincial Sewerage System Regulation*, a one-family dwelling shall not exceed a Total Floor Area of 418 m²; and
- (b) A Tourist Lodge shall not exceed a Total Floor Area of 1000 m².

Setbacks

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

- a) 7.5 m of a front parcel line;
- b) 6 m of an interior or exterior side parcel line; and
- c) 10 m of a rear parcel line.

(Bylaw 3684)

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

PART 5 FLOODPLAIN REGULATIONS

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

5.1 FLOODPLAIN DESIGNATION

The following land is designated as Floodplain:

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

Flood Construction Levels

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

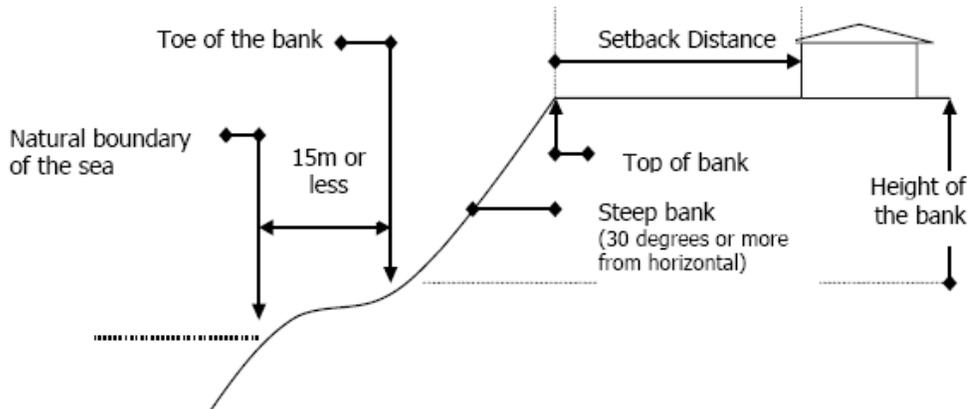
- a) 3 m above the Natural Boundary of the sea, any watercourse, lake, marsh or pond.

Vertical elevation levels recommended by the Provincial Emergency Program for identified tsunami hazard areas are considered to be flood construction levels for such areas.

Floodplain Setbacks

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

- a) 15 m from the natural boundary of the sea, or 30 m from the natural boundary of a lake, marsh, pond or any other watercourse or 15 m from top of bank of a ravine less than 60 m wide or 10 m from the top of bank of a ravine 60 m wide or greater;
- b) where the building site is at the top of a steep bank (30 degrees or more from horizontal) and where the toe of the bank is subject to erosion and is closer than 15 m from the natural boundary of the sea or any watercourse, the setback shall be a horizontal distance from the top of bank equal to three times the height of the bank as measured from the toe of the bank.



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

Application of Flood Construction Levels and Floodplain Setbacks

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

Floodplain Exemption

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

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

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

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

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

PART 6 LOTS CREATED BY SUBDIVISION

6.1 SUBDIVISION REGULATIONS

- 1) Notwithstanding the minimum lot area requirements specified in this bylaw, existing lots which are smaller than permitted in these regulations may be consolidated and re-subdivided into new lots, provided that:
 - a) all parts of the new lots are contiguous;
 - b) no additional lots are created;
 - c) the boundary change does not result in the reduction of any affected lot by 20% or more of its original size;
 - d) all the other requirements of this bylaw are met.
- 2) Where a lot being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be one tenth of the perimeter of the lot that fronts on the highway;
- 3) If a panhandle lot is not capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point shall be 6 m;
- 4) If a panhandle lot is capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point shall be 20 m;
- 5) A Professional Engineer experienced in the science of groundwater or a Professional Hydrogeologist shall be responsible for the location, design and evaluation of the groundwater wells. The professional must be duly registered and licensed under the provisions of the *Engineers and Geoscientists Act* and must be acceptable to the Capital Regional District. The professional is required to determine whether the groundwater wells constructed for the development or subdivision each meet the bylaw requirements for capacity and potability and provide written certification for the wells under seal and a report including the following:
 - a. The hydrogeological setting of the wells which will include the source of aquifer recharge including potential impact or interaction from sustained pumping of the well or wells in nearby water bodies;
 - b. Test data including chemical and bacteriological water quality data. The water analysis shall include at least all major ions, iron, manganese and other parameters suspected of being present in the aquifer;
 - c. Proof that the well is capable of sustaining 3000 litres per day continuously without exceeding 70% of the available drawdown of the well. Testing shall involve continuous pumping at a constant discharge rate and monitoring for a minimum period of 12 hours.

6.2 PARKLAND AND SCHOOL SITE DEDICATION POLICIES

- 1) Where subdivision occurs, pursuant to the requirements of the *Local Government Act*, the developer must provide parkland, without compensation, to the community. The size, location and form of parkland will be determined by the CRD. The parkland shall be in the form of either: trails, regional parks, interpretive parks, waterfront parks, green space or a combination of the above.

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

- 2) At its discretion, the CRD may ask for cash-in-lieu as the requirement for compliance with Section 941 of the *Local Government Act* for the future purchase of land for parks or development of parks in the Plan Area.
- 3) The CRD Regional Parks Department and the Juan de Fuca Electoral Area Parks and Recreation Commission shall collaborate in the acquisition of new Regional and Community parks within the OCP area.
- 4) Dedication of parkland shall require that access to the Strait of Juan de Fuca, other watercourses or features be provided by a developer at the time of subdivision.
- 5) Where development occurs in proximity to significant natural or environmental features, existing trails or existing communities, consideration shall be given to acquiring parkland that adds to these features or responds to a need in the community.
- 6) Where an applicant considers a park land dedication is inappropriate it shall be the applicant’s responsibility to demonstrate the rationale for it being inappropriate.
- 7) At the time of subdivision of land adjacent to a watercourse, the CRD shall recommend to the Approving Officer that full access to all water bodies be required according to the requirements in Section 75 of the *Land Title Act*, and where more than one access to a water body is required through subdivision the CRD may support consolidation of accesses to create one access for a greater variety of uses.
- 8) CRD Regional Parks is encouraged to expand regional parks and trails in this area by considering management of existing facilities.
- 9) The requirement for school site dedications is not anticipated during the life of this Plan as there development of this nature and scale are discouraged from locating in the Plan area.

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

PART 7 SERVICING REQUIREMENTS

7.1 ROADS AND SERVICING

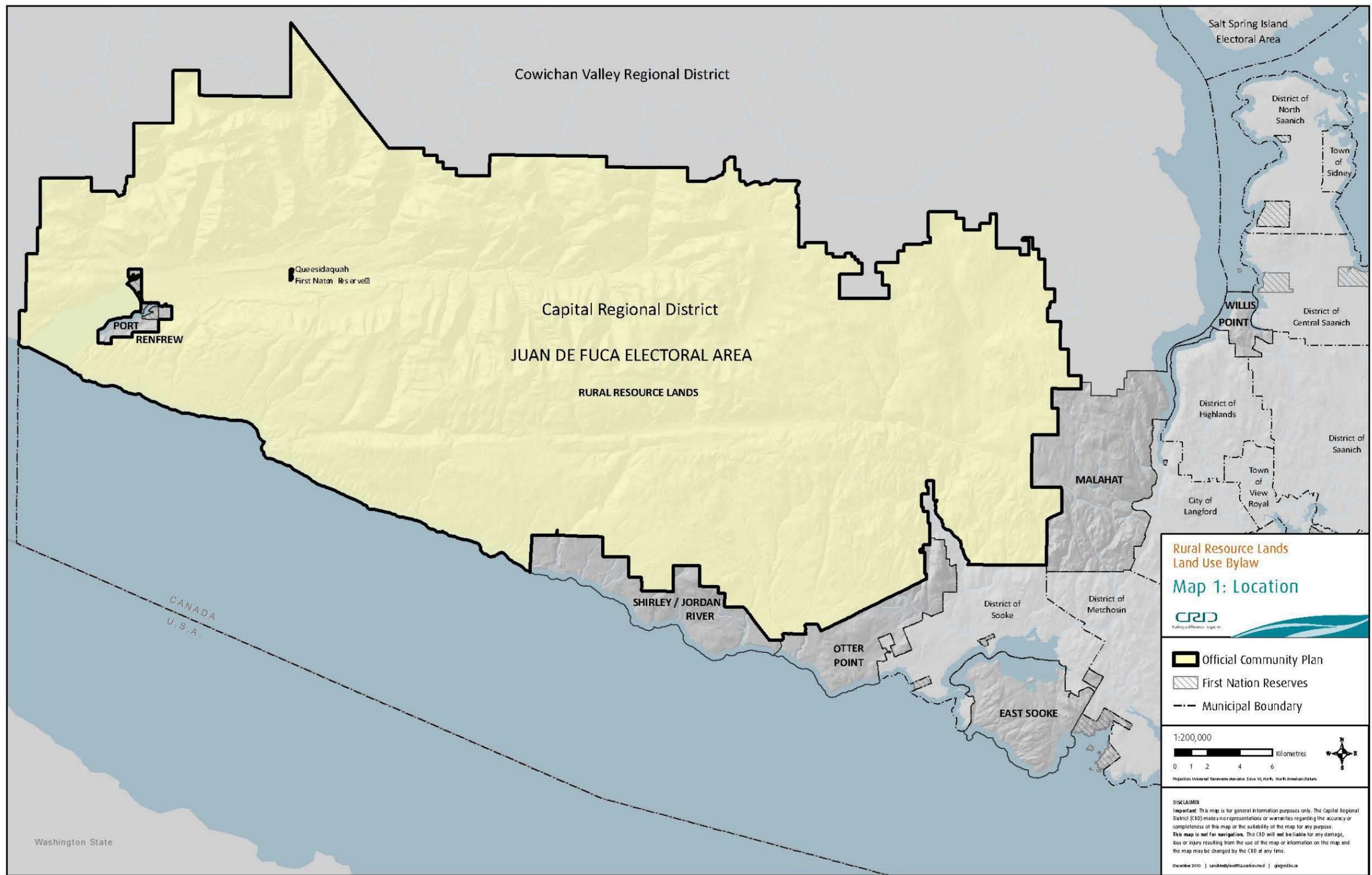
The provision of roads and services will play a role in shaping land use development patterns in the Plan area. These shall be developed in compliance with the policies of this Plan.

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

7.2 UTILITIES AND PUBLIC USE

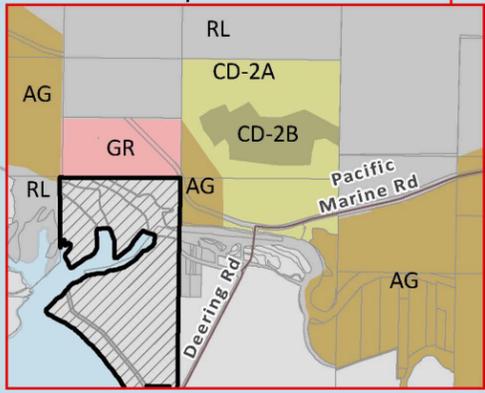
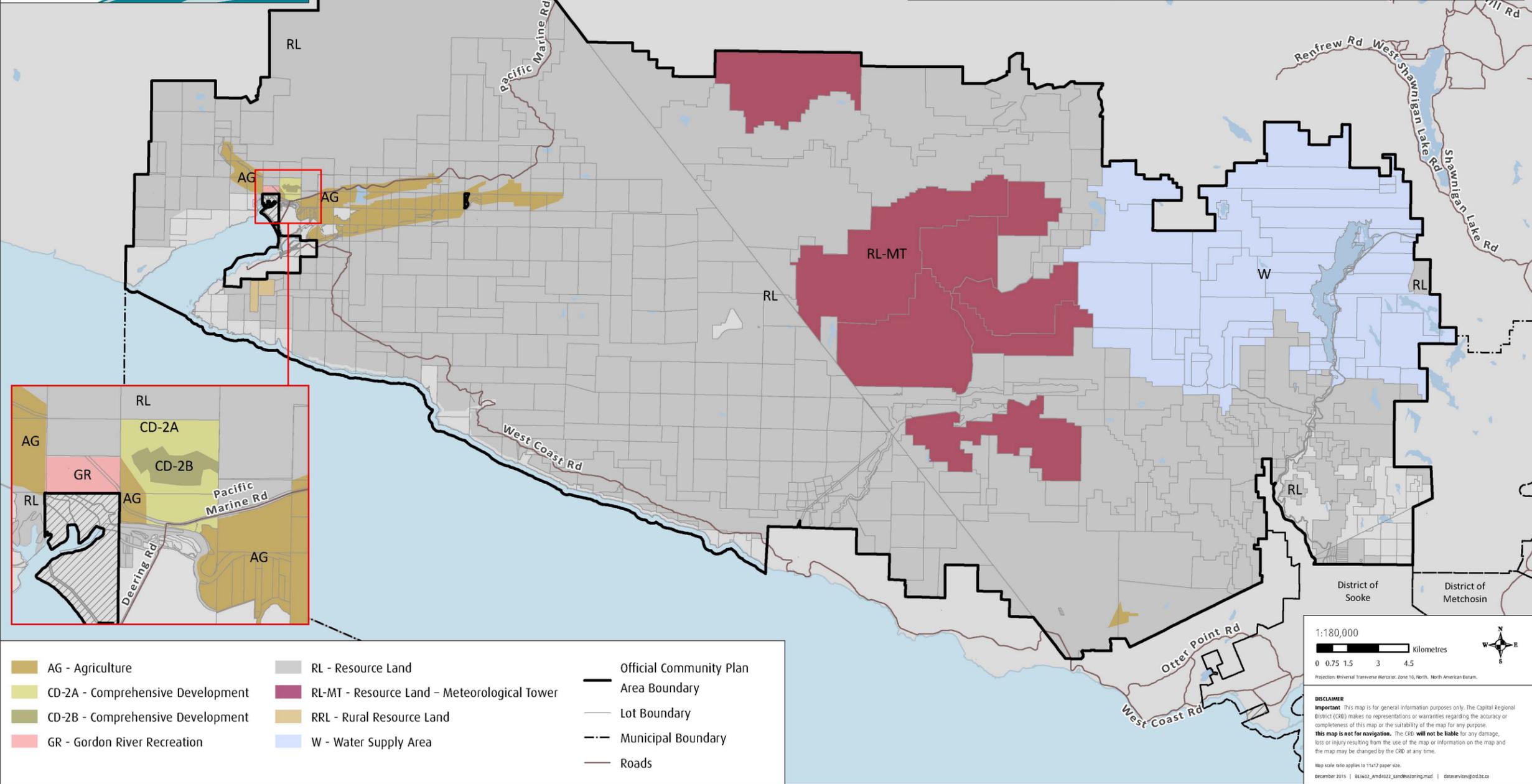
No new utilities or public uses such as water distribution systems, waste treatment and disposal sites are anticipated for this area. The location of new public facilities should be suitable to the proponent of the use, the agency regulating and should not conflict with other uses in the area.

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

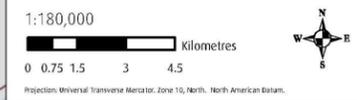




Amending Bylaw No.	Amendment No.	Amendment Date
3684	1	October 13, 2010
4022	6	December 9, 2015



- AG - Agriculture
- RL - Resource Land
- CD-2A - Comprehensive Development
- RL-MT - Resource Land - Meteorological Tower
- CD-2B - Comprehensive Development
- RRL - Rural Resource Land
- GR - Gordon River Recreation
- W - Water Supply Area
- Official Community Plan Area Boundary
- Lot Boundary
- Municipal Boundary
- Roads



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