ZONING BYLAW 1997

No. 2950

CONSOLIDATION

Current to September 14, 2026

Last amended on September 8, 2026

This Bylaw has been consolidated and printed under and by authority of the Corporate Officer for the Corporation of the District of North Cowichan.

List of Bylaw Amendments

1. 2957 (2445/2449 Inverarity Rd.; A3 to A2) - Feb 18, 1998
2. 2958 (3096 Gibbins Rd.; R3 to PI) - Feb 18, 1998
3. 2956 (2886 Oak St.; R3 to C2) - Mar 4, 1998
4. 2962 (6489 Norcross Rd.; PI to I1) - Apr 1, 1998
5. 2963 (1353 Adelaide St.; R1 to R3) - Jun 3, 1998
6. 2974 ("Hotel" use in W2b zone; part of Chemainus foreshore to W2b & MA1) - Jun 3, 1998
7. 2970 (East 60 acres Drinkwater Rd.; C8 to I2) - Jun 17, 1998
8. 2960 (Cowichan Valley Highway; A2 to I2) - Aug 19, 1998
9. 2971 (foreshore fronting 1450 Charlotte St.; R1 to C4) - Aug 19, 1998
10. 2977 (7495 Bell McKinnon Rd.; A2 to A3) - Oct 7, 1998
11. 2984 ("Commercial Composting" definition & use in I2 zone) - Nov 4, 1998
12. 2985 (2704 James St.; C2 & R8 to PI) - Nov 4, 1998
13. 2991 (3528 Smiley Rd.; A2 to I1) - Nov 18, 1998
14. 2999 (foreshore fronting at 1450 Charlotte St.; R1 to W1) - Jan 13, 1999
15. 2996 (miscellaneous housekeeping) - Feb 3, 1999
16. 3000 ("Municipal/Regional Government Offices" use in I2 zone) - Feb 3, 1999
17. 3004 (8005 Berridge; R1 to R3) - Feb 17, 1999
18. 3008 (6301 Genoa Bay Rd.; C4 to R1) - May 19, 1999
19. 3009 (3252 Cowichan Lake Rd.; R3 to R7) - Apr 21, 1999
20. 3022 (Buckingham Rd.; 3 areas, various changes) - Jul 7, 1999
21. 3020 (8031 Vye Rd.; R1 to R3) - Aug 11, 1999
22. 3028 (Oak St. at Chemainus Rd.; R7 to C9) - Sep 15, 1999
23. 3036 (5847 Chesterfield Ave.; PU to PI) - Oct 20, 1999
24. 3037 (6476 Norcross Rd.; "Accessory Custom Workshop"); C2 to C3 - Nov 17, 1999
25. 3038 ("gross floor area" definition; lot coverage in R8; height in PI) - Nov 17, 1999
26. 3005 (3243 Cowichan Lake Rd.; R7 to PI) - Dec 1, 1999
27. 3033 ("secondary suite" definition; R3 zone amendments) - Apr 5, 2000
28. 3055 (8235 Chemainus Rd.; I2 to A1) - Apr 19, 2000
29. 3068 ("float home" definition; "Float Home" use in W2 & W3 zones) - Jul 19, 2000
30. 3070 (Lane Rd. at the former Averill Drive; R1 to R3) - Jul 19, 2000
31. 3083 (Definitions & housekeeping changes) (partly superseded by 3283) - Jan 17, 2001
32. 3085 (6286 North Rd.; A3 to R1) - Jan 17, 2001
33. 3091 (1246/1294 Bazett Rd.; R1 to A1) - Mar 21, 2001
34. 3092 (6868 Somenos Rd.; A2 to A1) - Mar 21, 2001
35. 3093 (8201 Richards Trail; A4 to A2) - Mar 21, 2001
36. 3090 ("Abbeyfield Housing" use in R1 zone) - Apr 18, 2001
37. 3104 (1218/1220 Bazett Rd.; R1 to A2) - Jul 18, 2001
38. 3111 (6259 Mina Drive; A3 to A2) - Aug 15, 2001
39. 2966 (5791 Banks Rd.; R3 to R6) - Sep 5, 2001
40. 3056 (Lane Rd. at the former Averill Drive; R1 to R6) - Sep 19, 2001
41. 3109 (8065 Vye Rd.; R1 to R3) - Oct 17, 2001
42. 3115 (9824 Willow St.; R3 & PI to C9) - Oct 17, 2001
43. 3123 (Bare Point Rd. at Chemainus Rd.; I1 to C3) - Mar 6, 2002
44. 3124 (portion of 3096 Hawthorne St.; R2 to R3) - Apr 3, 2002
45. 3140 (6296 & 6308 Trans-Canada Highway; C2 to C3) - Sep 4, 2002
46. 3132 (add MA2 zone; former foreshore on Genoa Bay Rd.) - Sep 10, 2002
47. 3142 (Bare Point Rd.; I2 to A3) - Sep 18, 2002
48. 3143 (7948 York Ave.; A2 to R3) - Sep 18, 2002
49. 3144 (Brownsey Ave. - Queen Margaret's School; R3 to PI) - Sep 18, 2002
50. 3145 (Sherman Rd. soccer field; R3 to PU) - Sep 18, 2002

List of Bylaw Amendments

51. 3150 (miscellaneous housekeeping) - Nov 6, 2002
52. 3163 (portions of 2904 Josephine St. & 2867 Caswell St.; R1 to R3) - Feb 19, 2003
53. 3160 (add "Health Service" use in PI zone; lots 35-37 Esplanade St; R8 to PI) - Apr 16, 2003
54. 3171 (portion of 2785 Crozier Rd.; R1 to C4 & portion of 2681 Crozier Rd.; PU to C4) - Jun 4, 2003
55. 3170 (Panorama Ridge Rd. at Trans-Canada Hwy.; A1 to A3) - Jul 16, 2003
56. 3174 (Lot A, Timbercrest; A2 to R2) - Sep 3, 2003
57. 3176 (10099 Chemainus Rd.; R1 to R3) - Oct 1, 2003
58. 3186 (6489 Norcross Rd.; I1 to C3) - Nov 5, 2003
59. 3196 (add R3-S zone; former Averill Drive; A1 to R3-S & R3) - Jan 21, 2004
60. 3200 (3070 Cook St. & a portion of 10031 Chemainus Rd.; R1 to R3) - Jul 7, 2004
61. 3206 (Maple Bay Townhomes Corporation; repeal Land Use Contract; A2 to R3) - Jul 7, 2004
62. 3210 (former Averill Drive; 4 areas, A1 to R3, R3-S, R6&PU) - Sep 15, 2004
63. 3202 (6078 Truesdale Rd.; PI to R6) - Oct 6, 2004
64. 3193 (6500 Trans-Canada Hwy.; A2 to C3) - Nov 17, 2004
65. 3215 (5863 Banks Rd.; C1 to R3) - Nov 17, 2004
66. 3219 (portion of 3081 Hawthorne St.; R2 to R3) - Feb 2, 2005
67. 3220 (2 lots Auchinachie Rd.; A3 to PI) - Feb 16, 2005
68. 3221 (2070 Indian Crescent; R1 to R2) - Mar 2, 2005
69. 3227 (6258 Lane Rd.; R1 to R3) - Apr 20, 2005
70. 3231 (portion of 6352 Trans-Canada Highway; C2 to C3) - Jun 1, 2005
71. 3232 (2998, 2976, 2970, 2962, & 2944 Drinkwater Rd.; R3 to C2) - Jun 1, 2005
72. 3239 (Maple Mountain Rd., Lot 1, Plan VIP60156) - Sep 7, 2005
73. 3240 (add Properties R2-A zone) - Oct 19, 2005
74. 3242 (add Cliffs CD1 zone) - Oct 19, 2005
75. 3245 (portion of 5905 Indian Rd.; R1 to R3) - Nov 16, 2005
76. 3249 (3216 Gibbins Rd.; R1 to A2) - Jan 18, 2006
77. 3263 (Adelaide St.; R1 to R3) - May 17, 2006
78. 3264 (8018 & 8026 Berridge St.; R1 to R3) - May 17, 2006
79. 3262 (add R7-A zone; portion of Alexander St.; R7 to R7-A) - Jun 7, 2006
80. 3267 (Heron's Way; A1 to R3, R3-S, R7, & PU) - Aug 16, 2006
81. 3269 (3700 River Rd.; A2 to A1) - Aug 16, 2006
82. 3270 (5682 & 5700 Menzies Rd.; A2 to A1) - Aug 16, 2006
83. 3271 (10023 Daniel St.; R1 to R3) - Oct 4, 2006
84. 3272 (10031 Chemainus Rd./Cook St.; R1 to R3 & R6) - Oct 4, 2006
85. 3273 (York Ave.; PI to PU) - Oct 4, 2006
86. 3277 (Auchinachie Rd.; I1 to R3 & A3 to I1; & Scott Rd.; A3 to I1) - Dec 6, 2006
87. 3274 (2529 Alexander St.; R7 to R7-A) - Jan 17, 2007
88. 3284 (Trans-Canada Hwy.; permit two dwellings on remnant parcel in A1) - Mar 21, 2007
89. 3276 (add Chemainus Quay CD2 zone; Quay from MA1 & PU to CD2 & W2b) - Apr 4, 2007
90. 3283 (change "agricultural storage" definition; add "food bank" definition) - Apr 18, 2007
91. 3292 (3145, 3125, 3105, 3099 Cook St.; from R1 to R3) - Jul 18, 2007
92. 3288 (portion of 1988 Maple Bay Rd.; from R2 to R6) - Aug 15, 2007
93. 3295 (7479 Mays Rd.; from A1 to A2) - Aug 15, 2007
94. 3296 (3355 Gibbins Rd.; from A2 to A1 & A3) - Aug 15, 2007
95. 3302 (seniors housing) - Sep 5, 2007
96. 3287 (A2 & PU to A4) - Oct 17, 2007
97. 3307 (7619 Richards Trail; from A1 to A2) - Nov 7, 2007
98. 3305 (6387 Green Rd.; from R1 to R8) - Jan 16, 2008
99. 3310 (Keystone Drive; from R3 to R8) - Jan 16, 2008
100. 3318 (North Rd.; from A1 to A3) - Mar 19, 2008

List of Bylaw Amendments

101. 3325 (Victoria Rd.; from PU to R3) - Apr 2, 2008
102. 3328 (Westcott Rd.; from A1 to A2) - M ay 7, 2008
103. 3317 (8041 Vye Rd.; from R1 to R3) - May 21, 2008
104. 3330 (1408 & 1418 Adelaide St.; from R1 to R3) - Jun 4, 2008
105. 3331 (5939 Indian Rd.; from R1 to R3) - Jun 18, 2008
106. 3323 (miscellaneous text; adds 3254 Dogwood Rd. as R3) - Jul 16, 2008
107. 3333 (adds new R3-CH Zone) - Jul 16, 2008
108. 3334 (part of Gilana Place; from PU to R3 & R3-CH) - Jul 16, 2008
109. 3345 (portion of 3080 & 3088 Lashman Ave.; from R6 to R3-S) - Jul 16, 2008
110. 3342 (6436 & 6456 Norcross Rd.; from C2 to C3) - Aug 6, 2008
111. 3343 (Lot A, Plan 84261 & Lot 4, Plan 73628 Fairview Way; from R3 to R7) - Aug 6, 2008
112. 3329 (941 Arbutus Ave.; from A5 to A2) - Oct 15, 2008
113. 3344 (part of 1246 Bazett Rd.; from A1 to R1) - Oct 15, 2008
114. 3355 (7364 Trans-Canada Highway; from A2 to C3) - Nov 5, 2008
115. 3356 (adds 'Agricultural exhibition & fairground' use to A1) - Nov 5, 2008
116. 3357 (3096 Gibbins Rd.; from PI to C2) - Nov 5, 2008
117. 3363 (3050 Sherman Rd.; from R6 to R7-A) - Feb 18, 2009
118. 3372 (#2 - 6124 Ryall Rd.; from R3 to R7 - Feb 18, 2009
119. 3353 (adds new CD3 Zone; Parcel P, & Parcel G; from R3 to CD3) - Mar 18, 2009
120. 3359 (adds new CD4 Zone; part of 3037 River Rd.; from A2 to CD4) - Mar 18, 2009
121. 3360 (adds new CD5 Zone; Lot A, Plan 11103; from R3 to CD5) - Mar 18, 2009
122. 3367 (miscellaneous text) - Mar 18, 2009
123. 3376 (3029 George St.; from R6 to R3) - May 20, 2009
124. 3387 (3192 Malcolm Rd.; from R1 to R3) - Jul 15, 2009
125. 3383 (textual amendments) - Aug 5, 2009
126. 3392 (963 Herd Rd.; from PU to C2) - Oct. 7, 2009
127. 3395 (3017 Oak St.; from R3 to CD5) - Dec. 16, 2009
128. 3396 (6068 Lakes Rd.; from A2 to R3) - Dec. 16, 2009
129. 3401 (3185 Gibbins Rd.; from R3 to CD5) - Jan. 20, 2010
130. 3394 (4026 Winchester Rd.; from A2 to A3) - Mar 17, 2010
131. 3418 (textual amendment) - Jun. 2, 2010
132. 3420 (3135 Manor Drive; from R3 to R7) - Jul. 7, 2010
133. 3419 (6367 Woodland Drive; from A2 to A5) - Aug. 4, 2010
134. 3426 (adds new CD6 Zone - Chemainus Artisan Village - & definitions; amends map) - Jan 19, 2011
135. 3417 (Parcels P &G, 3205 Gibbins Rd. from CD3 to R3-S & PU; repeals CD3 Zone) - Mar 16, 2011
136. 3374 (6.07 acres on Cowichan Valley Highway; from I2 to C8) - May 4, 2011
137. 3439 (3079 Baker Rd.; from R3 to R3-S) - May 4, 2011
138. 3427 (Lot 2...Plan 5343 Cassino Rd.; from R3 to CD4) - Jul. 20, 2011
139. 3456 (adds Schedule - Development Permit Guidelines) - Jul. 20, 2011
140. 3452 (adds new CD7 Zone - Stonehill; Lot A...Plan 27403 from R1 & A3 to CD7) - Jul 20, 2011
141. 3457 (housekeeping) - Aug. 17, 2011
142. 3461 (portion of 6669 Norcross Rd.; from A2 to A5) - Aug 17, 2011
143. 3462 (2728 James St. & 5822 Garden St.; from C3 to C2 - Aug 17, 2011
144. 3465 (6287 Westlock Rd.; from R1 to R2 - Feb. 15, 2012
145. 3467 (I2 permitted uses; commercial composting) - May 16, 2012
146. 3472 (6015 Mary St.; from R3 to R3-CH) - May 16, 2012
147. 3473 (5955 Jaynes Rd.; from R1 to R3-CH) - Jun 20, 2012
148. 3487 (adds campground as a permitted use at 3042 River Rd.) - Jul 18, 2012

List of Bylaw Amendments

149. 3481 (west portion of 6562 Bell McKinnon Rd.; from R1 to C3) - Sep. 5, 2012
150. 3489 (permits a maximum of two residential buildings at 6360 Lakes Rd.) - Sep. 19, 2012
151. 3490 (3451 & 3453 Auchinachie Rd; from A3 to A5) - Sep. 19, 2012
152. 3495 (adds new R3-MF Zone; 8083 Arthur St.; from R3 to R3-MF) - Feb. 6, 2013
153. 3511 (text amendment - shipping containers) - Jun. 5, 2013
154. 3516 (#15-1927 Tzouhalem Rd.; from R4 to R3) - Aug. 21, 2013
155. 3517 (6277 Westlock Rd.; from R1 to R3) - Aug. 21, 2013
156. 3512 (text amendment - medical marijuana) - Oct. 2, 2013
157. 3520 (text amendment - craft distillery - Oct 2, 2013
158. 3507 (Timbercrest, Lot B...Plan VIP64741; from A2 to R3) - Oct. 16, 2013
159. 3521 (text amendment) - Nov. 6, 2013
160. 3522 (6089 Truesdale St.; portions from R6 to R3 & R7) - Dec. 4, 2013
161. 3528 (3081 Hawthorne St.; from R2 to R3) - Jan. 15, 2014
162. 3531 (6454 Ford Rd.; from A2 to PU & R1) - Mar. 19, 2014
163. 3554 (permits additional residential buildings/dwelling units - 941 Arbutus Ave.) - Sep. 17, 2014
164. 3535 (permits "accessory dwelling unit, coach house" at 3331 Henry Rd.) - Sep. 17, 2014
165. 3553 (5877 Jaynes Rd.; from R2 to R3-CH) – Oct. 15, 2014
166. 3523 (portions of 8035 Vye Rd. from R1 to R3 & R3-S) - Nov. 6, 2014
167. 3515 (text amendment - Averill Hills, minimum lot size) - Jan. 21, 2015
168. 3556 (Maple Bay Marina; from W1 to W3a) - Jan. 21, 2015
169. 3559 (text amendment - definition of "motor vehicle") - Feb. 18, 2015
170. 3563 (1218 & 1220 Bazett Rd.; from A2 to A5) - Aug. 19, 2015
171. 3562 (adds new CD8 Zone; Maple Bay School Site; from PU to CD8) - Sep. 16, 2015
172. 3589 (replaces CD6 Zone & Schedule H) - Oct. 7, 2015
173. 3595 (5919 Deuchars Dr.; from R3 to R3-CH) - Oct. 21, 2015
174. 3584 (3189 & 3187 Gibbins Rd.; from CD5 to R3-MF) - Nov. 4, 2015
175. 3594 (1-3326 & 2-3326 Creegan Dr. from R3 to R7) - Nov. 4, 2015
176. 3593 (adds new CD9 Zone; 2832 Philip St.; from R3 to CD9) - Nov. 4, 2015
177. 3596 (text amendment - CD4 Zone) - Nov. 18, 2015
178. 3609 (6006 Lakes Rd.; from R2 to R3) - Apr. 20, 2016
179. 3612 (3187 Garner St.; from R3 to R3-S) - May 4, 2016
180. 3615 (5893 Deuchars Dr.; from R3 to R3-CH) - May 4, 2016
181. 3619 (2886 Oak St.; from C2 to CD10) – May 18, 2016
182. 3605 (Cowichan Lake Rd.; from R3 to C2) – June 15, 2016
183. 3622 (adds new CD13 Zone; Elm St.; from C2 to CD13) – June 15, 2016
184. 3618 (adds new CD11 Zone; 6751, 6771 and 6793 Bell McKinnon Rd.; from R1 to CD11) – July 20, 2016
185. 3627 (6401 Nevilane Dr.; from CD1 to R3) – Aug. 17, 2016
186. 3633 (text amendment – A3 Zone; 5404 Gore Langton Rd.) – Oct. 19, 2016
187. 3634 (Lot 2 of Plan 17665 Ryall Rd.; from R3 to R3-MF) – Dec. 21, 2016
188. 3632 (Lot A of Plan VIP65274 Trans-Canada Hwy; from A2 to C3) – Jan. 18, 2017
189. 3637 (6013 Falaise Rd.; from R3 to R3-CH) – Feb. 15, 2017
190. 3645 (adds new CD15 Zone; 3191 Sherman Rd.; from C4 to CD15 and PU) – Feb. 21, 2017
191. 3646 (adds new CD16 Zone; 9800 Willow St.; from PU to CD16) – Feb. 21, 2017
192. 3647 (text amendment – R3 Zone and CD5 Zone) – Apr. 5, 2017
193. 3644 (text amendment; A3 Zone; 3368 Henry Rd.) – May 3, 2017
194. 3651 (text amendment – definition of "liquor" and remove numbers; add section 40.2) – May 3, 2017
195. 3614 (adds new CD12 Zone; Lots 2,3,4…Plan VIP89429; from R1 to CD12) – May 15, 2017
196. 3655 (9932 Victoria Rd.; from R3 to R3-MF) – June 21, 2017
197. 3657 (adds Mobile Food Service as a definition and permitted use) – June 21, 2017
198. 3630 (replaces The Cliffs Comprehensive Development (CD1) Zone) – June 29, 2017

199. 3597 (adds new section 40.3 [Medical Marijuana Production Facility]) – July 19, 2017
200. 3656 (adds new CD14 Zone; 2533 Lewis St.; from R7 to CD14) – July 19, 2017
201. 3631 (adds new CD18 Zone [Kingsview Development]) – July 19, 2017
202. 3642 (text amendment; R1 Zone; 9272 Cottonwood Rd.) – Aug. 16, 2017
203. 3660 (text amendment; CD14 Zone; 2511 Dingwall St., Howard Ave. from R7 to CD14) – Aug. 16, 2017
204. 3662 (text amendment; A2 Zone; 3800 Gibbins Rd. gathering for an event) – Aug. 16, 2017
205. 3663 (text amendment; R3 Zone; 3133 Cook St.) – Aug. 16, 2017
206. 3666 (text amendment; R1 Zone; 1217 Barnes Rd.) – Sep. 6, 2017
207. 3668 (text amendment; R3 Zone; 3340 Cowichan Lake Rd.) – Sep. 6, 2017
208. 3670 (1676 Chaplin St.; from C2 to R3-MF) – Sep. 6, 2017
209. 3671 (3345 Skinner Rd.; from R3 to R3-S) – Sep. 6, 2017
210. 3636 (2970 Severne St.; from PU to R3, R3-MF and PU) – Sep. 20, 2017
211. 3667 (adds new CD17 Zone; 2965, 2972, 2974 Green Rd.; from R3 to CD17) – Dec. 6, 2017
212. 3672 (text amendment; CD10 Zone; 6472 Paddle Rd.; from R1 to CD10) - Dec. 6, 2017
213. 3674 (text amendment – secondary suites) – Dec. 6, 2017
214. 3678 (3248 Sherman Rd.; from R6 to CD10) – Dec. 6, 2017
215. 3681 (text amendment; A5 Zone; 6722 Lakes Rd.) – Jan. 17, 2018
216. 3682 (text amendment; A1 Zone; 5881 Genoa Bay Rd.) – Feb. 7, 2018
217. 3680 (text amendment; A3 Zone; 3788 Winget Place) – Feb. 21, 2018
218. 3684 (text amendment; R3 Zone; Sayward Rd.) – Feb. 21, 2018
219. 3693 (text amendment; CD10 Zone; 6122 Somenos Rd.; from R3 to CD10) – Mar. 21, 2018
220. 3692 (text amendment; A3 Zone; 4011 Cambrai Rd.) – Apr. 18, 2018
221. 3697 (text amendment; A2 Zone; multiple Gibbins Rd properties to A2 Zone) – June 6, 2018
222. 3703 (text amendment; A3 Zone; 5353 Gore Langton Rd.) – June 6, 2018
223. 3706 (adds new CD19 zone; 2591 Beverly St.; from C4 to CD19) – June 20, 2018
224. 3688 (text amendment – cannabis sales) – Aug. 15, 2018
225. 3713 (text amendment; 3088 Gibbins Rd.; from R3 to PI) – Aug. 15, 2018
226. 3708 (2456 Heather St.; from R3 to R3-CH) – Sept. 5, 2018
227. 3716 (adds new CD20 zone; 1540 Peterson St., 7851 Osborne Bay Rd, and 7553 Osborne Bay Rd.; from R1 to CD20) – Oct. 3, 2018
228. 3722 (text amendment – modular home) – Oct. 3, 2018
229. 3731 (text amendment; R1 Zone; 6343 Wicks Rd.) – Dec. 19, 2018
230. 3732 (text amendment; R1 Zone; 10097 Chemainus Rd.) – Dec. 19, 2018
231. 3699 (6495 Paddle Rd; R1 to CD10) – Jan. 31, 2019
232. 3730 (9833 Willow St.; from R3 to CD10) – Jan. 31, 2019
233. 3714 (6293 Westlock St.; from R1 to R3-S) – Feb. 20, 2019
234. 3737 (text amendment; R1 Zone; 3042 Henry Rd.) – Feb. 20, 2019
235. 3741 (text amendments – cannabis production facility) – Feb. 20, 2019
236. 3746 (text amendments – micro cannabis production facility) – May 15, 2019
237. 3754 (text amendments – Housekeeping) – July 17, 2019
238. 3757 (text amendment; 3248 Gibbins Rd; from A2 to A3) – Aug. 21, 2019
239. 3752 (text amendment; retail cannabis sales – 2951 Green Rd.) – Sept. 4, 2019
240. 3760 (text amendment; R1 Zone, 2372 Regina Dr.) – Sep. 18, 2019
241. 3764 (text amendments – Housekeeping) – October 02, 2019
242. 3765 (2903 Cypress Street) – November 20, 2019
243. 3758 (Keeping of Farm Animals & Poultry) – December 4, 2019
244. 3763 (Cannabis Sales – 8432 Trans-Canada Highway) – December 4, 2019
245. 3761 (adds new CD21 zone; Motorsport Circuit –Cowichan Valley Hwy; from C8/I2 to CD21) –Jan. 20, 2020
246. 3767 (Reduction of Setbacks in Agricultural Zones) – Feb. 19, 2020
247. 3766 (text amendment; R1 Zone; 1038 Herd Rd.) – May 6, 2020
248. 3774 (2755 Crozier Rd; from C4 to R1) – June 3, 2020
249. 3776 (Cannabis Sales – 9750 Chemainus Road) – July 15, 2020

250. 3782 (Cannabis Sales – 9568 Chemainus Road) – July 15, 2020
251. 3797 (Cannabis Production in the ALR) – Nov 18, 2020
252. 3809 (Lot 7 Wellburn Place) – May 5, 2021
253. 3811 (Second Dwelling – 3325 Henry Road) – May 19, 2021
254. 3815 (9376 Cottonwood Road) – July 21, 2021
255. 3819 (2772 Herd Road) – July 21, 2021
256. 3846 (2431 Beverly Street; from A2 to A6) – October 20, 2021
257. 3824 (Apartment – Lot A, Skinner Road) – November 3, 2021
258. 3847 (6353 Genoa Bay Rd) – December 15, 2021
259. 3852 (8921 Chemainus Rd) – February 2, 2022
260. 3822 (1379 Maple Bay Road) – April 5, 2022
261. 3798 (Second Dwelling - 934 Khenipsen Road) – June 15, 2022
262. 3872 (3110 Moorfield Road; from R3 to R3-CH) – July 20, 2022
263. 3873 (Zoning Bylaw 2022 OCP Development Permit Areas Harmonization) – August 17, 2022
264. 3875 (1234 Viewtop Road) – August 17, 2022
265. 3871 (7167 Bell McKinnon Road) – September 7, 2022
266. 3878 (Cannabis Sales – 3288 Cowichan Lake Road) – September 21, 2022
267. 3685 (3181, 3183 Gibbins Road; R3 to R3-MF) – September 21, 2022
268. 3876 (Rural Accessory Dwelling Units) – October 4, 2022
269. 3883 (Gibbins Road) - November 16, 2022
270. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22) – January 18, 2023
271. 3891 (Retaining Walls & Fences) – March 15, 2023
272. 3868 (Drinkwater Road & 6455 Ford Road from R1 to CD23) – March 15, 2023
273. 3901 (1681 Robert Street - Crofton Fire Hall; R3 to PU) – April 5, 2023
274. 3909 (7245 Bell McKinnon Road) – June 21, 2023
275. 3887 (Infill Residential Neighbourhood R3-N and reclassify 3016 George Street from R3 to R3N) – July 19, 2023
276. 3910 (Reclassify Berridge Street Childcare Centre from R1 to PU) – July 19, 2023
277. 3908 (Two dwelling units within a maximum of two residential buildings is permitted at 3543 Auchinachie Road) – June 7, 2023
278. 3912 (7325 Osborne Bay Road – to permit two dwellings) – August 16, 2023
279. 3918 (3208 Cook Street from R3 to R3-S) – August 16, 2023
280. 3925 (3211 Malcolm Road from R1 to R3) – September 26, 2023
281. 3916 (10029 Beach Drive from R3 to R3-N) – November 1, 2023
282. 3911 (1211 Barnes Road – to permit two residential buildings) – November 15, 2023
283. 3927 (7550 Bell McKinnon Road – animal shelter) – December 6, 2023
284. 3920 (3351 Auchinachie Road from R3 to R3-S & CD24) – December 20, 2023
285. 3938 (5865 Highland Avenue – from R3 to R3-N) – December 20, 2023
286. 3937 (To permit two dwelling units on 7475 Bell McKinnon Road) – January 17, 2024
287. 3940 (3110 Chapman Road from R3 to R3-N) – January 17, 2024
288. 3957 (Update Off-street loading regulations) – February 21, 2024
289. 3944 (To permit two dwelling units at 1935 Maple Bay Road) – March 20, 2024
290. 3958 (To update regulations regarding on-site location for garbage containers and enclosures) – March 20, 2024
291. 3964 (delete parts 3, 4, 5 and Schedule H and replace to comply with section 481.3 of the *Local Government Act*) – June 19, 2024
292. 3913 (to permit two detached dwelling units at 2524 Ashcroft Road) – June 19, 2024
293. 3933 (to permit two dwelling units at 7495 Relke Road) – July 17, 2024
294. 3934 (to reclassify 2999 Drinkwater Road from R1 to CD25 and PU) – July 17, 2024
295. 3968 (to amend the Chemainus Artisan Village Comprehensive Development Zone (CD6)) – July 17, 2024
296. 3965 (permit two residential dwelling buildings at 6531 Bird's Eye Drive) – November 6, 2024

297. 3919 (permit two dwelling units at 6344 Woodgrove Way) – December 4, 2024
298. 3990 (delete Section 69(7), amend Section 69(8), delete Section 70(7); amend Schedule J Section 2.2 (m) – February 5, 2025
299. 3992 (permit a third dwelling unit with a detached accessory dwelling unit at 10117 Chemainus Road) – March 5, 2025
300. 3982 (permit two residential dwelling buildings at Lot 6, Marine Crescent) – March 19, 2025
301. 3974 (permit two residential dwelling buildings at 6495 Wicks Road) – May 7, 2025
302. 3989 (permit childcare centres in more locations) – May 7, 2025
303. 4002 (amend site zonings to align with the Official Community Plan) – May 7, 2025
304. 3988 (permit two residential dwelling buildings at 3118 Drinkwater Road) – June 18, 2025
305. 4008 (introduce the Rural Residential – Bell McKinnon Zone) – July 16, 2025
306. 4016 (amend by removing reference to the Temporary Mobile Home Bylaw) – July 16, 2025
307. 4021 (allow bed and breakfast' as a permitted use at 7851 Osborne Bay Road and 7853 Osborne Bay Road) – August 20, 2025
308. 4018 (permit a detached accessory dwelling unit at 7911 Stoney Hill Road) – October 15, 2025
309. 4010 (permit a detached accessory dwelling unit at 2901 Fuller Lake Road) September 3, 2025
310. 4006 (reclassify 2731 Vian Street from R7 to CD14 and amend Schedule C) September 17, 2025
311. 4027 (amend the Industrial Heavy Zone (I2) at 3900 Drinkwater Road) October 15, 2025
312. 4017 (permit an existing detached accessory dwelling building at 6560 Nevilane Road) September 3, 2025
313. 4015 (support expansion at 6759 Considine Avenue) November 5, 2025
314. 4026 (permit a second dwelling unit at 7999 Stoney Hill Road) November 5, 2025
315. 3915 (reclassify 1771 Robert Street from A2 to R3 and R3-MF) December 17, 2025
316. 4038 (increase the number of residents permitted in assisted living 6682 Norcross) January 21, 2026
317. 4037 (permit a non-soil-based cannabis production facility - 3925 Cowichan Lake Road) February 4, 2026
318. 4044 (permit a third dwelling at 2260-2262 Regina Drive) February 18, 2026
319. Citation corrections by Corporate Officer, under the authority of section 1(c) of the Consolidation and Revision Authority Bylaw, stemming from Zoning Amendment Bylaw 3964 – February 18, 2026
320. 4034 (reclassify a portion of 1673 Grant Road from R1 to R2) March 4, 2026
321. 4031 (permit a detached second dwelling unit on 23 properties) April 1, 2026
322. 4041 (permit a detached second dwelling at 6348 Somenos Road) – May 20, 2026
323. 4045 (allow redevelopment of 9634-9644 Chemainus Road in an apartment building) – May 20, 2026
324. 4050 (add a new Comprehensive Development Zone CD27 and reclassify 5850 Highland Avenue from R3 to CD27) – May 20, 2026
325. 4061 (permit a detached second dwelling at 5004 Oceanview Terrace) – June 17, 2026
326. 4030 (amend conditions of use of A2 zone at #2-6380 Lakes Road – May 20, 2026
327. 4081 (permit a detached second dwelling at 4015 Lanchaster Road) – July 15, 2026
328. 4071 (introduce the Comprehensive Zone – Adelaide Street Comprehensive Zone – August 19, 2026
329. 4078 (correct errors from previous amendments pertaining to CD25 & CD26 – September 8, 2026
330. 4083 (permit a detached second dwelling at 8641 Sweeney Road – September 8, 2026
331. Typographical error/clarifying meaning revision by Corporate Officer, under the authority of section 1(a) of the Consolidation and Revision Authority Bylaw, revising section 80.9(4) from 0.75:1 to 1.75:1 – September 28, 2026
332. 4063 [PENDING]
333. 4067 [PENDING]
334. 4095 [PENDING]
335. 4096 [PENDING]
336. 4097 [PENDING]
337. 4098 [PENDING]
338. 4099 [PENDING]
339. *4100 [PENDING*]

Contents

Part 1 – Interpretation

Division 1 – Title and Application

1 Title
2 Application
3 Non-conformity
4 Severability

Division 2 – Compliance

5 Permitted Uses
6 Siting, Size, and Shape
7 Contravention
8 Penalty

Part 2 – Administration

9 Enforcement and Inspection
10 Bylaw Amendments
11 Appeals and Variances

Part 3 – Definitions [BL3964]

12 Definitions

Part 4 – General Regulations [BL3964]

13 Watercourses
14 Flood Control Requirements
15 General Exemptions
16 Building Separations
17-23 Off-street Parking
24 Minimum Off-street Parking Areas
25-28 Off-street Loading
29 On-site Garbage, Recycling and Composting Containers and Enclosures [BL3958]
30-32.1 Home-based Businesses
33-35 Projections into Required Yards/setbacks
36 Vision Clearance
37 Fences & Retaining Walls
37.1 Fences
37.2 Retaining Walls
38 Swimming Pools
39 Landscaping and Screening
40 Unused Motor Vehicles
40.1 Shipping Containers
40.2 Liquor sales in grocery stores prohibited
40.3 Cannabis Production within the BC Agricultural Land Reserve (ALR)
40.4 Secondary Suites and Detached Accessory Dwelling Units
40.5 Cannabis Sales Prohibited
41 Private Aircraft Landing Strips
42 Accessory Uses

Part 5 – Zones

[BL3417, BL3452, BL3562, BL3593, BL3614, BL3618, BL3619, BL3622, BL3631, BL3645, BL3646, BL3656, BL3667, BL3706, BL3716, BL3761, BL3846, BL3867, BL3868, BL:3920, BL3964, BL3992, BL3988]

Division 1 – Establishment of Zones

43-44 Zones
45 Zoning Map
46 Zone Boundaries
47 Minimum Lot Area Exemptions
48 Permitted in All Zones
49 Measurement Conversion
50 Zone Abbreviations

Division 2 – Zones

51 Agricultural Zone (A1)
52 Rural Zone (A2) [BL4018]
53 Rural Restricted Zone (A3)
54 Rural Resources Zone (A4)
55 Rural Residential Zone (A5)
55.1 Rural Market Zone (A6) [BL3846]
56 Residential Rural Zone (R1) [BL4010] [BL4017]
56.1 Urban Residential Rural Zone (R1-U) [BL3964]
57 Residential Restricted Zone (R2)
57.1 Rural Residential Restricted Zone (R2-R) [BL3964]
58 Residential One and Two-family Zone (R3)
58.1 Rural Residential One and Two-Family Zone (R3-R)
58.2 Residential Small Lot Single-Family Zone (R3-S)
58.3 Residential Medium Density Multi-Family Zone (R3-MF)
58.4 Density in the Rural Residential One and Two-Family Zone (R3-R) [BL3992]
59 Residential Small Lot Mobile Home Zone (R4)
60 Residential Mobile Home Park Zone (R5)
61 Residential Townhouse Zone (R6)
62 Residential Multi-Family Zone (R7)
62.1 Residential Ground-Oriented Multi-Family Zone (R7-A)
63 Residential Multi-Family Apartment Zone (R8)
64 Private Residence Water Lot Zone (W1)
65 Light Commercial Water Lot Zone (W2)
66 Mixed Use Commercial Water Lot Zone (W3)
67 Upland Tourist Commercial Marine Zone (MA1)
67.1 Upland Tourist Commercial / Residential Marine Zone (MA2)
68 Commercial Local Zone (C1)
69 Commercial General Zone (C2)
70 Commercial Service Zone (C3)
71 Commercial Recreational Zone (C4)
72 Commercial Professional Zone (C6)
73 Commercial Rural Hospitality Zone (C7)
74 Commercial Rural Recreation Zone (C8)
75 Chemainus Commercial Zone (C9)
76 Industrial Light Zone (I1)
77 Industrial Heavy Zone (I2) [BL4027]
78 Private Institutional Zone (PI)
79 Public Use Zone (PU)
80 Public Conservation Zone (PC)
80.1 The Cliffs Comprehensive Development Zone (CD1)

80.2 Chemainus Quay Comprehensive Development Zone (CD2)
80.3 [Repealed. BL3417]
80.4 Comprehensive Development Zone - Mixed Family Zone (CD4)
80.5 {Deleted BL3964]
80.6 Chemainus Artisan Village Comprehensive Development Zone (CD6)
80.7 [Deleted BL4002]
80.8 Maple Bay School Site Comprehensive Development Zone (CD8) [BL3562] [BL4015]
80.9 Multi-Family Comprehensive Development Zone (CD9) [BL3593]
80.10 Urban Medium Density Comprehensive Development Zone (CD10) [BL3619]
80.11 Community Services (Health Care) Comprehensive Development Zone (CD11) [BL3618]
80.12 Residential Two-Family Comprehensive Development Zone (CD12) [BL3614]
80.13 Ground-Oriented Urban Residential Comprehensive Development Zone (CD13) [BL3622]
80.14 University Village Mid-Rise Residential Comprehensive Development Zone (CD14)] [BL3656] [BL4006]
80.15 Mixed Use Residential Zone (CD15) [BL3645]
80.16 Mixed Use Commercial Core Zone (CD16) [BL3646]
80.17 Congregate Housing Comprehensive Development Zone (CD17) [BL3667]
80.18 Kingsview Comprehensive Development Zone (CD18) [BL3631]
80.18.1 Rural Kingsview Comprehensive Development Zone (CD18-R)
80.19 University Village Mixed Commercial / Residential Comprehensive Development Zone (CD19) [BL3706]
80.20 The Commons Comprehensive Development Zone (CD20) [BL3716, BL4021]
80.21 Motorsport Circuit Comprehensive Development Zone (CD21) [BL3761]
80.22 Paddle Road North Comprehensive Development Zone (CD22) [BL3867]
80.23 Ford Road South Comprehensive Development Zone (CD23) {BL3868]
80.24 Village Residential Infill Comprehensive Development Zone (CD24) [BL:3920]
80.25 Gilana Place Two-Family Detached Comprehensive Development Zone (CD25) [BL3964 BL4078]
80.26 Drinkwater Road Multi-Family Comprehensive Development Zone (CD26) [BL3934 BL4078]
80.27 Highland Avenue Comprehensive Development Zone (CD27) [BL4050]
80.28 Adelaide Street Comprehensive Development Zone (CD28) [BL4071]
80.29 [*Pending BL4095-CD29*]

Part 6 – Other Designations

81 Land Use Contract and Development Permits Areas

Part 7 – Repeal of Bylaws

82-83 Repeals

Schedules

A Procedure for Applications to Amend Zoning Bylaw 1997
B [Repealed. BL3150]
C Zoning Map (Available Separately)
D-1 The Cliffs Comprehensive Development Zone Map
D-2 Kingsview Comprehensive Development Zone Map
E Chemainus Quay Comprehensive Development Zone Map
F Chemainus Quay Walkway Standards
G [Repealed. BL3417]
H Chemainus Artisan Village Comprehensive Development Zone Map
I [Deleted BL4002]
I-2 CD19 Permitted Uses Areas 1 and 2
J Development Permit Guidelines

K Flood Construction Level Map
L Mixed Use Residential Zone (CD15) Areas [BL3645]

The Corporation of the District of North Cowichan

A Bylaw to Divide the Municipality into Zones and to Regulate the Uses in such Zones

Bylaw 2950

[Consolidated and printed by authority of the Corporate Officer under section 139 of the Community Charter]

WHEREAS the *Municipal Act* authorizes local governments to enact Bylaws to establish zones and regulate uses in such zones; and

WHEREAS persons who deem their interest in property affected by this Bylaw have been given an opportunity to be heard on the matters contained herein, before the Municipal Council of the Corporation of the District of North Cowichan, all in accordance with the requirements of the *Municipal Act*;

NOW THEREFORE the Municipal Council of The Corporation of the District of North Cowichan, in open meeting assembled, ENACTS as follows:

PART 1 – INTERPRETATION
Division 1 – Title and Application

Title

1 This Bylaw may be cited as the "Zoning Bylaw 1997", No. 2950.

Application

2 (1) This Bylaw shall apply to all of the lands within the corporate limits of The Corporation of the District of North Cowichan, hereafter referred to as the "District."

(2) The provisions of this Bylaw relating to the "Agricultural Land Reserve" shall be binding insofar that they are not repugnant to the *Agricultural Land Commission Act*, the regulations made under the *Agricultural Land Commission Act*, or the relevant Orders of the Provincial Agricultural Land Commission made under the *Agricultural Land Commission Act*.

(3) The provisions of this Bylaw relating to "Community Care Facilities" shall be binding insofar that they are not repugnant to the *Community Care Facility Act*, or regulations made under the *Community Care Facility Act*.

(4) The provisions of this Bylaw relating to topics covered in all other applicable legislation shall be binding insofar that they are not contrary to such legislation.

(5) The provisions of this Bylaw shall be read in conjunction with all other applicable Bylaws.

Non-conformity

3 (1) Non-conforming uses and siting are permitted in accordance with the provisions of the *Municipal Act*.

(2) Minimum lot sizes and minimum frontage requirements are set out for the purpose of subdivision only. Any lot existing prior to the adoption of this Bylaw which, at the time of adoption of this Bylaw, fails to meet the minimum lot size and frontage requirements of a zone as set out in this Bylaw, shall not, by reason thereof, be deemed to be non-conforming or unlawful. However, any subsequent use of the lot shall comply with the regulations specified for the zone in which it is located.

Severability

4 If any section, subsection, clause, or phrase of this Bylaw is, for any reason, held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Bylaw.

Division 2 – Compliance

Permitted Uses

5 No lands, buildings, or structures in any zone shall be used by the owner, occupier, or any other person for any use, except one which is provided in this Bylaw as being specifically permitted for the zone in which it is located.

Siting, Size, and Shape

6 No building or structure shall be constructed, reconstructed, altered, moved, or extended by the owner, occupier, or any other person so that it contravenes the requirements, as provided in this Bylaw, for the zone in which it is located, unless a variance has been granted for the same.

Contravention

7 Any person who contravenes any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done which contravenes this Bylaw, or who neglects to do or refrains from doing any act or thing which is required by any of the provisions of this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to the penalties hereby imposed.

Penalty

8 (1) A person who contravenes a provision of this Bylaw is guilty of an offence and is liable upon summary conviction for a first offence, and each subsequent offence, to a fine of not less than $100, and to a maximum of $2,000.

(2) The penalties imposed under this section shall be in addition to, and not in substitution for, any other penalty, sanction, or remedy imposed to enforce this Bylaw.

PART 2 – ADMINISTRATION

Enforcement and Inspection

9 Officers, employees, and agents of the District:

(1) are authorized to enforce this Bylaw and carry out inspections regarding the use and occupancy of buildings and property;

(2) are authorized to enter at all reasonable times upon any property in the District for the purpose of ascertaining whether the requirements of this Bylaw are being met and the regulations under this Bylaw are being observed; and

(3) may give notice to the owner of any property directing the owner or occupant to correct any condition which constitutes a violation of this Bylaw.

Bylaw Amendments

10 The procedure for applying to amend this Bylaw shall be as set out in Schedule "A ", attached hereto and made part of this Bylaw.

Appeals and Variances

11 (1) Variances to this Bylaw may be granted by the Board of Variance of the District, in accordance with the provisions of the *Municipal Act*.

(2) Variances to this Bylaw may be granted by Council through the issuance of development variance permits, in accordance with the *Municipal Act*.

(3) Variances to this Bylaw may be granted by Council through the issuance of development permits, in accordance with the *Municipal Act*.

(4) Variances to the minimum frontages set out in this Bylaw may be granted, at the time of subdivision, by the approving officer of the District.

PART 3 – DEFINITIONS

Definitions

[BL2996, BL2984, BL2996, BL3037, BL3068, BL3083, BL3160, BL3202, BL3283, BL3302, BL3323, BL3333, BL3356, BL3367, BL3383, BL3426, BL3452, BL3457, BL3467, BL3495, BL3520, BL3521, BL3562, BL3597, BL3618, BL3651, BL3657, BL3662, BL3688, BL3674, BL3722, BL3741, BL3754, BL3758, BL3761, BL3797, BL3846, BL3868, BL3891, BL3964 Deleted and Replaced, BL3989, BL4002, BL4016]

12 In this Bylaw:

[numbering removed from definitions: BL3651]
[Abbeyfield Housing - Repealed. BL3302]
[medical marijuana production facility – Repealed. BL3741]
[ALR cannabis production facility [BL3741, Repealed BL3797]]

"accessory building" means a building located on the same lot as the principal building and used for a purpose accessory or subordinate to the principal use;

"accessory dwelling unit, detached" means a self-contained dwelling unit in a detached accessory building, and includes manufactured homes placed on a permanent foundation;

"accessory dwelling unit" means a dwelling unit which is subordinate to, associated with, and attached to the principal use; [BL3562]

"accessory office" means a building, or a portion of a building, used as the office of an architect, contractor, engineer, forester, or a surveyor;

"accessory use" means a use which is subordinate to and associated with the principal use;

"adult novelty business" means the use of premises for the display, retailing or renting of sex objects; [BL3323]

"agricultural exhibition and fairground" means the use of land for the promotion of agriculture through exhibits, festivals, recreational activities or events, educational contests, displays and demonstrations, and may include other activities of a public assembly or temporary nature in accordance with section 51(8); [BL3356]

"agricultural storage" means the storage of agriculture and nursery products, excluding processed products produced off the land, with the exception that a food bank may store a limited portion of processed products produced off site and not for sale. The maximum storage area shall not exceed a covered storage area of 500 m^2 (5,382 sq. ft.), and an outdoor storage area of 4,000 m^2 (43,056 sq. ft.); [BL3283]

"agriculture" means the use of land, buildings and structures (a) to raise livestock, (b) to grow, rear, produce, and harvest agricultural products, (c) to process crops grown on the land, (d) to store or repair farm equipment used on the land, (e) to sell agricultural products, (f) for aquaculture, (g) for horticulture, (h) for mariculture, and (i) for silviculture, but does not include the operation of feedlots, fur farms, piggeries, poultry farms, or mushroom farms; [BL3597]

"ALR soil-based cannabis production facility" means a cannabis production facility which qualifies as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation,* BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve. [BL3797]

"amenity space" means an area comprised of on-site, communal or private, indoor or outdoor space designated for active or passive recreational use; [BL3333]

"amusement park" means the use or intended use of buildings, structures or land, for entertainment provided by glass houses, water slides, go-cart tracks, rides, zoos, mini golf, carnivals, fairs, amusement devices, specifically excluding casinos, and/or bingos;

"animal shelter" means a facility providing shelter and care for animals awaiting placement; [BL3927]

"apartment" means a building containing more than 2 dwelling units, each accessible from a common interior hallway, or additionally accessible from an at-grade entrance; [BL3457]

"appliance and small equipment repair" means the use of buildings, structures, or land for servicing or repairing household appliances (e.g. stoves) and small equipment (e.g. lawnmowers);

"aquarium" means buildings or structures designated for keeping and exhibiting live vertebrates, invertebrates, and water plants;

"arterial highway" means a highway managed by the British Columbia Ministry of Transportation and designated under section 45 (1) (a) of the British Columbia *Transportation Act*; [BL3323]

"artisan studio" means the use of premises for the production, and optional display and sale of, arts and crafts made from materials such as metal, wood, textile, glass, or stone; [BL3426]

"assembly hall" means a use of a building or structure for the assembly, gathering, or meeting of persons for religious, charitable, philanthropic, cultural, educational, or any other purpose not otherwise specifically defined in the bylaw; [BL3562]

"assisted living" means housing and care that is registered pursuant to the *Community Care and Assisted Living Act*, which provides a lockable room, separate common areas for dining and socializing, the provision of meals, housekeeping and personal care services as defined in that *Act*, and its amendments; [BL3302]

"automobile wrecking or salvage yard" means the use of land outside an enclosed building where motor vehicles are wholly or partially disassembled, dismantled, or junked, or where motor vehicles which are inoperable are stored, or where used parts of motor vehicles are stored or sold;

"automotive repair shop" means a building, structure, or premises used or intended to be used for repairs to motor vehicles and/or boats, and parts thereof, but shall not include motor vehicle manufacture or assembly;

"bed and breakfast" means a building or use of a building in which sleeping units are rented, with or without meals being provided, to persons other than members of the family of the owner, tenant, or lessee of the building;

[boarder - Repealed. BL3302]

[boarding house - Repealed. BL3302]

"bicycle parking stall, Class I" means a bicycle space designed to provide readily accessible, secured, protected and enclosed bicycle parking for employees or residents; [BL3426]

"bicycle parking stall, Class II" means a bicycle space designed to provide secured and weather protected bicycle parking for visitors; [BL3426]

"brew pub" means a combination of a pub with a brewery, making beer on a limited production basis, in accordance with regulations set by the Liquor Control and Licensing Branch of the Ministry of the Attorney General. Sale of the beer is restricted to on-premises consumption, except where the licensee has off-sale endorsement for the pub;

"building" means any structure used or intended to be used for supporting or sheltering any use or occupancy;

"campground (short term)" means the use of land for short-term accommodation (less than 28 consecutive days) for vacation or recreational purposes, in tents or recreational vehicles, and may include the following accessory uses for campground occupants: washrooms, showers, laundry facilities, offices, recreational facilities, convenience stores, or restaurants; [BL3521]

"campground (seasonal)" means the use of land for seasonal accommodation for vacation or recreational purposes, in tents, recreational vehicles or park model trailers, and may include the following accessory uses for campground occupants: washrooms, showers, laundry facilities, offices, recreational facilities, convenience stores, or restaurants; [BL3521]

"cannabis production facility" means the cultivation, processing, analytical testing, and research of cannabis or cannabis products as authorized by a licence under section 8 (1) of the *Cannabis Regulations*, SOR/2018-144, and includes production, manufacturing, synthesis, alteration, propagation, harvesting, packaging, storing, distribution, and sale of cannabis or cannabis products where and on the terms permitted by that same licence, but does not include:

(a) the cultivation or processing of cannabis or cannabis products by an individual under Section 56 of the *Cannabis Control and Licensing Act*, SBC 2018, c. 29, or by a registered person or designated person, as defined in Part 14 of the *Cannabis Regulations*, for the personal use and consumption of the individual or registered person; or

(b) the retail sale of cannabis or cannabis products, including sale authorized under the *Cannabis Control and Licensing Act* or pursuant to s. 69 (1) of the *Cannabis Act;* [BL3741]

"child care centre" means a facility providing non-residential care for children in accordance with the *Community Care and Assisted Living Act*. [BL3989]

"church" means a building or land where persons assemble for religious worship and which is maintained and controlled by a religious body for public worship and religious education, and may, from time to time, include educational activities, fund-raising activities, recreational activities, or child care activities. It may

also include periodic, but not permanent, use for social events, craft sales, or flea markets; [BL3989]
"church camp" means a camp, that is managed by a church organization but does not include permanent residency, which may entail temporary residency;
"civic use" means the use of a building, structure, or land for the following public functions which are under the auspices of a public body: schools, fire halls, parks and recreation facilities owned by a civic body, and sewage pumping stations, water pumping stations, and reservoirs owned by the District or the Cowichan Valley Regional District. It may include temporary retail use, such as flea markets, carnivals or exhibitions, provided that such uses are undertaken for charity and/or are conducted under the auspices of a government body, but does not include government office buildings;
"club" means the use of a building, structure, or land by an association or organization for fraternal, social, recreational, community or benevolent purposes;
"commercial assembly use" means the rental of land, buildings and structures for the gathering of persons for weddings and other events; [BL4030]**"commercial card lock facility"** means an establishment which utilizes a cardlock or keylock system to dispense petroleum products from fuel pumps, but does not include service stations;
"commercial composting" means the use or intended use of land for commercially producing growing substance by biologically decomposing organic materials using composting technology (which may include physical turning, windrowing, in-vessel static pile aeration or other mechanical handling), in accordance with the *Waste Management Act* regulations; [BL2984]
"commercial laundry" means an industrial use of a building or structure for the receipt and redistribution of clothing and fabrics in bulk for cleaning, maintenance and repair, including ancillary office and storage space, but does not include a laundromat. [BL4002]
"commercial operation" means an occupation, employment, or enterprise that is carried on for the purpose of earning income;
"commercial school" means a building, structure, or land used or intended to be used for the purpose of providing educational courses in the form of a business school, a secretarial school, language school, dancing school and similar facilities;
"commercial use" or **"commercial"** means the use or intended use of a building, structure, land, or any portion thereof as a retail store, office, professional office, hairdresser's salon, or financial institution;
"community care facility" means any facility that provides accommodation and continuous professional care that is defined and licensed under the *Community Care and Assisted Living Act*, and its amendments; [BL3302]
"community garden" means an area of land managed and maintained by a group of people, either collectively or on individual garden plots, to grow vegetables, fruit, flowers, or native plants, and includes gardening instruction, demonstration gardening, and the sale or exchange of items produced on site; [BL3367]
"community hall" means the use or intended use of a building or structure as a meeting place for individuals within the community. It may include periodic, but not permanent, use for social events, crafts sales, and flea markets;
"congregate housing" means a residential multiple-family building which incorporates assisted living, supportive housing or community care facility units for more than ten residents, including resident staff, and includes a private lockable room, separate common areas for dining and socializing, the provision of meals, and housekeeping and may be a registered or licensed facility pursuant to the *Community Care and Assisted Living Act*, and its amendments; [BL3302]
"Council" means the Municipal Council of The Corporation of the District of North Cowichan;
"covered parking" means an off-street parking use located within a building or structure;
"craft or artisan distillery" means an establishment, licensed by the Province of British Columbia, that produces alcoholic beverages by distillation, or by infusion through distillation, and may include a tasting room and retail sales of the product produced on site; [BL3520]
"custom workshop" means a workshop where the production, sales, and servicing of specialized goods or services, including cabinets, signs, window coverings, and furniture occur; where this use is accessory to the principal use, all operations shall be conducted within an enclosed building, and shall not exceed 65%

of the gross floor area; [BL3037]

"density" means the following:

(a) the maximum number of buildings per lot;

(b) the maximum number of dwelling units per lot; or

(c) the maximum floor space ratio,

or a combination thereof; [BL3083]

"derelict motor vehicle" means a motor vehicle which is incapable of operating under its own power and does not have attached license plates for the current year, pursuant to the regulations of the *Motor Vehicle Act*, or is unlicensed;

"dining room" means an eating establishment, which may serve alcohol, where food is sold to the public for consumption on the premises;

"drug paraphernalia business" means the use of premises for the display, retailing or renting of illegal drug-related equipment; [BL3323]

"dwelling unit" means one or more rooms which constitute a single, self-contained living unit including sanitary facilities, sleeping facilities and only one kitchen, and which is used as the residence of only one family; [BL2996]

"eave line" means the horizontal line on a building that marks the extreme edge of the overhang of a roof, and where there is no overhang, the eave line will be the horizontal line at the exterior intersection of the roof and wall; [BL3333]

"entertainment use" means a building, structure, or land used or intended to be used for teen clubs, cinemas, theatres, billiard halls, arcades, and the like, and may have accessory food and beverage services;

"family" means one or more persons related through marriage or common law, blood relationship, legal adoption, or legal guardianship, or a maximum of 5 unrelated persons occupying a single-family unit provided it is not an Assisted Living, Supportive Housing or Community Care Facility; [BL3202]

"farm animals" means domesticated cows, donkeys, horses, mules, llamas, emus, ostriches, swine, sheep, or goats, and other animals usually associated with farming, but not necessarily used soley for agricultural purposes; [BL3758]

"feedlot" means land structure, pen or corral, wherein farm animals are kept for the purpose of fattening for shipment to market;

"fence" means a free-standing structure used to enclose all or part of a lot. It can include retaining walls but does not include hedges or similar landscaping; [BL3891]

"financial institution" means a bank, credit union, acceptance corporation, trust company, finance company, or similar establishment, but does not include a building or premises containing a single bank machine;

"fitness centre/gymnasium" means the use of a building or structure for gymnasiums, weight rooms, exercise studios, hot tubs, saunas, and pools;

"float home" means a structure incorporating a flotation system, used or intended to be used or occupied for residential purposes, containing one dwelling unit only, not primarily intended, or used, for navigation, and does not include a water craft designed or intended primarily for navigation; [BL3068]

"floor space ratio" means the gross floor area of all buildings divided by the lot area;

"food and beverage processing" means the use of a building or structure to house equipment used for processing and/or packaging food, including fish, and beverages to prepare them for sale to the public, and may include a restaurant or sampling area;

"food bank" means the storage and distribution of food products for non-profit and charitable purposes; [BL3283]

"food cart" means a non-motorized mobile cart with a maximum area of 4.65 m^2 from which food or beverages are carried, contained and offered for sale to the public; [BL3657]

"food trailer" means a portable, self-contained trailer that is equipped to cook, prepare or serve, and offer food or beverages for sale to the public, but does not include a food cart; [BL3657]

"food truck" means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare or serve, and offer for sale food or beverages to the public, but does not include a food trailer or food cart; [BL3657]

"forestry use" means a use providing for the conservation, management, and extraction of primary forest resources, but does not include the manufacturing and processing of forestry products;
"frontage" means the minimum required length of the front lot line;
"funeral parlour" means a building or structure where the dead are prepared for burial or cremation and where funeral services and wakes may be held, and may include a crematorium;
"fur farm" means the use of buildings, structures, or land for the purpose of a commercial operation which raises fur bearing animals for sale, and includes accessory operations for those products which were produced on the lot where the fur farm is located;
"gallery" means a building or structure used for viewing artwork or crafts, and may include the sale of such items;
"gathering for an event" has the same meaning as in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*; [BL3662]
"go-kart use" means the use of buildings, structures, or land for the maintenance, repair, operation and racing of go-karts; [BL3761]
"grade" means the average finished ground level at the perimeter of a building or structure;
"greenhouse" means the use of a building, structure, or land for growing plants, transplanting plants, experimenting with plants, or wholesaling the plants produced, and specifically excludes retail sales of the plants produced;
"gross floor area" equals the sum of the floor area of each storey in all buildings on a lot, including exterior walls, but excluding the following:

(a) attached garages or covered parking areas to a maximum of 42 m^2 (452 sq. ft.) in area in residentially-zoned (R) lots for single-family dwellings, two-family dwellings or modular homes;
(b) unenclosed and roofless decks, patios, balconies and porches;
(c) areas below grade with a maximum ceiling height less than 1.8 m (5.91'.);
(d) elevator shafts and mechanical rooms;
(e) covered entrances to a maximum of 10 m^2 (107 sq. ft.) in area; [BL3457]

"guardrail" means a barrier such as a bar or a rail placed along the edge of something such as a retaining wall or staircase so as to improve safety and prevent falls; [BL3891]
"habitable room" means a room used or intended for cooking, eating, sleeping or human occupancy; [BL3383]
"hairdresser" means a business or occupation involving cutting and/or styling hair, and may include the services of an esthetician, beautician, manicurist, masseur, or pedicurist;
"health service" means an establishment primarily engaged in furnishing medical, surgical or health related services to individuals, and includes the offices of physicians, dentists, and other health practitioners; [BL3160]
"height" means the vertical distance from grade to the highest point of a building, excluding church steeples, towers on safety buildings, and silos, as averaged from each of the outermost corners of the building to the highest point of the building;
"helipad" means the use of land for a pad used for the landing and take-off of helicopters; [BL3618]
"highway" includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property;
"home-based business" means a commercial operation which is accessory to a residential use within the same lot, and is limited to studios for the production of arts and crafts, automobile repair of private passenger motor vehicles, day care, hairdresser, office and books, professional office, and small tool and appliance repair; [BL3989]
"hospital" means the use of land, buildings or structures for a hospital, as defined in the *Hospital Act;* [BL3618]
"hotel" means a building which contains sleeping units used or intended to be used for the temporary accommodation of lodgers and it may include accessory facilities such as restaurants, meeting rooms, convention facilities, gift shops, recreational facilities, Cold Beer and Wine Stores, and/or premises which are licensed primarily for the on-site consumption of alcoholic beverages, and includes motel and boatel;

"hotel small scale" means a hotel with a maximum of ten sleeping units, with or without individual cooking facilities, where each unit is no more than 50 m^2 (538.20 sq. ft.) in floor area, and is accessed from a common internal corridor; [BL3426]

"independent school" means the use of buildings, structures, and land as a private academic school which is licensed under the *Independent School Act*;

"industrial use" means a use providing for processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging goods or materials, and selling heavy industrial equipment and retail sales incidental to the principal use, but excludes sawmills, pulp mills, planing mills, commercial composting, and septage facilities; [BL3467]

"kennel" means a structure on and/or a use of land for the purpose of sheltering, boarding, and/or breeding four or more dogs;

"kitchen" means any room designed or used for the operation of a stove, grill, oven, microwave oven, dishwashing equipment, or any other appliance or equipment used for preparing food; [BL2996]

"landscape screen" means a visual barrier formed by a fence, a masonry wall, shrubs, trees, earth berm, or a combination thereof;

"landscaped open space" means the area of a lot used for the growing and maintenance of grass, trees, or shrubs, or used for other landscaping purposes but does not include the area of a lot used for parking nor the area of a lot which is covered with asphalt but may include an area of land which is partially covered with decorative pavers;

"large animal hospital" means any building, structure, or premises, which have outside paddocks or kennels, in which animals are treated for medical reasons or in which animals are hospitalized, and includes veterinary clinics;

"laundromat" means the use of a building or structure for a business enterprise which supplies individuals with the use of washing machines and dryers for monetary compensation. It may include small scale facilities for entertainment (e.g. television), but does not include the sale of alcoholic beverages;

"limited home-based business" means a home-based business of "Office and Books";

"live-work studio" means a unit in a multi-storey building with an artisan studio, child care centre, personal service, office or professional office on the ground floor with a second floor residential dwelling unit accessed through the commercial premises; [BL3426, BL3989]

"liquor" means beer, wine, spirits or other product that is intended for human consumption and that contains more than 1% alcohol by volume; [BL3651]

"lot" means the smallest area of land designated as a separate and distinct parcel on a subdivision plan, bare land strata plan, or certificate of title filed in the Land Title Office;

"lot area" means the total horizontal area within the lot lines of a lot;

"lot area, panhandle" means any lot which gains highway frontage through the use of a narrow strip of land which is an integral part of the lot. In the case of a panhandle lot, the access strip shall not be included in the calculation of the lot area;

"lot coverage" means the total of the horizontal area of the lot within the vertical projection of the outermost walls of all buildings and structures, and the horizontal area of the lot covered by decks which are 150 mm (.5'), or greater, above grade, expressed as a percentage of the lot area;

"lot line" means a line which marks the boundary of a lot;

"lot line, front" means the lot line common to the lot and an abutting highway, except in the case of:

(a) a corner lot, where the lot line, front, shall be the shortest lot line common to the lot and the abutting highway,

(b) a panhandle lot, where the lot line, front, shall be considered the longest lot line that adjoins the abutting highway and forms part of the panhandle, or, excluding the panhandle portion of the lot, that lot line that is parallel to and closest to the highway;

"lot line, side" means all lot lines other than the front lot line and rear lot line;

"lot line, rear" means the lot line opposite to and most distant from the lot line, front, or, where the lot is triangular in the rear, a line measured 1.5 m (5') from the point at the rear of a lot bounded by intersecting lot lines, sides;

"major equipment repair" means the use of buildings, structures, or land for the purpose of repairing

farm equipment, construction equipment, industrial equipment, commercial vehicles, and the like;
"manufactured home" means a modular home and mobile home; [BL3367]
"marina" means a facility which provides moorage space for water-going vessels and may also include, as accessory uses, administrative offices, recreational lounges, eating establishments, the retail sale or rental of marine supplies and equipment, laundromat, shower facilities, dock-side boat repair, and water taxi docks, but does not include floating homes or live-aboard marine public houses;
"**market community space**" means the use of premises for activities, meetings, presentations, and informational/public outreach open houses conducted by local community groups, non-governmental organizations and agricultural or food supply groups. This may also include temporary or permanent educational facilities which promote farming and the processing of farm products. [BL3846]
"market garden" means the use of a building, structure, or land as a market which predominantly sells agricultural products, but may also include a crafts shop, a deli, or a bakery;
"medical education and training" means the use of land, buildings or structures for providing education, courses or training in any medical profession; [BL3618]
"micro cannabis production facility" means a cannabis production facility authorized by a micro license under the *Cannabis Act* and its regulations; [BL3746]
"mini-warehousing" means the use of land, buildings, or structures for the business enterprise of storing the personal goods of others in individual fully enclosed storage compartments which are accessible by motor vehicle for loading and unloading;
"mixed commercial development" means three or more individual commercial business establishments, housed in one or more buildings designed as an integrated unit and contained within one legal parcel of land; [BL3083]
"mixed use building" means a building wherein there are two or more dwelling units and at least the entire bottom floor of the building is used for a commercial use, a child care centre, and/or another non-residential use permitted in the zone; [BL3989];
"mobile food service" means the use or intended use of a food truck, food trailer or food cart; [BL3657]
"mobile home" means a factory built dwelling unit that conforms to Canadian Standards Association (CSA) Z240-MH series standard; [BL3367]
"mobile home space" means an area of land situated within a mobile home park and used for the installation of one mobile home with permissible additions;
"mobile home park" means a parcel of land on which manufactured homes are located and individual sites are made available on a long-term rental basis, together with a recreation area, and any buildings or structures accessory to the mobile home park; [BL3367]
"modular home" means a factory built home that conforms to CSA A277 series standard; [BL3367; BL3722]
"motel" means a hotel, the units of which may include kitchen facilities but does not contain premises licensed for the on-site consumption of alcoholic beverages, or a Cold Beer and Wine store;
"motion picture and television filming" means the filming and production of motion pictures or television shows or series; [BL3761]
"motor vehicle" means a self-propelled vehicle in, on or by which a person or thing may be transported on a highway, but specifically excludes vehicles designed to be used exclusively on stationary rails or tracks, vehicles moved by human power, mobility scooters, and motor-assisted bicycles; [BL3559]
"motor vehicle presentation centre" means the use of a building, structure or land for the display, storage and sales of motor vehicles, motor vehicle parts, accessories and merchandise, including ancillary offices and facilities; [BL3761]
"motor vehicle sales" means the use of a building, structure, or land for the sale of motor vehicles and may include accessory products sales, repair shops, or auto body repair shops;
"motor vehicle testing and driver training facility" means the use of land for a motorsport circuit and off-road circuit that hosts a variety of motor vehicle driving programs in different configurations with different groups, including but not limited to

(a) motor vehicles driving the circuit to achieve and improve lap times;
(b) motor vehicles practicing emergency braking, lane changes, cornering and other

procedures including some at high speed;

(c) multiple motor vehicles using the facility simultaneously including during club or manufacturer activities to achieve and improve their driving skills;

(d) facilities and repair areas to change settings of motor vehicles, change tires, conduct minor maintenance and repairs, and set up motor vehicles;

(e) club with restaurant, office, retail store, the sale of food and beverages, change rooms and ancillary amenities;

(f) parking, off-street parking, covered parking, maintenance, warehouse and storage facilities; [BL3761].

"multi-family" means a lot containing more than 2 dwelling units; [BL3457]

"multi-family residence" means a building divided into more than two dwelling units and may include townhouse and stacked townhouse; [BL3495]

"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 the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself;

"nature sanctuary viewing centre" means the use or intended use of a building, structure, or land for the purpose of viewing, meeting, or displaying nature;

"night club" means an establishment or cabaret which offers the sale of liquor in conjunction with live entertainment and/or dancing;

"nursery" means the use or intended use of a building, structure, or land for the retail or wholesale sales of flowers, fruits, vegetables, shrubs, trees, or similar vegetation and/or gardening implements. It may also include facilities for growing such vegetation;

"occupancy" means the use or intended use of a building or part thereof for sheltering or supporting persons, animals, or property;

"occupy" means to become established in, to reside in, or to use land, buildings, or structures;

"off-street parking" means a use of land or buildings for the parking needs of the principal use of a lot; the area for such use includes parking spaces and internal driveways in parking areas, but does not include access driveways;

"off-street loading" means the use of land or buildings for the loading and unloading needs of the principal use of the same lot;

"office" means a place of business where the principal function is intellectual activity and skill usage other than assembling, manufacturing, repairing, or servicing goods. It includes file areas, storage of office supplies, record keeping, financial records, client and account records, space for interviewing clients and similar space use and includes professional offices;

"personal care use" means a use providing for the care of the sick, injured, or aged persons other than in a public hospital and shall include personal care homes, intermediate and extended care homes, rest homes, and child custodial homes, and includes housing for seniors, or other special needs groups provided that a care component is present;

"personal service" means the use of premises by a barber, aesthetician, manicurist, travel agent, shoe or watch repair person, tailor, dressmaker, or therapeutic, cosmetic or medical massage therapist; [BL3426]

"piggery" means the use of buildings, structures, or land for the purpose of a commercial operation which raises pigs and includes accessory operations for those products which were produced on the lot where the piggery is located;

"poultry" means chickens, turkeys, ducks, gees and pigeons; [BL3758]

"poultry farm" means the use of buildings, structures, or land for the purpose of a commercial operation which raises poultry, including emu, and ostrich, and includes accessory operations for those products which were produced on the lot where the poultry farm is located;

"principal building" means the building used or intended to be used to accommodate the principal use;

"principal use" means the primary and chief purpose for which land and buildings are used or intended to be used;

"professional office" means an office of an accountant, architect, dentist, engineer, lawyer, doctor, or other medical practitioner;
"pub" means the use of buildings, structures, or land for the purpose of selling alcoholic beverages and which is licensed appropriately under the *Liquor Control and Licensing Act* an which may also include the sale of food for consumption within the premises;
"public lane" means a public thoroughfare or way not more than 10.1 m (33.14') in width which affords only secondary means of access to a site, at the side or rear; [BL3333]
"public use" means a building, facility, or open space, under the direct control of the federal government, provincial government, a regional district, or a municipality and used as a utility, household recycling drop-off depot, office, hospital, prison, university or college, or by a crown corporation, and may include an accessory helicopter landing pad; [BL3457]
"public utility use" means a use providing for public utility facilities for water, sewer, electrical, telephone, and similar services where such use is approved by the District; [BL3083]
"racetrack" means the use of land for the purpose of holding motor vehicle, motorcycle, horse, or go-cart races;
"recreation area" means an area which is set aside for active or passive recreation and which is exclusive of the required yards;
"recreational facility" means the use of buildings, structures, or land for gymnasiums, indoor or outdoor racquet courts, curling rinks, skating rinks, swimming pools, aerobic studios, weight rooms, bowling alleys, and the like, and may include accessory restaurants, offices, or sporting goods sales;
"recreational vehicle" means a (a) camper, (b) travel trailer, (c) fifth wheel, or (d) motor home, with a maximum width of 2.6 m in transit mode that is licensed under a Provincial enactment; [BL3521]
"recreation facility small scale," means the use of premises as a facility for indoor racquet courts, swimming pools, hot tubs, saunas, aerobic studios, or weight room; [BL3521]
"recycling drop-off depot" means the use of land or a building for the drop-off of household recyclable materials; [BL3521]
"recycling depot" means the use of a building to collect and sort municipal solid waste, refund containers, or recyclable material but does not include recycling industrial use; [BL3521]
"recycling industrial use" means the use of land, a building, or a structure

(a) to process municipal solid waste or recyclable material into new products, or
(b) for a feedstock to manufacture products, or
(c) to convert recyclable materials or municipal solid waste into a form suitable for transportation or manufacture into new products; [BL3521]

"residential building" means a building containing a residential use and/or sleeping unit;
"residential rental tenure" means, in relation to a dwelling unit, a tenancy governed by a tenancy agreement that complies with the Residential Tenancy Act; [BL3868]
"residential use" means the occupancy or use of a building, or part thereof, as a dwelling unit;
"resource use" means a use providing for extracting, grading, crushing, screening, and storing sand, gravel, minerals, and peat, but excludes all manufacturing of products;
"restaurant" means an eating establishment, which may serve alcohol, where food is sold to the public for consumption within the premises, within the patron's motor vehicle, or to be taken to another location for consumption;
"retail store" means a use of a building or land to sell or rent goods or wares, other than motor vehicles and heavy equipment; [BL3323]
"retaining wall" means a structure erected to hold back, stabilize or support water or land. It involves the alteration of land and is used to stabilize or modify slopes, level sites, and correct grade differences. Retaining walls may also form a system containing one or more terraced retaining walls; [BL3891]
"riding stable" means a building, structure, or premises used for a commercial operation as a stable where horses can be trained or boarded, or where riding lessons can be given;
"riparian assessment area" means the following, when measured from the high water mark:

(a) for a stream, the 30 m (98.43') strip on both sides of the stream,
(b) for a ravine less than 60 m (196.85') wide, a strip on both sides of the stream measured to

a point that is 30 m (98.43') beyond the top of the ravine bank, and

(c) for a ravine 60 m (196.85') wide or greater, a strip on both sides of the stream measured to a point that is 10 m (32.81') beyond the top of the ravine bank; [BL3323]

"seafood market" means the use of buildings, structures, or land for the retail sale of seafood and related items;

"secondary suite" means an additional dwelling unit which is accessory to a single-family dwelling or a two-family dwelling, and meets the requirements set out in section 40.4(1); [BL3033, BL3674]

"septage" means a combination of water carried liquid and solid wastes or settles solids from residences, businesses and institutions normally collected in a septic tank, holding tank, or accumulated in wastewater lines; [BL3467]

"septage facility" means any facility, operations or process associated with the gathering, treatment, transportation, transfer, storage, utilization or discharge of sewage waste; [BL3467]

"service industry" means the use of land and buildings for the testing, assembling, wholesaling, cleaning, servicing, printing, repairing, and maintaining goods and materials, except as otherwise provided herein, including the sale of tools, lawnmowers, garden equipment, and any similar commodities;

"service station" means a use providing for the retail sale of motor fuels and lubricants as its principal use and may include a car wash, the service and repair of motor vehicles and the sale of automotive accessories, but does not include body shops, commercial card lock facilities, paint shops, welding shops, or machine shops;

"setback" means the horizontal distance measured at right angles from the lot line and along a parallel line to a use or wall of a building or structure which is nearest to that specific lot line;

"shipping container" means a container designed to store and transport cargo by ship, rail, or truck, whether or not it is actually used for such a purpose; [BL3457]

"single-family dwelling" means any building, consisting of one dwelling unit, used or intended to be used as the residence of one family, and includes a manufactured home placed on a permanent foundation; [BL3367]

"slaughterhouse" means a building wherein animals and/or poultry are killed and butchered;

"sleeping unit" means one or more habitable rooms used to accommodate any persons for a period of three (3) consecutive months or less in a calendar year;

"small sawmill" means a facility for sawing, planing and dressing logs harvested from the property upon which the facility is located or from adjacent lands; [BL3452]

"solid fence" means a fence made of wood, masonry, or other material which is intended to act as a visual screen and which cannot be seen through;

"stacked townhouse" means a building containing at least three and not more than eight dwelling units attached by a party wall, where dwelling units may be stacked above one another, where each dwelling unit has direct access to the outdoors at grade and utilizes internal stairs to access the upper units; [BL3426]

"storage yard" means buildings, structures, or land used or intended to be used for storing materials. It excludes those materials classified as "special wastes" under the *Waste Management Act*;

"stream" means any of the following that provide fish habitat:

(a) a watercourse, regardless of its water content,

(b) a pond, lake, river, creek or brook, and

(c) a ditch, spring or wetland that is connected by surface flow to a watercourse, pond, lake, river, creek or brook; [BL3323]

"structure" means any construction fixed to, supported by, or sunk into land or water but excludes concrete slabs on finished or natural grade, and decks on grade which are less than 0.61 m in height; [BL3891]

"supportive housing" means the use of a building designed to accommodate residents as they age and includes a private lockable room, separate common areas for dining and socializing, the provision of meals, and housekeeping, but does not include a community care facility; [BL3302]

"tea room" means a restaurant which may include outside seating and the accessory sale and display of arts and crafts, but specifically excludes "fast food restaurants";

[temporary mobile home – deleted by BL4016]

"tourist accommodation" means the use of land or buildings for providing overnight accommodation to tourists and may include the provision of parking for recreational vehicles or the provision of space for tenters, and also may include the provision of accessory facilities;
"townhouse" means a building containing at least three, and not more than six dwelling units attached by a party wall, located on 1 lot, with all dwelling units having direct access to the outdoors at grade; [BL3383]
"trade school" means buildings, structures, or land used, or intended to be used, for operating a school which offers courses relating to the trades' fields (e.g. welding, mechanic, etc.);
"two-family dwelling" means a building, containing two dwelling units which, if joined by a party wall, are primarily adjoined by habitable space rather than a carport, located on a single lot or on two strata lots.
"use" means the purpose or function for which land, or buildings, is used or is designated or intended to be used and/or occupied;
"veterinary clinic" means any fully enclosed building, structure, or premises, in which veterinary medicine is practiced, which does not have outside paddocks or kennels;
"warehouse" means the use or intended use of a building, structure or land for storing goods or merchandise;
"watercourse" means any natural or man-made channel through which water flows, serving to give direction to a current of water;
"yacht club" means all buildings, land, foreshore, water lots, and land covered by water occupied for recreation use of a bona fide club incorporated under the *Society Act* and amendments thereto, for the purpose of boating, sailing, or yachting, and other club activities;
"yard, front" means that portion of the lot extending from one side lot line to another between the front lot line and a line drawn parallel thereto at a distance prescribed by the minimum setback of the zone in which the lot is located. The depth of such yard shall mean the perpendicular distance between the front lot line and the parallel line;
"yard, rear" means that portion of the lot, extending from one side lot line to another, between the rear lot line and a line drawn parallel thereto at a distance prescribed by the minimum setback of the zone in which the lot is located. The depth of such yard shall mean the perpendicular distance between the rear lot line and the parallel line. In the case of a lot where the side lot lines intersect at a point, the rear yard shall be established in accordance with the definition of "lot line, rear";
"yard, side" means that portion of the lot, extending from the front lot line to the rear lot line, between the side lot line and the line drawn parallel thereto at a distance prescribed by the minimum setback of the zone in which the lot is located. The width of such yard shall mean the perpendicular distance between the side lot line and the parallel line;
"zone" means the areas into which the District is divided in accordance with this Bylaw, and attached schedules, and for which specific regulations are outlined; and
"zoning map" means the map marked Schedule "C" attached hereto and made part of this Bylaw. [BL3302]

12.1 Unless specifically included in a definition, the sale, distribution or trade of cannabis and its derivatives is excluded. [BL3688]

PART 4 – GENERAL REGULATIONS

[BL3068, BL3083, BL3150, BL3302, BL3323, BL3367, BL3427, BL3457, BL3511, BL3562, BL3597, BL3651, BL3674, BL3741, BL3752, BL3754, BL3763, BL3764, BL3776, BL3782, BL3797, BL3878, BL3891, BL3957, BL3958, BL3964, BL3989, BL4016]

Watercourses

13 (1) Despite any other provisions of this Bylaw, other than section 80.2 (7) (d), no building or part thereof shall be constructed, altered, moved, or extended, nor shall any mobile unit, manufactured home, structure, or fill be located: [BL3323]

(a) within 7.5 m (24.6') from the natural boundary of the sea, or

(b) within the riparian assessment area, unless the requirements of the *Riparian Areas Regulation* of the British Columbia *Fish Protection Act* have been met;

(c) within 15.0 m (49.21') from the natural boundary of any other watercourse or source of water supply, excluding wells.

Flood Control Requirements

14 (1) The underside of the floor system of any building, structure or manufactured home used for habitation, business, or storing goods which can be damaged by water must not be lower than the flood construction level established under subsection (2). [BL3457]

(2) The flood construction level is, where applicable,

(a) shown on the Flood Construction Level Map for the lower Cowichan River and Somenos Area, marked Schedule "K", attached to and forming part of this bylaw,

(b) shown on the floodplain area map designated pursuant to the Canada/British Columbia Floodplain Mapping Agreement (1988) for the Chemainus River,

(c) 3.0 m above the natural boundary of the Chemainus River and Cowichan River where not identified in paragraphs (a) and (b),

(d) elevation 27.4 m (Geological Survey of Canada (G.S.C.) datum) surrounding Quamichan Lake,

(e) 1.5 m above the natural boundary of the sea, any lake, watercourse, intermittent pond, or swamp in the immediate flood hazard area not identified above, or

(f) not lower than 0.6 m above the 200-year flood level as established by a qualified professional engineer.

General Exemptions

15 (1) The restrictions established by sections 13 and 14 of this Bylaw shall not apply to on-loading and off-loading facilities associated with water-oriented industries within the Industrial Heavy Zone (I2), to portable sawmills, nor to other bona fide water lot uses. Main electrical switchgear shall be placed above the flood construction level, and electrical circuits extending into areas that flood shall be provided with cut-off switches.

(2) Section 14 shall not apply to:

(a) an addition to a building or structure used as a residence that would increase the size of the building or structure by less than 25% of the floor area existing at the date of adoption of this Bylaw; and

(b) that portion of a building or structure designed or intended for uninhabited residential use such as a carport or garage, storage areas, utility areas, or workshops.

Building Separations

16 No accessory building shall be located within 1.22 m (4') of any principal building, measured from eave to eave.

Off-street Parking

17 (1) (a) Off-street parking facilities shall be provided and maintained for all developments in accordance with sections 17-24.

(b) All required off-street parking areas, driveways, and accesses shall be paved, marked,

numbered, bumpered, illuminated, and drained to the standard established by the Municipal Engineer.

(2) Off-street parking facilities for Single-Family Residences and Two-Family Residences are hereby exempted from the standards set out in section 17 (1) (b).

(3) Off-street parking facilities for Mobile Home Park are required to follow the standards set out in the "Mobile Home Park Bylaw 1978", No. 1775.

(4) Off-street parking facilities for institutional uses which are located within the Agricultural Zone (A1) or Rural Zone (A2), are hereby exempted from the above paving, marking, and numbering standards. However, such parking facilities must be graveled, illuminated, and bumpered.

(5) Where there is more than one use of a lot, required off-street parking spaces shall be calculated and provided for each use.

18 (1) All required off-street parking shall be located on the same lot as the building or use for which the parking is required, except where an owner or occupier has paid for parking instead of providing off-street parking, pursuant to a Bylaw adopted under the *Municipal Act*.

(2) No off-street parking is permitted in the required front yard of the following zones:

(a) Residential Multi-Family Zone (R7);

(b) Residential Ground-Oriented Multi-Family Zone (R7-A);

(c) Residential Multi-Family Apartment Zone (R8). [BL3427]

19 The minimum setback for off-street parking for Commercial, Industrial, and Institutional uses for the Yard, Front is .6m (1.96').

20 All required visitor parking spaces must be designated as such by appropriate signs.

20.1 At most, 25% of the number of off-street parking spaces required by this bylaw may be for small cars. [BL3150]

21 The minimum number of required off-street parking spaces for each use category shall be as follows:

(1) Residential

Assisted Living, Supportive Housing, and Community Care Facilities with a maximum of 10 residents	1 space per 3 resident rooms plus the single-family requirements
Bed and Breakfast	1 space per guest room plus the single-family requirements
Boarding and Rooming House	1 space per boarder plus the single-family requirements
Accessory Dwelling Unit	2 spaces
Congregate Housing	1 space per 3 resident rooms plus 15% of the total number of rooms designated as visitor and staff parking
Detached Accessory Dwelling Unit, Secondary Suite	1 space
Home-based Business	1 space per 46 m^2 (495.16 sq. ft.) gross floor area plus the single-family requirements
Mobile Home on Lot	2 spaces
Mobile Home in Park	1.5 spaces
Mobile Home Office in Park	3 spaces
Modular Home	2 spaces
Multi-Family Residential, Apartment	1.5 spaces per dwelling unit plus spaces designated as visitor

containing five or more dwelling units or more than one residential building	parking equal to 15% of the total number of units.
Multi-Family Residential, Townhouse containing five or more dwelling units or more than one residential building	2 spaces per dwelling unit plus spaces designated as visitor parking equal to 15% of the total number of units.
Multi-Family Residential containing four or fewer dwelling units.	1 space per dwelling unit.
Single-Family Dwelling, Two-Family Dwelling	2 spaces per unit
Complex containing two or more Single-Family Dwellings or Two-Family Dwellings	The spaces required for each dwelling unit plus spaces designated as visitor parking equal to 15% of the total number of units.
[Deleted by BL4016]	[Deleted by BL4016]

[BL3302, BL3367, BL3457, BL3754, 4016]

(2) Institutional

Assembly Hall	1 space per each 20 m^2 (215.3 sq. ft.) of gross floor area
Child Care Centre	1.5 spaces per classroom plus 2 additional spaces designated for short-term parking
Church	1 space per 10 seats
Community Hall	1 space per each 10 m^2 (107.6 sq. ft.) gross floor area
Elementary School	1 space per classroom plus 5 additional spaces
Middle School	1 space per classroom plus 10 additional spaces
High School	5 spaces per classroom plus 10 additional spaces
Hospital	1.5 spaces per 3 bed spaces
Library, Aquarium, Gallery, Museum	1 space per 30 m^2 (322.92 sq. ft.)
Personal Care Use	1 space per 3 sleeping units

[BL3562, BL3989]

(3) Recreational

Bowling Alley	2 spaces per alley
Fitness Centre/Gymnasium	1 space per 10 m^2 (107.6 sq. ft.) gross floor area
Golf Course (9-hole)	50 spaces per course
Golf Course (18-hole)	100 spaces per course
Golf Driving Range	1.5 spaces per tee
Stadium or Arena	1 space per 3 seats
Swimming Pool	1 space per 15 m^2 (161.46 sq. ft.) gross usable recreation area

Theatre	1 space per 4 seats

(4) Commercial

Automobile, Truck, and Boat Sales	1 space per 70 m^2 (753.47 sq. ft.) gross floor area
Commercial Assembly Use	1 space per each 10 m^2 (215.3 sq. ft.) of gross floor area [BL4030]
Commercial School, Trade School	1 space per 19 m^2 (204.5 sq. ft.) gross floor area
Financial Institution	1 space per 20 m^2 (215.2 sq. ft.) gross floor area
Hotel, Motel, Restaurant, Tea Room, Club, Licensed Premises	1 space per sleeping unit and 1 space per 4 seats
Laundromat	1 space per 19 m^2 (204.5 sq. ft.) gross floor area
Mixed Commercial Development	1 space per 20 m^2 (215.3 sq. ft.) of gross floor area
Office, Professional Office	1 space per 37 m^2 (398.26 sq. ft.) gross floor area
Repair Shop	1 space per 45 m^2 (484.37 sq. ft.) gross floor area
Retail Store, Personal Service Establishments	1 space per 19 m^2 (204.5 sq. ft.) gross floor area
Theatre, Cinema	1 space per 4 seats
Warehouse	1 space per 185 m^2 (1,991.32 sq. ft.) gross floor area

[BL3083]

(5) Industrial

Industrial/ Light Industrial Use	1 space per 100 m^2 (1,076.43 sq. ft.) gross floor area, or 1 space per 2 employees (whichever is lesser) or where there is no building, a minimum of 5 spaces are required.

(6) Marine

Boatel	1 space per 2 sleeping units
Commercial Float Plane Facility	3 spaces per berth
Float Home	1.5 spaces per dwelling plus 15% of the total number of units designated as visitors' parking
Marina	1 space per 2 boat berths plus 20 car and boat-trailer spaces for each boat-launching lane

[BL3068]

(7) Requirements for apartment buildings, townhouses, and subsidized housing which are located in the area bounded by Beverly Street, York Avenue, Howard Avenue, and Alexander Street

Apartments/Townhouses/ Government Subsidized Housing Projects	1 parking space per dwelling unit plus 15% of the total number of units designated as visitor parking

(8) As part of the above parking space requirements, parking spaces for use by persons with disabilities must be provided as follows:

Number of Required Parking Spaces	Number of Parking Spaces for Use by Persons with Disabilities
First 1 to 4	0
Next 5 to 20	1
Next 21 to 100	2
Next 101 to 1000	2 spaces per 100 required spaces or part thereof
Next 1001 and more	1 space per 100 required spaces or part thereof

[BL3457]

(9) Despite the above, at least one parking space for use by persons with disabilities must be provided

(a) for every dwelling unit used, designed, or intended to be used by persons with physical disabilities, and

(b) where fewer than 5 parking spaces are required for a commercial, Multi-Family, institutional, recreational, marine or industrial development. [BL3457]

22 Where the number of required off-street parking spaces is based on seating capacity, each 0.61 m (2.01') of pew, bench, or other seating shall count as one seat.

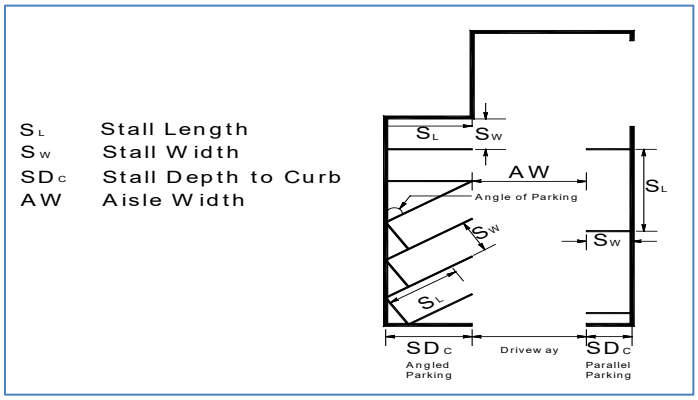
23 The minimum number of parking spaces required for each use shall be calculated to the nearest whole number. [BL3754]

Minimum Off-street Parking Areas

24 (1) Subject to subsection (2), every parking space must conform to the following requirements as shown in the diagram below them: [BL3150, BL3457]

Large Car Parking Layout Dimensions				
Dimension	Parking Angle			
	0°(Parallel)	90°	60°	45°
Stall width (S_W)	2.8 m (9.19')	2.6 m (8.53')	2.6 m (8.53')	2.6 m (8.53')
Stall length (S_L)	6.7 m (21.98')	5.8 m (19.03')	5.8 m (19.03')	5.8 m (19.03')
Stall depth to curb (SD_C)	2.8 m (9.19')	5.8 m (19.03')	6.3 m (20.67')	5.9 m (19.36')
Aisle width – 1-way (AW)	4.0 (13.12')	N/A	5.2 m (17.06')	4.0 m (13.12')
Aisle width – 2-way (AW)	6.1m (20.01')	7.6 m (24.93')	6.1 m (20.01')	6.1 m (20.01')

Small Car Parking Layout Dimensions				
Dimension	Parking Angle			
	0°(Parallel)	90°	60°	45°
Stall width (S_W)	2.8 m (9.19')	2.6 m (8.53')	2.6 m (8.53')	2.6 m (8.53')
Stall length (S_L)	5.0 m (16.4')	4.6 m (15.09')	4.6 m (15.09')	4.6 m (15.09')
Stall depth to curb (SD_C)	2.8 m (9.19')	4.6 m (15.09')	5.3 m (17.39')	5.1 m (16.73')
Aisle width – 1-way (AW)	4.0 m (13.12')	N/A	5.2 m (17.06')	4.0 m (13.12')
Aisle width – 2-way (AW)	6.1 m (20.01')	6.7 m (21.98')	6.1 m (20.01')	6.1 m (20.01')



(2) Despite subsection (1), the following additional requirements shall apply:

(a) If the door of a building or structure opens into the parking area, or where the parking space is adjoined on one or two sides along its depth by a fence, wall column, post, or similar obstruction, the minimum width of that parking space shall be increased to 3.0 m (9.84');

(b) Where a parking space is adjoined on one side along its depth by a fence, wall, column, post, or similar obstruction and on another side along its depth by a door, the minimum width of that parking space shall be increased to 3.4 m (11.15');

(c) In the case of boat-launching ramps, each car and boat trailer parking space shall be a minimum of 3.0 m (9.84') in width and 12.0 m (39.37') in length; and

(d) The minimum centre line radius of any travel lane in a maneuvering aisle shall be 7.6 m (24.93');

(e) Parking stalls for persons with disabilities must

(i) be at least 3.7 m (12.14') wide,

(ii) include at least 1.2 m (3.94') of width, which may be shared with an adjacent parking stall, for entry and exit of a vehicle,

(iii) be located close to the accessible entrance of a principal building,

(iv) have a firm, level, and slip-resistant surface,

(v) include a wheelchair ramp where one does not exist, and

(vi) be clearly marked for the sole use of persons with disabilities. [BL3457]

Off-street Loading

25 Off-street loading areas, with vehicular ingress to and egress from a street or lane, shall be provided on Commercial, Industrial, and Multi-Family Residential zoned lands in accordance with sections 26-28, except for the following:

(1) Townhouses, ground-oriented residential uses, and similar dwellings that have direct access to the outdoors at grade; and
(2) Service commercial uses; and
(3) Commercial and mixed-use buildings with a total gross floor area of 1000m^2 or less.

26 Required off-street loading areas shall be provided on the same lot as the building or use for which they are required. Off-street loading areas shall not be used for parking purposes.

27 The required number of off-street loading spaces is as follows:
(1) Buildings having a gross floor area of 2,000 m^2 (21,520 sq. ft.), or less, are required to have one off-street loading space; and
(2) Buildings having a gross floor area of more than 2,000 m^2 (21,520 sq. ft.) except for multi-family residential use, are required to have two off-street loading spaces.

28 Off-street loading spaces shall not be less than 3 m wide, 12 m long, and 5 m of vertical clearance, except for the following:
(1) Multi-family residential off-street loading space shall not be less than 3 m wide, 9 m long, and 4 metres of vertical clearance. [BL3957]

On-site Garbage, Recycling and Composting Containers and Enclosures

29 (1) All lots developed for multiple-family residential, commercial, or institutional uses must provide a common area(s) for a garbage, recycling and composting containers that meet all the following:
(a) Enclosed by walls or decorative fencing for the purposes of screening; and
(b) At a convenient location and elevation; and
(c) On the same lot as the use for which it is required.
(2) Subsection (1) does not apply to townhouse developments. [BL3958)

Home-based Businesses

30 All activity relating to a home-based business, including the storage of associated goods, must comply with the following:
(1) be conducted only by the resident of the dwelling unit and a maximum of one non-resident employee;
(2) be conducted entirely within a dwelling unit or a permitted accessory building, with the exception of a day care which may use an outdoor play area; [BL3989]
(3) occupy no more than the lesser of
(a) 46 m^2 (495.16 sq. ft.) of gross floor area, or
(b) 20% of the gross floor area if goods for sale are not manufactured, repaired, or refinished on site;
(4) not involve
(a) the exterior display or sale of goods,
(b) the sale of goods that are not related or ancillary to the home-based business,
(c) the display of more than one exterior sign, which sign must not be illuminated or larger than 0.4 m^2 (4.31 sq. ft.) in area,
(d) the storage or parking of more than one identifiable commercial vehicle on the lot at one time,
(e) the accommodation of more than 8 persons in a day care, [BL3989]
(f) the creation of on-street traffic or parking congestion,
(g) pressure spray-painting, or
(h) welding. [BL3323]

31 Home-based businesses which discharge or emit the following will not be permitted:
(1) odorous, toxic, or noxious vapours and/or matters;
(2) heat, glare, electrical interference, or radiation; and/or
(3) recurring ground vibration.

32 The "Automobile Repair" facet of home-based business shall not:
(1) involve bodywork;
(2) involve repair to any type of motor vehicle other than private passenger motor vehicles; or
(3) be conducted on a lot less than 4,000 m^2 (0.988 acres) in area.

32.1 Any home-based business or retail store that is an adult novelty business or drug paraphernalia business must not be located within 1 km of a school. [BL3323]

Projections into Required Yards/Setbacks

33 (1) All required setback areas must be kept free of buildings and structures, excluding permitted projections.

(2) Where a principal or accessory building, or any portion thereof, is situated wholly below ground, no setbacks are required in the yards, side, or the yard, rear, to that building or portion of that building situated wholly below ground.

34 A swimming pool shall not be located within 1.5 m (4.92') of any lot line.

35 (1) The following may project not more than 0.6 m (1.97') into any required yard:
(a) a step;
(b) an eave;
(c) an awning;
(d) a canopy;
(e) an open, cantilevered balcony without a roof;
(f) a porch;
(g) a chimney;
(h) a cornice;
(i) a gutter;
(j) a pilaster;
(k) a sill; and
(l) a bay window without any habitable floor area. [BL3457]

(2) The following may project into the front yard:
(a) a step accessing a primary entrance;
(b) a ramp that is providing an accessible route to a primary entrance;
(c) a deck, canopy, awning, porch, or balcony, provided that such projections do not exceed 2.0 m (6.56 ft.).

(3) Despite subsections 35 (1) and (35 (2), a step, canopy, or cantilevered balcony may project not more than 1.2 m (3.93') into a required front or rear yard of an apartment or townhouse.

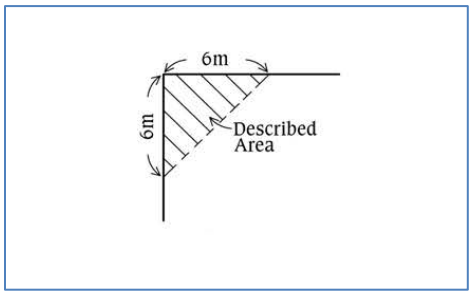
(4) Despite subsection 35 (1) and 35 (2) upper storey deck, porch or balcony projections are not permitted in the front yard of a lot accessed by a panhandle.

(5) Land within 4.5 m (14.76') from a property line must not be used for the placement of a generator, a heat pump or an air conditioner. [BL3754, BL3764]

(6) For certainty, a projection designed to accommodate furniture (e.g. a dining room hutch) must meet every yard requirement.

Vision Clearance

36 No obstruction of sight above 1.1 m (3.60') in height from street level shall be permitted at a road junction or intersection within the triangular area formed by the two intersection lot lines and the line joining the points on such lot lines 6 m (19.69') from the point of intersection, except in the Commercial General Zone (C2). [BL3323]



Fences & Retaining Walls [BL3891}

37 (1) [Repealed. BL3891}

(2) [Repealed. BL3891}

(3) Fence additions (e.g. barbed wire) shall be included in the calculation of total fence height.

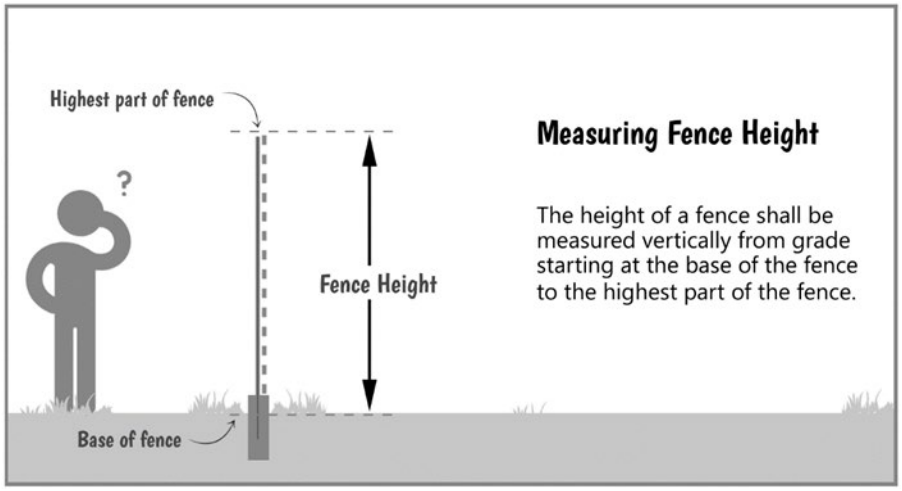
Fences [BL3891, BL4050]

37.1 *Fence height determined by zone*

(1) There is no maximum height for fences unless otherwise specified in a zone as set out in this Bylaw and summarized in subsection 37.1 (8).

Measuring height

(2) The height of a fence shall be measured vertically from grade starting at the base of the fence to the highest part of the fence.



Fence additions

(3) Fence additions (e.g. barbed wire or ornamentation) shall be included in the calculation of total fence height.

(4) For the purpose of calculating fence height, any arch, arbor, trellis or pergola affixed to or supported by a fence shall be deemed part of the fence.

Front yard fence

(5) Where a fence on the side of a property is also located within the setback of the front lot line, the "front" fence height restriction shall take precedence for that portion of the side fence.

Vision clearance

(6) Fences are subject to vision clearance provisions of section 36.

Fences located near retaining walls

(7) Fence height for any fence located within 1.2 m of a retaining wall is regulated under subsection 37.2 (4), except where such retaining wall is authorized in an accepted grading plan within the subdivision process.

Fence Height Restrictions by zone and yard location

(8) The maximum fence heights in each zone are as follows:

ZONE	NAME	MAXIMUM FENCE HEIGHT RESTRICTIONS		
		YARD, FRONT	YARD, SIDE	YARD, REAR
A1	Agriculture	No restrictions		
A2	Rural	No restrictions		
A3	Rural Restricted	1.2 m	2.0 m	2.0 m
A4	Rural Resources	No restrictions		
A5	Rural Residential	1.2 m	2.0 m	2.0 m
A6	Rural Market	No restrictions		
R1	Residential Rural	1.2 m	2.0 m	2.0 m
R1-U	Urban Residential Rural Zone	1.2 m	2.0 m	2.0 m
R1-BM	Bell McKinnon Residential Rural [BL4008]	1.2 m	2.0 m	2.0 m
R2	Residential Restricted	1.2 m	2.0 m	2.0 m
R2-R	Rural Residential Restricted	1.2 m	2.0 m	2.0 m
R3	Residential One and Two Family	1.2 m	2.0 m	2.0 m
R3-R	Rural Residential One and Two Family	1.2 m	2.0 m	2.0 m
R3-S	Residential Small Lot Single Family	1.2 m	2.0 m	2.0 m
R3-MF	Residential Medium Density Multi-Family	1.2 m	1.8 m	1.2 m
R4	Residential Small Lot Mobile Home	1.2 m	2.0 m	2.0 m
		Conditions as per Section 39.1		
R5	Residential Mobile Home Park	Subject to "Mobile Home Park Bylaw 1978", No. 1775.		
		Conditions as per Section 39.1		
R6	Residential Townhouse	1.2 m	2.0 m	2.0 m
		Conditions as per Section 39.1		
R7	Residential Multi-Family	1.2 m	2.0 m	2.0 m
		Conditions as per Section 39.1		
R7-A	Residential Ground-Oriented Multi-Family	1.2 m	2.0 m	2.0 m
		Conditions as per Section 39.1		
R8	Residential Multi-Family Apartment	1.2 m	2.0 m	2.0 m
		Conditions as per Section 39.1		
W1	Private Residence Water Lot	No restrictions		
W2	Light Commercial Water Lot	No restrictions		
W3	Mixed Use Commercial Water Lot	No restrictions		
MA1	Upland Tourist Commercial Marine	No restrictions		

MA2	Upland Tourist Commercial/Residential Marine	No restrictions		
C1	Commercial Local	Conditions as per Section 39.2		
C2	Commercial General	Conditions as per Section 39.2		
C3	Commercial Service	Conditions as per Section 39.2		
C4	Commercial Recreational	Conditions as per Section 39.2		
C6	Commercial Professional	Conditions as per Section 39.2		
C7	Commercial Rural Hospitality	Conditions as per Section 39.2		
C8	Commercial Rural Recreation	Conditions as per Section 39.2		
C9	Chemainus Commercial	Conditions as per Section 39.2		
I1	Industrial Light	Conditions as per Section 39.3		
I2	Industrial Heavy	Conditions as per Section 39.3		
PI	Private Institutional	No restrictions		
PU	Public Use	No restrictions		
PC	Public Conservation	No restrictions		
CD1	Cliffs CDZ	1.2 m	2.0 m	2.0 m
CD2	Chemainus Quay CDZ	No restrictions		
CD4	CDZ – Mixed Family	1.2 m	2.0 m	2.0 m
CD6	Chemainus Artisan Village CDZ - Areas 1 and 2	1.2 m	1.2 m	2.0 m
CD6	Chemainus Artisan Village CDZ - Area 3	1.2 m	1.2 m	1.5 m
	[Deleted BL4002]			
CD8	Maple Bay School Site CDZ	No restrictions		
CD9	Multi-Family CDZ	1.2 m	2.0 m	2.0 m
CD10	Urban Medium Density CDZ	No fences over 1.2 m in any yard that abuts public property, a highway or lane		
		No fences over 1.8 m in any other yard		
CD11	Community Services (Health Care) CDZ	No restrictions		
CD12	Residential Two-Family CDZ	1.2 m	1.8 m	1.2 m
CD13	Ground-Oriented Urban Residential CDZ	1.2 m	2.0 m	2.0 m
CD14	University Village Mid-Rise Residential CDZ	1.2 m	2.0 m	2.0 m
CD15	Mixed Use Residential	1.2 m	2.0 m	2.0 m
CD16	Mixed Use Commercial Core	No restrictions		
CD17	Congregate Housing CDZ	1.2 m	1.2 m	2.0 m
		Fencing along Friendship Trail must not exceed 2.0 m		
CD18	Kingsview CDZ	1.2 m	2.0 m	2.0 m
CD19	University Village	No restrictions		
CD20	The Commons CDZ	1.2 m	2.0 m	2.0 m
CD21	Motorsport Circuit CDZ	No restrictions		
CD22	Paddle Road North CDZ	1.2 m	2.0 m	2.0 m
CD23	Ford Road South CDZ	1.2 m	2.0 m	2.0 m
CD24	Village Residential Infill CDZ [BL3920]	1.2 m	2.0 m	2.0 m

CD25	Gilana Place Two-Family Detached CDZ [BL3964]	1.2 m	2.0 m	2.0 m
CD26	Drinkwater Road Multi-Family CDZ [BL3934] Bylaw says CD25	1.2 m	2.0 m	2.0 m
CD27	Highland Avenue CDZ [BL4050]	1.2 m	2.0 m	1.2 m
CD28	Adelaide Street CDZ [BL4071]	1.2 m	2.0 m	2.0 m
CD29	*[Pending BL4049]*			

Retaining Walls [BL3891]

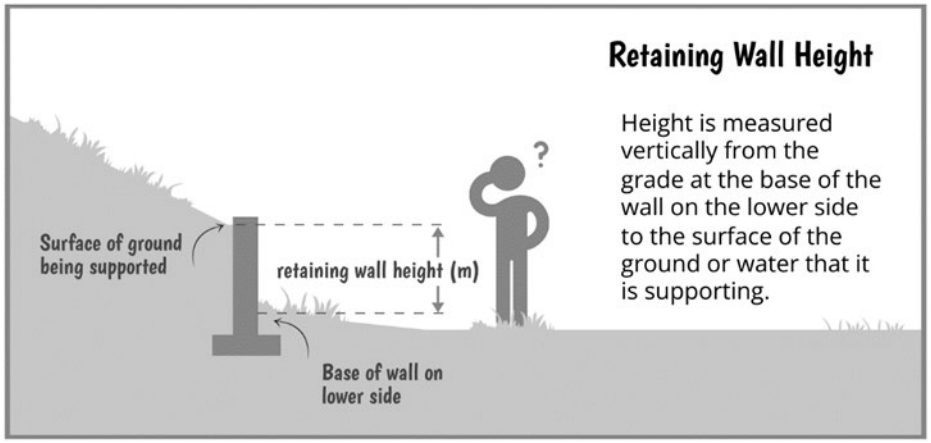
37.2 *Maximum allowable height*

(1) Retaining walls located in yards are subject to fence height restrictions in subsection 37.1 (8), whether or not combined with fencing elements, except where authorized on an accepted grading plan within the subdivision process.

(2) No retaining wall in any location shall be greater than 2 m in height, except where authorized on an accepted grading plan within the subdivision process.

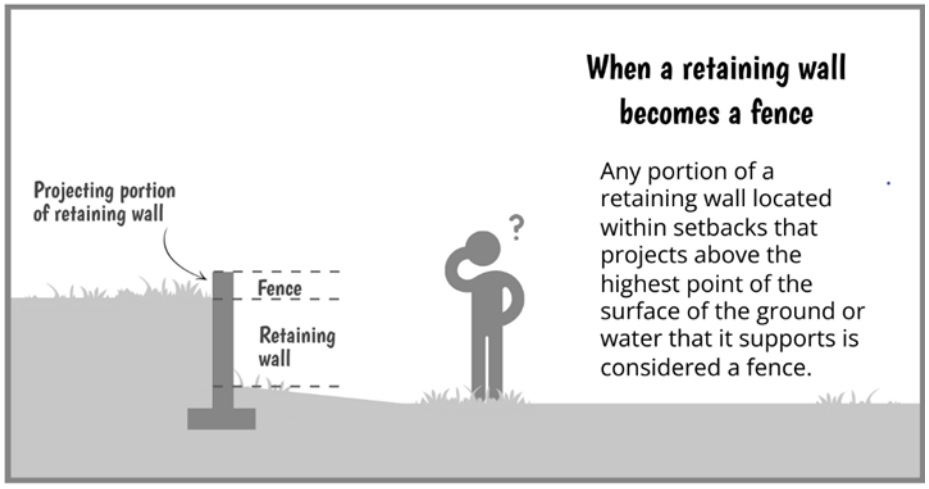
Measuring retaining wall height

(3) Retaining wall height shall be measured vertically from the grade at the base of the wall on the lower side to the surface of the ground or water it supports.



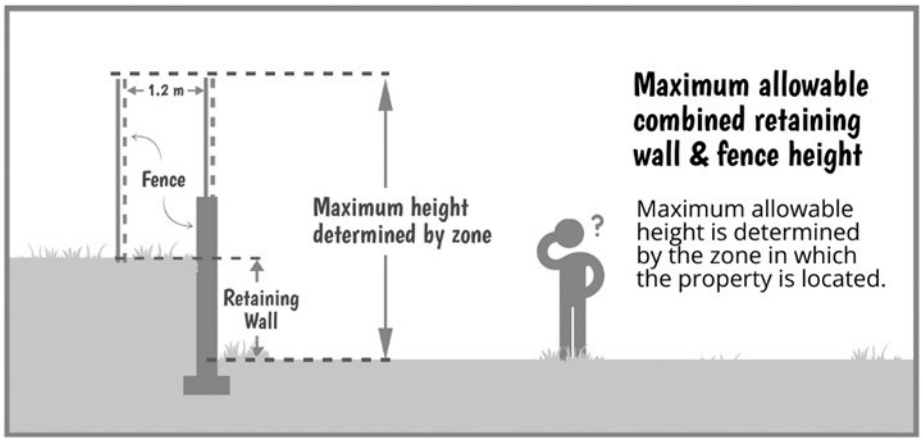
Portion of retaining wall considered as a fence

(4) Any portion of a retaining wall that projects above the highest point of the surface of the ground or water it supports is considered a fence.



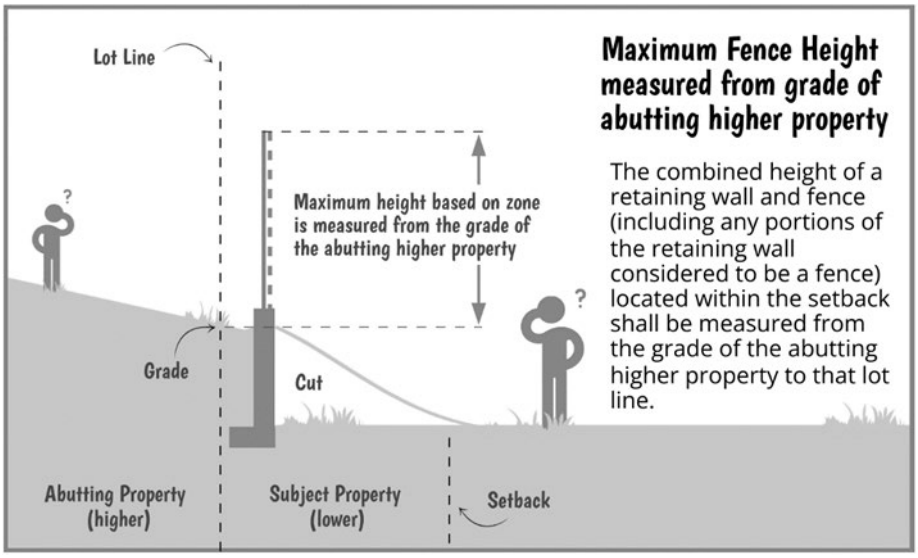
Maximum allowable retaining wall height when combining a retaining wall and fence

(5) The combined height of a retaining wall and fence (where the fence is located within 1.2 m of that retaining wall), or any portion of a retaining wall considered to be a fence, shall not exceed the applicable maximum allowable fence height as per subsection 37.1 (8), except where the retaining wall is authorized on an accepted grading plan within the subdivision process, in which case the fence component of a combined retaining wall and fence shall be subject to the maximum fence heights specified in subsection 37.1(8).



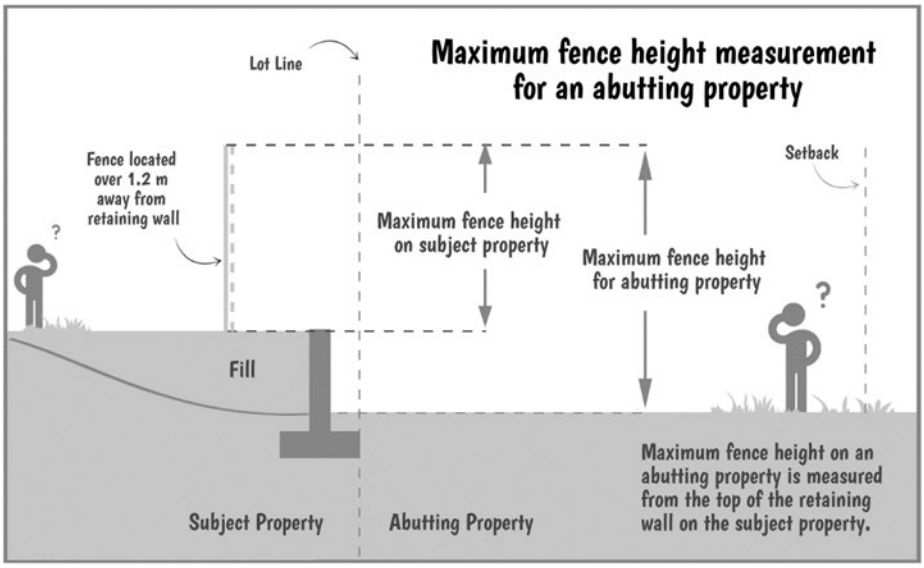
Maximum height measured from grade of higher abutting property

(6) In the case of a retaining wall constructed in accordance with subsection 37.2 (5), the combined height of a retaining wall and fence (including any portions of the retaining wall considered to be a fence) located within the setback shall be measured from the grade of the abutting higher property to that lot line.



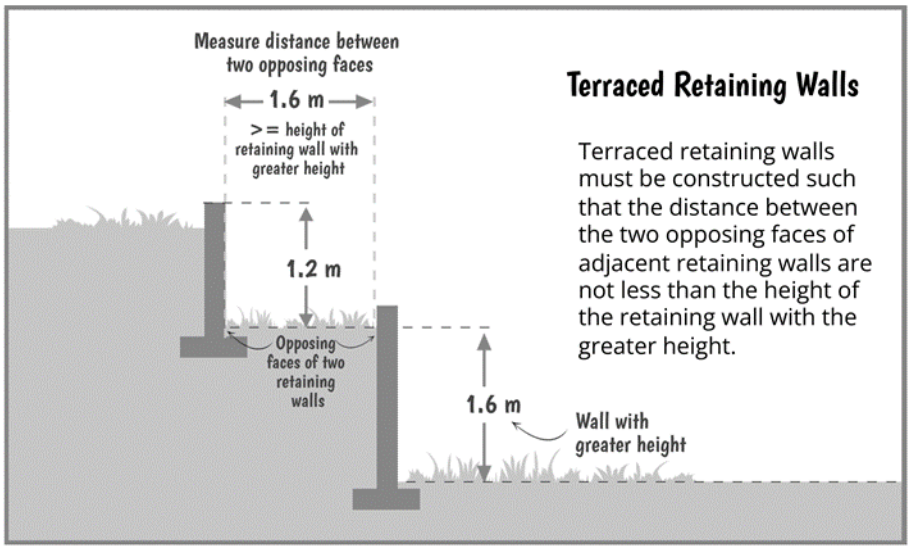
Maximum fence height measurement for an abutting property

(7) Notwithstanding subsection 37.1 (2) "Measuring Height" and subsection 37.2 (6), where a retaining wall exists on the subject property and is located within 1.2 m of the lot line, the maximum height for a fence located within the setback on the abutting property shall be measured from the top of the retaining wall on the subject property to the top of the fence.



Terraced retaining walls

(8) Terraced retaining walls must be constructed such that the distance between the two opposing faces of adjacent terraced retaining walls are not less than the height of the retaining wall with the greater height.



The area between the terraced retaining walls

(9) The backfilled area between terraced retaining walls may include drainage, irrigation, and landscaping, and shall be level and maintained in good condition free of debris, yard waste, graffiti and invasive species.

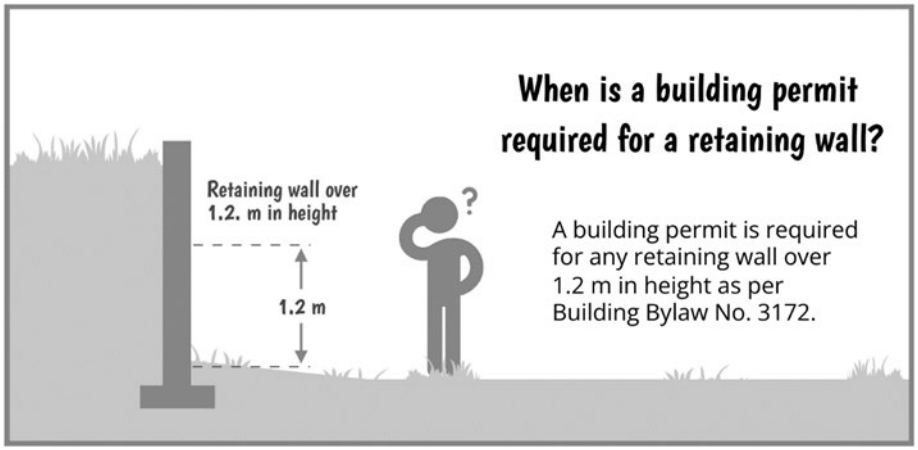
Adding a guardrail onto a retaining wall

(10) Guardrails up to a maximum height of 1.07 m located on retaining walls are excluded from the overall maximum allowable retaining wall height.

Vision clearance

(11) Retaining walls are subject to vision clearance provisions of section 36.

(12) All retaining walls, or any portion thereof, shall be located entirely on the applicable parcel, and shall not be located within any right-of-way, easement or covenant area, except with the express written permission of the right-of-way holder, easement holder, or covenantee, as the case may be.



Swimming Pools

38 Swimming pools shall be enclosed in a structure, or shall be enclosed or surrounded by a fence no less than 1.5 m (4.92') and no more than 1.8 m (5.90') in height, designed so that it will not facilitate climbing, and where equipped with gates, be operated by hinges and a lock and be able to be opened freely only from the inside.

Landscaping and Screening

39 (1) All lots within the R4, R5, R6, R7, R7-A, and R8 zones when adjacent to any R1, R2, or R3 zone shall provide and maintain a landscape screen which consists of vegetation and a fence. [BL3274]

(a) Fences must be 2.0 m (6.56') in height except for the distance of the required front yard of the R1, R2, and R3 zones. [BL3150]

(b) A horizontal landscaped area of not less than 1.1 m (3.60') in width must be constructed along the entire length of any lot line which abuts any such residentially zoned land.

(2) All lots within the C1, C2, C3, C4, C6, C7, C8, and C9 zones when adjacent to any residentially zoned land shall provide and maintain a landscape screen which consists of vegetation and a fence.

(a) Fences must be 2.0 m (6.56') in height.

(b) A horizontal landscaped area of not less than 1.1 m (3.60') in width must be constructed along the entire length of any lot line which abuts any such residentially zoned land.

(3) All lots within the I1, and I2 zones when adjacent to any other zone, arterial highway, or street shall provide and maintain a landscaped screen which consists of vegetation and a fence.

(a) Fences must be 2.0 m (6.56') in height.

(b) A horizontal landscaped area of not less than 6.0 m (19.68') in width must be provided and maintained along the entire length of any lot line which abuts any other zone except the C1, C2, C3, C4, C6, C7, C8, or C9 zone where the horizontal landscaped area shall be 3.0 m (9.84') in width.

Unused Motor Vehicles

40 No lot shall be used for auto wrecking unless such use is specifically permitted in that zone and all derelict motor vehicles are shielded from view from any property line.

Shipping Containers

40.1 Shipping containers may be placed on land provided they meet the following requirements:

(a) within the Industrial Light Zone (I1) a maximum of two shipping containers per site are permitted where used for accessory storage;

(b) within the Industrial Heavy Zone (I2) a maximum of one shipping container per every 0.4 hectares (1 acre) of land, up to a maximum of 10 shipping containers, is permitted where used for accessory storage;

(c) where used for accessory storage purposes, placement of a shipping container must meet all accessory building setback requirements, with the exception of shipping containers within the I1 zone, which must either meet the setback requirements for accessory buildings, or be no closer to the front property line than the front wall of any principal building, whichever is greater;

(d) within the I1 and I2 zones, shipping containers may be used as a building material in the construction of a principal or accessory buildings only if a development permit and building permit have been obtained;

(e) a container may be used for the temporary storage of tools and materials during the construction or maintenance of any utility, building or structure for which a required building permit has been obtained and remains active, but the container must be removed prior to issuance of an occupancy permit, and

(f) one container per lot intended for use as an emergency preparedness kiosk shall be permitted in all Private Institutional (PI) and Public Use (PU) zones. [BL3511]

Liquor sales in grocery stores prohibited

40.2 The sale of liquor in grocery stores is prohibited. [BL3651]

Cannabis Production within the BC Agricultural Land Reserve (ALR) [BL3597; BL3741, BL3797, 4037]

40.3 (1) ALR soil based cannabis production facility is an additional permitted use on all lands within the ALR that are in an Agricultural or Rural zone

(2) Any cannabis production facility in the ALR must be setback a minimum of:

(i) 30 m from a watercourse,

(ii) 15 m from all property lines,

(iii) 30 m from residentially zoned land, where a minimum 15 m buffer is provided on the adjacent residentially zoned land,

(iv) 60 m from residentially zoned land, where no minimum 15 m buffer is provided on the adjacent residentially zoned land,

(v) 100 m from the urban containment boundary established in the Official Community Plan,

(vi) 100 m from the Agricultural Land Reserve boundary, and

(vii) 150 m from land dedicated, zoned, or otherwise identified as public parkland, Public Use (PU) Zone, or Public Conservation (PC) Zone.

(3) Despite Section 40.3 (1), a non-soil-based cannabis production facility with a total maximum area not to exceed 270m^2 and a total maximum height not to exceed 5.2m is permitted on the following properties:

(i) 3295 Cowichan Lake Road (PID 003-700-577) [BL4037]

Secondary Suites and Detached Accessory Dwelling Units

40.4 (1) A secondary suite must have:

(a) no more than 2 bedrooms, and

(b) driveway access that is shared with the access to the single-family dwelling, unless the lot fronts two streets or a lane, in which case a secondary suite may have a separate access onto the second street or lane. [BL3674]

(2) The maximum size for a detached accessory dwelling unit is 120 m^2 (1,292 sq. ft.) of gross floor area.

(3) The maximum size for an accessory building that contains a dwelling unit is 120 m^2 (1,292 sq. ft.) of gross floor area.

(4) The maximum height for a detached accessory dwelling unit is 6.5 m (21.33'), or up to 7.5 m (24.61') where the building has a pitched roof with a minimum pitch of 6:12.

(5) If any portions of an accessory building containing a dwelling unit are higher than 5.0 m, the following setbacks apply to those portions of the building:

Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 3.0 m (9.84')
Yard, Rear, when adjacent to a lane 1.5 m (4.92')

For clarity, the accessory building setbacks identified in the zone apply to any portion of the building that are 5.0 m (16.40') in height or less.

(6) For walls and roofs of a detached accessory dwelling unit that are above the ground storey and facing a neighbouring lot, transparent surfaces must not exceed the greater of:
(a) 1.0 m^2 (11 sq. ft.), or
(b) 20% of the total wall or roof area.

(7) Excluding ground storey decks and balconies, decks and balconies on detached accessory dwelling units may not exceed 2.0 m in depth and must face the interior of the lot, a road, lane, municipal park, or other publicly accessible space, rather than facing a neighbouring lot.

(8) A detached accessory dwelling unit must be provided with exterior at-grade amenity space that is:
(a) accessible from the entry of the dwelling unit, and
(b) not less than 18.5 m (199.13 sq. ft) in area and 3.0 m (9.84 ft) in width.

Cannabis Sales Prohibited

40.5 The sale, distribution or trade of cannabis and its derivatives is prohibited in all zones, except for distribution by an approved cannabis production facility in accordance with the terms and conditions of its licence under section 8 (1) of the *Cannabis Regulations*. [BL3688; BL3741]

40.6 Despite section 40.5, one cannabis retail store is permitted at 2951 Green Road (PID: 027-506-444). [BL3752]

40.7 Despite section 40.5, one cannabis retail store is permitted at 8432 Trans-Canada Highway (PID: 001-305-310) [BL3763]

40.8 Despite section 40.5, one cannabis retail store is permitted at 9750 Chemainus Road (PID: 001-675-516) [BL3776]

40.9 Despite section 40.5, one cannabis retail store is permitted at 9568 Chemainus Road (PID: 025-199-919) [BL3782]

40.10 Despite section 40.5, one cannabis retail store is permitted at 3288 Cowichan Lake Road (PID: 030-911-842) [BL3878]

Private Aircraft Landing Strips

41 No property in any zone, other than the Industrial Heavy Zone (I2) shall be used for a private aircraft landing strip, helicopter pad, or aerodrome without receiving the prior approval of Council.

Accessory Uses

42 Accessory uses must be conducted on the same lot as the principal use to which it is connected.

PART 5 – ZONES

Division (1) – Establishment of Zones

[BL2974, BL3240, BL3242, BL3276, BL3302, BL3333, BL3359, BL3360, BL3417, BL3426, BL3452, BL3495, BL3562, BL3614, BL3618, BL3619, BL3622, BL3631, BL3645, BL3646, BL3656, BL3667, BL3706; BL3716, BL3758, BL3761, BL 3846, BL3867 BL3868, BL3920; BL 3964, BL3934]

Zones

43 For the purposes of this Bylaw, the lands within the corporate limits of the District are hereby classified and divided into the following zones:

Agricultural Zone (A1)
Rural Zone (A2)
Rural Restricted Zone (A3)
Rural Resources Zone (A4)
Rural Residential Zone (A5)
Rural Market Zone (A6) [BL3846]
Residential Rural Zone (R1)
Bell McKinnon Residential Rural Zone (R1-BM)
Urban Residential Rural Zone (R1-U)
Residential Restricted Zone (R2)
Rural Residential Restricted Zone (R2-R)
Residential One and Two-Family Zone (R3)
Rural Residential One and Two-Family Zone (R3-R)
Residential Small Lot Single-Family Zone (R3-S)
Residential Medium Density Multi-Family Zone (R3-MF)
Residential Small Lot Mobile Home Zone (R4)
Residential Mobile Home Park Zone (R5)
Residential Townhouse Zone (R6)
Residential Multi-Family Zone (R7)
Residential Ground-Oriented Multi-Family Zone (R7-A)
Residential Multi-Family Apartment Zone (R8)
Private Residence Water Lot Zone (W1)
Light Commercial Water Lot Zone (W2)
Mixed Use Commercial Water Lot Zone (W3)
Upland Tourist Commercial Marine Zone (MA1)
Upland Tourist Commercial/Residential Marine Zone (MA2)
Commercial Local Zone (C1)
Commercial General Zone (C2)
Commercial Service Zone (C3)
Commercial Recreation Zone (C4)
Commercial Professional Zone (C6)
Commercial Rural Hospitality Zone (C7)
Commercial Rural Recreation Zone (C8)
Chemainus Commercial Zone (C9)
Industrial Light Zone (I1)
Industrial Heavy Zone (I2)
Private Institutional Zone (PI)
Public Use Zone (PU)
Public Conservation Zone (PC)
The Cliffs Comprehensive Development Zone (CD1)
Chemainus Quay Comprehensive Development Zone (CD2)
Comprehensive Development Zone - Mixed Family Zone (CD4)

Chemainus Artisan Village Comprehensive Development Zone (CD6)
[Deleted BL4002]
Maple Bay School Site Comprehensive Development Zone (CD8)
Multi-Family Comprehensive Development Zone (CD9)
Urban Medium Density Comprehensive Development Zone (CD10)
Community Services (Health Care) Comprehensive Development Zone (CD11)
Residential Two-Family Comprehensive Development Zone (CD12)
Ground-Oriented Urban Residential Comprehensive Development Zone (CD13)
University Village Mid-Rise Residential Comprehensive Development Zone (CD14)
Mixed Use Residential Zone (CD15)
Mixed Use Commercial Core Zone (CD16)
Congregate Housing Comprehensive Development Zone (CD17)
Kingsview Comprehensive Development Zone (CD18)
Rural Kingsview Comprehensive Development Zone (CD18-R)
University Village Mixed Commercial / Residential Comprehensive Development Zone (CD19)
The Commons Comprehensive Development Zone (CD20)
Motorsport Circuit Comprehensive Development Zone (CD21)
Paddle Road North Comprehensive Development Zone (CD22)
Ford Road South Comprehensive Development Zone (CD23)
Village Residential Infill Comprehensive Development Zone (CD24)
Gilana Place Two-Family Detached Comprehensive Development Zone (CD25)
Drinkwater Road Multi-Family Comprehensive Development Zone (CD26)
Highland Avenue Comprehensive Development Zone (CD27)
Adelaide Street Comprehensive Development Zone (CD28)
[Pending BL4095-CD29]
[BL3240, BL3242, BL3276, BL3333, BL3359, BL3360, BL3417, BL3426, BL3452, BL3495, BL3562, BL3614, BL3618, BL3619, BL3622, BL3631, BL3645, BL3646, BL3656, BL3667, BL3706; BL3716, BL3761, BL3867 BL3868, BL3920; BL 3964, BL3934, BL4002, BL4008, BL4050, BL4071]

44 The suffix "a" or "b" attached to a zone designation denotes a special sub-zone where additional uses are permitted, subject to the regulations of the zone to which the suffix is applied. [BL2974]

Zoning Map

45 The location and extent of each zone established by this Bylaw is shown on the "Zoning Map" marked Schedule "C", attached hereto and made part of this Bylaw. [Schedule "C" available separately]

Zone Boundaries

46 (1) Where a zone boundary is shown on the zoning map as following a road allowance or a watercourse, the centre line of such road allowance or creek shall be the zone boundary.

(2) Where a zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of such boundary shall be determined by the use of a scale ruler on the Zoning Map.

(3) Where land that originally formed part of a highway is consolidated with a lot, such land shall be deemed to have the same zone designation as the lot.

Minimum Lot Area Exemptions

47 Lot area requirements and zoning restrictions do not apply to an unattended public utility use or a lot created for such use. In this context, "unattended" shall mean that there is no attendant or employee present on the lot.

Permitted in all Zones

48 The following are permitted in all zones:

(1) Accessory Buildings;

(2) Civic Use;

(3) Public Utility Use;

(4) Repealed [BL3758]

(5) Community Care Facility for

(a) a day care for no more than 8 persons, or

(b) a residence for no more than 10 persons, not more than 6 of whom are persons in care, and licensed pursuant to the *Community Care and Assisted Living Act*, and its amendments. [BL3302]

48.1 (1) The keeping of farm animals and poultry is permitted on a lot greater than 8000 m^2 (1.98 ac) in area.

(2) The keeping of farm animals and poultry is not permitted on a lot less than 8000 m^2 (1.98 ac) in area, except as follows:

(a) on a lot greater than 1675 m^2 (0.41 ac) in area but less than 4000 m^2 (0.99 ac) in area, a total of not more than 12 rabbits or poultry;

(b) on a lot equal to or greater than 4000 m2 (0.99 ac) in area but less than 8000 m2 (1.98 ac) in area, a total of not more than 12 rabbits or poultry and a total of not more than 2 farm animals.

(3) Any structure to house farm animals, or poultry must be set back at least 15 m from any lot line.

(4) Any structure used for the storage of manure must be set back at least 15 m from any lot line.

(5) Notwithstanding the foregoing, where the minimum setback requirements from all lot boundaries of the zone in which the structure is located are greater than 15 m, the greater setback requirements apply. [BL3758]

Measurement Conversion

49 Where there is disparity between a metric measurement and its imperial equivalent, the metric measurement shall take precedence.

Zone Abbreviations

50 Where zone abbreviations are used within the text of this Bylaw, they shall be read in the same manner as the full textual name of the zone would be read.

Agricultural Zone (A1)

[BL3083, BL3302, BL3323, BL3356, BL3457, BL3515, BL3520, BL3682, BL3754, BL3758, BL3767, BL3876, BL4016 BL4031]

Permitted Uses

51 (1) The permitted uses for the A1 zone are as follows:

Agricultural Exhibition and Fairground
Agriculture
Agricultural Storage
Assisted Living
Bed and Breakfast
Craft Distillery
Community Care Facility
Feedlot
Forestry Use
Fur Farm
Greenhouse
Home-based Business
Kennel
Large Animal Hospital
Manufactured Home
Mushroom Farm
Piggery
Poultry Farm
Riding Stable
Single-Family Dwelling
Slaughterhouse
Supportive Housing
[Repealed. BL4016]Two-Family Dwelling. [BL3302, 3356, 3457, 3520]

Minimum Lot Size

(2) The minimum permitted lot size for the A1 zone is 12 hectares (29.65 acres).

(2.1) Despite subsection (2), the minimum permitted lot size for Lot 1, Section 5, Range 2, Somenos District, Plan VIP63560 on North Road (PID: 023-483-539) is 9.0 hectares (22.2 acres). [BL3515]

Minimum Frontage

(3) The minimum permitted frontage for the A1 zone is 180.0 m (590.55').

Density

(4) The maximum permitted density for the A1 zone is as follows:

(a) The number of dwelling units shall not exceed two.

(b) The number of residential buildings per lot shall not exceed one.

(i) Despite the foregoing, where land is two hectares (4.94 acres) or larger in area, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m2 of gross floor area.

(ii) Despite the gross floor area maximum of 90m2 in part (i) above, in the case of replacing a previously-existing dwelling legally authorized by the Municipality prior to September 21, 2022 the smaller residential dwelling may not exceed either 90m2 or the gross floor area of the previously-existing dwelling, whichever is the greater.

(c) No accessory dwelling (other than a suite integral to a principal dwelling) nor a two-family dwelling shall be located on a parcel unless the owner of such parcel has, prior to the issuance of a building permit by the Municipality, registered a covenant under Section 219 of the *Land Title Act*: prohibiting registration of a strata plan under the *Strata Property Act*.

(d) Despite section 51(4)(c) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022, or where a building strata already exists.

(e) Despite section 51(4)(c) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022.

(f) Despite section 51(4)(b) above, a maximum of two residential buildings with a total combined maximum density of two dwelling units is permitted on the following properties:

(i) 8662 8664 Trans-Canada Highway (PID 027-341-640) [BL3876]

(g) Despite subclause 51(4)(b)(i) above, a total combined maximum of two dwelling units within a maximum of two residential buildings, is permitted where the land is less than two hectares (4.94 acres) in area, on the following properties:

(i) 8659 Swallowfield Road (PID 005-839-505)

(ii) 8913 Crofton Road (PID 004-644-964) [BL4031]

Maximum Lot Coverage

(5) The maximum permitted lot coverage for the A1 zone is 10 % of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the A1 zone are as follows:

(a) Single-Family Dwellings and Two-Family Dwellings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Mobile Homes
Yard, Front, 30.0 m (98.42')
Yard, Side, 12.0 m (39.37')
Yard, Rear, 12.0 m (39.37')

(c) Slaughterhouses
Yard, Front, 92.0 m (301.84')
Yard, Side, 92.0 m (301.84')
Yard, Rear, 92.0 m (301.84')

(d) All Other Principal Buildings
Yard, Front, 25 m (82.02')
Yard, Side, 15 m (49.21')
Yard, Rear, 15 m (49.21')"
Yard, Abutting Residentially Zoned Property, 30 m (98.42') [BL3767]

(e) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(f) [Repealed. BL4016]

(g) Kennel
Yard, Front, 46 m (150.91')
Yard, Side, 46 m (150.91')

Yard, Rear, 46 m (150.91') [BL3758]

Maximum Building Height

(7) (a) The maximum permitted building height for buildings, containing one or more dwelling units, within the A1 zone is 9 m (29.53').

(b) Despite the foregoing, the heights of other farm buildings are subject to the provisions of the Associate Committee on the National Building Code (ACNBC) Farm Building Code 1995.

Conditions of Use

(8) The conditions of use for the A1 zone are as follows:

(a) Bed and breakfast uses may have no more than six sleeping units and may be conducted in a maximum of one accessory building (with no kitchen) and/or one dwelling unit. [BL3323]

(b) Limited farm sale of agricultural products may be sold directly to the public provided that:

(i) a minimum of 50% of the agricultural products offered for sale are produced on the land;

(ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and

(iii) the retail sales are clearly ancillary to the farm use. [BL3083]

(c) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that

(i) the number of residents does not exceed ten, including resident staff,

(ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,

(iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve,

(iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained, and

(v) each single-family dwelling unit may contain this use where the property is two hectares (4.94 acres) or greater and has two single-family dwelling units.

(d) Without limiting the generality of the definition, and for clarity, agricultural exhibition and fairground may include the following activities:

(i) sales and auctions of livestock, farm equipment, home craft and farm products;

(ii) ancillary concessions;

(iii) ancillary indoor and outdoor recreational activities;

(iv) temporary outdoor concerts, midways, and amusements for up to 40 days per year; and

(v) temporary camping and recreational vehicle parking related to a sanctioned event up to 60 days per year.

(e) Craft Distillery may be permitted provided that approval from the Agricultural Land Commission is obtained where the property is located within the Agricultural Land Reserve.

(f) A maximum of 30 gatherings for an event with up to 150 attendees, including the use of a cookhouse and two short-term accommodations for the events, are permitted per year on 5881 Genoa Bay Road. [BL3083, BL3302, BL3323, BL3356, BL3520, BL3682]

(g) A kennel must not be located on a lot less than 8000 m2 (1.98 acres) in area. [BL3758]

Rural Zone (A2)

[BL3083, BL3287, BL3302, BL3323, BL3457, BL3520, BL3521, BL3554, BL3662, BL3697, BL3754, BL3757, BL3758, BL3767, BL3819, BL3822, BL3827, BL3871, BL3876, BL3883, BL3913, BL3927, BL4016, BL4031]

Permitted Uses

52 (1) The permitted uses for the A2 zone are as follows:

Agriculture
Agricultural Storage
Animal Shelter (subject to the Conditions of Use set out in Section 52(8)(h) and (i)) [BL3927]
Assisted Living
Bed and Breakfast
Community Care Facility
Craft Distillery
Forestry Use
Greenhouse
Home-based Business
Kennel
Manufactured Home
Riding Stable
Single-Family Dwelling
Supportive Housing
[Repealed. BL4016]Two-Family Dwelling [BL3302, BL3457, BL3520]

Minimum Lot Size

(2) The minimum permitted lot size for the A2 zone is 2 hectares (4.94 acres).

Minimum Frontage

(3) The minimum permitted frontage for the A2 zone is 75.0 m (246.06').

Density

(4) The maximum permitted density for the A2 zone is as follows:

(a) The number of dwelling units per lot shall not exceed two.

(b) The number of residential buildings per lot shall not exceed one.

(i) Despite the foregoing, where land is two hectares (4.94 acres) or larger in area, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m2 of gross floor area.

(ii) Despite the gross floor area maximum of 90m2 in part (i) above, in the case of replacing a previously-existing dwelling legally authorized by the Municipality prior to September 21, 2022 the smaller residential dwelling may not exceed either 90m2 or the gross floor area of the previously-existing dwelling, whichever is the greater.

(c) No accessory dwelling (other than a suite integral to a principal dwelling) nor a two-family dwelling shall be located on a parcel unless the owner of such parcel has, prior to the issuance of a building permit by the Municipality, registered a covenant under Section 219 of the *Land Title Act*: prohibiting registration of a strata plan under the *Strata Property Act*.

(d) Despite section 52(4)(c) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022, or where a building strata already exists.

(e) Despite section 52(4)(c) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21,

2022.

(f) Despite section 52(4)(a) and (b) above, a maximum of two residential buildings with a total combined maximum of three dwelling units is permitted on 941 Arbutus Avenue (PID 000-232-556).

(g) Despite section 52(4)(b) above, a maximum of two residential buildings with a total combined maximum density of two dwelling units is permitted on the following properties:

(i) 3252 Gibbins Road (PID 006-360-378);
(ii) 3286 Gibbins Road (PID 004-555-562);
(iii) 3276 Gibbins Road (PID 002-343-789);
(iv) 3240 Gibbins Road (PID 002-742-501);
(v) Lot 1…, Plan 21749, Banks Road (PID 002-705-087);
(vi) B-3228 Gibbins Road (PID 001-252-267);
(vii) Lot 4…, Plan 8636, Cliffs Road (PID 005-586-429);
(viii) 3088 Cliffs Road (PID 005-586-445);
(ix) Lot 5…, Plan 8636, Cliffs Road (PID 005-586-437);
(x) Part of Lot 11…, Plan 2785, Banks Road (PID 006-360-742);
(xi) Part of Lot 1…, Plan 9537 (PID 005-338-859);
(xii) A-3228 Gibbins Road (PID 000-041-874);
(xiii) repealed;
(xiv) 3246 Gibbins Road (PID 028-738-080);
(xv) Lot A…, Plan 10506 (PID 005-267-412);
(xvi) 3186 Gibbins Road (PID 005-409-292).
(xvii) 2772 Herd Road (PID: 002-831-732)
(xviii) 1379 Maple Bay Road (PID 004 893 409)
(xix) 7167 Bell McKinnon Road (PID 005-465-621)
(xx) 3833 Gibbins Road (PID: 006-570-208)
(xxi) 2524 Ashcroft Road (PID: 000-677-311)

[BL3287, BL3754, BL3697, BL3757, BL3819, BL3822, BL3871, BL3876, BL3883, BL3913,]

(h) Despite section 52(4)(b) above, a maximum of two residential buildings with a total combined maximum of two dwelling units, the smaller of which must not exceed 170m^2, is permitted on the following properties:

(i) 7475 Bell McKinnon Road (PID 009-785-965)

(i) Despite section 52(4)(b) above, a maximum of two residential buildings with a total combined maximum of two dwelling units, the smaller of which must not exceed 155m^2 of gross floor area, is permitted on the following properties:

(i) (7911 Stoney Hill Road (PID: 000-152-927) [BL4018]

(j) Despite section 52(4)(b) above, a maximum of two residential buildings with a total combined maximum of two dwelling units, the smaller of which must not exceed 97 m^2 of gross floor area, is permitted on the following properties:

(i) 7999 Stoney Hill Road (PID 005 578 221) [BL4026]

(k) Despite section 52(4)(a) and (b) above, a maximum of two residential building, the smaller of which must not exceed 343m^2, with a total combined maximum of three dwelling units is permitted at 2260-2262 Regina Drive, strata plan EPS5867 (PID 030-882-192 and PID 030-882-206) [BL4044]

(l) Despite subclause 52(4)(b)(i) above, a total combined maximum of two dwelling units within a maximum of two residential buildings, is permitted where the land is less than two hectares (4.94 acres) in area, on the following properties:

(i) 7022 Bell McKinnon Road (PID 005-056-284)
(ii) 7155 Bell McKinnon Road (PID 001-234-579)
(iii) 2834 Lowery Road (PID 005-351-928)
(iv) 8628 Crofton Road (PID 003-243-362)

(v) 6838 Somenos Road (PID 005-268-630)
(vi) 5618 Menzies Road (PID 003-676-005)
(vii) 2726 Herd Road (PID 005-475-091) *[Pending BL4067]*
(viii) 4155 Sahtlam Road (PID 006-007-244)
(ix) 3416 Gibbins Road (PID 004-737-032)
(x) 3883 Gibbins Road (PID 002-894-157)
(xi) 7469 Rosevear Road (PID 006-247-741)
(xii) 3462 Smiley Road (PID 005-015-901)
(xiii) 7042 Norcross Road (PID 000-201-511)
(xiv) 5855 Menzies Road (PID 003-574-415) [BL4031]
(xv) 8641 Sweeney Road (PID: 002-615-576) [BL4083]

(m) Despite section 52(4)(a) and (b) above, a maximum of two residential buildings with a total combined maximum of two dwelling units, the smaller of which must not exceed 173 m^2 of gross floor area, is permitted on the following properties:
(i) 6348 Somenos Road (PID 015-980-031) [BL4041]

(n) [Pending BL4067]

(o) [Pending BL4100]

Maximum Lot Coverage

(5) The maximum permitted lot coverage for the A2 zone is 10% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the A2 zone are as follows:

(a) Single-Family Dwellings and Two-Family Dwellings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Mobile Homes
Yard, Front, 30.0 m (98.42')
Yard, Side, 12.0 m (39.37')
Yard, Rear, 12.0 m (39.37')

(c) All Other Principal Buildings
Yard, Front, 25 m (82.02')
Yard, Side, 15 m (49.21')
Yard, Rear, 15 m (49.21')".
Yard, Abutting Residentially Zoned Property, 30 m (98.42') [BL3767]

(d) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(e) [Repealed. BL4016]

(f) Kennel
Yard, Front, 30 m (98.43')
Yard, Side, 30 m (98.43')
Yard, Rear, 30 m (98.43') [BL3758]

(p) Animal Shelter
Yard, Front, 20.0 m (65.62')
Yard, Side, 20.0 m (65.62')
Yard, Rear, 20.0 m (65.62') [BL3927]

Maximum Building Height

(7) (a) The maximum permitted building height for buildings, containing one or more dwelling

units, within the A2 zone is 9.0 m (29.53').

(b) Despite the foregoing, the height of other farm buildings is subject to the provisions of the ACNBC Farm Building Code 1995.

Conditions of Use

(8) The conditions of use for the A2 zone are as follows:

(a) Bed and breakfast uses may have no more than six sleeping units and may be conducted in a maximum of one accessory building (with no kitchen) and/or one dwelling unit.

(b) Limited farm sale of agricultural products may be sold directly to the public provided that:

(i) a minimum of 50% of the agricultural products offered for sale are produced on the land;

(ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and

(iii) the retail sales are clearly ancillary to the farm use.

(c) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that

(i) the number of residents does not exceed ten, including resident staff,

(ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,

(iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve,

(iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained, and

(v) each single-family dwelling unit may contain this use where the property is two hectares (4.94 acres) or greater and has two single-family dwelling units.

(d) despite section 52 (1), "campground (seasonal)" is a permitted use on 3042 River Road, and "campground (short-term)" is a permitted use on 8701 Chemainus Road, 8682 and 9090 Trans-Canada Highway, and 3800 Gibbins Road for a maximum of 25 campsites during a gathering for an event. [BL3662]

(e) [Repealed; BL3697].

(f) a maximum of 14 gatherings for an event with up to 150 attendees, and 20 events with up to 20 attendees, are permitted per year on 3800 Gibbins Road. [BL3083, BL3302, BL3323, BL3521, BL3554, BL3662]

(g) A kennel must not be located on a lot less than 8000 m2 (1.98 acres) in area. [BL3758]

(h) An "Animal Shelter" is a site-specific permitted use on 7550 Bell McKinnon Road exclusively. [BL3927]

(i) Despite section 52(6)(g), the minimum permitted setback for outdoor animal enclosures (e.g., runs, pens, cages) is 30.0 m (98.43') from residentially zoned properties. [BL3927]

(j) *Commercial assembly use* for a maximum of 10 events with up to 80 attendees are permitted per year on #2-6380 Lakes Road (PID: 027-013-944 & Limited Common Property of Strata Lot 2, Plan VIS6242). [BL4030]

Rural Restricted Zone (A3)

[BL3083, BL3302, BL3367, BL3644, BL3680, BL3692, BL3703, BL3754, BL3757, BL3798, BL3811, BL3876, BL3891, BL3909, BL3912, BL3933, BL3982, BL4016, BL4031]

Permitted Uses

53 (1) The permitted uses for the A3 zone are as follows:

Agriculture
Agricultural Storage
Assisted Living
Bed and Breakfast
Community Care Facility
Greenhouse
Home-based Business
Modular Home
Single-Family Dwelling
Supportive Housing
[Repealed. BL4016]Two-Family Dwelling [BL3302, BL3367, BL3982]

Minimum Lot Size

(2) The minimum permitted lot size for the A3 zone is 8,000 m^2 (1.98 acres).

Minimum Frontage

(3) The minimum permitted frontage for the A3 zone is 60.0 m (196.85').

Density

(4) The maximum permitted density for the A3 zone is as follows:

(a) The number of dwelling units per lot shall not exceed two.

(b) The number of residential buildings per lot shall not exceed one.

(i) Despite the foregoing, where land is two hectares (4.94 acres) or larger in area, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m2 of gross floor area.

(ii) Despite the gross floor area maximum of 90m2 in part (i) above, in the case of replacing a previously-existing dwelling legally authorized by the Municipality prior to September 21, 2022 the smaller residential dwelling may not exceed either 90m2 or the gross floor area of the previously-existing dwelling, whichever is the greater.

(iii) [Repealed. BL4016]

(c) No accessory dwelling (other than a suite integral to a principal dwelling) nor a two-family dwelling shall be located on a parcel unless the owner of such parcel has, prior to the issuance of a building permit by the Municipality, registered a covenant under Section 219 of the *Land Title Act*: prohibiting registration of a strata plan under the *Strata Property Act*.

(d) Despite section 53(4)(c) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022, or where a building strata already exists.

(e) Despite section 53(4)(c) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022 [Repealed. BL4016]

(f) Despite section 53(4)(b) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on the following properties:

(i) 5404 Gore Langton Road (PID: 005-177-740);
(ii) 3368 Henry Road (PID: 006-660-819);
(iii) 3788 Winget Place (PID: 018-498-451);
(iv) 5353 Gore Langton Road (PID: 004-756-517);
(v) 3248 Gibbins Road (PID: 028-738-071);
(vi) 3325 Henry Road (PID: 023-516-305);
(vii) 934 Khenipsen Road (PID: 027-581-578);
(viii) 7325 Osborne Bay Road (PID: 002-735-300);
(ix) 3331 Henry Road (PID: 000-042-986);
(x) 7495 Relke Road (PID: 025-779-338);
(xi) Lot 6, Marine Crescent (PID: 031-713-980);

(g) Despite section 53(4)(b) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 4011 Cambrai Road (PID: 016-212-169) provided that one of the residential buildings does not exceed 145 m^2 (1,560 sq. ft.) in gross floor area.

(h) Despite section 53(4)(b) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted at 7245 Bell McKinnon Road (PID: 011-879-645), where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 92m2 of habitable floor area. [BL3644, BL3680, BL3692, BL3703, BL3754, BL3757, BL3811, BL3798, BL3876, BL3909, BL3912, BL3933]

(i) Despite subclause 53(4)(b)(i) above, a total combined maximum of two dwelling units within a maximum of two residential buildings, is permitted where the land is less than two hectares (4.94 acres) in area, on the following properties:
(i) 3740 Panorama Crescent (PID: 017-638-721);
(ii) 7705 Osborne Bay Road (PID: 001-138-189);
(iii) 6726 Martin Road (PID: 000-596-671);
(iv) 5421 Winchester Road (PID: 002-070-804); [BL4031]
(v) 4015 Lanchaster Road (PID: 002-073-153) [BL4081]

(j) *[Pending BL4098]*

Maximum Lot Coverage

(5) The maximum permitted lot coverage of the A3 zone is 30% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the A3 zone are as follows:

(a) Single-Family Dwellings and Two-Family Dwellings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) All Other Principal Buildings
Yard, Front, 25 m (82.02')
Yard, Side, 15 m (49.21')
Yard, Rear, 15 m (49.21') [BL3767]

(c) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(d) [Repealed. BL4016]

Maximum Building Height

(7) (a) The maximum permitted building height for buildings, containing one or more dwelling units, within the A3 zone is 9 m (29.53').

(b) Despite the foregoing, the heights of other farm buildings are subject to the provisions of the ACNBC Farm Building Code 1995.

Conditions of Use

(8) The conditions of use for the A3 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) Bed and breakfast uses may have no more than six sleeping units.

(e) Limited farm sale of agricultural products may be sold directly to the public provided that:

(i) minimum of 50% of the agricultural products offered for sale are produced on the land;

(ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and

(iii) the retail sales are clearly ancillary to the farm use. [BL3083]

(f) [Repealed. BL3367]

(g) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that

(i) the number of residents does not exceed ten, including resident staff,

(ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,

(iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve, and

(iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained. [BL3302]

Rural Resources Zone (A4)

BL3150, BL3657, BL3754, BL4016]

Permitted Uses

54 (1) The permitted uses for the A4 zone are as follows:

Forestry Use
Manufactured Home
Mobile Food Service
Resource Use
Secondary Suite
Single-Family Dwelling
[Repealed. BL4016]Wilderness Recreation
Wildlife Refuge [BL3150, BL3657]

Minimum Lot Size

(2) The minimum permitted lot size for the A4 zone is 12.0 hectares (29.65 acres).

Minimum Frontage

(3) The minimum permitted frontage for the A4 zone is 180.0 m (590.55').

Density

(4) The maximum permitted density for the A4 zone is as follows:

(a) The number of dwelling units per lot shall not exceed two.

(b) The number of residential buildings per lot shall not exceed one.

Maximum Lot Coverage

(5) The maximum permitted lot coverage of the A4 zone is 10% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the A4 zone are as follows:

(a) All Buildings and Structures (Excluding Fences)
Yard, Front, 46.0 m (150.91')
Yard, Side, 46.0 m (150.91')
Yard, Rear, 46.0 m (150.91')

(b) [Repealed. BL4016]

Maximum Building Height

(7) (a) The maximum permitted building height for buildings, containing one or more dwelling units, within the A4 zone is 9.0 m (29.53').

(b) Despite the foregoing, the heights of other farm buildings are subject to the provisions of the ACNBC Farm Building Code 1995.

Rural Residential Zone (A5)

[BL3083, BL3150, BL3302, BL3367, BL3489, BL3681, BL3754, BL3876, BL3891, BL3908, BL3965, BL4016]

Permitted Uses

55 (1) The permitted uses for the A5 zone are as follows:

Assisted Living
Bed and Breakfast
Community Care Facility
Home-based Business
Modular Home
Single-Family Dwelling
Supportive Housing
[Repealed. BL4016]Two-Family Dwelling [BL3302, BL3367, BL3681, BL3754]

Minimum Lot Size

(2) The minimum permitted lot size for the A5 zone is 4,000 m^2 (.988 acres).

Minimum Frontage

(3) The minimum permitted frontage for the A5 zone is 45.0 m (147.63').

Density

(4) The maximum permitted density for the A5 zone is as follows:

(a) The number of dwelling units per lot shall not exceed two.

(b) The number of residential buildings per lot shall not exceed one.

(i) Despite the foregoing, where land is two hectares (4.94 acres) or larger in area, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m2 of gross floor area.

(ii) Despite the gross floor area maximum of 90m2 in part (i) above, in the case of replacing a previously-existing dwelling legally authorized by the Municipality prior to September 21, 2022 the smaller residential dwelling may not exceed either 90m2 or the gross floor area of the previously-existing dwelling, whichever is the greater.

(c) No accessory dwelling (other than a suite integral to a principal dwelling) nor a two-family dwelling shall be located on a parcel unless the owner of such parcel has, prior to the issuance of a building permit by the Municipality, registered a covenant under Section 219 of the *Land Title Act*: prohibiting registration of a strata plan under the *Strata Property Act*.

(d) Despite section 55(4)(c) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022, or where a building strata already exists.

(e) Despite section 55(4)(c) above, a covenant is not required where the accessory dwelling or two-family dwelling were legally authorized by the Municipality prior to September 21, 2022.

(f) [Repealed. BL4016]

(g) Despite section 55(4)(b) above, a maximum of two residential buildings is permitted on property located at 6360 Lakes Road, and 6722 Lakes Road if:

(i) the principal residential building is a single-family dwelling, and

(ii) the second dwelling unit is no larger than 85 m^2 (915 sq. ft.) or 40% of the gross floor area of the principal residential building, whichever is less.

(h) Despite section 55(4)(b)(i) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on the following properties:

(iii) 3543 Auchinachie Road (PID: 004-574-176

(iv) 6531 Bird's Eye Drive (PID 000-971-782)
(v) [Pending BL4099]
[BL3489, BL3681, BL3754, BL3876, BL3908, BL3965]

Maximum Lot Coverage

(5) The maximum permitted lot coverage for the A5 zone is 30 percent of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the A5 zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 3.0 m (9.84')

(c) [Repealed. BL4016]

Maximum Building Height

(7) (a) The maximum permitted building height for buildings, containing one or more dwelling units, within the A5 zone is 9.0 m (29.53').

(b) The maximum permitted building height for accessory buildings within the A5 zone is 5.0 m (16.40').

Conditions of Use

(8) The conditions of use for the A5 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) Bed and breakfast uses may have no more than six sleeping units.

(e) [Repealed. BL3367]

(f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that

(i) the number of residents does not exceed ten, including resident staff,

(ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,

(iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve,

(iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained. [BL3302]

Rural Market Zone (A6) [BL3846]

Permitted Uses

55.1 (1) The permitted uses for the A6 zone are as follows:

Agriculture
Agricultural Storage
Food and beverage processing
Food truck
Greenhouse
Market Community Space

Minimum Lot Size

(2) The minimum permitted lot size for the A6 zone is 2 hectares (4.94 acres).

Minimum Frontage

(3) The minimum permitted frontage for the A6 zone is 75.0 m (246.06').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the A6 zone is 10% of the lot area.

Minimum Setbacks

(5) The permitted setbacks for the A6 zone are as follows:

(a) All Principal Buildings and Structures (Excluding Fences)
- (i) Yard, Front, 8.0 m (26.25')
- (ii) Yard, Side, 3.0 m (9.84')
- (iii) Yard, Rear, 8.0 m (26.25')

Maximum Building Height

(6) (a) The maximum permitted building height for buildings and structures within the A6 zone is 9.0 m (29.53').

Conditions of Use

(7) The conditions of use for the A6 zone are as follows:

(a) Limited farm sale of agricultural products may be sold directly to the public provided that:
- (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
- (ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.);
- (iii) the retail sales are clearly ancillary to the farm use; and
- (iv) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve.

(b) Despite the definition of "food and beverage processing" under section 12, "restaurant" is not a permitted use.

(c) Despite the maximum permitted lot coverage under section 55.1 (4), the total building footprint for all uses permitted in the A6 zone except for "agriculture" shall not exceed 1,000 m^2 (10,764 ft^2) whereby no one building footprint shall exceed 500m^2 (5382 ft^2).

Residential Rural Zone (R1)

[BL3083, BL3302, BL3367, BL3383, BL3642, BL3666, BL3731, BL3732, BL3754, BL3758, BL3760, BL3766, BL3809, BL3815, BL3847, BL3150, BL3852, BL3891, BL3911, BL3919, BL3944, BL3974, BL4002, BL4016, BL4031]

Permitted Uses

56 (1) The permitted uses for the R1 zone are as follows:

Agriculture
Assisted Living
Bed and Breakfast
Community Care Facility
Home-based Business
Modular Home
Single-Family Dwelling
Supportive Housing
[Repealed. BL4016] Two-Family Dwelling [BL3302, BL3367, BL3754]

Minimum Lot Size

(2) The minimum permitted lot size for the R1 zone is 1,675 m^2 (18,029 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the R1 zone is 30.0 m (98.43').

Density

(4) The maximum permitted density for the R1 zone is as follows:

(a) The number of residential buildings shall not exceed one and the number of dwelling units shall not exceed two.

(b) [Repealed. BL4016]

(c) The maximum permitted floor space ratio for the R1 zone is 0.5:1. [BL3383]

(d) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 9272 Cottonwood Road (PID:006-038-000). [BL3642]

(e) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1217 Barnes Road (PID: 003-134-814). [BL3666]

(f) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 6343 Wicks Road (PID: 003-145-603). [BL3731]

(g) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 10097 Chemainus Road (PID: 018-858-651). [BL3732]

(h) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 2372 Regina Drive (PID 000-368-393). [BL3760]

(i) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1038 Herd Road (PID: 023-168-501). [BL3766]

(j) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on Lot 7 Wellburn Place (PID: 031-028-314). [BL3809]

(k) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 9376 Cottonwood Road (PID: 004-156-676). [BL3815]

(l) Despite section 56 (4)(a), a maximum of 2 residential buildings, with a total combined

maximum of 2 dwelling units, is permitted on 6353 Genoa Bay Road (PID: 001-165-283) [BL3847]

(m) Despite section 56 (4)(a) a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 8921 Chemainus Road (PID: 029-612-829) [BL3852]

(n) Despite section 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 1211 Barnes Road (PID: 000-006-793) [BL3911]

(o) Despite section 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 1935 Maple Bay Road (PID: 001-526-031) [BL3944]

(p) Despite section 56(4)(a), a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 6344 Woodgrove Way (PID 026-674-301). [BL3919]

(q) Despite section 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 6495 Wicks Road (PID: 003-405-966). [BL3974]

(r) Despite section 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings, the smaller of which must not exceed 107m^2 is permitted on 2901 Fuller Lake Road (PID: 004-019-814). [BL4010]

(s) Despite section 56(4)(a), a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 3118 Drinkwater Road (PID: 001-526-031). [BL3988]

(t) Despite section 56(4)(a), a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 6560 Nevilane Road (PID: 023-201-002) [BL4017]

(u) Despite clause 56(4)(a) above, a total combined maximum of two dwelling units within a maximum of two residential buildings is permitted, where the smaller residential building shall be accessory to the principal dwelling and contain a dwelling unit not exceeding 90m^2 of gross floor area, on the following properties:

(i) 3260 Cowichan Valley Highway (PID: 007-107-188)

(ii) 7395 Bell McKinnon Road (PID: 000-112-127)

(iii) 7221 Bell McKinnon Road (PID: 011-879-661) [BL4031]

(iv) 5004 Oceanview Terrace (PID: 031-373-372) [BL4061]

(v) *[Pending BL4097]*

Maximum Lot Coverage

(5) The maximum permitted lot coverage of the R1 zone is 30% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the R1 zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 3.0 m (9.84')

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to

a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R1 zone are as follows:

(a) Principal Buildings, 9.0 m (29.53')

(b) Accessory Buildings, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the R1 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) Bed and breakfast uses may have no more than six sleeping units.

(e) [Repealed. BL3758]

(f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that the number of residents does not exceed ten, including resident staff,

(ii) the use is within a single-family dwelling unit only,

(iii) valid health permits for septic systems or on-site wastewater treatment systems are obtained, where no municipal sewer is available. [BL3302]

(g) Limited farm sale of agricultural products may be sold directly to the public provided that:

(i) a minimum of 50% of the agricultural products offered for sale are produced on the land;

(ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and

(iii) the retail sales are clearly ancillary to the farm use. [BL3083]

(i) [Repealed. BL3367]

(j) Despite 56(1), 56(4), 56(5) and 56(7), "apartment" is a permitted use at 8272 Crofton Road (PID: 001-024-817), with a maximum density of floor space ratio 1:1, maximum lot coverage of 40%, and maximum principal building height of 11m. [BL4002]

Urban Residential Rural Zone (R1-U)

[BL3083, BL3150, BL3302, BL3367, BL3754, BL3758, BL3891, BL4016]

Permitted Uses

56.1 (1) The permitted uses for the R1-U zone are as follows:

Agriculture
Assisted Living
Bed and Breakfast
Community Care Facility
Detached Accessory Dwelling Unit
Home-based Business
Multi-Family Residence
Secondary Suite
Single-Family Dwelling
Supportive Housing
[Repealed. BL4016] Two-Family Dwelling [BL3302, BL3367, BL3754]

Minimum Lot Size

(2) The minimum permitted lot size for the R1-U zone is 1,675 m^2 (18,029 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the R1-U zone is 30.0 m (98.43').

Density

(4) The maximum permitted density for the R1-U zone is as follows:

(a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is also permitted.

(b) The number of dwelling units shall not exceed:

(i) Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area.

(ii) Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.

(iv) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

(c) Notwithstanding clause (4)(b) the total number of dwelling units shall not exceed two where the dwelling units are not serviced with municipal water and sewer.

(d) [Repealed. BL4016]

Maximum Lot Coverage

(5) The maximum permitted lot coverage of the R1-U zone is 30% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the R1-U zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 1.5 m (4.92')
Yard, Side when adjacent to a lane or street, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 3.0 m (9.84')

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R1-U zone are as follows:
- (a) Principal Buildings, 9.0 m (29.53')
- (b) Accessory Buildings, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the R1-U zone are as follows:
- (a) [Repealed. BL3891]
- (b) [Repealed. BL3891]
- (c) [Repealed. BL3891]
- (d) Bed and breakfast uses may have no more than six sleeping units.
- (e) [Repealed. BL3758]
- (f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that the number of residents does not exceed ten, including resident staff,
  - (ii) the use is within a single-family dwelling unit only,
  - (iii) valid health permits for septic systems or on-site wastewater treatment systems are obtained, where no municipal sewer is available. [BL3302]
- (g) Limited farm sale of agricultural products may be sold directly to the public provided that:
  - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
  - (ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and
  - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
- (h) [Repealed. BL3367]

Bell McKinnon Residential Rural Zone (R1-BM)

[BL4008]

Permitted Uses

56.2 (1) The permitted uses for the R1-BM zone are as follows:

Agriculture
Assisted Living
Bed and Breakfast
Community Care Facility
Home-based Business
Modular Home
Single-Family Dwelling
Supportive Housing
Two-Family Dwelling [BL3302, BL3367, BL3754]

Minimum Lot Size

(2) The minimum permitted lot size for the R1-BM zone is 2 hectares (4.94 acres).

Minimum Frontage

(3) The minimum permitted frontage for the R1-BM zone is 30.0 m (98.43').

Density

(4) The maximum permitted density for the R1-BM zone is as follows:

(a) The number of residential buildings shall not exceed one and the number of dwelling units shall not exceed two.

(b) The maximum permitted floor space ratio for the R1-BM zone is 0.5:1. [BL3383]

Maximum Lot Coverage

(5) The maximum permitted lot coverage of the R1-BM zone is 30% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the R1-BM zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 3.0 m (9.84')(6.1)

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R1-BM zone are as follows:

(a) Principal Buildings, 9.0 m (29.53')

(b) Accessory Buildings, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the R1-BM zone are as follows:

(a) Bed and breakfast uses may have no more than six sleeping units.

(b) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that the number of residents does not exceed ten, including resident staff,

(i) the use is within a single-family dwelling unit only,

(ii) valid health permits for septic systems or on-site wastewater treatment systems are obtained, where no municipal sewer is available. [BL3302]

(c) Limited farm sale of agricultural products may be sold directly to the public provided that:

(i) a minimum of 50% of the agricultural products offered for sale are produced on the land;

(ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and

(iii) the retail sales are clearly ancillary to the farm use. [BL3083]

(d) Despite Section (b) above, the maximum number of residents living in an assisted living facility may not exceed 20 on 6682 Norcross Road (PID: 006-390-889[BL4038]

Residential Restricted Zone (R2)

[BL3150, BL3302, BL3323, BL3674, BL3891]

Permitted Uses

57 (1) The permitted uses for the R2 zone are as follows:

Assisted Living
Bed and Breakfast
Community Care Facility
Detached Accessory Dwelling Unit
Home-based Business
Multi-Family Residence
Secondary Suite
Single-Family Dwelling
Supportive Housing [BL3302, BL3323, BL3674]
Two-Family Dwelling

Minimum Lot Size

(2) The minimum permitted lot size for the R2 zone is 890 m^2 (9,580 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the R2 zone is 21.0 m (68.90').

Density

(4) The maximum permitted density for the R2 zone is as follows:

(a) The number of residential buildings shall not exceed one, except where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is also permitted.

(b) The number of dwelling units shall not exceed:

(i) Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area.

(ii) Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.

(v) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

Maximum Lot Coverage

(5) The maximum permitted lot coverage of the R2 zone is as follows:

(a) 30% of the lot area where a lot contains one residential building and up to two dwelling units.

(b) 35% of the lot area where a lot contains three or more dwelling units or contains a detached accessory dwelling unit.

Minimum Setbacks

(6) The minimum permitted setbacks for the R2 zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 1.5 m (4.92')
Yard, Side when adjacent to a lane or street, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to

a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R2 zone are as follows:

(a) Principal Buildings, 9.0 m (29.53')

(b) Accessory Buildings, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the R2 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that

(i) the number of residents does not exceed three, and

(ii) the use is within a single-family dwelling unit only. [BL3302]

(e) Bed and Breakfast uses may have no more than three sleeping units. [BL3323]

(f) Bed and Breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use. [BL3302; BL3323]

Rural Residential Restricted Zone (R2-R)

[BL3150, BL3302, BL3323, BL3674, BL3891]

Permitted Uses

57.1 (1) The permitted uses for the R2-R zone are as follows:

Assisted Living
Bed and Breakfast
Community Care Facility
Home-based Business
Secondary Suite
Single-Family Dwelling
Supportive Housing [BL3302, BL3323, BL3674]

Minimum Lot Size

(2) The minimum permitted lot size for the R2-R zone is 890 m^2 (9,580 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the R2-R zone is 21.0 m (68.90').

Density

(4) The maximum permitted density for the R2-R zone is as follows:

(a) The number of dwelling units shall not exceed two.

(b) The number of residential buildings shall not exceed one.

Maximum Lot Coverage

(5) The maximum permitted lot coverage of the R2-R zone is 30% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the R2-R zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R2-R zone are as follows:

(a) Principal Buildings, 9.0 m (29.53')

(b) Accessory Buildings, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the R2-R zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that

(i) the number of residents does not exceed three, and

(ii) the use is within a single-family dwelling unit only. [BL3302]

(e) Bed and Breakfast uses may have no more than three sleeping units. [BL3323]

(f) Bed and Breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use. [BL3302; BL3323]

Residential One and Two-Family Zone (R3)

[BL3150, BL3302, BL3323, BL3418, BL3674, BL3758, BL3891]

Permitted Uses

58 (1) The permitted uses for the R3 zone are as follows:

Agriculture
Assisted Living
Bed and Breakfast
Community Care Facility
Detached Accessory Dwelling Unit
Home-based Business
Multi-Family Residence
Secondary Suite
Single-Family Dwelling
Supportive Housing
Two-Family Dwelling [BL3302]

Minimum Lot Size

(2) The minimum permitted lot size in the R3 zone is 670 m^2 (7,212 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage in the R3 zone is 18.0 m (59.06').

Density

(4) The maximum permitted density for the R3 zone is as follows:

(a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.

(b) The number of dwelling units shall not exceed:

(i) Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area.

(ii) Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.

(iii) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

Maximum Lot Coverage

(5) Where a lot contains one residential building and up to two dwelling units the maximum permitted lot coverage in the R3 zone is as follows:

(a) 30% of the lot area for lots of 650 m^2 (7,000 sq. ft.) or larger; and

(b) 35% of the lot area for lots less than 650 m^2 (7,000 sq. ft.).

(5.1) Where a lot contains three or more dwelling units or contains a detached accessory dwelling unit the maximum permitted lot coverage in the R3 zone is as follows:

(a) 35% of the lot area for lots of 650 m^2 (7,000 sq. ft.) or larger;

(b) 40% of the lot area for lots less than 650 m^2 (7,000 sq. ft.) but larger than 500 m^2 (5,382 sq. ft.); and

(c) 45% of the lot area for lots 500 m^2 (5,382 sq. ft.) or less.

Minimum Setbacks

(6) The minimum permitted setbacks for the R3 zone are as follows:

(a) Principal Buildings

Yard, Front, 4.5 m (14.76')
Yard, Side, 1.5 m (4.92')
Yard, Side when adjacent to a lane or street, 3.0 (9.8')

Yard, Rear, 7 m (22.97′)

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 5.0 m (16.40')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92') [BL3323]

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R3 zone are as follows:
(a) Principal Building, 9.0 m (29.53')
(b) Accessory Building, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the R3 zone are as follows:
(a) [Repealed. BL3891]
(b) [Repealed. BL3891]
(c) [Repealed. BL3891]
(d) Bed and breakfast uses may have no more than three sleeping units.
(e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
(f) [Repealed, BL3758]
(g) [Repealed, BL3674]
(i) Limited farm sale of agricultural products may be sold directly to the public provided that:
(i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
(ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and
(iii) the retail sales are clearly ancillary to the farm use. [BL3083]
(j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
(i) the number of residents does not exceed three, and
(ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]

(9) Despite sections 58 (2) and 58 (3) the minimum permitted lot size is 450 m^2 (4,844 sq. ft.) and the minimum permitted frontage is 15 m (49.21′) on the following properties:
(a) 6077 Mary Street (PID: 000-328-332)
(b) 3056 Gibbins Road (PID: 005-667-909)
(c) Lot 1 Sophia Road (PID: 029-263-123)
(d) 3214 Cowichan Lake Road (PID: 001-086-359)
(e) 7978 Tidemark Way (PID: 028-795-261)
(f) 6125 Lakeview Drive (PID: 003-760-251)
(g) 9921 Echo Heights (PID: 027-633-250)
(h) 5850 (Lot 3) Highland Avenue (PID: 007-387-687)
(i) 1578 Adelaide Street (PID: 003-247-988)
(j) 3192 Sherman Road (PID: 002-748-851)
(k) 5951 Highland Avenue (PID: 000-392-651)

Driveway Width

(10) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.
(11) *[Pending BL4096]*

Rural Residential One and Two-Family Zone (R3-R)

[BL3083, BL3150, BL3302, BL3323, BL3418, BL3647, BL3674, BL3758, BL3891, BL3992]

Permitted Uses

58.1 (1) The permitted uses for the R3-R zone are as follows:

Agriculture
Assisted Living
Bed and Breakfast
Community Care Facility
Home-based Business
Secondary Suite
Single-Family Dwelling
Supportive Housing
Two-Family Dwelling [BL3302]

Minimum Lot Size

(2) A lot in the R3-R zone must meet the minimum area requirements for the purposes of subdivision and use of the lot for permitted uses as follows:

(a) Single-family dwelling, 450 m^2 (4,844 sq. ft.)

(b) Single-family dwelling with a secondary suite, 450 m^2 (4,844 sq. ft.)

(c) Two-family dwelling, 700 m^2 (7,535 sq. ft.) [BL3647, BL3674]

Minimum Frontage

(3) The minimum permitted frontage in the R3-R zone is as follows:

(a) Single-family dwelling, 15 m (49.21'),

(b) Single-family dwelling with a secondary suite, 15 m (49.21'),

(c) Two-family dwelling, 23.0 m (75.46'). [BL3083, BL3674]

Density

(4) The maximum permitted density for the R3-R zone is as follows:

(a) The number of residential buildings shall not exceed one.

(b) The number of residential units per building shall not exceed two. For strata buildings/lots, each strata unit constitutes one residential unit.

(c) Despite section 58.1(4)(a) and (b) a maximum of three dwelling units in which one may be a detached accessory dwelling unit is permitted on the following properties:

(i) 10117 Chemainus Road (PID: 028-309-782). [BL3992]

Maximum Lot Coverage

(5) The maximum permitted lot coverage for the R3-R zone is as follows:

(a) 30% of the lot area for lots of 650 m^2 (7,000 sq. ft.) or larger; and

(b) 35% of the lot area for lots less than 650 m^2 (7,000 sq. ft.).

Minimum Setbacks

(6) The minimum permitted setbacks for the R3-R zone are as follows:

(a) Principal Buildings
Yard, Front, 5.0 m (16.40')
Yard, Side, 2.0 m (6.56')
Yard, Side when adjacent to a lane or street, 3.0 (9.8')
Yard, Rear, 7.5 m (24.6') [BL3323]

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 5.0 m (16.40')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92') [BL3323]

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R3-R zone are as follows:

(a) Principal Building, 9.0 m (29.53')
(b) Accessory Building, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the R3-R zone are as follows:

(a) [Repealed. BL3891]
(b) [Repealed. BL3891]
(c) [Repealed. BL3891]
(d) Bed and breakfast uses may have no more than three sleeping units.
(e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
(f) [Repealed, BL3758]
(g) [Repealed, BL3674]
(h) For a lot created prior to March 31, 2000, a single-family dwelling, two-family dwelling, or secondary suite is permitted on any lot. [BL3323, BL3418]
(i) Limited farm sale of agricultural products may be sold directly to the public provided that:
(i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
(ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and
(iii) the retail sales are clearly ancillary to the farm use. [BL3083]
(j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
(i) the number of residents does not exceed three, and
(ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]

Driveway Width

(9) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.

Residential Small Lot Single-Family Zone (R3-S)

[BL3196, BL3891]

Permitted Uses

58.2 (1) The permitted uses for the R3-S zone are as follows:

Detached Accessory Dwelling Unit
Multi-Family Residence
Secondary Suite
Single-Family Dwelling
Two-Family Dwelling
Home-based Business

Minimum Lot Size

(2) The minimum permitted lot size for the R3-S zone is 325 m^2 (3,498 sq. ft.).

(3) Despite subsection (2) the minimum lot size for a panhandle lot, excluding the panhandle, is 450 m^2 (4,844 sq. ft.).

(4) A Streamside Protection Area, under the *Fish Protection Act*, shall not be included in the calculation of minimum lot area.

Minimum Frontage

(5) Excepting panhandle lots, the minimum permitted frontage for the R3-S zone is as follows:

(a) 11.5 m (37.73') where the lot frontage is on a highway;

(b) 8.0 m (26.25') where the lot frontage is on a cul-de-sac.

Density

(6) The maximum permitted density for the R3-S zone is as follows:

(a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is also permitted.

(b) The number of dwelling units shall not exceed:

(i) Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area.

(ii) Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.

(iii) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

Maximum Lot Coverage

(7) Where a lot contains one residential building and up to two dwelling units the maximum permitted lot coverage in the R3-S zone is 40% of the lot area.

(7.1) Where a lot contains three or more dwelling units or contains a detached accessory dwelling unit the maximum permitted lot coverage in the R3-S zone is as follows:

(a) 45% of the lot area for lots 400 m^2 (4,306 sq. ft.) or larger;

(b) 50% of the lot area for lots less than 400 m^2 (4,306 sq. ft.).

Minimum Setbacks

(8) The minimum permitted setbacks for the R3-S zone are as follows:

(a) Principal Buildings
Yard, Front, 4.5 m (14.76')
Yard, Side, 1.5 m (4.92')
Yard, Side when adjacent to a highway, 3.0 m (9.84')
Yard, Rear, 6.0 m (19.68')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 5.0 m (16.4')
Yard, Side, 1.0 m (3.28')

Yard, Rear, 1.0 m (3.28')

(c) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a highway other than a lane is 5.8 m (19.03').

Maximum Building Height

(9) The maximum permitted building heights for the R3-S zone are as follows:

(a) Principal Building, 9.0 m (29.53')

(b) Accessory Building, 5.0 m (16.4')

Conditions of Use

(10) The conditions of use for the R3-S zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) Where a rear lane is available, vehicular access to the lot is only permitted from the lane;

(e) Only one garage or carport shall be allowed per lot;

(f) Despite Section 21 (1) a multi-family residence requires 0.75 parking spaces per dwelling unit.

Residential Medium Density Multi-Family Zone (R3-MF)

[BL3495, BL3891, BL3958]

Permitted Uses

58.3 (1) The permitted uses for the R3-MF zone are:
Multi-Family Residence

(2) The permitted accessory uses for the R3-MF zone are:
Limited Home-Based Business
Accessory Building

Minimum Frontage and Lot Depth

(3) The minimum permitted frontage is 18.0 m (59.05')

(4) The minimum permitted lot depth is 30.0 m (98.43')

Density

(5) The permitted density for the R3-MF zone is as follows:
(a) Minimum site area per dwelling unit 160 m^2 (1,722.23 sq. ft.)
(b) Maximum permitted floor space ratio is 0.5:1.

Maximum Lot Coverage

(6) The maximum permitted lot coverage for the R3-MF zone is 45%; of this, accessory buildings and structures cannot exceed 10% of the lot.

Minimum Setbacks

(7) The minimum permitted setbacks for the R3-MF zone are as follows:
(a) Principal Buildings
Yard, Front, 5.0 m (16.40')
Yard, Side, 1.5m (4.92')
Yard Side when adjacent to a lane or street, 3.0 m (9.84')
Yard, Rear, 7.5m (24.61')
Garage doors from any side or front property line, 5.8m (19.03')
(b) Accessory Buildings and Structures
Yard, Front, 10.0 m (32.81')
Yard, Side, 1.5m (4.92')
Yard Side when adjacent to a lane or street, 3.0 m (9.84')
Yard, Rear, 1.5m (4.92')

Maximum Building Height

(8) The maximum permitted building heights for the R3-MF zone are as follows:
(a) Principal Building, 10.0 m (32.81')
(b) Accessory Building, 5.0 m (16.40')

Landscaped Open Space

(9) Landscaping of the open space must meet the following requirements in the R3-MF zone:
(a) 30% of the lot area must be provided and maintained as landscaped area not including parking.

Exterior Amenity Space

(10) In the R3-MF zone, each dwelling unit
(a) located at or below grade must have, at minimum, private outdoor amenity space of 7.4 m^2 (79.66 sq. ft.) in area with, at minimum, one horizontal dimension of 3.0 m (9.84’), and

(b) located above grade (second storey or higher), must have a minimum private outdoor amenity space of 4.75 m^2 (48.44 sq. ft.) in area with, at minimum, one horizontal dimension of 2.0 m (6.56').

Conditions of Use

(11) The conditions of use for the R3-MF zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) [Deleted. BL3958]

(e) the lot must have one driveway and must be a maximum of 3.0 m (9.84') wide where it crosses pedestrian sidewalks or trails;

(f) parking spaces must be located along the side or rear of the principal building.

Residential Small Lot Mobile Home Zone (R4)

[BL2996, BL3150, BL3891]

Permitted Uses

59 (1) The permitted uses for the R4 zone are as follows:
Home-based Business
Manufactured Home

Minimum Lot Size

(2) The minimum permitted lot size for the R4 zone is 465 m^2 (5,005 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the R4 zone is 15.0 m (49.21').

Density

(4) The maximum permitted density for the R4 zone is as follows:
(a) The number of residential buildings shall not exceed one.

Maximum Lot Coverage

(5) The maximum permitted lot coverage for the R4 zone is 30% of the lot area. [BL2996]

Minimum Setbacks

(6) The minimum permitted setbacks for the R4 zone are as follows:
(a) Principal Buildings
Yard, Front, 5.0 m (16.40')
Yard, Side, 2.0 m (6.56')
Yard, Rear, 8.0 m (26.25')
(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 5.0 m (16.40')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R4 zone are as follows:
(a) Principal Building, 5.0 m (16.40')
(b) Accessory Building, 5.0 m (16.40')

Maximum Fence Height

(8) (a) [Repealed. BL3891]
(b) [Repealed. BL3891]
(c) [Repealed. BL3891]

Residential Mobile Home Park Zone (R5)

[BL3323]

Permitted Uses

60 (1) The permitted uses for the R5 zone are as follows:
Accessory Dwelling Unit
Home-based Business
Mobile Home Park
Mobile Home Park Office

Minimum Lot Size

(2) (a) The minimum permitted lot size for the R5 zone is 2.0 hectares (4.94 acres).

(b) The minimum permitted area for a mobile home space is 325 m^2 (3,498.39 sq. ft.).

Minimum Frontage

(3) (a) The minimum permitted frontage for the R5 zone is 60.0 m (196.85').

(b) The minimum permitted frontage for a mobile home space is 12.0 m (39.37') or, in the case of a cul-de-sac or panhandle lot, 6.0 m (19.68').

Density

(4) The maximum permitted density for the R5 zone is as follows:

(a) The maximum number of units is twenty units per hectare (8 per acre).

Buffer

(5) A landscaped buffer, which is separate from the individual mobile home pads, shall be provided of not less than 8.0 m (26.25') in width along the front lot line, and not less than 5.0 m (16.40') in width from any other lot line of the mobile home park. Within this buffer area, no buildings or dwellings, nor parking or storage of motor vehicles, nor roadways other than perpendicular crossing shall be permitted.

(a) Despite the foregoing, in the case of a corner lot, lot lines which abut highways shall have a buffer of not less than 8.0 m (26.25') in width.

Minimum Setbacks

(6) The minimum permitted setbacks for the R5 zone are as follows:

(a) Mobile Home Park Office
Yard, Front, 8.0 m (26.25')
Yard, Side, 5.0 m (16.40')
Yard, Rear, 5.0 m (16.40')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25')
Yard, Side, 5.0 m (16.40')
Yard, Rear, 5.0 m (16.40')

Minimum Yard Requirements for Each Mobile Home Space

(7) The minimum yard requirements for each mobile home space in a Mobile Home Park in the R5 zone are as follows:
Yard, Front, 1.8 m (5.91') in depth
Yard, Side, 1.5 m (4.92') in width
Yard, Rear, 1.8 m (5.91') in depth

Maximum Building Height

(8) The maximum permitted building heights for the R5 zone are as follows:

(a) Principal Building, 7.6 m (24.93')

(b) Accessory Building, 7.6 m (24.93')

Mobile Home Space Coverage

(9) (a) The mobile home and additions to it, exclusive of a carport, must not cover more than 35% of the mobile home space upon which it is situated. [BL3323]

(b) Any addition to a mobile home, exclusive of a carport, porches, open sundecks, and detached storage sheds, shall not be larger in area than 20% of the floor area of the mobile home.

Recreation Area

(10) In addition to the perimeter buffer area, a recreation area of not less than 5% of the gross site area shall be established.

(a) Where indoor recreation space is provided, it shall be counted as double its actual area.

Conditions of Use

(11) Mobile home parks are also subject to "Mobile Home Park Bylaw 1978", No. 1775.

Residential Townhouse Zone (R6)

[BL3150, BL3083, BL3383, BL3891, BL3383, BL3958]

Permitted Uses

61 (1) The permitted uses for the R6 zone are as follows:
Home-based Business
Single-Family Dwelling (subject to the provisions of the R3 zone)
Townhouse
Two-Family Dwelling [BL3383]

Minimum Lot Size

(2) The minimum lot size for the R6 zone is 1,170 m^2 (12,594 sq. ft.). [BL3083]

Minimum Frontage

(3) The minimum permitted frontage for the R6 zone is 30 m (98.43').

Density

(4) The maximum permitted density for the R6 zone is as follows:
(a) One dwelling unit per 290 m^2 (3,121.53 sq. ft.) of lot area.
(b) The maximum permitted floor space ratio for the R6 zone is 0.5:1.

Maximum Lot Coverage

(5) The maximum permitted lot coverage for the R6 zone is 30% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for the R6 zone are as follows:
(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')
(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

(7) The maximum permitted building heights for the R6 zone are as follows:
(a) Principal Buildings, 9.0 m (29.53')
(b) Accessory Buildings, 5.0 m (16.40')

Minimum Separation Between Buildings on the Same Lot

(8) The minimum permitted separations between buildings on the same lot for the R6 zone are as follows:
(a) From windows to habitable rooms, 12.0 m (39.37')
(b) Between walls and all other windows, 6.0 m (19.69')
(c) Between walls, 4.0 m (13.12')

Landscaped Open Space

(9) In the R6 zone, 30% of the lot area shall be provided and maintained as landscaped open space.

Recreation Area

(10) In the R6 zone, 4.5% of the lot area shall be designated and developed for recreational use. Such recreation area shall:

(a) have a minimum area of 40 m^2 (430.60 sq. ft.);

(b) be located in the rear of the front line of the building(s); and

(c) be located not closer than 6.0 m (19.68') to any dwelling unit.

Conditions of Use

(11) The conditions of use for the R6 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) [Deleted. BL3958]

(e) Parking spaces must be separated from any walls of the building(s) which contain windows by a minimum of 4.0 m (13.12').

(f) The total number of dwelling units in the form of two-family dwellings, shall not exceed 15% of the total number of dwelling units for the whole development. [BL3383]

Residential Multi-Family Zone (R7)

[BL3457, BL3891, BL3958]

Permitted Uses

62 (1) The permitted uses for the R7 zone are as follows:

Apartment
Congregate Housing
Limited Home-based Business
Secondary Suite (within Single-Family Dwelling)
Single-Family Dwelling (subject to the provisions of the R3 zone; or, where part of a Building Strata, subject to the provisions below)
Townhouse (subject to the provisions of the R6 zone, except section 61 (4))
Two-Family Dwelling [BL3457]

Minimum Lot Size

(2) The minimum permitted lot size for the R7 zone is 1,120 m^2 (12,056 sq. ft.)

Minimum Frontage

(3) The minimum permitted frontage for the R7 zone is 30 m (98.43').

Density

(4) The maximum permitted density for the R7 zone is as follows:

(a) One dwelling unit per 280 m^2 (3,013.90 sq. ft.) of lot area for the townhouse use;

(b) One dwelling unit per 300 m^2 (3,229.17 sq. ft.) of lot area averaged for a building strata consisting of all dwelling units that are considered single-family dwelling and secondary suite uses;

(c) The maximum permitted floor space ratio for the townhouse, two-family dwelling, single-family dwelling unit and single-family dwelling unit with secondary suite uses is 0.5:1;

(d) The maximum permitted floor space ratio for the apartment use is 0.6:1; and

(e) The size of the secondary suite must not be smaller than 37 m^2 (398.3 sq. ft.) nor larger than 85 m^2 (914.9 sq. ft.) or 40% of the principal dwelling unit, whichever is less.

Maximum Lot Coverage

(5) The maximum permitted lot coverage, including covered parking, for the R7 zone is 30% of the lot area. However, where 2/3 of the required off-street parking spaces are provided as covered parking, the maximum permitted lot coverage, including covered parking, for the R7 zone is 35%.

Minimum Setbacks

(6) The minimum permitted setbacks for the R7 zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 5.0 m (16.40')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Building and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

Maximum Building Height

(7) The maximum permitted building heights for the R7 zone are as follows:

(a) Principal Buildings, 9.0 m (29.53')

(b) Accessory Buildings, 5.0 m (16.40')

Minimum Separation between Buildings on the Same Lot

(8) The minimum permitted separation between Apartment, Townhouse and Two-family buildings on the same lot for the R7 zone are as follows:

(a) Between windows and habitable rooms, 12.0 m (39.37')

(b) Between walls and other windows, 6.0 m (19.68')

(c) Between walls, 6.0 m (19.68')

(9) The minimum permitted building separation and building siting for Single-Family Dwelling units and Single-Family Dwelling units with Secondary Suites part of a building strata are as follows:

(a) Setback, Front abutting the common strata road, 3.0 m (9.84')

(b) Setback, Front for vehicle entrance of a garage, or carport from a common strata road, 5.8 m (19.03')

(c) Separation, Rear, 6.0 m (19.68') per unit

(d) Separation, Side (no parking in side yard), 1.5 m (4.92') per unit

(e) Separation, Side (parking in side yard), 4.3 m (14.11') per unit.

Landscaped Open Space

(10) In the R7 zone, 30% of the lot area shall be provided and maintained as landscaped open space.

Recreation and Exterior Amenity Area

(11) In the R7 zone, 4.5% of the lot area shall be designated and developed for recreational use. Such recreation area shall:

(a) have a minimum area of 40 m^2 (430.60 sq. ft.);

(b) be located in the rear of the line, front, of the building(s); and

(c) be located not closer than 6.0 m (19.68') to any dwelling unit.

(12) In the R7 zone, each Secondary Suite shall have a minimum of 30 m^2 (322.92 sq. ft.) of useable exterior at-grade amenity space, which is immediately adjacent to the Secondary Suite.

Conditions of Use

(13) The conditions of use for the R7 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) [Deleted. BL3958]

(e) Parking spaces must be separated from any walls of the building(s) which contain windows by a minimum of 4.0 m (13.12') for Apartment, and Townhouse uses.

(f) The total number of dwelling units in the form of two-family dwellings shall not exceed 15% of the total number of dwelling units for the whole development.

Residential Ground-Oriented Multi-Family Zone (R7-A)

[BL3262, BL3383, BL3891, BL3958]

Permitted Uses

62.1 (1) The permitted uses for the R7-A zone are as follows:

Townhouse
Limited Home-based Business
Single-Family Dwelling (subject to the provisions of the R3 zone)
Two-Family Dwelling [BL3383]

Minimum Lot Size

(2) The minimum permitted lot size for the R7-A zone is 1,120 m^2 (12,056 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the R7-A zone is 30 m (98.43').

Density

(4) The maximum permitted density for the R7-A zone is as follows:

(a) One dwelling unit per 200 m^2 (2,152.78 sq. ft.) of lot area (50 units per hectare).

(b) The maximum permitted floor space ratio for the R7-A zone is 0.5:1. [BL3383]

Maximum Lot Coverage

(5) The maximum permitted lot coverage, including covered parking, for the R7-A zone is 30% of the lot area. Despite the foregoing, where at least 2/3 of the required off-street parking spaces are provided as covered parking, the maximum permitted lot coverage, including covered parking is 35%.

Minimum Setbacks

(6) The minimum permitted setbacks for the R7-A zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 5.0 m (16.4')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 8.0 m (26.25')

Maximum Building Height

(7) The maximum permitted building heights for the R7-A zone are as follows:

(a) Principal Buildings, 9.0 m (29.53')

(b) Accessory Buildings, 5.0 m (16.4')

Minimum Separation between Buildings on the Same Lot

(8) The minimum permitted separation between buildings on the same lot for the R7-A zone are as follows:

(a) Between walls with windows, 6.0 m (19.68')

(b) Between walls without windows, 4.0 m (13.12')

Landscaped Open Space

(9) In the R7-A zone, 30% of the lot area shall be provided and maintained as landscaped open space.

Recreation Area

(10) In the R7-A zone, 4.5% of the lot area shall be designated and developed for recreational use. Such recreation area shall:

(a) have a minimum lot area of 40 m^2 (430.60 sq. ft.);

(b) be located in the rear of the front line of the building(s); and

(c) be located not closer than 6.0 m (19.68') to any dwelling unit.

(10.1) Variances to the on-site recreation area requirement will be considered where an equivalent contribution is provided as public park.

Conditions of Use

(11) The conditions of use for the R7-A zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) [Deleted. BL3958]

(e) Parking spaces must be separated from any walls of the building(s) which contain windows by a minimum of 4.0 m (13.12').

(f) All dwelling units must have a private, at-grade exterior entrance.

(g) The total number of dwelling units in the form of two-family dwellings shall not exceed 15% of the total number of dwelling units for the whole development. [BL3383]

Residential Multi-Family Apartment Zone (R8)

[BL3038, BL3302, BL3891, BL3958]

Permitted Uses

63 (1) The permitted uses for the R8 zone are as follows:

Apartment
Congregate Housing
Limited Home-based Business
Single-Family Dwelling (subject to the provisions of the R3 zone) [BL3302]

Minimum Lot Size

(2) The minimum permitted lot size for the R8 zone is 1,120 m^2 (12,056 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the R8 zone is 30 m (98.43').

Density

(4) The maximum permitted density for the R8 zone is as follows:

(a) The maximum permitted floor space ratio for the R8 zone is 1:1.

Maximum Lot Coverage

(5) The maximum permitted lot coverage, including covered parking, for the R8 zone is 40% of the lot area. [BL3038]

Minimum Setbacks

(6) The minimum permitted setbacks for the R8 zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 5.0 m (16.4')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

Maximum Building Height

(7) The maximum permitted building heights for the R8 zone are as follows:

(a) Principal Buildings, 11.0 m (36.09')
(b) Accessory Buildings, 5.0 m (16.4')

Minimum Separation Between Buildings on the Same Lot

(8) The minimum permitted separations between buildings on the same lot for the R8 zone are as follows:

(a) From windows to habitable rooms, 12.0 m (39.37')
(b) Between walls and all other windows, 6.0 m (19.68')
(c) Between walls, 6.0 m (19.68')

Maximum Gross Floor Area of any One Building

(9) The maximum permitted gross floor area of any one building for the R8 zone is 6,000 m^2 (64,583 sq. ft.).

Landscaped Open Space

(10) In the R8 zone, 30% of the lot area shall be provided and maintained as landscaped open space.

Recreation Area

(11) In the R8 zone, 4.5% of the lot area shall be designated and developed for recreational use. Such recreation area shall:

(a) have a minimum area of 40 m^2 (430.60 sq. ft.);

(b) be located in the rear of the front line of the building(s); and

(c) be located not closer than 6.0 m (19.68') to any dwelling unit.

Conditions of Use

(12) The conditions of use for the R8 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) [Deleted. BL3958]

(e) Parking spaces must be separated from any walls of the building(s) which contain windows by a minimum of 4.0 m (13.12').

Private Residence Water Lot Zone (W1)

Permitted Uses

64 (1) The permitted uses for the W1 zone are as follows:

Pier
Private Float
Swimming Float
Walkway (those necessary for practical access to property immediately abutting the foreshore)
Wharf

Conditions of Use

(2) The conditions of use for the W1 zone are as follows:

(a) Private floats and wharves shall be used for purposes of private access only. No commercial or industrial activity or use shall take place on such floats or wharves.

(b) Floats, wharves, piers, and walkways shall be located within the boundaries of a lawful water lease area or licence of occupation area, as approved by the Province of British Columbia.

(c) A private float or wharf shall not extend any further distance than is necessary for private boat access and moorage at extreme low tide or low water level.

(d) No section of a private float or wharf shall exceed a width of 4.0 m (13.12').

(e) No building or structure, other than the posts necessary to carry lighting fixtures and the posts, rails, and supports necessary for safety, may be erected on any private float or wharf.

(f) Private floats, wharves, piers, and walkways shall be designed and constructed in such a manner as to not impede pedestrian access along the foreshore.

Light Commercial Water Lot Zone (W2)

[BL2974, BL3068]

Permitted Uses

65 (1) The permitted uses for the W2 zone are as follows:

Boat Charter
Boat Ramp
Boat Rental
Boat Shelters
Float
Float Home (subject to "Float Home Standards Bylaw 1999", No. 3015)
Marina
Marine-related Office
Moorage Facility
Parking Use
Pier
Walkway
Water Taxi
Wharf
Yacht Club [BL3068]

(2) The following additional uses are permitted on a water lot containing a W2a designation:
Marine-fueling Facility

(3) The following additional uses are permitted within a water lot containing a W2b designation:
All uses permitted in the W2 and W2a Zone
Hotel [BL2974]

Maximum Water Lot Coverage

(4) The maximum water lot coverage for the W2 zone is as follows:

(a) The coverage of all buildings and structures, excluding boat shelters, constructed on wharves shall not exceed ten percent (10%) of the total water lot area, excluding boat shelters.

Conditions of Use

(5) The conditions of use for the W2 zone are as follows:

(a) Floats, wharves, piers, ways, and walkways shall be contained within the boundaries of a lawful water lot lease area or licence of occupation area, as approved by British Columbia Lands.

Maximum Height of Structures

(6) No structure shall exceed 10.0 m (33.0') in height as measured from the highwater mark to the highest point of the structure.

(a) Despite the foregoing, boat hoists, gantries, and other equipment for repairing or removing boats to and from the water are unrestricted with respect to height.

Mixed Use Commercial Water Lot Zone (W3)

[BL3068]

Permitted Uses

66 (1) The permitted uses for the W3 zone are as follows:

Accessory Dwelling Unit
Aquarium
Boat Charter
Boat Ramp
Boat Rental
Boat Shelter
Float
Float Home (subject to "Float Home Standards Bylaw 1999", No. 3015)
Home-based Business
Marina
Marine Museum
Marine-related Office
Moorage Facility
Parking Use
Pier
Sale of Boats
Sale of Seafood
Water Taxi
Walkway
Way
Wharf
Yacht Club [BL3068]

(2) The following additional uses are permitted on a lot containing a W3a designation:
Marine-fueling Facility

Maximum Water Lot Coverage

(4) The maximum permitted water lot coverage for the W3 zone is as follows:

(a) Total water lot coverage of all boat shelters, and walkways (fixed or floating) shall not exceed 50% of the water lot surface.

(b) The gross water coverage of all buildings and structures constructed on wharves shall not exceed 10% of the total water lot area.

Conditions of Use

(5) The conditions of use for the W3 zone are as follows:

(a) Floats, wharves, piers, ways, and walkways shall be contained within the boundaries of a lawful water lot lease area.

Maximum Height of Structures

(6) No structure shall exceed 10.0 m (33') in height as measured from the highwater mark to the highest point of the structure.

(a) Despite the foregoing, boat hoists, gantries, and other equipment for repairing or moving boats to and from the water are unrestricted with respect to height.

Upland Tourist Commercial Marine Zone (MA1)

[BL3657, BL4002]

Permitted Uses

67 (1) The permitted uses for the MA1 zone are as follows:

Accessory Dwelling Unit
Accessory Convenience Store
Aquarium
Bed and Breakfast
Boat Building and Repair Facility
Boat Hoist
Boat Launch
Boat Launching Ramp
Boat Rentals/Sales
Boat Shelter
Boat Storage
Dry Dock
Hotel
Laundromat
Marine Museum
Marine-fueling Facility
Marine-related Office
Mobile Food Service
Parking Use
Pub
Recreational Equipment Rentals
Restaurant
Sale of Marine-related Equipment
Seafood Market
Shower Facility
Tourist Accommodation
Water Taxi
Way
Yacht Club [BL3657]

Minimum Lot Size

(2) The minimum permitted lot size for the MA1 zone is 560 m^2 (6,028 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the MA1 zone is 15 m (49.21').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the MA1 zone is 50% of the lot area.

Minimum Setbacks

(5) The minimum permitted setbacks for the MA1 zone are as follows:

(a) Principal Buildings
Yard, Front, 8.0 m (26.25')
Yard, Side, 3.0 m (9.84')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25')
Yard, Side, 1.0 m (3.28')

Maximum Building Height

(6) The maximum permitted building height for the MA1 zone is 12 m (39.37').

(a) Despite the foregoing, boat hoists, gantries and other equipment for repairing or moving boats to and from the water are unrestricted with respect to height.

Conditions of Use

(7) The conditions of use for the MA1 zone are as follows:

(a) The gross floor area for accessory convenience stores shall not exceed 100 m^2 (1,076.43 sq. ft.).

(b) Despite 67(1) "Boat Terminals and Dock" is a permitted use at 2830 Oak Street (PID: 008-099-944). [BL4002]

Upland Tourist Commercial / Residential Marine Zone (MA2) [BL3132]

Permitted Uses

67.1 (1) The permitted uses for the MA2 Zone are as follows:
All uses permitted in the MA1 Zone
Residential Use

Maximum Residential Use

(2) Residential Use may cover no more than 50% of the total site area.

Minimum Lot Size

(3) The minimum permitted lot size for the MA2 Zone is 10,000 m^2 (107,640 sq. ft.).

Minimum Frontage

(4) The minimum permitted frontage for the MA2 Zone is 100 m (328.10').

Lot Coverage

(5) (a) Marine Commercial Use - 50% of the marine commercial site area.
(b) Residential Use - 30% of the residential site area.

Density

(6) (a) Up to one dwelling unit per 275 m^2 (2,960 sq. ft.) of residential site area.

Minimum Setbacks

(7) The minimum permitted setbacks for the MA2 Zone are as follows:
(a) Principal Buildings
Yard, Front, 8.0 m (26.25')
Yard, Side, 3.0 m (9.84')
(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25')
Yard, Side, 1.0 m (3.28')

Maximum Building Height

(8) The maximum permitted building height for the MA2 Zone is 12 m (39.37').
(a) Despite the foregoing, boat hoists, gantries and other equipment for repairing or moving boats to and from the water are unrestricted with respect to height.

Conditions of Use

(9) The conditions of use for the MA2 Zone are as follows:
(a) The gross floor area for accessory convenience stores shall not exceed 100 m^2 (1,076.43 sq. ft.).

Commercial Local Zone (C1)

[BL3457, BL3657, BL3989, BL4002]

Permitted Uses

68 (1) The permitted uses for the C1 zone are as follows:

Accessory Dwelling Unit
Child Care Centre [BL3989]
Dry Cleaner
Hairdresser
Laundromat
Mobile Food Service
Office
Retail Store [BL3657]

Minimum Lot Size

(2) The minimum permitted lot size for the C1 zone is 560 m^2 (6,028 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the C1 zone is 15 m (49.21').

Density

(4) The maximum permitted density for the C1 zone is one principal building on a lot. [BL3457]

Maximum Gross Floor Area

(5) The maximum permitted gross floor area for all buildings for the C1 zone is 280 m^2 (3,013.89 sq. ft.).

Maximum Lot Coverage

(6) The maximum permitted lot coverage for the C1 zone is 40% of the lot area.

Minimum Setbacks

(7) The minimum permitted setbacks for the C1 zone are as follows:

(a) Principal Buildings
Yard, Front, 5.0 m (16.4')
Yard, Side, 2.0 m (6.56')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 5.0 m (16.4')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

Maximum Building Height

(8) The maximum permitted building heights for the C1 zone are as follows:

(a) Principal Buildings, 9.0 m (29.53')
(b) Accessory Buildings, 5.0 m (16.4')

Conditions of Use

(9) The conditions of use for the C1 zone are as follows:

(a) Despite 68(1), "Restaurant", "Fitness Centre/Gymnasium" and "Veterinary Clinic" are permitted uses at unnamed parcel on Kingsview Road (PID: 029-172-667).

(b) Despite 68(1), “Mixed Use Building” whereby the entire bottom floor of the building is used for commercial purposes or any uses specified in 68(9)(a), or combination thereof, is a permitted use at unnamed parcel on Kingsview Road (PID: 029-172-667). [BL4002]

Commercial General Zone (C2)

[BL3150, BL3657, BL3824, BL3989, BL3990]

Permitted Uses

69 (1) The permitted uses for the C2 zone are as follows:

Accessory Dwelling Unit
Appliance and Small Equipment Repair
Bed and Breakfast
Bus Depot
Car Wash
Child Care Centre [BL3989]
Club
Commercial Cardlock Facility
Commercial School
Dry Cleaner
Entertainment Use
Financial Institution
Fitness Centre/Gymnasium
Funeral Parlour
Hairdresser
Home-Based Business
Hotel
Laundromat
Medical Laboratory
Mini-Warehousing
Mixed-use Building
Mobile Food Service
Night Club
Nursery
Office
Parking Use
Pub
Restaurant
Retail Lumber and Building Supply Yard
Retail of Motor Vehicle Parts and Accessories
Retail Store
Service Station
Single-Family Dwelling (subject to the provision of the R3 zone)
Tool Rental
Veterinary Clinic
Wholesale Store [BL3150, BL3657]

Minimum Lot Size

(2) The minimum permitted lot size for the C2 zone is 560 m^2 (6,028 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the C2 zone is 15 m (49.21').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the C2 zone is 100% of the lot area, except such area as required for off-street parking and loading facilities, landscaping requirements, and fencing and highway setbacks.

Minimum Setbacks

(5) There are no minimum setbacks for the C2 zone except:

(a) where the lot abuts residentially zoned land that yard which abuts the residentially zoned land shall be 3.0 m (9.84') in depth; and

(b) where the lot abuts an arterial highway the yard, front, shall be 4.5 m (15') in depth.

Maximum Building Height

(6) The maximum permitted building heights for the C2 zone are as follows:

(a) Principal Building, 12.0 m (39.37')

(b) Accessory Building, 5.0 m (16.4')

Conditions of Use

(7) [Deleted by BL3990]

(8) Despite subsection 69 (1), "apartment" is a permitted use for Lot A, Plan EPP95112, Skinner Road (PID: 030-911-834). [BL3824; BL3990]

(9) Despite subsection 69 (1), a 15-unit "apartment" building with a maximum of 2 units not accessible from a common interior hallway is permitted at 9634-9644 Chemainus Road (PID: 026-690-551) [BL4045]

Commercial Service Zone (C3)

[BL3037, BL3150, BL3657; BL3746, BL3990]

Permitted Uses

70 (1) The permitted uses for the C3 zone are as follows:

All Uses Permitted in the C2 Zone
Accessory Custom Workshop
Automotive Repair Shop
Bed and Breakfast
Home-Based Business
Major Equipment Repair
Market Garden
Micro cannabis production facility
Mobile Food Service
Motor Vehicle Sales and Rentals
Single-family Dwelling (subject to the provision of the R3 zone)
Truck Depot
Warehousing [BL3037, BL3150, BL3657; BL3746]

Minimum Lot Size

(2) The minimum permitted lot size for the C3 zone is 560 m^2 (6,028 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the C3 zone is 15.0 m (49.21').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the C3 zone is 50% of the lot area.

Minimum Setbacks

(5) The minimum permitted setbacks for the C3 zone are as follows:

(a) Principal Buildings
Yard, Front, 8.0 m (26.25')
Yard, Side (One only), 5.0 m (16.4')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25')
Yard, Side (One only), 1.0 m (3.28')

(c) Where a lot line, side, of a lot abuts residentially-zoned land, the yard, side, shall be maintained on that side adjacent to such residentially zoned land.

(d) Despite the foregoing, where the lot line, rear, of a lot abuts residentially-zoned land the required yard, rear, shall be 8.0 m (26.25').

Maximum Building Height

(6) The maximum permitted building heights for the C3 zone are as follows:

(a) Principal Buildings, 12.0 m (39.37')

(b) Accessory Buildings, 5.0 m (16.4')

Conditions of Use

(7) [Deleted by BL3990]

Commercial Recreational Zone (C4)

[BL3657]

Permitted Uses

71 (1) The permitted uses for the C4 zone are as follows:

Accessory Dwelling Unit
Accessory Sales
Driving Range
Golf Course
Hotel
Mini Golf
Mobile Food Service
Dining Room
Restaurant
Tourist Accommodation
Zoo or Game Farm [BL3657]

Minimum Lot Size

(2) The minimum permitted lot size for the C4 zone is 560 m^2 (6,028 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the C4 zone is 15.0 m (49.21').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the C4 zone is 30% of the lot area.

Minimum Setbacks

(5) The minimum permitted setbacks for the C4 zone are as follows:

(a) Principal Buildings
Yard, Front, 8.0 m (26.25')
Yard, Side, 5.0 m (16.4')
Yard, Rear, 5.0 m (16.4')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

Maximum Building Height

(6) The maximum permitted building heights for the C4 zone are as follows:

(a) Principal Buildings, 12.0 m (39.37')
(b) Accessory Buildings, 5.0 m (16.4')

Commercial Professional Zone (C6)

[BL3657]

Permitted Uses

72 (1) The permitted uses for the C6 zone are as follows:

Accessory Dwelling Unit
Mobile Food Service
Professional Office [BL3657]

Minimum Lot Size

(2) The minimum permitted lot size for the C6 zone is 890 m^2 (9,580 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the C6 zone is 21 m (68.9').

Maximum Intensity of Use

(4) The maximum intensity of use for the C6 zone is as follows:

(a) The number of principal buildings on a lot shall not exceed one (1).

(b) The number of individual offices on a lot shall not exceed one (1).

Maximum Gross Floor Area

(5) The maximum permitted gross floor area for the C6 zone is 280 m^2 (3,013.89 sq. ft.).

Maximum Lot Coverage

(6) The maximum permitted lot coverage for the C6 zone is 30% of the lot area.

Minimum Setbacks

(7) The minimum permitted setbacks for the C6 zone are as follows:

(a) Principal Buildings
Yard, Front, 5.0 m (16.4')
Yard, Side, 2.0 m (6.56')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 5.0 m (16.4')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

Maximum Building Height

(8) The maximum permitted building heights for the C6 zone are as follows:

(a) Principal Building, 9.0 m (29.53')

(b) Accessory Building, 5.0 m (16.4')

Commercial Rural Hospitality Zone (C7)

[BL3083, BL3150, BL3657]

Permitted Uses

73 (1) The permitted uses for the C7 zone are as follows:

Agriculture
Accessory Dwelling Unit
Bed and Breakfast
Dining Room
Home-Based Business
Mobile Food Service
Single-Family Dwelling
Tea Room [BL3150, BL3657]

Minimum Lot Size

(2) The minimum permitted lot size for the C7 zone is 8,000 m^2 (1.98 acres).

Minimum Frontage

(3) The minimum permitted frontage for the C7 zone is 90 m (295.87').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the C7 zone is 30% of the lot area.

Maximum Floor Space Ratio of All Buildings and Structures

(5) The maximum permitted floor space ratio for the C7 zone is 0.3:1.

Minimum Setbacks

(6) The minimum permitted setbacks for the C7 zone are as follows:

(a) Principal Buildings
Yard, Front, 6.0 m (19.68')
Yard, Side, 3.0 m (9.84')
Yard, Rear, 8.0 m (26.25')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 6.0 m (19.68')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

Maximum Building Height

(7) The maximum permitted building heights for the C7 zone are as follows:

(a) Principal Building, 9.0 m (29.53')
(b) Accessory Building, 5.0 m (16.4')

Conditions of Use

(8) The conditions of use for the C7 zone are as follows:

(a) Bed and breakfast uses may have no more than six (6) sleeping units.
(b) Limited farm sale of agricultural products may be sold directly to the public provided that:
(i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
(ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and
(iii) the retail sales are clearly ancillary to the farm use. [BL3083]

Commercial Rural Recreation Zone (C8)

[BL3657]

Permitted Uses

74 (1) The permitted uses for the C8 zone are as follows:

Accessory Dwelling Unit
Amusement Park
Archery Range
Drive-in Theatre
Microlite Aircraft and Glider Landing Strips
Mobile Food Service
Racetrack
Recreational Facility
Shooting Range [BL3657]

Minimum Lot Size

(2) The minimum permitted lot size for the C8 zone is 4 hectares (9.88 acres).

Minimum Frontage

(3) The minimum permitted frontage for the C8 zone is 150 m (492.13').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the C8 zone is 30% of the lot area.

Maximum Floor Space Ratio of All Buildings and Structures

(5) The maximum permitted floor space ratio for the C8 zone is 0.5:1.

Minimum Setbacks

(6) The minimum permitted setbacks for the C8 zone are as follows:

(a) Principal Buildings
Yard, Front, 30 m (98.43')
Yard, Side, 30 m (98.43')
Yard, Rear, 30 m (98.43')

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25')
Yard, Side, 5.0 m (16.4')
Yard, Rear, 5.0 m (16.4')

Maximum Building Height

(7) The maximum permitted building heights for the C8 zone are as follows:

(a) Principal Building, 12.0 m (39.37')
(b) Accessory Building, 12.0 m (39.37')

Chemainus Commercial Zone (C9)

[BL3323, BL3657, BL3989, BL4002]

Permitted Uses

75 (1) The permitted uses for the C9 zone are as follows:

Accessory Dwelling Unit
Accessory Office Use
Brew Pub
Child Care Centre
Club
Gallery
Financial Institution
Hairdresser
Hotel
Laundromat
Mixed Use Building
Mobile Food Service
Museum
Office
Parking Use
Pubs
Recreational Facility
Veterinary Clinic
Restaurant
Retail Store [BL3323, BL3657]

Lot Size

(2) The minimum permitted lot size in the C9 zone is 670 m^2 (7212 sq. ft.) and the maximum lot size shall not exceed 750 m^2 (8070 sq. ft.).

Maximum Lot Coverage

(3) The maximum lot coverage shall not exceed 50%.

Maximum Floor Area Ratio of All Building and Structures

(4) Residential use must not exceed 50% of the total floor area.

Conditions of Use

(5) Residential uses are not permitted on the ground floor of any building.

(6) Offices shall not exceed 1, 000 m^2 in one building.

(7) Ten percent (10%) of the lot must be walkways, plazas or landscaped area.

(7.1) Despite section 75(1), a commercial laundry is permitted at unnamed parcel on Bare Point Road (PID: 010-798-587). [BL4002]

Maximum Building Height

(8) The Maximum height shall not exceed 9.0 m (29.53') for 50% of the coverage, nor 12.0 m (39.37') for the remaining 50% of the covered area.

Minimum Setbacks

(9) One yard of not less than 4.0 m (13.12') in width is required.

Industrial Light Zone (I1)

[BL2996, BL3083, BL3512, BL3657, BL3741, BL3754]

Permitted Uses

76 (1) The permitted uses for the I1 zone are as follows:

Accessory Office
Accessory Dwelling Unit
Accessory Restaurant
Autobody Repair
Dry-cleaning Plant or Laundry
Cannabis Production Facility
Commercial Cardlock Facility
Custom Workshop
Fitness Centre/Gymnasium
Food and Beverage Processing
Fueling Installations
Laboratory
Industrial Use
Machine Shop
Mini-warehousing
Mobile Food Service
Motor Vehicle Repair
Motor Vehicle Sales and Repair
Recycling Depot
Repair Shop
Resource Use
Retail Lumber and Building Supply Yard
Retail of Motor Vehicle Parts and Accessories
Service Industry
Sign Shop
Storage Yard
Tool and Equipment Sales, Rentals, and Services
Trade School
Truck Depot
Truck, Trailer, and Heavy Equipment Sales, Rentals, and Services
Veterinary Clinic
Warehouse
Wholesale [BL2996, BL3083, BL3512, BL3657, BL3741, BL3754]

Minimum Lot Size

(2) The minimum permitted lot size for the I1 zone is 1,675 m^2 (18,030 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the I1 zone is 30 m (98.43').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the I1 zone is 50% of the lot area.

Minimum Setbacks

(5) The minimum permitted setbacks for the I1 zone are as follows:

(a) Principal Buildings
Yard, Front, 8.0 m (26.25'); 18 m (59.05') when abutting a Rural or Residential Zone
Yard, Side, 0 m; 18 m (59.05') when abutting a Rural or Residential Zone
Yard, Rear, 0 m; 18 m (59.05') when abutting a Rural or Residential Zone

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25'); 18 m (59.05') when abutting an Arterial Highway
Yard, Side, 0 m; 18 m (59.05') when abutting a Rural or Residential Zone
Yard, Rear, 0 m; 18 m (59.05') when abutting a Rural or Residential Zone

(c) Despite the foregoing, the minimum permitted setback for any Lot Line which abuts an Arterial Highway is 18 m (59.05').

Industrial Heavy Zone (I2)

[BL2996, BL3000, BL3457, BL3467, BL3512, BL3657, BL3741, BL3754]

Permitted Uses

77 (1) The permitted uses for the I2 zone are as follows:

All Industrial Light Zone (I1) Permitted Uses
Automobile Wrecking or Salvage Yard
Bulk Storage of Flammable and Combustible Liquids
Boat Terminals and Dock
Cannabis Production Facility
Helicopter Landing Pad
Mobile Food Service
Municipal/Regional Government Offices
Pier, Wharf, and Related Facility
Private Airplane Landing Strip
Railway Yard
Recycling Industrial Use
Sawmills, Pulpmills, and Planing Mills
Slaughterhouse
Works Yard [BL2996, BL3000, BL3457, BL3467, BL3512, BL3657, BL3741, BL3754]

Minimum Lot Size

(2) The minimum permitted lot size for the I2 zone is 16,000 m^2 (3.95 acres).

Minimum Frontage

(3) The minimum permitted frontage for the I2 zone is 90 m (295.27').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the I2 zone is 50% of the lot area.

Minimum Setbacks

(5) The minimum permitted setbacks for the I2 zone are as follows:

(a) Principal Buildings
Yard, Front, 8.0 m (26.25'); 46 m (150.91') when abutting any Other Zone
Yard, Side, 0 m; 46 m (150.91') when abutting any Other Zone
Yard, Rear, 0 m; 46 m (150.91') when abutting any Other Zone

(b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 8.0 m (26.25'); 46 m (150.91') when abutting any Other Zone
Yard, Side, 0 m; 46 m (150.91') when abutting any Other Zone
Yard, Rear, 0 m; 46 m (150.91') when abutting any Other Zone

(c) Despite the foregoing, the minimum permitted setback for any Lot Line which abuts an Arterial Highway is 18 m (59.05').

(d) Slaughterhouses
Yard, Front, 92 m (301.84')
Yard, Side, 92 m (301.84')
Yard, Rear, 92 m (301.84')

Conditions of Use

(6) The conditions of use for the I2 zone are as follows:

(a) Despite 40.1 [Shipping Containers], a maximum of 25 shipping containers is permitted at 3900 Drinkwater Road. [BL4027]

Private Institutional Zone (PI)

[BL3038, BL3160, BL3302; BL3657, BL3713, BL3989]

Permitted Uses

78 (1) The permitted uses for the PI zone are as follows:

Accessory Dwelling Unit
Child Care Centre [BL3989]
Church
Church Camp
Club
Community Hall
Congregate Housing
Health Service
Independent School
Mobile Food Service
Personal Care Use [BL3160, BL3302; BL3657]

Maximum Lot Coverage

(2) The maximum permitted lot coverage for the PI zone is 30% of the lot area.

Minimum Setbacks

(3) The minimum permitted setbacks for the PI zone are as follows:

(a) Principal Buildings
Yard, Front, 8.0 m (26.25')
Yard, Side, 5.0 m (16.4')
Yard, Rear, 5.0 m (16.4')

(b) Accessory Buildings
Yard, Front, 5.0 m (16.4')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92')

Maximum Building Height

(4) The maximum permitted building heights for the PI zone are as follows:

(a) Principal Building, 12.0 m (39.37')
(b) Accessory Building, 5.0 m (16.4') [BL3038]

Conditions of Use

(5) For Congregate Housing use, the provisions for apartment use established in the R7 or R8 zones shall apply. [BL3302]

(6) Despite section 78 (1), "office" is a permitted use and "retail" is a permitted accessory use on 3088 Gibbins Road (PID: 006-410-481). [BL3713]

(7) *[Pending BL4063]*

Public Use Zone (PU)

[BL3657], BL3989

Permitted Uses

79 (1) The permitted uses for the PU zone are as follows:

Child Care Centre [BL3989]

Mobile Food Service

Public Use [BL3657]

Minimum Setbacks

(2) There are no minimum permitted setbacks for the PU zone except:

(a) where the lot abuts residentially-zoned land, the yard, side, or the yard, rear, shall be 8.0m (26.25') in depth; and

(b) where the lot abuts an arterial highway the yard, front shall be 8.0 m (26.25').

Public Conservation Zone (PC)

Permitted Uses

80 (1) The permitted uses for the PC zone are as follows:

Nature Sanctuary

Nature Sanctuary Viewing Centre

Minimum Setbacks

(2) The minimum permitted setbacks for the PC zone are as follows:

(a) Yard, Front, 10.0 m (32.8')

(b) Yard, Side, 10.0 m (32.8')

(c) Yard, Rear, 10.0 m (32.8')

Maximum Building Height

(3) The maximum permitted building height for the PC zone is as follows:

(a) Principal and Accessory Buildings, 10.0 m (32.8')

The Cliffs Comprehensive Development Zone (CD1)

[BL3242; BL3630, BL3674, BL3891]

Permitted Uses

80.1 (1) The permitted uses for Areas 1 to 3 of the CD1 zone, as shown on Schedule "D-1", attached to and forming part of this bylaw, are as follows:

(a) in Area 1
  (i) detached accessory dwelling unit
  (ii) multi-family residence
  (iii) single-family dwelling,
  (vi) secondary suite,
  (vii) two-family dwelling, and
  (viii) home-based business;

(b) in Area 2
  (i) single-family dwelling,
  (ii) home-based business (in single-family dwelling only),
  (iii) townhouse, and
  (iv) limited home-based business;

(c) in Area 3, trails and open space. [BL3674]

Regulatory Conditions

(2) The regulatory conditions in the following table apply to the CD1 zone:

Item	Column 1 **Description**	Column 2 **Area 1**	Column 3 **Area 2**
1	Minimum lot area	600 m^2	1100 m^2
2	Minimum frontage	18 m	30 m
3	Density	See subsection 2.1 below.	1 dwelling unit per 275 m^2 of gross lot area
4	Maximum lot coverage	30 % where a lot contains one residential building and up to two dwelling units.	35 %
5	Minimum setbacks (m)		
	(1) Principal building		
	Front yard	5.0	6.0
	Side yard	1.5	3.0
	Side yard flanking street	3.0	n/a
	Rear yard	7.5	8.0
	(2) Accessory building		
	Front yard	5.0	6.0
	Side yard	1.0	1.0
	Rear yard	1.5	1.5
	(3) Vehicle entrance from road	5.8	5.8
	(4) All structures from A4 zoned	10	10
6	Maximum building height (m)		
	(a) Principal building	9.0	12.0
	(b) Accessory building	5.0	5.0

Item	Column 1 **Description**	Column 2 **Area 1**	Column 3 **Area 2**
7	Maximum habitable floors	n/a	3
8	Separation between buildings on the same lot		
	(a) Between walls with windows	n/a	6.0
	(b) Between walls without windows	n/a	4.0

(2.1) The maximum permitted density for Area 1 of the CD1 zone is as follows:

(a) The number of residential buildings shall not exceed one, except where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.

(b) The number of dwelling units shall not exceed:

(i) Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area.

(ii) Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.

(iii) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

Landscape Open Space

(3) In townhouse uses,

(a) 30% of the lot area must be provided and maintained as landscaped open space, and

(b) 15% of required landscaped open space must be designated and designed as outdoor recreation area.

(4) Parking areas for townhouse uses must be screened from all adjacent uses and streets by a landscaped screen not less than 1.5 m (4.92') wide.

(5) A landscaped area not less than 1.5 m (4.92') wide must be constructed along the entire length of a lot line that abuts a residential use.

Conditions of Use

(6) [Repealed. BL3891]

(7) [Repealed. BL3891]

(8) Where a lot contains three or more dwelling units or contains a detached accessory dwelling unit the maximum permitted lot coverage in the CD1 zone is as follows:

(a) 35% of the lot area for lots 650 m^2 (7,000 sq. ft.) or larger;

(b) 40% of the lot area for lots less than 650 m^2 (7,000 sq. ft.).

General

(9) In the event of conflict between the provisions of Part 1 to 5 of this Bylaw and the provisions of this zone, the provisions of the CD1 zone prevail.

Chemainus Quay Comprehensive Development Zone (CD2)

[BL3276, BL3417]

Permitted Uses

80.2 (1) The permitted uses for the CD2 zone are as follows:

Apartment

Offices ancillary to marina use and apartment sales and management

Retail Store, with or without recreational equipment rentals, shower and laundry facilities for marina users.

Density

(2) The maximum permitted residential density for the CD2 zone is fifteen apartment units, none of which may have a floor area larger than 202 m^2 (2174.38 sq. ft.).

(3) Despite subsection (2), the density provisions in subsection 4 apply for the CD2 zone if the owner

(a) constructs at the owner's expense

(i) a marina with at least 1,066 m (3,497') of linear moorage space in the general location shown on Schedule "E", of which 40% must be for public use,

(ii) nine off-street parking spaces in the area designated for public parking on Schedule "E", and

(iii) a 2.4 m (7.87') wide public walkway conforming to the standards in Schedule "F", attached to and forming part of this bylaw, in the location shown on Schedule "E",

(b) grants a statutory right-of-way, easement or other form of tenure acceptable to Council to allow the public to use the walkway at all times.

(4) Subject to subsection (3), the maximum permitted density of all buildings and structures is as follows:

(a) the total number of apartment units must not exceed 47;

(b) the gross floor area of a retail store must not exceed 279 m^2 (3003.23 sq. ft.);

(c) the maximum permitted floor space ratio is 0.75:1.

(5) In order to achieve the density allowed by subsection (4), the owner must either

(a) satisfy the conditions in subsection (3) before obtaining a building permit to build more than fifteen apartment units, or

(b) register a covenant under section 219 of the *Land Title Act*, in a form and on terms acceptable to the Council, to

(i) provide the amenities set out in subsection (3) by a specified date, and

(ii) not occupy any apartment unit in the CD2 zone until all conditions of the covenant have been met,

(c) provide the District security, in the form of cash or a letter of credit in an amount estimated by a professional engineer to construct the amenities set out in subsection (3), and

(d) grant to the District a licence to enter on the land and construct the walkway on the default of the owner to do so by the date specified in the covenant.

Maximum Lot Coverage

(6) The maximum permitted lot coverage for the CD2 zone is 40% of the lot area.

Minimum Setbacks

(7) Despite section 13, the following minimum permitted setbacks for the CD2 zone are as follows:

(a) Yard, Front, 3.0 m (9.84')

(b) Yard, Side, 3.0 m (9.84')

(c) Yard, Rear, 3.0 m (9.84′)
(d) Natural boundary of the sea, 0.0 m.

Maximum Building Height

(8) The maximum permitted building height within the CD2 zone is 11.25 m (36.9′).

Parking

(9) Despite sections 17 through 23, at least 66 parking spaces are required, of which
(a) 19 parking spaces must be designated for visitors and general use, including 1 parking space that is designed and designated to accommodate a vehicle operated by a disabled person, and
(b) 14 parking spaces must be designed and designated for small cars.

Other Regulations

(10) Land within the CD2 zone must not be subdivided other than by means of a building strata subdivision under the *Strata Property Act*.

(11) No fences over 1.2 m (3.94′) in height within the CD2 zone are permitted within 4.0 m (13.12′) of the natural boundary of the sea.

80.3 [Repealed. BL3417]

Comprehensive Development Zone - Mixed Family Zone (CD4)

[BL3359, BL3457, BL3596, BL3891]

Permitted Uses

80.4 (1) The permitted uses for the CD4 zone are as follows:

Assisted Living
Community Care Facility
Community Garden
Detached Accessory Dwelling Unit
Limited Home-based Business
Multi-Family Residence
Secondary Suite
Single-Family Dwelling
Two-Family Dwelling

Minimum Lot Size

(2) The minimum permitted lot size for the CD4 zone is 325 m^2 (3,498 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the CD4 zone is as follows:

(a) 11.5 m (37.73'),

(b) 8.0 m (26.25') measured from the required yard, front where the lot fronts a cul-de-sac, or

(c) 8.5 m (27.89') measured from the required yard, front where the lot is pie-shaped and larger than 350 m^2 (3,767 sq. ft.).

Density

(4) The maximum permitted density for the CD4 zone is as follows:

(a) The number of residential buildings per lot shall not exceed one, except where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.

(b) The number of dwelling units shall not exceed:

(i) Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area.

(ii) Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.

(iii) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

Maximum Lot Coverage

(5) Where a lot contains one residential building and up to two dwelling units the maximum permitted lot coverage of the CD4 zone is as follows:

(a) 30% of the lot area for lots of 650 m^2 (7,000 sq. ft.) or larger;

(b) 35% of the lot area for lots smaller than 650 m^2 (7,000 sq. ft.) but larger than 400 m^2 (4,305 sq. ft.); and

(c) 45% of the lot area for lots that are 400 m^2 (4,305 sq. ft.) or smaller.

(5.1) Where a lot contains three or more dwelling units or contains a detached accessory dwelling unit the maximum permitted lot coverage in the CD4 zone is as follows:

(a) 35% of the lot area for lots of 650 m^2 (7,000 sq. ft.) or larger;

(b) 40% of the lot area for lots smaller than 650 m^2 (7,000 sq. ft.) but larger than 500 m^2 (5,382 sq. ft.);

(c) 45% of the lot area for lots 500 m^2 (5,382 sq. ft.) or less but larger than 400 m^2 (4,305 sq. ft.); and

(d) 50% of the lot area for lots 400 m^2 (4,305 sq. ft.) or less.

Minimum Setbacks

(6) The minimum permitted setbacks for the CD4 zone are as follows:

(a) Principal Buildings, for any portion of the building under 6.5 m (21.33') in height, on lots 650 m^2 (7,000 sq. ft.) or smaller
Yard, Front, 2.4 m (6.56')
Yard, Front when abutting a highway 20 m in width or wider, 5.0 m (16.4')
Yard, Side, 1.5 m (4.92')
Yard, Side when adjacent to a highway, 3.0 m (9.84')
Yard, Rear, 2.4 m (6.56') [BL3457, BL3596]

(b) Principal Buildings, for any portion of the building 6.5 m (21.33') or greater in height, on lots 650 m^2 (7,000 sq. ft.) or smaller
Yard, Front, 4.5 m (14.76')
Yard, Front when abutting a highway 20 m in width or wider, 5.0 m (16.4')
Yard, Side, 1.5 m (4.92')
Yard, Side when adjacent to a highway, 3.0 m (9.84')
Yard, Rear, 6.0 m (19.68')

(c) Principal Buildings, on lots 650 m^2 (7,000 sq. ft.) or larger
Yard, Front, 5.0 m (16.40')
Yard, Side, 2.0 m (6.56')
Yard, Side when adjacent to a highway, 3.0 m (9.8')
Yard, Rear, 7.5 m (24.6')

(d) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 5.0 m (16.4')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.0 m (3.28')

(e) The minimum permitted setback from the vehicle entrance of a garage or carport of a principal or accessory building to a highway or strata road is 5.8 m (19.03'). [BL3457; BL3596]

Maximum Building Height

(7) The maximum permitted building heights for the CD4 zone are as follows:

(a) Principal Building, 9.0 m (29.53')

(b) Accessory Building, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the CD4 zone are as follows:

(a) [Repealed. BL3891]

(b) If a lane or common strata road abuts a lot, vehicular access to the lot must be from the lane.

(c) Assisted Living, Supportive Housing, and Community Care Facilities are permitted provided that

(i) they occur within a single-family dwelling unit only,

(ii) the number of residents does not exceed three,

(iii) the lot is 650 m^2 (7,000 sq. ft.), or larger.

(d) Despite Section 21 (1) a multi-family residence requires 0.75 parking spaces per dwelling unit.

Driveway Width

(9) Driveway widths shall not exceed 3.0 m (9.80') per unit within the required yard, front of a principal building, or where it crosses a public sidewalk or trail.

Chemainus Artisan Village Comprehensive Development Zone (CD6)

[BL3589; BL3891, BL3968, BL3989]

Permitted Uses

80.6 (1) The permitted uses for Areas 1 to 5 of the CD6 zone, as shown on Schedule "H", attached to and forming part of this bylaw, are as follows:

(a) Area 1
- (i) Detached Accessory Dwelling Unit
- (ii) Limited Home-based Business
- (iii) Multi-Family Residence
- (iv) Secondary Suite
- (v) Single-Family Dwelling
- (vi) Two-Family Dwelling

(b) Area 2
- (i) Apartment
- (ii) Assisted Living
- (iii) Community Care Facility
- (iv) Community Garden
- (v) Congregate Housing
- (vi) Limited Home-based Business
- (vii) Personal Care Use
- (viii) Stacked Townhouse
- (ix) Townhouse

(c) Area 3
- (i) Apartment
- (ii) Artisan Studio
- (iii) Child Care Centre [BL3989]
- (iv) Gallery
- (v) Hotel Small Scale
- (vi) Laundromat
- (vii) Limited Home-based Business
- (viii) Live-work Studio
- (ix) Mixed-use Building
- (x) Museum
- (xi) Office (above ground floor)
- (xii) Personal Service
- (xiii) Professional Office (above ground floor)
- (xiv) Recreational Facility Small Scale
- (xv) Restaurant
- (xvi) Retail Store
- (xvii) Stacked Townhouse
- (xviii) Townhouse

(d) Areas 4 and 5
- (i) Open Space
- (ii) Public Use
- (iii) Trails

Density

(2) (a) The maximum permitted density for the CD6 zone is as follows:
- (i) the maximum gross floor area of a laundromat is 100 m^2 (1,076.39 sq. ft.)
- (ii) the maximum gross floor area of a museum is 200 m^2 (2,152.78 sq. ft.)
- (iii) the maximum gross floor area of a recreation facility small scale is 200 m^2 (2,152.78 sq. ft.)

(iv) the maximum gross floor area of a retail store is 200 m^2 (2,152.78 sq. ft.)

(b) The minimum density of residential dwelling units per hectare is as follows:

	Area 1	Area 2
Minimum permitted density	15	25

(c) Despite subsection (b), the density for congregate housing, assisted living and community care facility uses in Area 2 is as follows:
(i) three units each smaller than 30 m^2 (322.92 sq. ft.) is equal to one dwelling unit,
(ii) two units each larger than 30 m^2 (322.92 sq. ft.) but smaller than 60 m^2 (645.83 sq. ft.) is equal to one dwelling unit, and
(iii) a unit larger than 60 m^2 (645.83 sq. ft.) is equal to one dwelling unit.

(d) The maximum permitted density in Area 1 of the CD6 zone is as follows:
(i) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.
(ii) The number of dwelling units shall not exceed:
a. Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area.
b. Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.
c. Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

Parking

(3) (a) Despite section 21, the uses in the table below have the associated off-street minimum parking requirements in the CD6 zone.

Use	**Minimum Parking Requirements**
Multi-Family Residential dwelling unit, no bedrooms	0.75 parking space per dwelling unit without bedrooms, and 1.0 designated visitor parking space per 8 dwelling units
Multi-Family Residential dwelling unit, one or two bedrooms	1.0 parking space per dwelling unit with one or two bedrooms, and 1.0 designated visitor parking space per 10 dwelling units
Multi-Family Residential dwelling unit, three bedrooms or more	2.0 parking spaces per dwelling unit with three or more bedrooms, and 1.0 designated visitor parking space per 15 dwelling units
Assisted Living	1.0 parking space per 3 beds, and 1.0 passenger unloading stall per 40 beds or at minimum 1 per building
Community Care Facility	1.0 parking space per 4 beds and 1.0 passenger unloading stall per 40 beds or at minimum 1 per building
Restaurant	1.0 parking space per 20 m^2 used for customer circulation and seating
Retail	1.0 parking space per 46 m^2 or at a minimum 1 space per individual store or shop

(b) In addition, all required parking in the CD6 zone must meet the following:
(i) the size, quantity and access to parking spaces for seniors and persons with disabilities must meet or exceed the requirement of the B.C. Building Code;

(ii) no off-street parking is permitted in the front of apartment buildings in Area 2, and no off-street parking is permitted in the front any building in Area 3;
(iii) visitor parking may be located in off-street parking lots, or on-street in Area 1 and Area 2;
(iv) visitor parking in Area 3 must be located off-street;
(v) all required parking spaces must be paved, marked, numbered, curbed, illuminated, and drained;
(vi) all parking areas must be screened from all adjacent uses and streets by a landscaped screen not less than 1.5 m (4.92 ft.) wide; [BL3968]

(vii) all required parking areas must group all parking spaces in clusters of a maximum of 12 spaces with landscaping consisting of trees and shrubs between clusters, and such landscaping must be considered as meeting a portion of the required site landscaping requirements;
(viii) sections 17 to 21 apply for all other parking requirements;
(ix) where conflicts exist between parking requirements in sections 17 to 21, the requirements set out in this zone prevail.

Driveways

(4) The minimum permitted setback from a vehicle entrance of a principal or accessory building to a highway or strata road, other than a lane, is 6.0 m (19.69').

Bicycle Parking Minimum Requirements

(5) Minimum off-street bicycle parking stall requirements are as follows:

Use	**Bicycle Parking Stall Class I**	**Bicycle Parking Stall Class II**
Multi-Family (where parking is in parking lot or underground parking)	1 space per 4 dwelling units	1 space per 2.5 dwelling units
Congregate Housing, Assisted Living	1 space per 10 residential units	1 space per 10 residential units
Community Care Facility	1 space per 10 beds	1 space per 20 beds
Hotel small scale	1 space per 5 sleeping rooms	1 space per 10 sleeping rooms
Live-Work	1 space per each live-work unit	1 space per 3 live-work units
Mixed Use Building	Per individual use	Per individual use
Retail, Personal Service, Office, Professional Office, Museum, Laundromat, Artisan Studio, Gallery	1 space per 400 m^2 (4,305.56 sq. ft.) (minimum 1 space)	1 space per 100 m^2 (1,076.39 sq. ft.)
Restaurants	1 space per 250 m^2 (2,690.98 sq. ft.) (minimum 1 space)	1 space per 100 m^2 (1,076.39 sq. ft.)
Recreational Facility Small Scale	1 space per 250 m^2 (2,690.98 sq. ft.) (minimum 1 space)	1 space per 25m^2 (269.09 sq. ft.)
Offices	1 space per 200 m^2 (2,152.78 sq. ft.) (minimum 1 space)	1 space per 100 m^2 (1,076.39 sq. ft.)

Regulatory Conditions

(6) The regulatory conditions in the following table apply to:

(a) Area 1:

Description	Value
Minimum lot area	650 m^2 (6,996.60 sq. ft.)
Minimum frontage	23.0 m (75.46′), except that the minimum frontage within a cul-de-sac is 6.5 m (21.33′)
Maximum Lot Coverage	40%, except that where a lot is 500 m^2 or less in area and contains either three or more dwelling units or a detached accessory dwelling unit, the maximum lot coverage is 45%.
Minimum Setbacks: Principal Building: - yard, front - yard, side - yard, rear - yard, driveway Accessory Building: - yard, front - yard, side - yard, rear	 4.0 m (13.12′) 1.5 m (4.92′) 5.0 m (16.40′) 5.8 m (19.03′) 5.0 m (16.40′) 1.0 m (3.28′) 1.0 m (3.28′)
Maximum Height: - Principal Building, Two-Family Dwelling - Principal Building, other than Two-Family Dwelling - Accessory Building	 10.0 m (32.80′) 9.0 m (29.53′) 5.0 m (16.40′)

(b) Area 2 - Multi-Family: [BL3968]

Description	Townhouse	Stacked Townhouse	Apartments
Minimum lot area	1,000 m^2 (10,763.91 sq. ft.)	1,000 m^2 (10,763.91 sq. ft.)	1,000 m^2 (10,763.91 sq. ft.)
Minimum frontage	25.0 m (82.02 ft.)	25.0 m (82.02 ft.)	25.0 m (82.02 ft.)
Maximum Lot Coverage	50%	50%	65%
Minimum Setbacks: Principal Building - yard, front (without front yard parking) - yard, front (with front yard parking) - yard, side - yard rear - yard, rail right-of-way Accessory Building - yard, front - yard, side - yard, rear - yard, rail right-of-way	 2.5 m (8.20 ft.) 5.8 m (19.03 ft.) 3.0 m (9.84 ft.) 4.0 m (13.12 ft.) 6.0 m (19.69 ft.) 6.0 m (19.69 ft.) 3.0 m (9.84 ft.) 5.0 m (16.40 ft.) 5.0 m (16.40 ft.)	 2.5 m (8.20 ft.) 5.8 m (19.03 ft.) 3.0 m (9.84 ft.) 4.0 m (13.12 ft.) 6.0 m (19.69 ft.) 6.0 m (19.69 ft.) 3.0 m (9.84 ft.) 5.0 m (16.40 ft.) 5.0 m (16.40 ft.)	 2.5 m (8.20 ft.) 5.0 m (16.40 ft.) 5.0 m (16.40 ft.) 6.0 m (19.69 ft.) 6.0 m (19.69 ft.) 1.5 m (4.92 ft.) 1.5 m (4.92 ft.) 5.0 m (16.40 ft.)

Description	Townhouse	Stacked Townhouse	Apartments
Maximum Eaveline Height	7.0 m (22.97 ft.)	8.5 m (27.89 ft.)	n/a
Minimum Roof Slope	5:12	5:12	n/a
Maximum Height: Principal Building   <

Description	Townhouse	Stacked Townhouse	Apartment/ Mixed Use and/or Commercial Building
Minimum lot area	1,000 m2 (10,763.91 sq. ft.)	1,000 m2 (10,763.91 sq. ft.)	1,000 m2 (10,763.91 sq. ft.)
Minimum frontage	25.0 m (82.02 ft.)	25.0 m (82.02 ft.)	25.0 m (82.02 ft.)
Maximum Lot Coverage	50%	50%	65%
Minimum Setbacks: Principal Building - yard, front (without front yard parking) - yard, front (with front yard parking) - yard, side - yard rear - yard, rail right-of-way Accessory Building - yard, front - yard, side - yard, rear - yard, rail right-of-way	 2.5 m (8.20 ft.) 5.8 m (19.03 ft.) 3.0 m (9.84 ft.) 4.0 m (13.12 ft.) 6.0 m (19.69 ft.) 6.0 m (19.69 ft.) 1.5 m (4.92 ft.) 1.5 m (4.92 ft.) 5.0 m (16.40 ft.)	 2.5 m (8.20 ft.) 5.8 m (19.03 ft.) 3.0 m (9.84 ft.) 4.0 m (13.12 ft.) 6.0 m (19.69 ft.) 6.0 m (19.69 ft.) 1.5 m (4.92 ft.) 1.5 m (4.92 ft.) 5.0 m (16.40 ft.)	 2.5 m (8.20 ft.) 5.0 m (16.40 ft.) 5.0 m (16.40 ft.) 6.0 m (19.69 ft.) 6.0 m (19.69 ft.) 1.5 m (4.92 ft.) 1.5 m (4.92 ft.) 5.0 m (16.40 ft.)
Maximum Eaveline Height	7.0 m (22.97 ft.)	8.5 m (27.89 ft.)	n/a
Minimum Height, Principal Building			9.0 m (29.53 ft.)
Maximum Height: Principal Building Accessory Building	 9.0 m (29.53 ft.) 5.0 m (16.40 ft.)	 10.0 m (32.81 ft.) 5.0 m (16.40 ft.)	 Subarea 3A 14.7 m (48.2 ft) Subarea 3B 13.8 m (45.3 ft) with only surface parking 17.6 m (57.7 ft) with underground parking 5.0 m (16.40 ft.)
Maximum Storeys	2.5 storeys	3.5 storeys	Subarea 3A 4 storeys Subarea 3B 4 storeys
Minimum Building Separation	4.0 m (13.12 ft.)	4.0 m (13.12 ft.)	6.0 m (19.69 ft.)
Minimum Landscaped Open Space	25%	25%	20%

Minimum Outdoor Private Amenity Space per Dwelling Unit	7.4 m2 (79.65 sq. ft.) in area with a minimum horizontal dimension of 2.4 m (7.87 ft.)	Ground floor units: 7.4 m2 (79.65 sq. ft.) in area with a minimum horizontal dimension of 3.0 m (9.84 ft.). Above grade units: 4.75 m2 51.13 sq. ft.) in area with a minimum horizontal dimension of 2.0 m (6.56 ft.).	4.75 m2 51.13 sq. ft.) in area with a minimum horizontal dimension of 2.0 m (6.56 ft.).

Conditions of Use

(7) (a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) Area 3

The conditions of use for Area 3 are as follows:

(i) [Repealed. BL3891]

(ii) Commercial uses that introduce or produce malodorous, toxic or noxious matters, or generate excessive vibration, heat, glare, noise, or radiation or create hazardous substances are not permitted within 20 m (65.62') of a residential dwelling unit.

(iii) A landscaped area, consisting of trees and shrubs and low fencing, not less than 1.5 m (4.92') wide must be provided along the entire length of a lot line that abuts a residential use (Area 2).

(iv) In subarea 3A a minimum floor area of 600 m^2 shall be required for permitted commercial uses. [BL3968]

(v) In subarea 3B a building with underground parking shall have only one (1) side of the building fully exposed. [BL3968]

(d) Despite section 80.6 (1)(b) two-family dwelling is a permitted use at 9880 Napier Place based on the regulatory conditions of Area 1.

General

(8) In the event of conflict between the provisions of Part 1 to 5 of this Bylaw and the provisions of this zone, the provisions of the CD6 zone prevail.

Stonehill Comprehensive Development Zone (CD7)

[BL3452, BL3891, DELETED BL4002]

Maple Bay School Site Comprehensive Development Zone (CD8)

[BL3562, BL3989, BL4015]

Permitted Uses

80.8 (1) The permitted uses for the CD8 zone are as follows:

Accessory Dwelling Unit
Community Hall
Child Care Centre
Gallery
Mobile Food Service
Museum
Office
Restaurant
Warehouse

Minimum Lot Size

(2) The minimum lot size for the CD8 zone is 6,500 m^2

Minimum Frontage

(3) The minimum permitted frontage for the CD8 zone is 20 m

Density

(4) The maximum permitted density for the CD8 zone is as follows:

(a) the maximum permitted floor space ratio is 0.50:1

(b) The maximum number of accessory dwelling units permitted is two (2)

(i) An accessory dwelling unit may not exceed a maximum gross floor area of 105 m^2.

(ii) No accessory dwelling unit shall be located on the parcel unless the owner of such parcel has prior to the issuance of a building permit by the Municipality registered a covenant under Section 219 of the *Land Title Act* prohibiting registration of a strata plan under the *Strata Property Act*.

Maximum Lot Coverage

(5) The maximum permitted lot coverage for the CD8 zone is 30%

Minimum Setbacks

(6) The minimum permitted setbacks for the CD8 zone are as follows:

(a) Yard, Front: 8 m (26.25')

(b) Yard, Side: 8 m (26.25')

(c) Yard, Rear: 6 m (19.68')

Maximum Building Height

(7) The maximum permitted building height for the CD8 zone is 12.5 m

Conditions of Use

(8) The conditions of use for the CD8 zone are as follows:

(a) Further to S.80.8(1) all uses, except mobile food service and childcare centre must be fully contained within a principal building.

(b) Further to S.80.8(4), a maximum of one principal building is permitted on the subject property.

(c) Drive-through restaurants are prohibited.

(d) Warehouse and office uses must be accessory to museum or gallery uses.

Multi-Family Comprehensive Development Zone (CD9)

[BL3593, BL3891, BL3958]

Permitted Uses

80.9 (1) The permitted uses for the CD9 zone are as follows:

Multi-Family Residence

Apartment

Minimum Lot Size

(2) The minimum permitted lot size for the CD9 zone is 980 m^2 (10,548.63 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the CD9 zone is 18 m (59.06).

Density

(4) The maximum permitted floor space ratio for the CD9 zone is 1.75:1

Maximum Lot Coverage

(5) The maximum permitted lot coverage for the CD9 zone is 50%.

Setback Requirements

(6) The minimum permitted setbacks for a principal building in the CD9 zone are as follows:

(a) Yard, Front, 5.0 m (16.40')

(b) Yard, Side (internal), 1.5 m (4.92')

(c) Yard, Side (flanking street), 3.0 m (9.84')

(d) Yard, Rear, 7.5 m (24.61')

Maximum Building Height

(7) The maximum building height for a principal building is 10 m (32.81').

Landscape Open Space

(8) A minimum 30% of total lot area must be provided and maintained as landscaped area.

Parking Requirements

(9) Parking spaces must be provided on-site as follows:

(a) 1 parking space per dwelling unit with 1 bedroom,

(b) 1.5 parking spaces per dwelling unit with 2 bedrooms or more,

(c) 2 parking spaces marked and reserved for visitor parking,

(d) Up to 50% of the total number of spaces may be designed to accommodate small vehicles,

(e) Separated from building walls that contain windows by a minimum of 4.0 m (13.12').

Conditions of Use

(10) The conditions of use for the CD9 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Deleted. BL3958]

Urban Medium Density Comprehensive Development Zone (CD10)

[BL3619, BL3672, BL3693, BL3891, BL3958]

Permitted Uses

80.10 (1) The Permitted Uses for the CD10 zone are as follows:

apartment
multi-family residence
home-based business

Minimum Lot Area

(2) The minimum lot area required for the CD10 zone is 700 m^2 (7,534.74 sq. ft.)

Minimum Frontage

(3) The minimum frontage required for the CD10 zone is 15 m (49.21').

Density

(4) The maximum permitted floor space ratio for the CD10 zone is 1.5:1 except that parking garages located below a building are not included in the calculation of gross floor area of the building.

Setback Requirements

(5) The minimum permitted setbacks for a principal building within the CD10 zone from any lot line is 1.5 m (4.92').

Maximum Building Height

(6) The maximum height of a principal building is 12 m (39.37').

(6.1) Despite section 80.10 (6), the maximum height of a principal building on 6472 Paddle Road (PID: 005-949-416) is 13 m (42.65').

Landscape Open Space

(7) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped area.

Parking Requirements

(8) Despite section 21 (1) of this Bylaw, parking spaces must be provided on-site as follows:

(a) 1 parking space per dwelling unit with 1 bedroom;
(b) 1.5 parking spaces per dwelling unit with 2 or more bedrooms;
(c) an additional 15% of the total number of units designated as visitor parking.

(8.1) Despite sections 21 (1) and 80.10 (8), parking spaces must be provided on 6472 Paddle Road (PID: 005-949-416) as follows:

(a) 1.25 parking spaces per dwelling unit, and
(b) an additional 15% of the total number of units designated as visitor parking.

Conditions of Use

(9) The conditions of use for the CD10 zone are as follows:

(a) [Repealed. BL3891]
(b) [Repealed. BL3891]
(c) [BL3693, Deleted. BL3958]

(10) Where a lot abuts a lane, driveway access to a garage must be from the lane. [BL3693]

(11) [Repealed; BL3693]

(12) All ground floor residential units must provide an individual identifiable principal access point from the exterior of the building and for certainty may also have an internal or shared access if desired.

(13) At least 240 m^2 of 6472 Paddle Road (PID: 005-949-416) must be designated and developed as an outdoor amenity space for residents.

Community Services (Health Care) Comprehensive Development Zone (CD11)

[BL3618, BL3989]

Permitted Uses

80.11 (1) The Permitted Uses for the CD11 zone are as follows:

Accessory restaurant
Accessory retail store
Child Care Centre [BL3989]
Community care facility
Health service
Helipad
Hospital
Medical education and training
Office
Personal care use

Maximum Lot Coverage

(2) The maximum lot coverage in the CD11 zone is 50%.

Minimum Setbacks

(3) The minimum setbacks for the CD11 zone are as follows:

(a) Yard, Front, 7.5 m (24.61')
(b) Yard, Side, 9 m (29.53')
(c) Yard, Rear, 30 m (9.84')

Maximum Building Height

(4) The maximum building height in the CD11 zone is 30 m (98.43')

Minimum Open Space

(5) A minimum of 10 m^2 (107.64 sq. ft.) per community care facility unit must be maintained as usable open space.

(6) The required open space must be usable by residents of the community care facility.

Minimum Landscaping and Screening

(7) A minimum 7.5 m (24.61') wide landscaped area must be maintained where a lot abuts residentially-zoned land, or where a lot fronts a highway, excluding the length of the frontage that accommodates an access or egress point (driveways).

(8) All utilities, infrastructure and garbage enclosures, including heating, ventilation and air conditioning equipment and compactors, must be fully screened and landscaped and must be located outside of the minimum 7.5m (24.61') wide landscaped areas.

Residential Two-Family Comprehensive Development Zone (CD12)

[BL3614, BL3891]

Permitted Uses

80.12 (1) The Permitted Uses for the CD12 zone are as follows:

Assisted Living
Community Care Facility
Detached Accessory Dwelling Unit
Limited Home-Based Business
Multi-Family Residence
Secondary Suite
Single-Family Dwelling
Supportive Housing
Two-Family Dwelling

Minimum Lot Size

(2) The minimum permitted lot size in the CD12 zone is 600m^2 (6,458 sq. ft.).

Minimum Frontage

(4) The minimum permitted frontage in the CD12 zone is as follows:

(a) with public lane access, 13.5 m (44.29');

(b) without public lane access, 15.0 m (49.21')

Density

(5) The permitted density for the CD12 zone is as follows:

(a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.

(b) The number of dwelling units shall not exceed:

(i) Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area.

(ii) Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.

(iii) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

(c) The size of an accessory dwelling unit must not exceed 90 m^2 (968.75 sq. ft.)

Maximum Lot Coverage

(5) Where a lot contains one residential building and up to two dwelling units the maximum permitted lot coverage in the R3 zone is as follows:

(a) 30% of the lot area for lots of 650 m^2 (7,000 sq. ft.) or larger; and

(b) 35% of the lot area for lots less than 650 m^2 (7,000 sq. ft.).

(5.1) Where a lot contains three or more dwelling units or contains a detached accessory dwelling unit the maximum permitted lot coverage in the R3 zone is as follows:

(a) 35% of the lot area for lots of 650 m^2 (7,000 sq. ft.) or larger;

(b) 40% of the lot area for lots less than 650 m^2 (7,000 sq. ft.) but larger than 500 m^2 (5,382 sq. ft.); and

(c) 45% of the lot area for lots 500 m^2 (5,382 sq. ft.) or less.

Maximum Lot Coverage

(6) The maximum permitted lot coverage for the CD12 zone is as follows:

(a) 40% of the lot area where a lot contains one residential building and up to two dwelling

units.

(b) 45% of the lot area where a lot contains three or more dwelling units or contains a detached accessory dwelling unit.

Minimum Useable Exterior Amenity Space

(7) The useable exterior at-grade amenity space for the accessory dwelling unit must not be less than 40 m^2 (430.56 sq. ft.) and must be immediately adjacent to and accessible from the entry of the dwelling unit.

Minimum Setbacks

(8) The minimum permitted setbacks for the CD12 zone are as follows:

(a) Principal Buildings:
Yard, Front, 5.0 m (16.40')
Yard, Side, 1.5 m (6.56')
Yard, Side when adjacent to a lane or highway, 3.0m (9.84')
Yard, Rear, 7.5 m (24.61')

(b) Accessory Buildings and Structures, excluding fences:
Yard, Front, 5.0 m (16.40')
Yard, Side, 1.5 m (4.92')
Yard, Rear, 1.5 m (4.92')

(9) Despite section 80.12 (8), the minimum permitted setback for principal and accessory buildings and structures from any lot line shared with Strata Lot 2, Strata Plan VIS1791 is 10 m (32.8').

(10) The minimum permitted setback for any garage door or carport for a principal or accessory building facing a public road other than a lane is 5.8m (19.03').

Maximum Building Height

(11) The maximum permitted building heights for the CD12 zone are as follows:

(a) Principal Building, 9.0 m (29.53');

(d) Accessory Building, 5.0 m (16.40').

Maximum Eaveline Height

(12) The maximum permitted eaveline height for an accessory building containing a dwelling unit is 5.5 m (18.04').

Conditions of Use

(13) The conditions of use for the CD12 zone are as follows:

(a) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
(i) the number of residents does not exceed three, and
(ii) the use is within the principal building only;

(b) [Repealed. BL3891]

(c) Driveway access must be shared by both the principal building and accessory building;

(d) If a lane exists, all site parking must be accessed from the lane and not from the street.

(e) If a lane exists, all lanes must consist of a 6.0 m (19.68') wide, centre-crown, paved surface, with concrete curb and gutter on both sides of the lane, despite Schedule "B" of Bylaw 1851 *[Subdivision and Control Bylaw, 1979]*.

Ground-Oriented Urban Residential Comprehensive Development Zone (CD13)

[BL3622, BL3891, BL3958]

Permitted Uses

80.13 (1) The Permitted Uses for the CD13 zone are as follows:

Townhouse
Limited Home-based Business
Single-Family Dwelling
Two-Family Dwelling

Minimum Lot Size

(2) The minimum permitted lot size for the CD13 zone is 650 m^2 (6,996.54 sq. ft.)

Minimum Frontage

(3) The minimum frontage required for the CD13 zone is 15 m (49.21').

Density

(4) The maximum permitted density for the CD13 zone is as follows:

(a) one dwelling unit per 160 m^2 (1,722 sq. ft.) of lot area,

(b) the maximum permitted floor space ratio for the CD13 zone is 0.5:1.

Maximum Lot Coverage

(5) The maximum permitted lot coverage, including covered parking, for the CD13 zone is 35% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for principal buildings, accessory buildings and structures, excluding fences, for the CD13 zone are as follows:

(a) Yard, Front, 3 m (9.84')

(b) Yard, Side, 1.5 m (4.92')

(c) Yard, Side when adjacent to a highway, 3.0 m (9.84')

(d) Yard, Rear, 4 m (13.12')

Maximum Building Height

(7) The maximum permitted building heights for the CD13 zone are as follows:

(a) principal buildings, 9 m (29.53')

(b) accessory buildings, 5 m (16.40')

Landscaped Open Space

(8) In the CD13 zone, 30% of the lot area must be maintained as landscaped open space.

Conditions of Use

(9) The conditions of use for the CD13 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) [Deleted, BL3958]

(e) All dwelling units must have a private, at-grade exterior entrance;

(f) Single-family dwellings must have either a flat roof or a pitched roof with a minimum pitch of 12:12;

(g) Two-family dwellings and townhouses must have either a flat roof or a pitched roof with a minimum pitch of 5:12.

University Village Mid-Rise Residential Comprehensive Development Zone (CD14)

[BL3656, BL3660, BL3891, BL3958]

Permitted Uses

80.14 (1) The permitted uses for the CD14 zone are as follows:
Apartment
Congregate Housing
Limited Home-based Business
Multi-Family Residence

Minimum Lot Size

(2) The minimum permitted lot size for the CD14 zone is 450 m^2 (4,844 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage for the CD14 zone is 15 m (49.21′).

Density

(4) The maximum permitted floor space ratio for the CD14 zone is 3:1.

Maximum Lot Coverage

(5) The maximum permitted lot coverage, including covered parking, for the CD14 zone is 70% of the lot area.

Minimum Setbacks

(6) The minimum permitted setbacks for principal buildings, for the CD14 zone, are as follows:
(a) Yard, Front, 3 m (9.84′)
(b) Yard, Side, 1.5 m (4.92′)
(c) Yard, Rear, 4 m (13.12′)

(6.1) Despite section 80.14 (6), the minimum permitted setbacks for principal buildings at Lots 1 and 2, Block 6, Section 18, Range 7, Quamichan District, Plan VIP1427 (2511 Dingwall Street, PID: 007-471-670, and Howard Avenue PID: 002-063-034, respectively), are as follows:
(a) Yard, Front, 0 m (0′)
(b) Yard, Side, 1.5 m (4.92′)
(c) Yard, Side, when adjacent to a street, 0 m (0′)
(d) Yard, Rear, 2 m (6.56′) [BL3660]

Maximum Building Height

(7) The maximum permitted building height for principal buildings, for the CD14 zone, is 17.5 m (57.4′), and five (5) storeys.

Off-Street Parking

(8) The maximum number of off-street parking spaces is 1.5 spaces per dwelling unit.

(9) Despite section 21 (7) of this Bylaw, a minimum of 1 off-street parking space per dwelling unit is required at 2533 Lewis Street.

Conditions of Use

(10) The conditions of use for the CD14 zone are as follows:
(a) [Repealed. BL3891]
(b) [Repealed. BL3891] (c) [Deleted. BL3958]

(11) For the parcel legally described as Lot 13, Section 18, Range 6, Quamichan District, Plan 5997 (2731 Vian Street, PID: 001-988-409), where affordable housing units are provided and secured through a housing agreement, the following zoning provisions shall apply:

(a) The maximum permitted floor space ratio 4:1

(b) The maximum permitted lot coverage is 72%

(c) The minimum permitted setbacks for principal buildings, are as follows:

(i) Yard, Front, 1.5m (4.92')

(ii) Yard, Side, when adjacent to a street, 0 m (0')

(iii) Yard, Rear, 2 m (6.56')

(d) The maximum permitted building height for principal buildings is 18.5m (60.7') and five (5) storeys

(e) The maximum number of off-street parking spaces to be provided, is nine (9). [BL4006]

Mixed Use Residential Zone (CD15)

[BL3645, BL3891, BL3958, BL3989]

Permitted Uses

80.15 (1) The permitted uses for Areas A and B of the CD15 zone, as shown on Schedule "L", attached to and forming part of this bylaw, are as follows:

(a) in Area A
limited home-based business
multi-family residence

(b) in Area B
apartment
child care centre [BL3989]
community hall
congregate housing
health service
limited home-based business
mixed-use building
office
personal care use

Minimum Lot Size

(2) The minimum permitted lot size for the CD15 zone is 650 m^2 (6,996.54sq. ft.)

Minimum Frontage

(3) The minimum frontage required for the CD15 zone is 15 m (49.21').

Density

(4) The maximum permitted floor space ratio for the CD15 zone is as follows:
(a) 1:1 for Area A, and
(b) 3:1 for Area B, except that parking garages located below a building on Area A or Area B are not included in the calculation of gross floorarea.

Maximum Lot Coverage

(5) The maximum permitted lot coverage, including covered parking, for the CD15 zone is as follows:
(a) 50% of the lot area for Area A, and
(b) 75% of the lot area for Area B.

Minimum Setbacks

(6) The minimum permitted setbacks for principal buildings, accessory buildings and structures, excluding fences, for the CD15 zone are as follows:

Yard	**Area A**	**Area B**
Front	3 m (9.84')	4 m (13.12')
Side (Interior)	1.5 m (4.92')	3 m (9.84')
Side (Exterior)	3 m (9.84')	3 m (9.84')
Rear	4 m (13.12')	1.5 m (4.92')

Maximum Building Height

(7) The maximum permitted principal building height for the CD15 zone is as follows:

(a) 12 m (39.37') for Area A

(b) 15 m (49.21') for Area B

(8) The maximum permitted accessory building height for the CD15 zone is 5 m (16.40').

Landscaped Open Space

(9) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped area.

Parking Requirements

(10) Despite section 21 (1) of this Bylaw, parking spaces must be provided as follows:

(a) in Area A, 1.5 parking spaces per dwelling unit plus 15% of the total number of required parking spaces designated as visitor parking, and

(b) in Area B, 0.5 parking spaces per dwelling unit plus 1 space per 100 m^2 gross floor area of all other uses, which can be located on an adjoining parcel where secured by covenant or easement.

Conditions of Use

(11) The conditions of use for the CD15 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891];

(c) [Repealed. BL3891]

(d) [Deleted. BL3958]

Mixed Use Commercial Core Zone (CD16)

[BL3646, BL3989]

Permitted Uses

80.16 (1) The permitted uses for the CD16 zone are as follows:

apartment
assembly hall
child care centre [BL3989]
commercial school
community hall
congregate housing
limited home-based business
mixed-use building
multi-family residence
office
retail store

Minimum Lot Size

(2) The minimum permitted lot size for the CD16 zone is 650 m^2 (6,996.54sq. ft.)

Minimum Frontage

(3) The minimum frontage required for the CD16 zone is 15 m (49.21').

Density

(4) The maximum permitted floor space ratio for the CD16 zone is 2.5:1.

Maximum Lot Coverage

(5) The maximum permitted lot coverage for the CD16 zone is 100%.

Maximum Building Height

(6) The maximum permitted building height for the CD16 zone is as follows:

(a) principal building, 15 m (49.21')

(b) accessory building, 5 m (16.40').

Parking Requirements

(7) Despite section 21 (1) of this Bylaw, parking spaces must be provided as follows:

(a) 1 parking spaces per 3 dwelling units, and

(b) 0 parking spaces for all other uses.

Congregate Housing Comprehensive Development Zone (CD17)

[BL3667, BL3891, BL3958]

Permitted Uses

80.17 (1) The permitted uses for the CD17 zone are as follows:

Apartment
Community Care Facility
Congregate Housing
Mixed Use Building
Multi-Family Residence

(2) The permitted accessory uses for the CD17 zone are as follows:

Community Hall
Entertainment Use
Hairdresser
Health Service
Limited Home-based Business
Office
Personal Care Use
Restaurant
Retail Store

Minimum Lot Size

(3) The minimum permitted lot size for the CD17 zone is 650 m^2 (6,996.54sq. ft.).

Minimum Frontage

(4) The minimum required frontage for the CD17 zone is 15 m (49.21').

Density

(5) The maximum permitted density for the CD17 zone is as follows:

(a) One dwelling unit is permitted per 160 m^2 (1,722.23 sq. ft.) of lot area for a townhouse.

(b) The maximum permitted floor space ratio is 2.75:1, except that a parking garage located below a building is not included in the calculation of gross floor area of the building.

Maximum Lot Coverage

(6) The maximum permitted lot coverage, including covered parking, for the CD17 zone is 55% of the lot area.

Minimum Setbacks

(7) The minimum permitted setbacks for principal buildings, apartments, townhouses, multi-use buildings, accessory buildings and structures in the CD17 zone are as follows:

(a) Yard, Front, 5.0 m (16.40')

(b) Yard, Side (internal), 2.0 m (6.56')

(c) Yard, Rear, 5.0 m (16.40')

(d) Setback, Front for vehicle entrance of a carport from the common strata 5.8 m (19.03')

Maximum Building Height

(8) The maximum permitted building height in the CD17 zone for

(a) a principal building is 18.0 m (59.05')

(b) an accessory building is 5.0 m (16.40')

Landscaped Open Space

(9) In the CD17 zone, all open areas not covered by buildings, driveways, or parking must be maintained as landscaped areas.

Conditions of Use

(10) The conditions of use for the CD17 zone are as follows:

(a) [Repealed. BL3891]

(b) [Repealed. BL3891]

(c) [Repealed. BL3891]

(d) [Deleted. BL3958]

Kingsview Comprehensive Development Zone (CD18)

[BL3631, BL3875, BL3891]

Permitted Uses

80.18 (1) The permitted uses for Areas 1 to 6 of the CD18 zone, as shown on Schedule "D-2", attached to and forming part of this bylaw, are as follows:

(a) in Area 1
- (i) detached accessory dwelling unit;
- (ii) multi-family residence;
- (ii) single-family dwelling;
- (iii) two-family dwelling;
- (iv) home-based business;
- (v) secondary suite;

(b) in Area 2
- (i) detached accessory dwelling unit;
- (ii) multi-family residence;
- (iii) secondary suite;
- (iv) single-family dwelling;
- (v) two-family dwelling;
- (vi) home-based business;

(c) in Area 3
- (i) townhouse;
- (ii) limited home-based business;

(d) in Area 4
- (i) multi-family dwellings;
- (ii) limited home-based business;

(e) in Area 5
- (i) multi-family dwelling;
- (ii) mixed used building;
- (iii) limited home-based business;

(f) in Area 6
- (i) parks and open space;
- (ii) playground and playground equipment;
- (iii) parking for park users;
- (iv) identity signs and trailhead shelter/gazebo;
- (v) community gardens;
- (vi) detention ponds and associated stormwater infrastructure;
- (vii) trails;
- (viii) miscellaneous outdoor recreation equipment.

Regulatory Conditions

(2) The regulatory conditions in the following table apply to the CD18 zone:

Item	Column 1 **Description**	Column 2 **Area**	Column 3 **Value**
1	Minimum lot area	1	650 m^2
		2	325 m^2
		3	1 100 m^2
		4	1 100 m^2
		5	1 100 m^2
2	Maximum lot coverage	1	35%

Item	Column 1 **Description**	Column 2 **Area**	Column 3 **Value**
		2	50%
		3	40%
		4	40%
		5	50%
3	Maximum Density	1 & 2	(a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted. (b) The number of dwelling units shall not exceed: (i) Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area. (ii) Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area. (iii) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.
		3	0.75 Floor Area Ratio (37 units/ha)
		4	1.2 Floor Area Ratio (54 units/ha)
		5	1.2 Floor Area Ratio (54 units/ha and 500 m^2 commercial)
4	Principal building minimum setbacks Front yard Rear yard Side yard Side yard flanking street	1	 5 m 7 m 1.5 m 3 m
5	Principal building minimum setbacks Front yard Rear yard Side yard Side yard flanking street	2	 5 m 6 m 1.25 m 3 m
6	Principal building minimum setbacks Front yard Rear yard Side yard Side yard flanking street	3 & 4	 6 m 8 m 5 m 5 m
7	Principal building minimum setbacks		

Item	Column 1 **Description**	Column 2 **Area**	Column 3 **Value**
	Front yard	5	3 m
	Rear yard		5 m
	Side yard		3 m
	Side yard flanking street		5 m
8	Minimum lot frontage	1	15 m
		2	11 m
		3	30 m
		4	30 m
		5	30 m
9	Maximum building height	1	9 m
		2	9 m
		3	12 m
		4	15 m
		5	15 m

Accessory Buildings

(3) The maximum height of an accessory building is 6 m.

(4) Accessory buildings must be located behind the front lot line of the principal building and sited no less than 1 m from the side or rear property line.

Landscaped Areas and Impervious Spaces

(5) In all areas, a minimum of 30% of the lot must be landscaped or covered with ground absorbing, pervious materials.

Conditions of Use

(6) [Repealed. BL3891]

(7) [Repealed. BL3891]

(7.1) Despite the definition of 'townhouse' under section 12, a maximum of 15% of the total units in the form of a 'two-family dwelling'" is permitted on 1234 Viewtop Road (PID: 031-048-382) [BL3875]

(7.2) Despite Section 21 (1) in Area 2 of the CD18 zone, a multi-family residence requires 0.75 parking spaces per dwelling unit.

General

(8) In the event of conflict between the provisions of Part 1 to 5 of this Bylaw and the provisions of this zone, the provisions of the CD18 zone prevail.

Rural Kingsview Comprehensive Development Zone (CD18-R)

[BL3631]

Permitted Uses

80.18.1 (1) The permitted uses for Areas 1 to 6 of the CD18-R zone, as shown on Schedule "D-2", attached to and forming part of this bylaw, are as follows:

(g) in Area 1
- (i) single-family dwelling;
- (ii) home-based business;
- (iii) accessory dwelling unit, coach house or secondary suite;

(h) in Area 2
- (i) single-family dwelling;
- (ii) home-based business;
- (iii) secondary suite;

(i) in Area 3
- (i) townhouse;
- (ii) limited home-based business;

(j) in Area 4
- (i) multi-family dwellings;
- (ii) limited home-based business;

(k) in Area 6
- (i) parks and open space;
- (i) playground and playground equipment;
- (ii) parking for park users;
- (iii) identity signs and trailhead shelter/gazebo;
- (iv) community gardens;
- (v) detention ponds and associated stormwater infrastructure;
- (vi) trails;
- (vii) miscellaneous outdoor recreation equipment.

Regulatory Conditions

(2) The regulatory conditions in the following table apply to the CD18-R zone:

Item	Column 1 **Description**	Column 2 **Area**	Column 3 **Value**
1	Minimum lot area	1	650 m^2
		2	325 m^2
		3	1 100 m^2
		4	1 100 m^2
2	Maximum lot coverage	1	35%
		2	50%
		3	40%
		4	40%

3	Maximum Density	1 2 3 4	0.5 Floor Area Ratio 0.6 Floor Area Ratio (30 units/ha) 0.75 Floor Area Ratio (22 units/ha) 1.2 Floor Area Ratio (54 units/ha)
4	Principal building minimum setbacks Front yard Rear yard Side yard Side yard flanking street	1	 5 m 7 m 1.5 m 3 m
5	Principal building minimum setbacks Front yard Rear yard Side yard Side yard flanking street	2	 5 m 6 m 1.25 m 3 m
6	Principal building minimum setbacks Front yard Rear yard Side yard Side yard flanking street	3 & 4	 6 m 8 m 5 m 5 m
8	Minimum lot frontage	1 2 3 4	15 m 11 m 30 m 30 m
9	Maximum building height	1 2 3 4	9 m 9 m 12 m 15 m

Accessory Buildings

(3) The maximum height of an accessory building is 6 m.

(4) Accessory buildings must be located behind the front lot line of the principal building and sited no less than 1 m from the side or rear property line.

Landscaped Areas and Impervious Spaces

(5) In all areas, a minimum of 30% of the lot must be landscaped or covered with ground absorbing, pervious materials.

General

(6) In the event of conflict between the provisions of Part 1 to 5 of this Bylaw and the provisions of this zone, the provisions of the CD18-R zone prevail.

University Village Mixed Commercial / Residential Comprehensive Development Zone (CD19) [BL3706, BL3989]

Permitted Uses

80.19 (1) The permitted uses for Areas 1 and 2 of the CD19 zone, as shown on Schedule I-2, attached to and forming part of this Bylaw, are as follows:

(a) in Area 1:

(i) Artisan Studio;
(ii) Assembly Hall;
(iii) Brew Pub;
(iv) Commercial School;
(v) Commercial Use;
(vi) Child Care Centre [BL3989];
(vii) Dry Cleaner;
(viii) Entertainment Use;
(ix) Fitness Centre / Gymnasium;
(x) Gallery;
(xi) Health Service;
(xii) Hotel;
(xiii) Laundromat;
(xiv) Live-Work Studio;
(xv) Medical Laboratory;
(xvi) Microbrewery;
(xvii) Mixed Use Building;
(xviii) Personal Service;
(xix) Restaurant;
(xx) Veterinary Clinic.

(b) in Area 2, principal uses:

(i) Congregate Housing;
(ii) Mixed Use Building;
(iii) Multi-Family Residence.

(c) in Area 2, accessory uses:

(i) Assembly Hall;
(ii) Commercial Use;
(iii) Child Care Centre [BL3989];
(iv) Entertainment Use;
(v) Personal Care Use;
(vi) Personal Service;
(vii) Restaurant.

Minimum Lot Size

(2) The minimum permitted lot size for the CD19 zone is 600 m^2 (6,458 ft^2).

Minimum Lot Frontage

(3) The minimum permitted lot frontage for the CD19 zone is 15 m (49.21 ft).

Density

(4) The maximum permitted floor space ratio for the CD19 zone is 3:1, except that parking garages located below a building are not included in the calculation of gross floor area of the building.

Setback Requirements

(5) The minimum permitted setbacks for the CD19 zone from any lot line are as follows:

(a) in Area 1, 0 m;
(b) in Area 2, 3 m, except that the minimum setback from any lot line that adjoins the dike is 45 m.

Maximum Building Height

(6) The maximum permitted principal building height in the CD19 zone is 26m (85.3 ft) and 6 storeys.

Off-Street Parking

(7) Despite section 21 of this Bylaw, the minimum number of off-street parking spaces for the CD19 zone is as follows:

(a) Congregate Housing, 1 space per 4 residents;
(b) Multi-Family Residence, 1 space per dwelling unit;
(c) Restaurant, Brew Pub, Microbrewery, 1 space per 5 seats;
(d) Commercial Use, 1 space per 30 m^2 gross floor area.

The Commons Comprehensive Development Zone (CD20)

[BL3716, BL3891, BL4021]

Permitted Uses

80.20 (1) The permitted uses for the CD20 zone are as follows:

accessory dwelling unit
assembly hall
detached accessory dwelling unit
limited home-based business
multi-family residence
secondary suite
single family dwelling
two family dwelling

Minimum Lot Size

(2) The minimum permitted lot size for the CD20 zone is 275 m^2.

Minimum Lot Frontage

(3) The minimum permitted lot frontage for the CD20 zone is 10 m.

Density

(4) The maximum permitted density for the CD20 zone is as follows:

(a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.

(b) The number of dwelling units shall not exceed:

(i) Three in the case of lots that are less than 280 m^2 (3,014 sq. ft.) in area.

(ii) Four in the case of lots that are at least 280 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.

(iii) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

(6) Despite subsection (4), a maximum total of 7 accessory dwelling units or detached accessory dwelling units are permitted for a lot that contains an assembly hall.

(7) The maximum number of dwelling units for a building strata is subject to the maximum permitted density for the CD20 zone.

Maximum Lot Coverage

(8) The maximum permitted lot coverage for the CD20 zone is 45% of the lot area except that where:

(i) the lot is less than 400 m^2; and

(ii) the lot contains three or more dwelling units or contains a detached accessory dwelling unit,

(iii) the maximum permitted lot coverage is 50%.

Minimum Setbacks

(9) The minimum permitted setbacks for principal buildings in the CD20 zone are as follows:

(a) Yard, Front, 4.0 m
(b) Yard, Front (Garage), 6.0 m
(c) Yard, Side (Interior), 1.5 m
(d) Yard, Side (Exterior), 2.0 m
(e) Yard, Side (for lot line separating units within a duplex with partywall agreement), 0 m

(f) Yard, Rear (when adjoining greenspace), 4.5 m
(g) Yard, Rear (when adjoining another lot), 6 m
(h) Yard, 8 m from the urban containment boundary
(i) Yard, 20 m from the Agricultural Land Reserve boundary

(10) The minimum permitted setbacks for accessory buildings and structures in the CD20 zone are as follows:
(a) Yard, Front, 4.0 m
(b) Yard, Front (Garage), 6.0 m
(c) Yard, Side, 1.0 m
(d) Yard, Rear, 1.0 m

Maximum Building Height

(11) The maximum permitted building heights in the CD20 zone are as follows:
(a) principal building, 9.0 m
(b) accessory building, 5.0 m

Conditions of Use

(12) The conditions of use for the CD20 zone are as follows:
(a) [Repealed. BL3891]
(b) [Repealed. BL3891]
(c) A bare land strata development may contain a maximum of
(i) 1 assembly hall, and
(ii) 7 accessory dwelling units or detached accessory dwelling units.
(d) Despite Section 21 (1) a multi-family residence requires 0.75 parking spaces per dwelling unit.
(e) Despite Section 80.20(1) above, bed and breakfast is a permitted use on 7851 Osborne Bay Road (PID: 031-612-954) and 7853 Osborne Bay Road (PID: 031-612-121). [BL4021]

Motorsport Circuit Comprehensive Development Zone (CD21)

[BL3761]

Permitted Uses

80.21 (1) The permitted uses in the CD21 zone are as follows:

Accessory Building
Accessory Fueling Installation
Accessory Restaurant
Accessory Use
Assembly Hall
Fitness Centre/Gymnasium
Go-kart Use
Motion Picture and Television Filming
Motor Vehicle Autobody Repair
Motor Vehicle Parts and Accessories Sales
Motor Vehicle Presentation Centre
Motor Vehicle Repairs
Motor Vehicle Sales
Motor Vehicle Storage Yard
Motor Vehicle Testing and Driver Training Facility
Recreation Area
Warehouse

Minimum Lot Size

(2) The minimum lot size for the CD21 zone is 2.5 ha.

Minimum Frontage

(3) The minimum permitted frontage for the CD21 zone is 30 m (98.43').

Maximum Lot Coverage

(4) The maximum permitted lot coverage for the CD21 zone is 50% of the lot area.

Maximum Floor Space Ratio of All Buildings and Structures

(5) The maximum permitted floor space ratio for the CD21 zone is 0.5:1.

Minimum Setbacks

(6) The minimum setbacks for all buildings are as follows:

Front yard - 6 m (19.7'); 18 m (59') from an arterial highway
Side yard - 3m (9.8')
Rear yard - 6m (19.7')

Maximum Building Height

(5) The maximum building height for the CD21 zone is 15 m (49.2').

Paddle Road North Comprehensive Development Zone (CD22)

[BL3867, BL3989]

Permitted Uses

80.22 (1) The permitted uses for Areas 1 to 5 of the CD22 zone, as shown on Schedule I-3, attached to and forming part of this bylaw, are as follows:

a) In Area 1
   i. Apartment
   ii. Limited home-based business

b) In Area 2
   i. Apartment
   ii. Limited home-based business
   iii. Recreational facility small scale
   iv. Fitness Centre / Gymnasium

c) In Area 3
   i. Apartment
   ii. Limited home-based business
   iii. Community care facility
   iv. Live work studio
   v. Brew Pub
   vi. Commercial school
   vii. Child care centre [BL3989]
   viii. Dry cleaner
   ix. Entertainment use
   x. Fitness Centre / Gymnasium
   xi. Gallery
   xii. Health service
   xiii. Laundromat
   xiv. Medical laboratory
   xv. Office
   xvi. Personal service
   xvii. Restaurant
   xviii. Retail store

d) In Area 4
   i. Limited home-based business
   ii. Two family dwelling
   iii. Townhouse

e) In Area 5
   i. Uses in Area 5 are the same as Area 3.

Regulatory Conditions

(2) The regulatory conditions in the following table apply to the CD22 zone:

Item	Column 1 Description	Column 2 Area	Column 3 Value
1	Maximum density	1 2 3 4 5	2.0 Floor Area Ratio 1.5 Floor Area Ratio 3.5 Floor Area Ratio 0.5 Floor Area Ratio (63 units/ha) 2.0 Floor Area Ratio
2	Maximum Area coverage	1 2 3 4 5	65% 55% 55% 30% 65%
3	Maximum storeys	1 2 3 4 5	6-storeys 6-storeys 6-storeys 3-storeys 5-storeys
4	Maximum building height	1 2 3 4 5	26 m (85.3') 26 m (85.3') 26 m (85.3') 12 m (39.4') 21.5 m (71')

Minimum Lot Size

(3) The minimum permitted lot size for the CD22 zone is 650 m^2 (6,996.54 ft^2).

Minimum Frontage

(4) The minimum permitted frontage required for the CD22 zone is 16 m (52.5').

Minimum Setbacks

(5) The minimum permitted setbacks for all buildings and structures for all Areas of the CD22 zone is 3.0 m (9.8').

Accessory Building

(6) The maximum permitted accessory building height for all Areas of the CD22 Zone is 7 m (23.0').

Open Space

(7) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped open space.

(8) The minimum required amenity space for all Areas of the CD22 Zone, and of which half must be comprised of landscaped open space, is 30% of the Area and may be located on the roof and/or on decks above grade.

Off-Street Parking

(9) A minimum of 90% of off-street parking required in accordance with Section 21 shall be provided underground.

Conditions of Use

(10) The conditions of use for the CD22 Zone are as follows:

a) A fence must not exceed 1.2m (3.94') in height in any required front yard.

b) A fence must not exceed 2.0m (6.56') in height in any required side or rear yards.

c) Despite 80.22 (1) permitted uses, "live work studio" is restricted to the ground floor, whereby each live work studio entrance must face a public roadway.

d) In Area 3 permitted uses v. to xviii are restricted to the ground floor and whereby a minimum of 15% of the ground floor area shall be for permitted uses v. to xviii.

e) In Area 5 permitted uses v. to xviii are restricted to the ground floor, whereby a minimum of 30% of the ground floor area shall be for permitted uses v. to xviii.

f) No residential dwelling unit shall have a floor area less than 350 ft2 (32.5 m^2).

Area Boundaries

(11) The Areas and Area boundaries for the CD22 zone shall be as set out in Schedule I-3.

(12) Despite the definition of "lot" under section 12, all regulations within the CD22 zone, except provisions (3) and (4), shall be interpreted as if the Area boundaries were lot boundaries."

Ford Road South Comprehensive Development Zone (CD23)

[BL3868]

Permitted Uses

80.23 (1) The permitted uses for Area 1 and Area 2 of the CD23 zone, as shown on Schedule I-4, attached to and forming part of this bylaw, are as follows:

Apartment
Limited home-based business

Minimum Lot Size

(2) The minimum permitted lot size for the CD23 zone is 650 m^2 (6,996.5 ft^2).

Minimum Frontage

(3) The minimum permitted frontage required for the CD23 zone is 16 m (52.5').

Maximum Density

(4) The maximum permitted floor space ratio for all Areas of the CD23 zone is 2.0:1.

Maximum Lot Coverage

(5) The maximum permitted lot coverage for all Areas of the CD23 zone is 55%.

Minimum Setbacks

(6) The minimum permitted setbacks for all buildings and structures for all Areas of the CD23 zone is 3.0 m (9.8').

Maximum Building Height

(7) The maximum permitted principal building height for all Areas of the CD23 zone is as follows:

(a) In Area 1, 18.3 m (60.0') and 5 storeys

(b) In Area 2, 15.6 m (51.2') and 4 storeys

(8) The maximum permitted accessory building height for all Areas of the CD23 zone is 7 m (23.0').

Open Space

(9) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped open space.

Conditions of Use

(10) The conditions of use for the CD23 Zone are as follows:

(a) In Area 1, 100% of all dwelling units shall have a form of tenure that is "residential rental tenancy".

(b) In Area 1, a minimum of 55% of the total off-street parking stalls must be provided underground.

(c) In Area 2, a minimum of 64% of the total off-street parking stalls must be provided underground.

Area Boundaries

(11) The Areas and Area boundaries for the CD23 zone shall be as set out in Schedule I-4.

(12) Despite the definition of "lot" under section 12, all regulations within the CD23 zone, except provisions (2) and (3), shall be interpreted as if the Area boundaries were lot boundaries.

Village Residential Infill Comprehensive Development Zone (CD24)

[BL3920]

Permitted Uses

80.24 (1) The permitted uses for the CD24 zone are:

Multi-family residence

Minimum Lot Size

(2) The minimum permitted lot size for the CD24 zone is 450 m^2 (4,843.7 ft^2).

Minimum Frontage

(3) The minimum permitted frontage required for the CD24 zone is 15 m (49.2').

Density

(4) The permitted density for the CD24 zone is as follows:

(a) Minimum site area per dwelling unit is 54 m^2 (584.3 ft^2)

(b) Maximum permitted floor space ratio is 1.5:1

Minimum Setbacks

(5) The minimum permitted setbacks for all buildings and structures for the CD24 zone are:

Yard, Front, 3.0 m (9.84')
Yard, Side, 1.5m (4.92')
Yard Side when adjacent to a lane or street, 3.0 m (9.84')
Yard, Rear, 7.5m (24.61')
Garage doors from any side or front property line, 5.8m (19.03')

Maximum Building Height

(6) The maximum permitted building heights for the R3-MF zone are as follows:

(a) Principal Building, 10.0 m (32.81')

(b) Accessory Building, 5.0 m (16.40')

Open Space

(7) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped open space.

(8) The minimum required amenity space for the CD24 zone is 30% of the lot area, of which half must be comprised of landscaped open space and the remainder may be located on the roof and/or on decks above grade.

Conditions of Use

(9) The conditions of use for the CD24 Zone are as follows:

(a) No residential dwelling unit shall have a floor area less than 350 ft2 (32.5 m^2).

Gilana Place Two-Family Detached Comprehensive Development Zone (CD25)

[BL3964, BL4078]

Permitted Uses

80.25 (1) The permitted uses for the CD25 zone are as follows:

Assisted Living
Community Care Facility
Detached Accessory Dwelling Unit
Limited Home-Based Business
Multi-Family Residence
Secondary Suite
Single-Family Dwelling
Supportive Housing

Minimum Lot Size (See Figure 1 below)

(2) The minimum permitted lot size for the CD25 zone zone is as follows:

(a) with public lane access, 500 m^2 (5,381.96 sq. ft.)

(b) without public lane access, 625 m^2 (6,727.44 sq. ft.)

(c) without public lane access, with common driveway shared with abutting lot, 560 m^2 (6,027.79 sq. ft.)

Maximum Lot Size

(3) The maximum permitted lot size, for a subdivision of 3 lots or more, for the CD25 zone is 750 m^2 (8,072.93 sq. ft.).

Minimum Frontage (See Figure 1 below)

(4) The minimum permitted frontage for the CD25 zone is as follows:

(a) with public lane access, 13.5 m (44.30')

(b) without public lane access, 16.5 m (54.13')

(c) without public lane access, with common driveway shared with abutting lot, 15.0 m (49.21')

Density

(5) The permitted density for the CD25 zone is as follows:

(a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.

(b) The number of dwelling units shall not exceed four.

(d) The size of a detached accessory dwelling unit must not be

(i) smaller than 37 m^2 (398.26 sq. ft.); or

(ii) larger than 85m^2 (914.93 sq. ft.) or 40% of the gross floor area of the principal dwelling unit, whichever is less.

Maximum Lot Coverage

(6) The maximum permitted lot coverage for the CD25 zone is 40%.

Minimum Useable Exterior Amenity Space

(7) The useable exterior at-grade amenity space for the accessory dwelling unit must not be less than 40 m^2 (430.56 sq. ft.).

Minimum Setbacks

(8) The minimum permitted setbacks for the CD25 zone are as follows:

(a) Principal Buildings (for any portion of the building under 4.0 m in height) (see Figure 1)

Yard, Front, 5.0 m (16.40′)
Yard, Side, 1.5 m (6.56′)
Yard, Side (one side when no lane access exists for accessory building, 5.0 m (16.40′)
Yard, Side (when common driveway shared with abutting lot or adjacent to a public lane or public street, 3.0 m (9.84′)
Yard, Rear, 16.5 m (54.13′)

(b) Principal Buildings (for any portion of the building over 4.0 m (13.12′) in height) (see Figures 1 and 3)
Yard, Front, 7.0 m (22.96′)
Yard, Side, 1.5 m (9.84′)
Yard, Side (when no lane access exists for accessory building, 6.0m (19.68′)
Yard, Side (when common driveway shared with abutting lot or adjacent to a public lane or public street), 3.0 m (9.84′)
Yard, Rear, 16.5 m (54.13′)

(c) Accessory Dwelling Unit (excluding fences), ground floor (see Figure 2)
Yard, Front, 7.0 m (22.97′) past the rear face of the principal building
Yard, Side, 1.5 m (6.56′)
Yard, Rear, 2.0 m (6.56′)

(d) Accessory Dwelling Unit, second floor (see Figure 1)
Yard, Front, 7.0 m (22.97′) past the rear face of the principal building
Yard, Side, 3.0 m (9.84′)
Yard, Rear, 2.0 m (6.56′)

(9) Alternative minimum permitted setbacks for the CD25 zone (see Figure 4) are as follows (see special requirements, section 58.2 (13):

(a) Principal Building
Yard, Front, 5.0 m (16.40′)
Yard, Side (one side), 0.0 m
Yard, Side (one side), 5.0 m (16.40′)
Yard, Rear, 16.5 m (54.13′)

(b) Accessory Dwelling Unit (excluding fences)
Yard, Front, 7.0 m (22.97′) past the rear face of the principal building)
Yard, Side (one side), 0.0 m
Yard, Side (one side), 5.0 m (16.40′)
Yard, Rear, 2.0 m (6.56′)

(10) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 6.0 m (19.69′).

Maximum Building Height

(11) The maximum permitted building heights for the CD25 zone are as follows (see Figure 3):
(a) Principal Building, 9.0 m (29.53′)
(b) Accessory Building, 5.0 m (16.40′)

Maximum Eave line Height

(12) The maximum permitted eave line height, for all eave lines, is:
(a) Principal Building, 7.0 m (22.96′)
(b) Two-storey Accessory Building that contains a dwelling unit, 5.5 m (18.04′)
(c) One-storey Accessory Building that contains a dwelling unit, 3.0 m (9.84′)

Conditions of Use

(13) The conditions of use for the CD25 zone are as follows:

(a) The setbacks under subsection (9) require that each lot on the plan of subdivision must

(i) be developed with the side yards oriented consistently with each other (see Figure 4), and

(ii) have an easement on title allowing the abutting owner the right of access for maintenance purposes.

(b) In an accessory building with a dwelling unit, the outdoor, at-grade useable amenity space must be immediately adjacent to and accessible from the entry of the dwelling unit.

(c) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that

(i) the number of residents does not exceed three, and

(ii) the use is within the principal building only

(c) [Repealed]

(d) Despite section 5, the gross floor area for the purpose of the CD25 zone does not include decks or porches where walls and glazing do not exist.

(e) Driveway access must be shared by both the principal building and accessory building. Second individual access may be considered for corner lots. [BL3872]

(f) If a lane exists, all site parking must be accessed from the lane and not from the street.

(g) Individual driveway widths, where lane access is not available, must not exceed 3.0 m (9.84') per unit of the lot frontage from the front property line to the public road.

General

(14) In the event of conflict between the provisions of Part 1 to 5 of this Bylaw and the provisions of this zone, the provisions of the CD25 zone prevail.

Figure 1

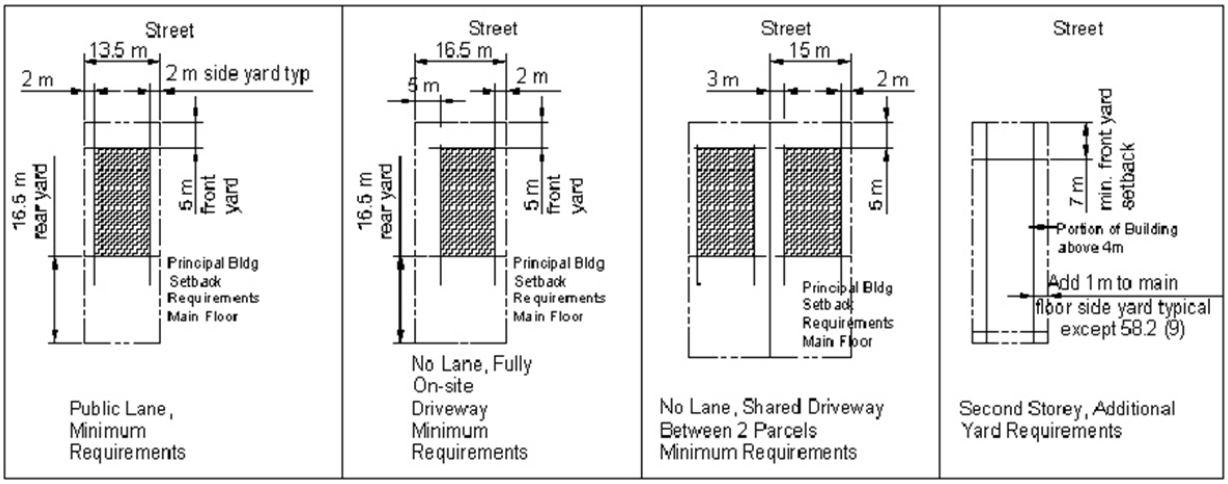


Figure 2

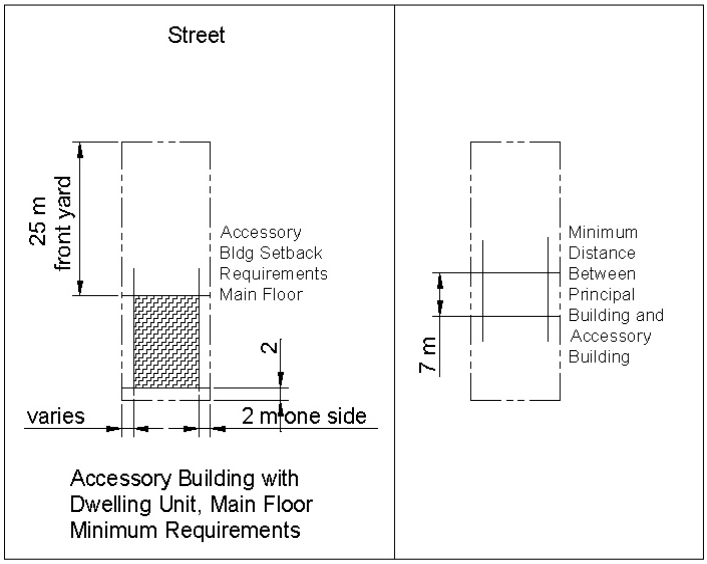


Figure 3

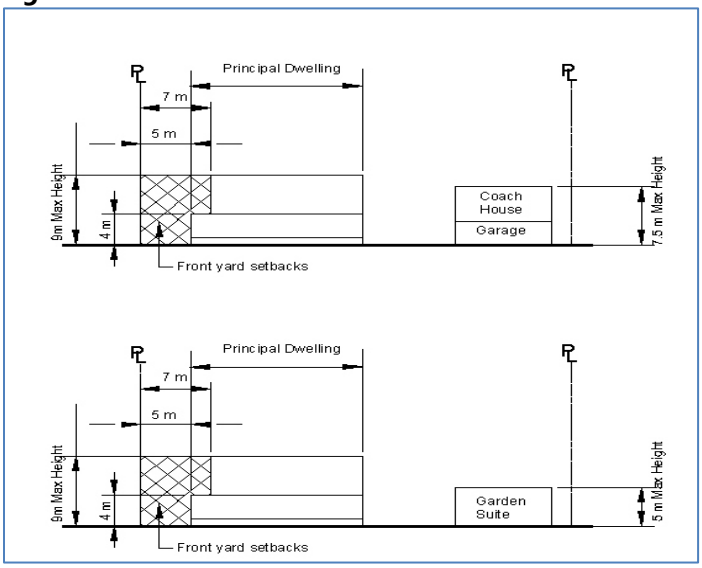
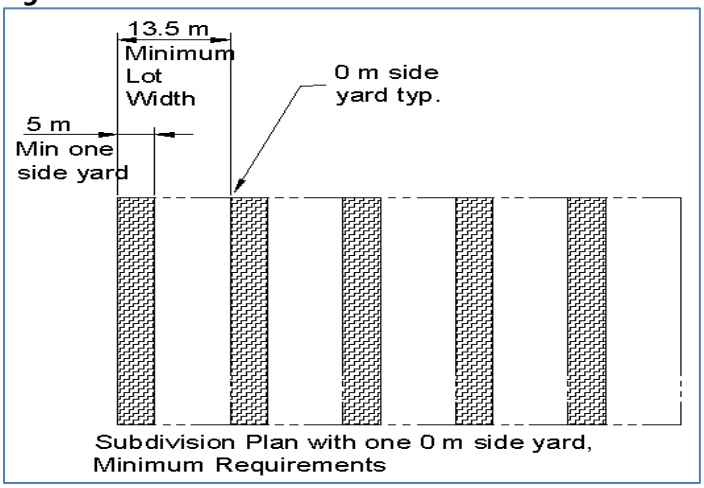


Figure 4



Drinkwater Road Multi-Family Comprehensive Development Zone (CD26)

[BL3934 BL4078]

Permitted Uses

80.26 (1) The permitted uses for the CD26 zone are:

Apartment
Limited Home-based Business already part of zoning bylaw

Minimum Lot Size

(2) The minimum permitted lot size for the CD26 zone is 2,700 m^2 (29,063ft^2).

Minimum Frontage

(3) The minimum permitted frontage required for the CD26 zone is 35 m (114.8′).

Maximum Density

(4) The maximum permitted floor space ratio for the CD26 zone is 2.5:1, except that parking garages located below a building are not included in the calculation of gross floor area of the building.

Maximum Lot Coverage

(5) The maximum permitted lot coverage in the CD26 zone is 40%.

Minimum Setbacks

(6) The minimum permitted setbacks for all buildings and structures in the CD26 zone are as follows:

Yard, Front, 3.0 m (9.8′)
Yard, Side, 3.0 m (9.8′)
Yard, Side when adjacent to a lane or street, 1.5 m (4.9′)
Yard, Rear, 3.0 m (9.8′)

Maximum Building Height

(7) The maximum permitted building height for the CD26 zone is 21.5 m (70.5′) and 6 storeys.

Open Space

All open areas not covered by buildings, driveways, or parking must be maintained as landscaped open space."

Highland Avenue Comprehensive Development Zone (CD27)

[BL4050]

80.27 (1) The permitted uses for the CD27 zone are:
Townhouse

(2) The permitted accessory uses for the CD27 zone are:
Limited Home-based Business
Accessory Building

Minimum Frontage and Lot Depth

(3) The permitted frontage is 18.0 m (59.06 ft.)

(4) The permitted lot depth is 30.0 m (98.43 ft.)

Density

(5) The permitted density for the CD27 zone is as follows:
(a) Minimum site area per dwelling unit is 169 m^2 (1,819.10 sq. ft.)
(b) Maximum permitted floor space ratio is 0.7:1

Maximum Lot Coverage

(6) The maximum permitted lot coverage for the CD27 zone is 40% of this, accessory buildings and structures cannot exceed 10% of the lot.

Maximum Setbacks

(7) The minimum permitted setbacks for the CD27 zone are as follows:
(a) Principal Buildings
Yard, Front 5.0 m (16.40 ft.)
Yard, Side 1.5 m (4.92 ft.)
(b) Accessory Buildings and Structures
Yard, Front 10.0 m (32.81 ft.)
Yard, Side 1.5 m (4.92 ft.)

Maximum Building Height

(8) The maximum permitted building heights for the CD27 zone are as follows:
(a) Principal Building, 9.0 m (29.53 ft.)
(b) Accessory Building, 5.0 m (16.40 ft.)

Landscaped Open Space

(9) Landscaping of the open space must meet the following requirements of the CD27 zone:
(a) 30% of the lot area must be provided and maintained as landscaped open space.

Exterior Amenity Space

(10) In the CD27 zone, each dwelling unit:
(a) Located at or below grade, must have, at minimum, private outdoor amenity space of 7.4 m^2 (79.65 sq. ft.) in area with, at minimum, one horizontal dimension of 3.0 m (9.84 ft.), and
(b) Located above grade (second storey), must have a minimum private outdoor amenity space of 4.75 m^2 (51.13 sq. ft.) in area with, at minimum, one horizontal dimension of 2.0 m (6.56 ft.).

Driveways & Access

(11) The minimum permitted setback from a vehicle entrance of a principal or accessory building to a highway or strata road, other than a lane, is 6.0 m (19.69 ft.).

(12) The lot must not exceed 6 vehicle accesses which may include paired access driveways.

Parking Requirements

(13) Despite section 21 (1) of this Bylaw, parking spaces must be provided on-site as follows:
  (a) a minimum of 1 parking space per dwelling unit; and
  (b) a minimum of 2 designated visitor parking spaces.

Bicycle Parking

(14) Minimum off-street bicycle parking stall requirements are as follows:
  (a) 1.5 spaces per unit, Bicycle Parking Stalls, Class I, of which
    (i) All must have access to 110 V wall outlet, and
    (ii) 10% must be a minimum 3.0 m (9.84 ft.) x 0.9 m (2.95 ft.) for non-standard bicycles
  (b) 2 spaces per 5 units, Bicycle Parking Stalls, Class II.

Conditions of Use

(15) The conditions of use for the CD27 zone are as follows:
  (a) At least 50% of the required parking must be located at the rear of the residential buildings.
  (b) Despite section 80.27 (1) [Permitted Uses] and section 12 [Definitions], for "townhouse", no more than two townhouse units in each building may be connected by a vertical party wall."

Adelaide Street Comprehensive Development Zone (CD28)

Permitted Uses

80.28 (1) The permitted uses for the CD28 zone are as follows:

Agriculture
Assisted Living
Bed and Breakfast
Community Care Facility
Detached Accessory Dwelling Unit
Home-based Business
Multi-Family Residence
Secondary Suite
Single-Family Dwelling
Supportive Housing
Two-Family Dwelling

Minimum Lot Size

(2) The minimum permitted lot size in the CD28 zone is 600 m2 (6458.35 sq. ft.).

Minimum Frontage

(3) The minimum permitted frontage in the CD28 zone is 18.0 m (59.06').

Density

(4) The maximum permitted density for the CD28 zone is as follows:

(a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.

(b) The number of dwelling units shall not exceed:

(ii) Four in the case of lots that are at least 600 m^2 (3,014 sq. ft.) but not more than 4,050 m^2 (1 acre) in area.

(iii) Two in the case of lots that are greater than 4,050 m^2 (1 acre) in area.

Maximum Lot Coverage

(5) Where a lot contains one residential building and up to two dwelling units the maximum permitted lot coverage in the CD28 zone is as follows:

(a) 30% of the lot area for lots 650 m2 or larger; and

(b) 35% of the lot area for lots less than 650 m2.

Where the lot contains a detached accessory dwelling unit the maximum permitted lot coverage in the CD28 zone is:

(a) 35% of the lot area for lots 650 m2 or larger;

(b) 40% of the lot area for lots less than 650 m2.

Where a lot contains three or more dwelling units located within one building the maximum permitted lot coverage in the CD28 zone is:

(a) 55%.

Minimum Setbacks

(6) The minimum permitted setbacks for the CD28 zone are as follows:

(a) Principal and Accessory Buildings and Structures (Excluding Fences)
Yard, Front, Side, Rear, 1.5 m (4.92')

(6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03').

Maximum Building Height

(7) The maximum permitted building heights for the CD28 zone are as follows:
- (a) Principal Building, 9.0 m (29.53')
- (b) Accessory Building, 5.0 m (16.40')

Conditions of Use

(8) The conditions of use for the CD28 zone are as follows:
- (a) Bed and breakfast uses may have no more than three sleeping units.
- (b) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
- (c) Limited farm sale of agricultural products may be sold directly to the public provided that:
  - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
  - (ii) the covered retail sales area does not exceed 100 m^2 (1076.4 sq. ft.); and
  - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
- (d) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that:
  - (i) the number of residents does not exceed three, and
  - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling.

[Pending BL4095: Bell McKinnon Comprehensive Development Zone (CD29)]

PART 6 – OTHER DESIGNATIONS

Land Use Contract Areas (LUC) and Development Permit Areas (DPA)

81 Land use contract areas and development permit areas within the District are marked, for reference only, on the Zoning Map as LUC and DPA.

PART 7 – REPEAL OF BYLAWS

Repeals

82 Bylaw No. 1850, cited as the "Zoning Bylaw 1979", and all amendments thereto are hereby repealed.

83 Bylaw No. 1652, cited as the "Swimming Pool Fence Bylaw 1975" is hereby repealed.

Read a first time on July 16, 1997.
Considered at a public hearing on August 21, 1997.
Read a second time, as amended, on August 6, 1997.
Read a third time on October 1, 1997.
Approved by the Ministry of Transportation and Highways on October 21, 1997.
Adopted on December 17, 1997.

Schedule "A"

Procedure for Applications to Amend Zoning Bylaw 1997

1 All applications to amend Zoning Bylaw must be made in writing using the form generally set out in Appendix "A" of this schedule. Applications must be accompanied by the information required as set out on the application form.

2 Where an applicant wishes to rezone only a portion of a lot, he or she must provide a reference plan prepared by a British Columbia Land Surveyor, showing exact dimensions of the area to be rezoned.

3 Applications will be reviewed by staff, the Technical Planning Committee of Council, and other Committees of Council as deemed necessary, prior to being referred to Council.

Schedule "B"

[Repealed. BL3150]

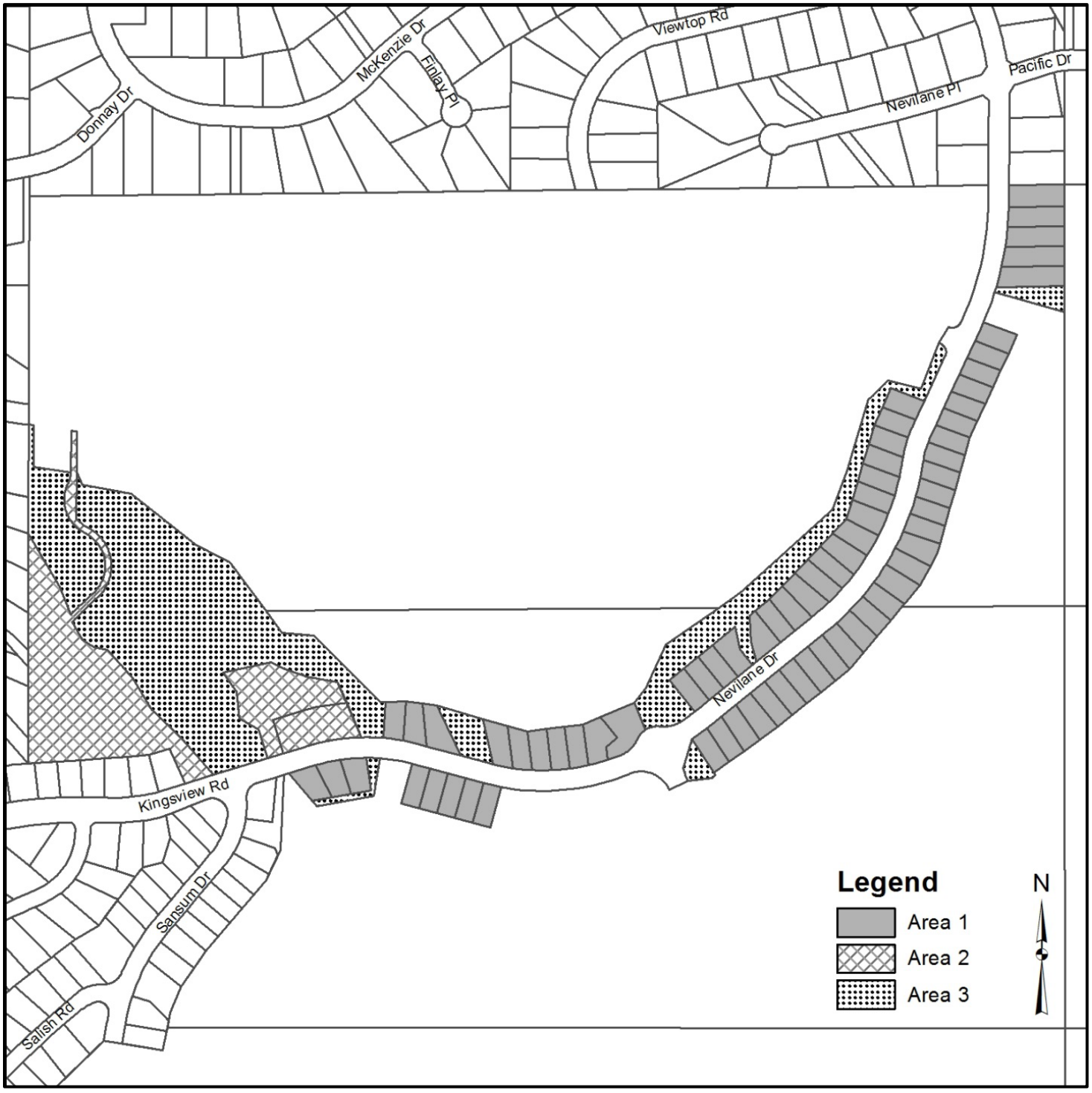
Schedule "C"
ZONING MAP

(Available separately)

Schedule "D" [Repealed BL3630]

Schedule "D-1" [BL3630]

The Cliffs Comprehensive Development Zone Map



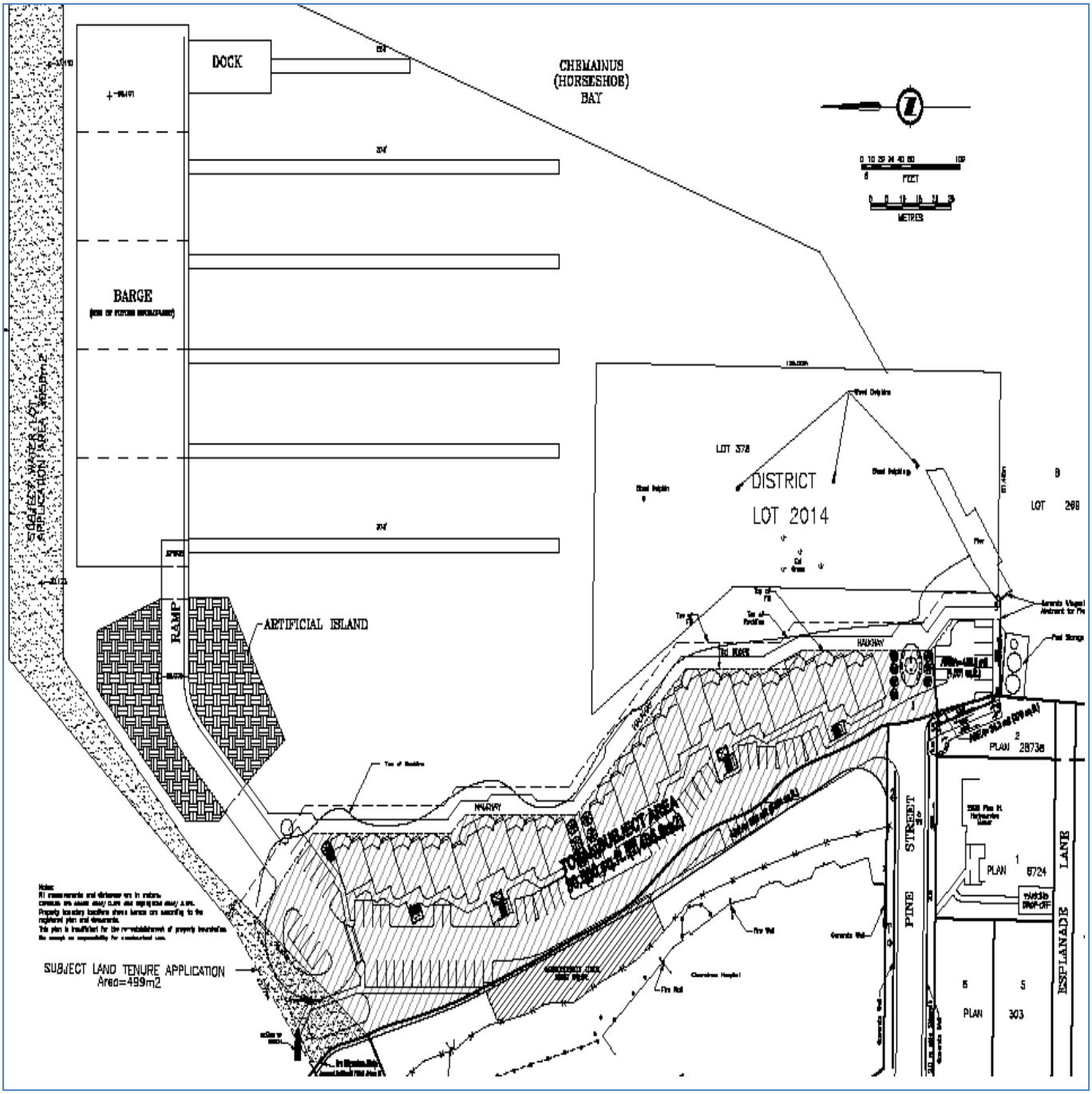
Schedule "D-2" [BL3631]

Kingsview Comprehensive Development Zone Map



Schedule "E"

Chemainus Quay Comprehensive Development Zone Map



Schedule "F"

Chemainus Quay Walkway Standards

Minimum width of 2.4 m (7.87')
Wheelchair accessible
Have railings

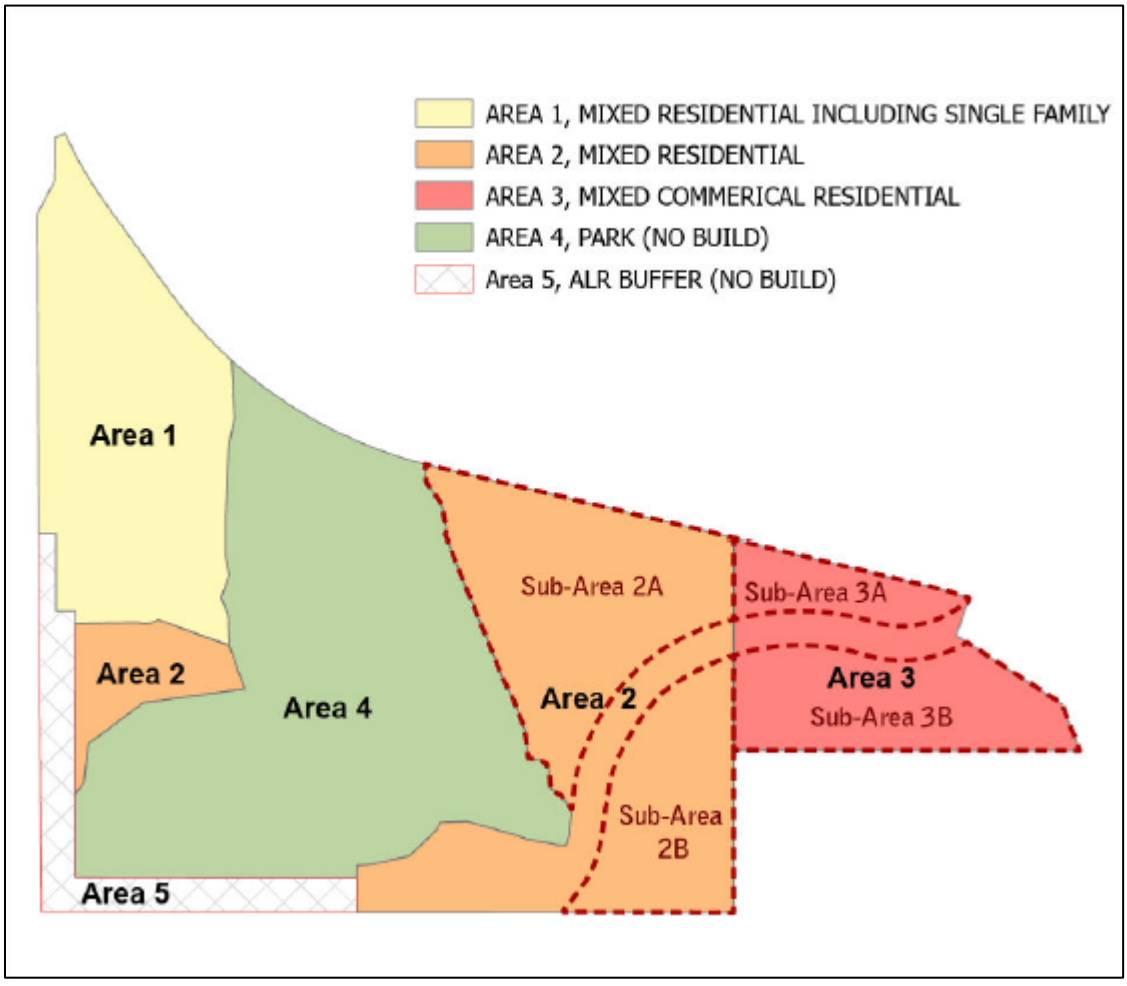
Schedule "G"

[Repealed. BL3242]

Schedule "H"

[BL3968]

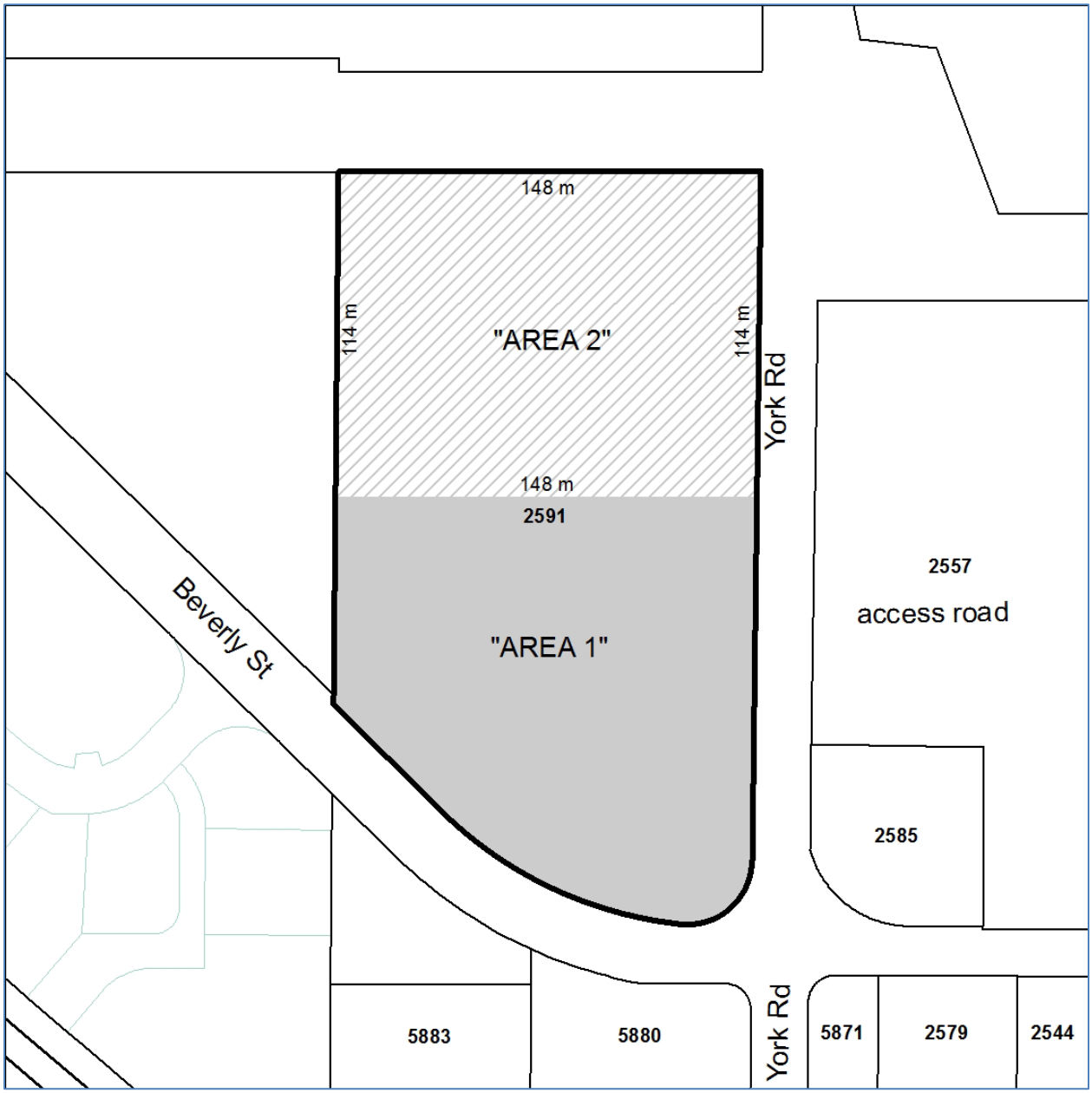
Chemainus Artisan Village Comprehensive Development Zone Map



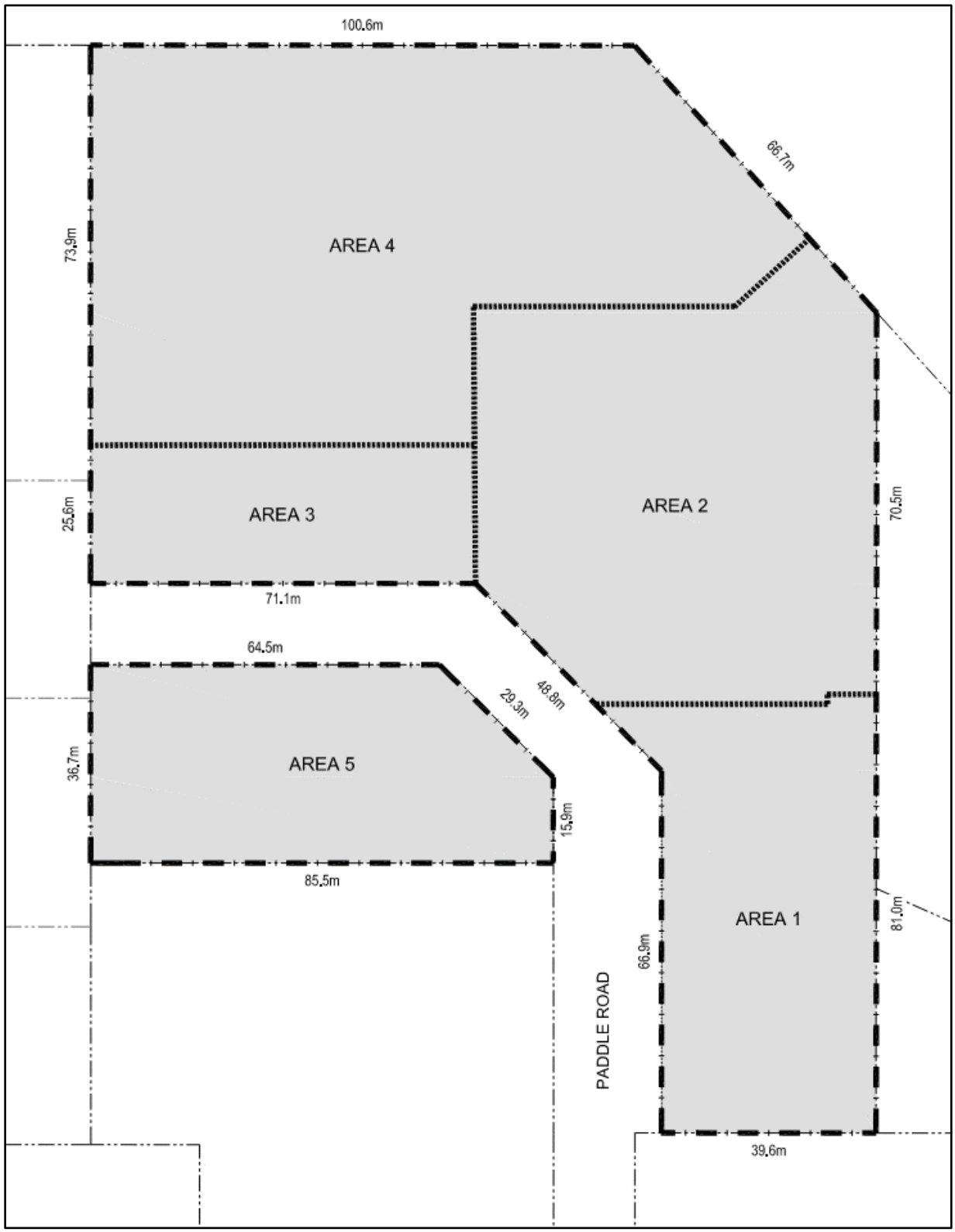
Schedule "I" [DELETED BL4002]

Schedule "I-2" [BL3706]

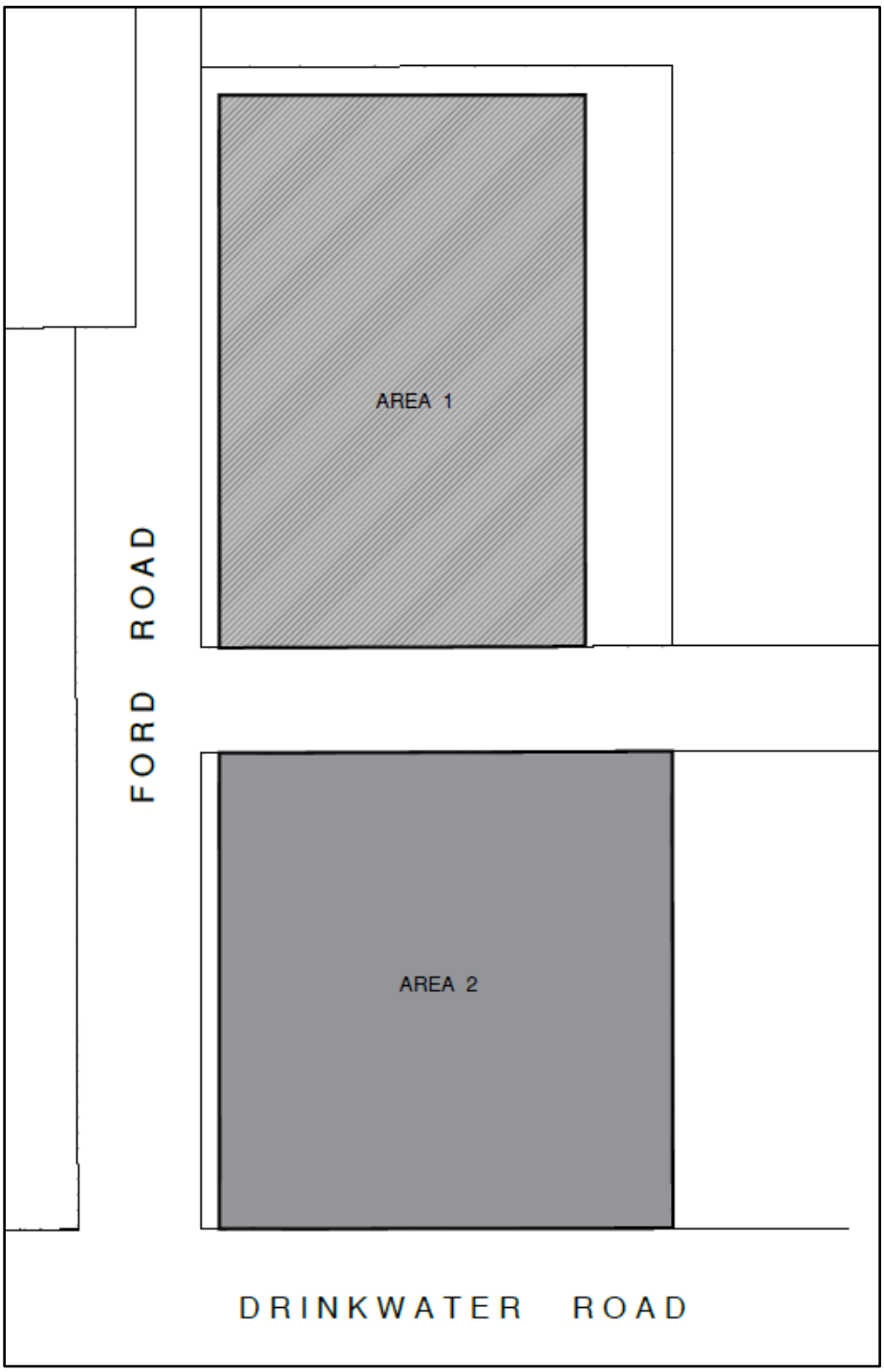
CD19 Permitted Uses Areas 1 and 2



Schedule "I-3" [BL3867]



Schedule "I-4" [BL3868]



Schedule "J" [BL3456, BL3457, BL3873, BL3990]
District of North Cowichan

DEVELOPMENT PERMIT GUIDELINES

Contents

(i) Purpose of Development Permit Areas (Designations & Justifications),
(ii) North Cowichan's Development Permit Areas,
(iii) Application of the Guidelines,
(iv) Variances,
(v) Extensions,
(vi) Development Permit Application Information Requirements,
(vii) DPA Exemptions, Table 1: Development Permit Guidelines Exemption Criteria,

1.0 Form, Character & Performance Development Permit Guidelines "A"

A.1 Form, Character & Performance Development Permit Guidelines "A.1": General
1.1 Development Permit Guidelines "A.1": General - Objectives & Application
1.2 Development Permit Guidelines "A.1": General - Exemptions
1.3 Development Permit Guidelines "A.1": General - Site Choice and Efficient Land Use
1.4 Development Permit Guidelines "A.1": General - Mobility
1.5 Development Permit Guidelines "A.1": General - Site Design and Landscaping
1.6 Development Permit Guidelines "A.1": General - Infrastructure and Servicing Impacts
1.7 Development Permit Guidelines "A.1": General - Building Form and Character

A.2 Form, Character & Performance Development Permit Guidelines "A.2": Marine Waterfront
1.8 Development Permit Guidelines "A.2": Marine Waterfront - Objectives & Application
1.9 Development Permit Guidelines "A.2": Marine Waterfront - Exemptions
1.10 Development Permit Guidelines "A.2": Marine Waterfront - Senior Government Authority
1.11 Development Permit Guidelines "A.2": Marine Waterfront - General Guidelines
1.12 Development Permit Guidelines "A.2": Marine Waterfront - Community Specific Guidelines

2.0 Environment Development Permit Guidelines "B"
2.1 Development Permit Guidelines "B": Objectives & Application
2.2 Development Permit Guidelines "B": Exemptions [BL3990]
2.3 Development Permit Guidelines "B": General Guidelines
2.4 Development Permit Guidelines "B": Specific Guidelines

3.0 Hazardous Conditions Development Permit Guidelines "C"
3.1 Development Permit Guidelines "C": Objectives & Application
3.2 Development Permit Guidelines "C": Exemptions
3.3 Development Permit Guidelines "C": General Guidelines

4.0 Farm Land Protection Development Permit Guidelines "D"
4.1 Development Permit Guidelines "D": Objectives & Application
4.2 Development Permit Guidelines "D": Exemptions
4.3 Development Permit Guidelines "D": General Guidelines

5.0 Energy & Emissions Development Permit Guidelines "E"
5.1 Development Permit Guidelines "E": Objectives & Application
5.2 Development Permit Guidelines "E": Exemptions
5.4 Development Permit Guidelines "E": Infrastructure and Servicing Impacts

(i) Purpose of Development Permit Areas (Designations & Justifications)

The Official Community Plan (OCP) describes the special conditions or objectives that justify designation of a Development Permit Area (DPA) and specifies guidelines for how the special conditions or objectives should be addressed. Neighbourhood or Local Area Plans as adopted by Council as part of the OCP, refine OCP direction in specific locations within the municipality. Where there is a conflict between OCP or Neighbourhood / Local Area Plan direction and these Development Permit guidelines, the OCP or Neighbourhood/Local Area Plan will prevail.

Section 919.1 (1) of the *Local Government Act* allows a local government to designate Development Permit Areas in an Official Community Plan for one or more of the following purposes:

(a) Protection of the natural environment, its ecosystems and biological diversity;
(b) Protection of development from hazardous conditions;
(c) Protection of farming;
(d) Revitalization of an area in which a commercial use is permitted;
(e) Establishment of objectives for the form and character of intensive residential development;
(f) Establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
(g) In relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
(h) Establishment of objectives to promote energy conservation;
(i) Establishment of objectives to promote water conservation;
(j) Establishment of objectives to promote the reduction of greenhouse gas emissions.

For additional information regarding the Development Permit Area *Designations* and *Objectives* see Chapter 10 of the Official Community Plan Bylaw 3900, Schedule "A".

(ii) North Cowichan's Development Permit Areas

The Municipality of North Cowichan has designated the following DPA's in its OCP:

(a) DPA 1 – Multi-Unit & Intensive Residential Development
(b) DPA 2 – Commercial & Industrial Development
(c) DPA 3 – Natural Environment
(d) DPA 4 – Hazard Lands
(e) DPA 5 – Farm Land Protection
(f) DPA 6 – GHG Reduction, Energy & Water Conservation

Where land is subject to more than one DPA designation, an applicant needs to submit only one application for development. That application, however, must consider the requirements of each of the applicable DPA's and associated guidelines.

(iii) Application of the Guidelines

A Development Permit is required for the following activities unless specifically exempted in this document:

(a) Alteration of land, disturbance of soils, including grubbing, scraping and removal of top soils;
(b) Construction or erection of buildings and structures;
(c) Creation of non-structural impervious or semi-pervious surfaces; and/or,
(d) Subdivision of land.

Interpretation of specific guidelines is subject to detailed discussion with Municipal Planning staff. These guidelines are applied on a site specific or case-by-case basis. It is unlikely that every development can or will be able to meet the objectives and recommendations of each individual guideline. The significance or importance placed on individual or specific guidelines will be entirely dependent upon the unique characteristics of each site. The overarching objective of these Development Permit Guidelines is to ensure that all new developments make a positive contribution to the communities in which they are located and to meet the overall intent and objectives of the Development Permit Guidelines. It is critically important that these design guidelines also not be considered in isolation; rather they should be considered and integrated into the design process along with all other municipal bylaw requirements (zoning, subdivision, etc.), Local Area and Revitalization Plans, as well as engineering design standards and other municipal policies and practices.

Potential applicants are encouraged to discuss their proposed project with Municipal Planning staff to obtain an interpretation as to whether or not a Development Permit is required, to what extent the Development Permit Guidelines must be considered, or whether other authorization is required, prior to beginning their project. In cases where there is a difference of opinion between Municipal Planning staff and an applicant, the Director of Planning and Development will make a final determination.

Further, this document references numerous documents, guidelines, plans and strategies developed and administered by other government agencies and organizations. While these documents are relevant and useful as of the date of adoption of this document, it is always advisable to confirm with Municipal Planning staff that specific documents and information remains up-to-date and supported by the Municipality.

All assessments, reports and studies required in section (vi) must be completed to the satisfaction of the Municipality. As a condition of the issuance of a Development Permit, the Municipality may require the applicant to comply with any or all conditions recommended in an assessment report prepared by a qualified professional.

(iv) Variances

Under Part 14 of the *Local Government Act*, Council may issue Development Permits that vary the Municipality of North Cowichan's Zoning Bylaw or any other bylaw established under the *Act* (Zoning or Other Development Regulations; Subdivision and Development Requirements). Council will consider issuing Development Permits with variances that:

(a) Facilitate conformance with the applicable guidelines; and

(b) Achieve an objective or policy stated in the Municipality's Official Community Plan.

A *Development Variance Permit* is required where the proposed variance does not meet one or more of the above noted criteria. Where a Development Permit with Variances is controversial, Council may consider holding a public meeting prior to making a decision regarding the application or any subsequent extension.

(v) Extensions

Development Permits are issued and remain valid for two (2) years, following approval. Extensions for Development Permits that do not meet current policy or bylaw requirements will generally not be supported.

Development Permit extensions may be granted by the Director of Planning and Building or the Chief Administrative Officer. Development Permits with variances must be approved by Council.

(vi) Development Permit Application Information Requirements

All Development Permit applications require a completed application form accompanied by:

(a) Required application fee;

(b) Letter of authorization from owner, if application is being made by an agent; and

(c) Brief project description, including information about site constraints that influenced site planning and planning rationale based on the Official Community Plan.

Presentation materials for Technical Planning Committee or Council consideration shall be provided by applicants in 8.5" x 11" format at least five calendar days before the meeting. Materials to include: detailed coloured site plan, floor plans, elevation plans, colour landscaping plan, material board of finishes, and perspective drawings or renderings.

Municipal Planning staff shall set requirements for the information to be submitted with Development Permit applications, which may include but is not limited to the following:

(a) **Legal Information**: Including copies of the current certificate of title, copies of all statutory rights-of-way, covenants, and other charges on title;

(b) **Site Survey Plan**: Prepared by a BC Land Surveyor, including (in metric): lot boundaries and dimensions, scale, date, and north arrow; legal description and municipal address (if available); rights of ways/easements; abutting streets, including existing sidewalk, curb, and road rights of way; topographic plan with existing contours; 1:50 and 1:200 year ground water elevation and the location of any floodway or flood fringe boundaries within the site; existing buildings/structures (with indication re retention or removal); watercourse and wetland edges, high water mark, and top of bank; all existing woods, vegetation and/or trees over 3 m in height; environmentally sensitive areas, and wildlife corridors (if any). All plans and drawings are to be prepared by a professional architect or designer;

(c) **Site Development Plan**: Including development data such as site area, site coverage (new and existing, if applicable), floor space, garbage, storage and staging areas and fencing for these, loading and parking requirements (including bicycles), entrances and exits, number of units, gross floor area by permitted use, overall density; proposed building elevations; property line setbacks, front, rear, and side dimensioned from buildings and property lines, building separation distances; show all permitted encroachments, and all requested variances if any; show location of existing and proposed wells, septic tanks, disposal fields, culverts and crossings; show proposed location of lighting, landscaping, and signage.

(d) **Grading Plan**: Including: North arrow, scale(s), legal description and, if available, municipal address; existing geodetic elevations at all corners of the lot and at approximately 10 m intervals along all lot lines, show site contours at 1 m intervals. Cross-sections to show the existing grade of the site in relation to proposed grades. Show and dimension water bodies, natural boundaries, top of bank, buffer per Zoning Bylaw and/or Provincial requirements, property lines; site topography, existing features, trees including type, identify danger trees, and special conditions (wetlands, shallow bedrock, sensitive ecosystems, etc.); Existing and proposed storm water drainage flows; proposed grades for the site grade of adjacent sites and streets and cross-sectional outline of the proposed buildings on the site and existing buildings on adjacent properties; prevailing winds, solar access.

(e) **Building Plans**: Including: floor plans; Exterior building elevations, floor to floor geodetic elevations (metric), roof eave line height(s), overall building height, roof slopes. Provide full exterior finishing schedule. Roof plan including roof slopes; building sections.

(f) **Servicing Information**: Prepared by a Civil Engineer, including existing and proposed water and sanitary services;

(g) **Landscape Plan**: Prepared by a BC Landscape Architect or recognized Horticulturalist that includes total area of landscaping (existing to remain and proposed), existing and proposed buildings; grading, elevations and contours; parking, service and storage areas; hard landscape details – sidewalks, pathways, patios, decks, fencing, walls, garbage enclosures, furniture, and lighting; planting plan with full plant list including botanical names of plants, sizes and quantities; irrigation system details.

(h) **Storm / Rain Water Management Plans**: Prepared jointly by a BC Landscape Architect and Civil Engineer that is designed to maximize rainwater retention and infiltration on-site, and minimize the need for hard forms of stormwater drainage;

(i) **Signage and Lighting Plans**

(j) **Site Context Information**: Including a vicinity map of properties within 90 m of the site property lines; Existing and proposed utility connections; Adjacent buildings on adjoining sites, indicating building height, yards and the use of the buildings and locations of windows (for residential/residential or residential/commercial or industrial); sketches or photographs of the proposed development in relation to the surrounding neighbourhood.

Additional information may be required to determine the impact of the proposed activity or development:

(a) Transportation study, including traffic patterns and flows;

(b) Parking study, if variance requested;

(c) Infrastructure analysis, including evaluation of local infrastructure capacity;

(d) Public facilities evaluation, including inventory of facilities such as schools and parks, and future demand estimates;

(e) Riparian area assessment or other environmental assessment report, including inventories of native vegetation, wildlife and habitat, and evaluation of potential impacts;

(f) Archaeological assessment or impact study;

(g) Acoustic impact assessment; and

(h) Geotechnical stability assessment, if steeply sloping terrain, i.e. 20%+, exists on the site.

Environmental Development Permit Guidelines "B" Assessment Requirements:

For development proposed within the DPA-3 Natural Environment area, to which Environmental DP Guidelines "B" apply, a comprehensive assessment, prepared by a registered professional biologist or professional with similar qualifications acting in their area of expertise, that inventories the development site's natural features, ecological processes and unique ecosystems may be required. The assessment may include:

(a) A fish and wildlife habitat inventory;

(b) A description of the:

(i) vegetation, trees, snags and root systems;

(ii) soil and soil conditions (moisture, nutrients and permeability);

(iii) bird and other wildlife and their habitats, such as nesting and breeding areas;

(iv) rare or endangered plant and animal species; and

(v) relative orientation of features on neighbouring properties.

(c) A geotechnical stability assessment and recommendations if sloping terrain exists on the site;

(d) An explanation of how linkages with adjacent sensitive ecosystems will be maintained to minimize fragmentation;

(e) An environmental impact assessment of the proposed development, with appropriate recommendations for the construction, mitigation and protection of habitat to minimize the impact of development and preserve or restore the natural ecosystem components and processes that are critical to ecosystem function and health;

(f) A hydrological assessment of drainage patterns and proposed stormwater management facilities;

(g) Confirmation of a sufficient leave strip or buffer area to accommodate the dynamic nature of the hydrologic system, maintain water quality, base flows and natural drainage patterns.

(h) Delineation of an environmentally sensitive Protection Area sufficiently sized to protect and maintain ecosystem function and health; and

(i) An environmental impact statement regarding: possible impacts on any Protection Area by the proposed development; proposed mitigation, restoration and enhancement measures; and a vegetation management plan.

(vii) Development Permit Exemptions

Some development located within a designated Development Permit Area may be exempted from Development Permit Guideline requirements per Table 1 on the following page. Additional or specific detailed exemption criteria may also be listed in each set of Development Permit Guidelines.

Table 1: Development Permit Guidelines Exemption Criteria	**Guidelines "A.1": General**	**Guidelines "A.2": Marine**	**Guidelines "B": Environment**	**Guidelines "C": Hazard Lands**	**Guidelines "D": Farm Land**
1. Additions to or construction of a single-family or two-family dwelling or a related accessory building on a single lot.	□	□	See Environment DP Guidelines "B" for specific / additional Exemptions	See Hazardous Conditions DP Guidelines "C" for specific / additional Exemptions	See Farm Land DP Guidelines "D" for specific / additional Exemptions
2. Minor alterations not in contravention to the guidelines to an approved Development Permit upon written approval of the Director of Planning and Development.	□	□			
3. Construction within a building that does not require exterior alterations, or any additional parking, unless the development falls within a commercial core or upon written approval of the Director of Planning and Development	□	□			
4. Landscape maintenance that does not change the approved landscaping or existing natural landscaping.	□	□			
5. Replacement of exterior finishes that meet the guidelines of the applicable DPA.	□	□			
6. Building additions less than 50 m^2 (538.2 sq. ft.) that do not vary any bylaw regulations and do not require additional parking. This exemption can only be used once for the same building or structure.	□	□			
7. Replacement of sign faces with no change in location, size, or type of signage, provided the sign meets the requirements of the guidelines and sign bylaw.	□	□			
8. Development or construction that does not require, land alteration, or a building permit or sign permit.	□	□			
9. To replace boat shelters or float homes with new structures that do not exceed the existing structures footprint or height and that are consistent with the DPA-4 guidelines.	-	□			
10. Subdivision of land (Exemption relates only to section 1.6 under Guidelines "A": General, sections 1.11.3, 1.11.6, 1.11.7, 1.11.8, 1.11.9)	□	□			
11. Demolition of buildings (demolition permit required in all cases)	□	□			□
12. Public works and services (such as construction, repair and maintenance) performed by the Municipality or its authorized agents and contractors, as long as these works and services meet or exceed the applicable guidelines	□	□	□	□	-
13. Removal of hazardous trees that present an immediate danger to the safety of persons or will potentially damage public or private property, as determined by an arborist or similar professional.	□	□	□	□	□
14. Development activity that involves fence building, growing, rearing, producing, or harvesting of agricultural products or vegetation removal for agricultural purposes in accordance with recognized standards of the *Farm Practices Protection (Right to Farm) Act* or forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act*.	□	□	□	□	□

1.0 Form, Character & Performance Development Permit Guidelines "A.1": General

1.1 Development Permit Guidelines "A.1": General - Objectives & Application

The objectives of this Development Permit Area are based the following 5 fundamental elements:

(a) **Site Choice & Efficient Land Use**: The first objective is to appropriately plan and manage how land is developed. Appropriate site choices are those that ensure environmentally and archaeologically sensitive and hazard lands, as well as scenic and community character are protected. As per OCP policy, development preference is given to lands within the Growth Centres. Physically designing North Cowichan's public and private spaces – first from the overall regional scale and down to the site-specific scale – must occur through a coordinated approach to ensure that every form of land use and development approved is located in the appropriate place, and that appropriate buffering (fencing and vegetation), noise, dust and light controls between different and incompatible uses are provided. Using land efficiently helps achieve a number of goals, including improving the life-cycle cost of municipal services and infrastructure; controlling greenhouse gas emissions, energy and water consumption; and supporting the retention of North Cowichan's rural and scenic resources.

(b) **Mobility**: Mobility is crucial in achieving interconnectivity across the municipality and within neighbourhoods, and in supporting and promoting successful site planning and integrated development. The aim is to ensure that residents, employees and visitors have comprehensive access to a multi-modal transportation system that provides them with a variety of options to get around comfortably and safely.

(c) **Site Design & Landscaping**: North Cowichan has an outstanding scenic character and is located in the Coastal Douglas-fir ecosystem. Supporting and respecting North Cowichan's existing landforms, biodiversity and vegetation in the development review, during the construction process and through landscaping will help retain the characteristics that define and enhance residential quality of life and the visitor experience.

(d) **Infrastructure & Servicing Impacts**: Good design, construction and management practices can help ensure that community goals are achieved with respect to managing energy and water use, controlling greenhouse gas (GHG) emissions, improving the life-cycle of municipal infrastructure and reducing the production of solid waste.

(e) **Building Form & Character**: New developments shall contribute to North Cowichan's evolving design aesthetic by respecting its past and considering its natural landforms and visual characteristics in design, and ensure that best management practices are incorporated in ongoing site and building maintenance. The four previous objectives inform this one for building form and character.

The guidelines contained within Form, Character & Performance DP Guidelines "A" will be applied as specified in the OCP, which includes multi-family (3 units or greater), certain subdivision proposals, commercial and industrial developments, including non-agricultural uses within the Rural Market Zone (A6), within the Municipality of North Cowichan. The Development Permit Guidelines "A.1" and "A.2" are both associated with DPA-1 (Multi-Unit and Intensive Residential Development) and DPA-2 (Commercial and Industrial Development). Development Permits will only be issued in Development Permit Areas 1 & 2 subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual design through to detailed design and refinement of a development proposal. [BL3846]

1.2 Development Permit Guidelines "A.1": General - Exemptions

See Table 1: Development Permit Guidelines Exemption Criteria (Page 150)

1.3 Development Permit Guidelines "A.1": General - Site Choice & Efficient Land Use

1.3.1 Creating Complete Communities

Proposed development should integrate with the various needs of the community. This can mean providing a range of uses and densities; providing ready access to recreation, public facilities, institutions and employment; and contributing to the establishment of a sustainable economy.

1.3.1.1 Safety and Accessibility Standards:

(a) New developments should incorporate principles related to "*Crime Prevention Through Environmental Design*" (CPTED) and the "safety lens."

(b) Well-defined public and private spaces, adequately lit exterior spaces and clear sightlines should be considered to create healthy, safe environments.

(i) Parking lots should be designed so that pedestrian access is clearly separated from driveways and parked vehicles. At the main entrance, the public street and parking areas should be linked by a walkway.

(c) Building designs should enhance public safety and comfort by providing protection from the elements through the use of awnings, canopies and overhangs.

(d) Building entrances should be well defined through architectural means such as overhangs, porticos and awnings. Primary entrances should be clearly expressed and easily accessed from the public street and/or water edge. Secondary accesses may be from pedestrian paths, interior courtyards or decks.

(e) Maximizing physical accessibility for all members of the community should be incorporated in the planning and design process.

(f) Accessibility standards should be met for accesses, public circulation areas, corridors, doors, flooring, windowsills, outlets and switches, and plumbing in common rooms.

(g) Ensure that all signage, exit doors, baseboards and door trims, handles and edge strips in all common rooms are colour-contrasting for those who are visually impaired.

(h) Provide an appropriate number of dwelling units designed to be internally fully accessible.

(i) Glare and light spill onto surrounding properties is not supported; address through site and building design to control all visible lighting. Benefits include reduced energy use, lighting product or areas without glare ensure better visibility of the product on display or the general area being lighted for safety purposes. Focus lighting straight down, control lighting power density, and do not permit light to trespass. Light sources should ensure appropriate colour rendering of the product or area being lighted.

1.3.1.2 Amenity Space:

(j) Maximize the amount of shared multi-purpose amenity space that includes covered outdoor multi-purpose areas for recreation, the hanging of laundry, storage for bicycles and garden equipment, and scooter and stroller parking.

(k) Provide open space for residential and mixed-use commercial buildings at grade that allows for active play areas, community gardens and/or passive activities such as enjoying sunlight, views and landscaping.

(l) Ensure that site orientation (e.g. for access to sunlight) and the provision and location of play and recreation areas reflect the needs of the anticipated residential population, and optimize residential orientation to ensure dwelling units have access to sunlight.

(m) For amenity space, consider the addition of supports such as storage and ready access to water (non-potable for landscaping), seating, shade and sunlight.

(n) Include adequate safe places for outdoor play, visible from dwelling units and away from vehicle areas.

(o) Consider landscaped roof top gathering places in addition to at grade amenity space.

(p) Design internal fencing and vegetation to distinguish between private and semi-private spaces but not at the expense of obscuring view lines from dwelling units or commercial spaces. Fencing is not supported along the public corridors.

1.3.1.3 Private Amenity Space:

(q) Provide individual private outdoor amenity space for each dwelling unit in multi-family residential and mixed-use commercial sites: at grade for townhouse units and ground-level apartment units; and as balconies for second-storey and higher dwelling units.

(r) Provide privacy landscape screening along property lines abutting neighbouring properties using a mix of decorative fencing and natural vegetation.

(s) Give preference to local wood and stone when choosing fencing material. Chain link fencing and solid fencing and retaining walls along public roads over 1.2 m high are not supported. Chain link fencing abutting private properties should also be well landscaped.

(t) Prevent headlight disturbances to neighbouring residence and businesses by using a combination of hard and soft landscaping materials to screen drive aisles and parking stalls.

1.3.2 Improve the Public Realm

Developing land in ways that respect and enhance the public realm encourages community interaction, which In turn creates lively “people places” that attract residents and visitors and supports local commerce.

(a) Protect public views of ridges, sky lines, and water views and to reduce the massing along the street creating a pedestrian scale by considering appropriate horizontal and vertical articulation;

(b) Develop terraced buildings to respect natural contours (also see Objective 3 Site Design and Landscaping); and in commercial cores create interest by incorporating horizontal building articulation at ground level to establish view protection as well as pedestrian scale

(c) Enhance community uniqueness by ensuring design that reflects native landscape and local heritage values.

(i) Integrate landscape features and elements with the adjacent streetscape, use established vegetation where feasible, and ensure a mature and varied appearance after project completion.

(ii) Along highway, highway service and arterial roads outside the Urban Containment Boundary, extend landscaping from the property line that abuts such roads to a depth of at least 8 m where possible.

(iii) While recognizing the need for commercial and industrial visibility along highway, highway service and arterial roads outside the Urban Containment Boundary, use significant quantities of native trees and shrubs in landscaping along public rights of ways.

(d) Treat as frontages all façades of multi-family, commercial and industrial buildings that front onto transportation corridors or can be publicly viewed from the ocean. Do this with entrances, significant glazing and windows to create active connection to the public realm. In the case of industrial buildings ensure design elements are interesting forms and articulation that fits the local environment. Orient buildings to ensure that the building frontage and pedestrian access face the public street.

(i) Vary a building's horizontal articulation at the pedestrian level. Avoid creating blank or undifferentiated façades at the ground level.

(ii) Vary a building's vertical articulation along public streetscapes to provide light to public streets and to diminish wind tunnel effects. For example, buildings could be stepped back above the second storey and provide areas of protection along the street.

(e) When the project is adjacent to public open space and recreation areas, consider design elements that will enhance public use.

(i) Link ground-level open spaces to adjacent streets, sidewalks and pathways, and create linkages to off-site open space, parks and trails, and other residential and commercial land uses in the local community.

(ii) Avoid landscaping elements that inhibit pedestrian or barrier-free access along sidewalks or approaching buildings, and ensure that landscaping is designed to maintain sight lines for personal safety.

(iii) To enhance the pedestrian experience, integrate public art and unique design features (including appropriate paving patterns) into public spaces, compatible with adjacent development and street patterns. Ensure access to sun and provide protection from inclement weather.

(iv) Include public pedestrian amenities, such as courtyards and seating areas, within and adjacent to Multi-Family developments and commercial buildings.

(f) Consider how topography creates unique wind conditions, and locate buildings and vegetation appropriately in response.

(g) In pedestrian-scale streetscapes provide sufficient space for pedestrian activity; and avoid allowing garages, cars, and storage and service areas to dominate.

(i) Use basements to create underground parking and, where that is not possible, locate parking away from public areas and streetscapes.

(ii) Incorporate seating areas and shelters (from wind, sunlight, shade, noise) into landscape and building features.

(iii) Use benches, planters, garbage bins, bicycle racks and bicycle shelters that are compatible with the community and neighbourhood character.

(iv) To enhance street vitality, consider human proximity to active areas, views and visibility with the aim of enabling people in buildings to maintain interaction with the public street.

(v) Maintain adequate setbacks in public areas to accommodate pedestrians, street activities and street furniture, services and utilities.

(vi) Avoid building retaining walls. Where necessary to have terraces, ensure that they do not exceed a maximum overall height of 1.2 m and that landscaping and seating are provided.

(h) Do not place building mechanical systems where they can be viewed from public places or streets. Instead, locate mechanical systems on the roof or at the rear of buildings and screen them from view from adjacent properties or public spaces using vegetation and fencing.

(i) Service doors (e.g. an overhead door to a loading dock) should not be located on a building façade that faces a street. Service doors should be designed to fit in with the overall design of the building.

(j) To minimize visual and noise impacts on adjacent properties and the public streetscape, site garage entrances and garbage containers (including those for general refuse, recycling, organics and grease) should be located away from building fronts or any side visible from the public street, and should be fully screened using vegetation and fencing. Consider allowing the use of berms on industrial sites for this purpose.

(k) Review proposed uses with respect to potential negative impacts on each other and those of adjacent properties and provide detail as to how they will be mitigated

(l) Utility wires in new developments must be located underground.

(m) Utility wires in site specific redevelopment projects are strongly encouraged to be located underground.

(n) Utility wires in large-scale redevelopment areas or sites are strongly encouraged and may be required to be located underground.

1.4 Development Permit Guidelines "A.1": General - Mobility

1.4.1 Active Transportation

Non-motorized mobility options should be given primary attention to reduce greenhouse gas emissions, as well as to promote safe and healthy communities. Development should increase the opportunities for residents and visitors to use non-vehicular modes of transportation. Generally this means putting emphasis on pedestrian and cyclist safety and comfort so that the experience of using active transportation options is safe and enjoyable and therefore used frequently.

(a) Enhance connections to a defined and continuous system of pathways, trails and sidewalks with clear sightlines. Support easy barrier-free walking and cycling access.

(i) Ensure that pedestrian routes are visible from the dwelling units and commercial spaces.

(ii) Consider provision of the installation of maps, landmarks, and appropriate pedestrian-scale lighting.

(iii) Incorporate the following along the public street: courtyards, sitting areas, eating areas, view outlooks, public art and local points of interest on the property or on the adjacent public street.

(iv) Provide facilities for pedestrian, commuter, recreational and child cyclists, and scooter user on site.

(v) Design of signage, buildings and other elements on and adjacent to travel corridors will be reviewed on the basis of the primary purpose of the street (e.g. pedestrian areas should have human scale components).

(vi) Provide appropriate gradients on all active transportation routes, meaning 2–5%, which is the most comfortable for walking, cycling, wheelchair and scooter uses.

(b) Ensure that site circulation and grade changes facilitate movement by people with disabilities, and that colour contrast in materials in outdoor areas adequately marks transitions (e.g. to stairs between two levels) for those who are visually impaired.

(c) Connect on-site and off-site pedestrian areas, adding links if they are missing.

(i) Minimize the width of curb cuts and ensure that sidewalks at curb cuts have a cross-slope no greater than 2%.

(d) Incorporate sufficient drainage, boulevards, medians, street trees and similar street-side amenities into pedestrian and cyclist right-of-ways.

(i) Provide street-side amenities such as weather-protected bicycle racks and seating areas with wind, sun and rain protection, and position them in highly visible and accessible locations.

(ii) Provide employee and resident support facilities for cyclists and pedestrians, such as showers, changing facilities and safe, conveniently accessible weather-protected storage

areas.

(e) Ensure easy access to secure bicycle parking locations (Class I and II bicycle parking).

(f) Provide Class I and II bicycle parking.

1.4.2 Alternative Travel Options

Alternatives to private automobiles should be incorporated into development and redevelopment plans. Ensuring ready access to transit or rail facilities and ensuring connectivity to destinations help reduce greenhouse gas (GHG) emissions and the life-cycle cost of developing and maintaining roads, as does introducing supports for carpooling and car share programs and facilities.

(a) Include alternative transportation and public transit options in the site design.

(b) Ensure that transit stops, when provided, are convenient, comfortable and sheltered, and that access to and from transit stops is along safe, attractive and convenient sidewalks, paths or walkways.

(c) Ensure that access to and from train stations is along safe, attractive, and convenient, sidewalks, paths or walkways.

(d) Include preferential parking for high occupancy vehicles (HOV; vans, carpooling, car share).

(e) Include on-site charging stations for electrical cars.

(f) Include short and long-term bicycle parking and related facilities in commercial, industrial and multi-unit residential developments.

1.4.3 Managing Vehicular Impacts

The Municipality recognizes that vehicle transportation is critical for carrying goods and services to and from North Cowichan. It also recognizes that development and redevelopment plans must incorporate measures to protect the environment from vehicular transportation impacts such as: increased impermeability and water run-off contaminated with pollution particulates; greater carbon emissions; and greater noise and visual impacts to pedestrian and neighbourhood experiences.

(a) Reduce negative visual and land use impacts of parking and parking garages by locating them underground or at the rear of a site. Reduce the amount and size of at-grade parking areas and locate them away from public areas, views and streetscapes by giving preference to locating parking underground where feasible and at the rear of the property where underground parking is not feasible.

    (i) Design garage door entrances to be away from the public street and underground. The visibility of garage door entrances from the public street is discouraged, and should be designed to not negatively impact abutting properties.

    (ii) Provide trees, shrubs and vegetated swales and/or rain gardens within the site's parking areas and along abutting public streets and places. Cluster parking in groups of eight and intersperse significant (i.e. the inclusion of trees and shrubs) landscaping between clusters.

(iii) Provide pollutant, hydrocarbon filtration and separation in parking areas.

(iv) Provide methods for infiltration of rainwater in driveways, parking lots and roads (e.g. using infiltration trenches, interlocking pavers, rain gardens) and, when possible, limit paving to tracks or well-travelled areas.

(v) Minimize the use of impervious paving and dark-coloured absorptive materials for sidewalks, driveways, roads and parking lots.

(vi) Maximize the use of concrete unit pavers or other permeable surfaces for parking lots, walkways and driveways.

(b) Improve standards for the delivery and pick-up of goods and services in new developments (e.g. loading, access maneuvers, garbage/recycling/organics pick-up and storage). Provide appropriate locations for loading bays and service areas, consider safe pedestrian access, and avoid negative visual impacts to public and private places, streets and views.

(c) Provide noise buffers between major transportation corridors and residential and mixed uses.

(i) Provide a minimum buffer of 15 m between the structure and the property line along a major corridor (for example, TCH, Highway 18, Rail Right of Way) for residential development, and provide noise controls for each dwelling unit.

(ii) Treat all building façades that face a public street or major transportation corridor as frontage in the design.

(iii) Consider inclusion of strategies on site that reduce the negative impact of traffic noise (e.g. introduce white noise through water fountains, buffers).

(d) Ensure that colour contrast in materials in outdoor parking and pedestrian areas adequately marks transitions for those who are visually impaired

1.5 Development Permit Guidelines "A.1": General - Site Design & Landscaping

1.5.1 Biodiversity

A major threat to biodiversity is environmental destruction through inappropriate development or development at the wrong time of year (e.g. during bird nesting). Mature tree retention can add to property values, support drainage systems, and clean the air. Site disturbances should be minimized. Additional DP guidelines may be applicable. The following design practices should be carefully considered from conceptual design through to detailed design and refinement of a development proposal:

(a) Identify, retain, enhance and preserve biodiversity corridors. Reduce development impacts on wildlife corridors (e.g. through the strategic control of roads, use of fences and installation of other built disruptions).

(b) Use sensitive site-clearing techniques to preserve existing landscape values, maintain natural grades and reduce cut and fill. Use chipping or removal to clear vegetation. See Fire Protection Bylaw.

(c) Maintain topsoil on site for reuse to retain ecological functioning.

(d) Protect mature trees (unless otherwise identified as a hazard by a qualified arborist) and other

vegetation, and retain original vegetation as much as possible, particularly where larger blocks or groves of trees and vegetation can be maintained, rather than long narrow strips that may be prone to wind-throw and root damage as a result of new exposure. Where this is not possible, natural vegetation and drainage restoration efforts should be undertaken.

(e) Prevent soil and water contamination. Incorporate erosion control measures and silt protection of water bodies including storm water systems.

(f) Address site access sensitively. Used paved areas for unloading and stacking construction material and for staging, and minimize the number of staging areas used.

(g) Provide, protect and manage useable green space as parks, biodiversity corridors or water areas.

1.5.2 On-site Landscaping

Using appropriate native or other landscaping that considers the site context offers benefits such as reduced need for pesticides and water, and promotes rainwater infiltration.

(a) Fully landscape all areas not covered by buildings, structures, driveways and parking.

(b) Provide appropriate buffering between all residential, commercial, industrial uses and agricultural lands.

(c) Consider the incorporation of roof gardens and rooftop common areas for mixed-use, industrial and apartment buildings, while protecting the privacy of adjacent neighbours.

(d) Use landscaping to soften service and storage areas and to improve pedestrian comfort (wind protection, balance with pedestrian safety and visibility).

(e) Retain existing native mature trees and shrubs in setback areas where feasible. Protect or provide large native tree species along major transportation corridors for Multi-Family, commercial and industrial uses.

(f) Incorporate vegetated buffer areas throughout and around paved areas to filter rainwater, moderate urban heat island effects and air emissions. Use plant materials that reduce run-off, filter run-off and support rainwater infiltration.

(g) Plant deciduous trees on the south and west sides of a building to increase summer shading and plant coniferous trees on the north sides of a building to block winter wind.

(h) Use local indigenous, hardy plant species in landscaping and remove invasive plants.

(i) Retain or bring in a healthy, absorbent layer of topsoil deep enough to allow for well-rooted planting and reduce irrigation requirements.

(j) Consider the installation of free-standing green (living) wall systems as an alternative to concrete fencing systems and retaining walls.

(k) Use native or naturalized species of trees, shrubs and ground cover wherever possible, including those that are naturally disease and pest resistant.

(l) Group plantings according to water and sun requirements and the site location and provide

groupings of shade trees and shrubs on large expanses of lawn and other major open spaces.

(m) Strongly encourage natural alternatives to pesticide and herbicide uses.

(n) Consider alternative designs for golf courses and use of alternative natural/native species or treatments for other large expansive "lawn" areas.

(o) Minimize the use of water-intensive lawn types and/or use lawn alternatives such as natural ground covers and native grasses.

1.5.3 Landscaping in the Public Realm

Enhancing the quality of streetscapes and therefore of neighbourhoods can be done through the overall design of the development.

(a) Link ground-level open spaces through landscaping to adjacent streets, sidewalks and pathways;

(i) Outdoor gathering spaces, places between buildings, and pedestrian connections should all be designed in conjunction with the building plans to maximize usability and community aesthetics.

(ii) Patios, decks and other outdoor spaces should be well connected physically and visually with other waterfront activities and oriented to maximize view opportunities.

(iii) Open space should be considered within building envelopes or as terraces or rooftop patios.

(iv) Physical comfort should be considered at the detailed design stages through site planning, use of windscreens and arbours, or planting for sun protection.

(v) Landscaping should define edges of development areas while providing continuity between buildings within a development area.

(vi) Planting areas should have adequate space to ensure viability.

(vii) Trees should be used in development plans at the street edge and in any pedestrian circulation or gathering spaces.

(b) Shared driveways are encouraged for adjoining developments to minimize pavement and street intersections.

(c) Maximize the use of permeable pavers for private residential streets (strata roads), plazas/squares, courtyards, school yards, parking lots, driveways, walking and bicycle paths, and also on public roads where appropriate.

(d) Use gravel, bark mulch and wood chips for occasionally used walking paths.

(e) Work with natural grades wherever possible and do not negatively impact the grades or drainage of adjacent lands. Avoid the use of retaining walls adjacent to public spaces, streets and areas.

(f) Situate buildings to maximize public views and view corridors.

(g) Minimize obstruction of views from public pedestrian areas, public water areas, common living areas of other developments, and existing residential units by working with natural grades and architectural massing, including building terracing.

(h) Add to the urban forest (treed ecosystems within urban areas) through creation or expansion of existing forested and wooded areas, parks and street trees.

(i) Enhance the natural green network by increasing the quantity, density and diversity of trees.

(j) Encourage street trees, using staggered double rows where possible.

(k) Plant trees and other vegetation along streets, in parking areas and in other paved open spaces, particularly large parking lots, roads, sidewalks and driveways.

(l) Encourage installation of community garden infrastructure (e.g. planting beds, water, seating areas) in Multi-Family residential developments.

1.5.4 Natural Landforms and Views

Natural landforms, views and waterscapes contribute to defining North Cowichan's character. New developments should, where possible, respect and attempt to work within existing contours and natural grades.

(a) Terrace slopes to avoid erosion and slope failures on steep or disturbed lands.

(b) Developments on steeply sloping sites should be terraced to "sit lightly on the land," minimizing environmental impact. Building forms that step up and away from the water's edge are preferred to reduce the impact and add interest. Perched structures with exposed supports and foundations are discouraged.

(c) Minimize the use of cut and fill. Respect the grades of adjacent properties and do not negatively impact them.

(d) Retaining walls higher than 1.2 meter along a public right of way are strongly discouraged.

1.5.5 Site-appropriate Signage

Signage that has a positive influence on public space while respecting the needs of business to identify their presence is desired. Overused, cluttered, glaring, and oversized signage is discouraged. Signage should not be visible from residentially zoned properties.

(a) Use unique, scale-appropriate signage and street furniture (e.g. benches, bollards, lighting, information kiosks, way finding aids, on-site mapping).

(i) To ensure it is coherent and respectful of abutting properties and economic goals, coordinate site signage through a signage management plan that addresses the quantity, location and size of signs on lots.

(ii) Locate signage only at main entrances of a business or Multi-Family building. One free-standing sign is permitted on a lot. Off-site third-party signage is not permitted. Low wayfinding signage, less than 1.0 meter above grade, may be supported internally on complex sites as navigational aids.

(iii) Ensure that sign display meets basic needs without creating clutter and negative visual impacts. Building forms or architectural design that produce a billboard signage effect are not supported.

(iv) Integrate signage into landscaping or with building design in a coherent manner. (See also Sign Bylaw.)

(b) Internally illuminated box glow signs are not supported; box signs where the letters only are internally lit (i.e. white letters dark background) are acceptable;

(c) Large neon signs and/or flashing signs, (greater than 1 m^2) are not supported.

(d) In the commercial core areas specifically, signage should be pedestrian-oriented in scale, not driver-oriented. Low (less than 1.5 m) free standing signs that identify a building (not individual businesses) are encouraged; the free standing sign should be designed to be linked to the architecture and incorporated into the landscaping of the building.

(i) Signs mounted flush with building façades on the first storey should be located close to or just above the business entrance;

(ii) Hanging signs to a maximum size of 0.5 m^2, that do not extend above the first storey or roof parapet or eave line of a one storey building, that are at right angle to the building façade and are to be hung no lower than 2.4 m (7.87') above the sidewalk are encouraged;

(iii) Window signs, especially retail display windows and upper floor office windows (neon, paint, wood or metal signs permitted) up to a maximum of 1.0 m^2 and located towards the bottom or top of the window (to ensure visibility into and out of the business space) are permitted;

(iv) Non-illuminated or powered sandwich-board signs to a maximum size of 0.5 m^2 in retail areas on private property where they do not pose an obstacle to pedestrians; sandwich- board signs are not permitted on public rights of way; and the signs must be designed specifically for the business using them.

(v) In Crofton, signs are expected to use lettering and motifs that capture Crofton's village-by-the-sea character with preference given to professionally wood-carved and/or hand-painted hanging signs.

(vi) In Chemainus, signs are expected to use lettering and motifs that capture Chemainus' artistic character with preference given to professionally wood-carved and/or hand-painted hanging signs.

(vii) Colours are expected to be dark with letters and logos provided using other contrasting colours.

(viii) Lighting is expected to be spot, non-glare that highlights the sign from above.

(ix) Corporate logos must fit within the permitted sign face area.

1.6 Development Permit Guidelines "A.1": General - Building Form & Character

1.6.1 Culture, Context and Heritage

In design, it is important to respect North Cowichan's past and present while working for a sustainable future. Representing the municipality's history in new developments helps to retain the community's uniqueness and sense of place.

(a) Protect, restore and rehabilitate historic buildings and other site components to deepen residents' connection to their community.

(i) Maintain or preserve existing uses and buildings as much as possible (enough to preserve a memory of previous uses and forms on site).

(ii) Retain heritage trees and vegetation and recognize them as a central feature or landmark of a community's history.

(iii) Consider use of local craft traditions in building and landscape design.

(iv) Indigenous or authentic east coast of Vancouver Island materials such as wood, stone or metal should be used appropriately.

(v) Cues should be taken from effective local industrial, commercial and residential structures along the existing waterfronts. Local craftspeople or products should be considered in the design process, if appropriate.

(vi) Where possible, reuse existing infrastructure (e.g. roads, bridges, streetlights).

(vii) Consider adaptive reuse of historic buildings and landmarks that play a significant role in a neighbourhood's history.

(viii) Restore or "daylight" streams to recreate original landscapes.

(b) Build awareness of, and appreciation among residents and visitors for the Municipality of North Cowichan's unique heritage.

(i) Use historic design elements in new buildings (but avoid repetition) that support continuity of local history but also serve current and future needs.

(ii) Use history and designated heritage to inform new architecture design.

(iii) Incorporate local historic names into buildings and places, increasing memory and connection to past events and people.

(iv) Incorporate art early in the design process to allow it to take on a more meaningful and functional role in the design.

(v) Use local labour and local training programs that reflect local traditions.

(c) Ensure that architecture style takes its cue from positive and high quality examples of local neighbourhood, community, landforms or working rural or historical character. Encourage

recognition of local, identifiable neighbourhood character by supporting appropriate building scale and massing, landscaping, public art and architecture.

(i) Infill buildings should be sensitively integrated with the existing neighbourhood. Scale and mass should be consistent with either the existing area, or in keeping with the broader long-term intent of any Local Area or Revitalization plans.

1.6.2 Building Design Considerations

(a) To promote active uses at the public street level locate residential entrances, porches, windows, habitable space along public street; locate utility equipment and building mechanical equipment in inactive service areas away from public realm.

(b) Consider impact of buildings on surrounding spaces, abutting properties, public spaces, access and protection from sunlight, wind, rain and snow.

(c) Building design should, as a first priority, respond to site context, neighbourhood scale, community integration, and urban design improvements and landforms. (See objective 1 for public realm design practices.)

(i) On flat sites, a series of smaller, clustered structures is preferred to monolithic solutions. Sites that permit higher densities than adjacent properties should focus their density away from the lower density neighbour.

(ii) On sloped sites terrace buildings to suit the land form rather than altering the land. The buildings should step up or down a slope or water's edge. Reduce massing by terracing. Perched structures with exposed supports and foundations are not supported.

(iii) Buildings should be situated and oriented to maximize public views beyond and between buildings, especially to give views out to the water.

(iv) Provide a base, middle and top to the building by grounding the base to earth-type materials such as stone. Keep exposed concrete to a minimum. The middle should be finished with materials such as wood and detailed coherently with windows and textures for interest. The top of the building should consist of roof massing and forms that reflect the local environment.

(v) Vary building mass to minimize its scale. Avoid box-like design and monolithic forms.

(vi) Ensure that there are at least two storeys of habitable (usable) space for Multi-Family, commercial and industrial building uses.

(vii) Address the compatibility of scale between new buildings and existing adjacent buildings, especially in infill situations. For example, terrace building massing down to avoid significant height changes, and incorporate similar floor elevations with existing buildings or create the illusion of having done so.

(viii) Orient buildings so that blank walls are not visible from the street and do not negatively impact adjacent properties. Commercial building façades that face vacant or underused properties should have interesting texture, materials, colour and/or form.

(ix) Design buildings and landscape elements to minimize shading and intrusion on privacy of adjacent buildings.

(x) Design detailing to be in keeping with the character of the building and landscape. Provide significant detailing and articulation, especially at eye level, with cladding material, architectural features and structures, frequent windows and doors, landscaping, seating areas and patios, or public space features.

(xi) Encourage the use of high quality finishing materials and details to achieve a harmonious integration with the neighbourhood. Avoid use of exposed concrete; carry finishes around façades along public streets and public spaces.

(xii) Use muted natural colour finishes, including on trims and mullions.

(d) Use building mass and detailing to emphasize the entrance to buildings.

(i) Ensure that pedestrian building entries are fully visible from the public streetscape, clearly articulated and accessible.

(ii) Incorporate weather protection at key locations on the site (entries, seating areas) using canopies, structural awnings, stand-alone shelters with benches.

(iii) Ensure that residential, street-side townhouse dwelling units provide individual building front entrances and doors facing the public streetscape.

(iv) Ensure that apartment buildings have at least one common building entrance or foyer facing the street, at street level (but not a vehicle or garage door); and that street-side apartment units provide individual amenity space facing public streetscapes (e.g. patios, balconies). Consider incorporating at grade entrances for individual dwelling units to add rhythm, interest and activity along public streets.

(v) Commercial buildings should contain significant windows and entrances along all public streets and public spaces to add to street vitality and the comfort and safety of pedestrians and cyclists.

(e) Chemainus Mural Walls: The following guidelines apply specifically to Chemainus in relation to the Mural Walls:

(i) Walls on the front or flanking façade of a building should not be selected for murals.

(ii) Walls appropriate for murals are those that are situated such that a mural will not be obstructed by parking or, if it might be, can be positioned at least 1.5 m above ground level; situated to permit unobstructed viewing by pedestrians; and constructed of a suitable medium for painting.

(iii) Completed mural walls should be:

- illuminated with appropriate down or spot lighting designed into the building and that does not reflect or shine into nearby property; and
- framed or accented with shrubbery and/or landscaped borders.

No product advertising in murals is permitted unless the advertisement is considered to be historic. Historic advertisements are to be maintained and preserved.

1.6.3 Best Management Practices – Building Design

The use of 'Best Management Practices' in the design of new buildings, or the redevelopment of older buildings, will assist with informing North Cowichan's unique design aesthetic and addressing conservation goals.

(a) Respect the character of the existing neighbourhood in building design and placement.

(b) Consider converting existing buildings to higher density uses.

(c) Design layouts (e.g. lot lines and road layouts) to optimize solar gain for each building.

(d) Build curved rather than long straight streets to reduce wind impacts.

(e) Orient buildings towards the south to maximize winter solar gain and summer cooling. Incorporate natural day-lighting techniques to reduce need for electrical energy; and consider the addition of such features as controllable awnings, overhangs, clerestory windows, skylights and atriums.

(f) Minimize obstructions that could block a building's access to sunlight.

(g) Orient main building façades towards prevailing breezes to maximize opportunities for passive ventilation and passive cooling, taking into account possible conflict with orientation for solar gain.

(h) Locate windows on the south-facing façade to maximize winter solar gain and natural light. Use deep window overhangs and/or fixed adjustable external shades on south-facing façades that can block out high-angle summer sun and allow entry of low-angle winter sun.

(i) Minimize windows on north façade to limit heat loss and maximize solar gain, reducing the need for heating and air conditioning.

(j) Limit and carefully locate windows on east and west façades where the morning and evening sun's rays are low in the sky and difficult to control.

(k) Locate operable windows to maximize natural ventilation, ideally on opposing or adjacent walls.

(l) Coordinate roof overhangs, window placement and landscaping to provide cooling and shade during the summer and solar access in winter.

(m) Design roof surfaces to accommodate solar energy collection devices. The installation of skylights is encouraged.

(n) Choose roof shape and roof orientation to maximize passive solar gain and opportunities for solar energy collection. Vary building height, roof lines and massing to reduce the shading of neighbouring buildings and to optimize sun exposure for heat gain and daylight.

(o) Use compact building shapes that reduce the building envelope surface area and improve the building's energy performance.

(p) Use building shapes that minimize adverse wind effects and optimize conditions for passive ventilation and cooling.

(q) Consider using thermal mass in building construction, where possible.

1.6.4 Best Management Practices – Operations and Management

As part of the design process consider on-going operation and maintenance 'Best Management Practices' to maximize efficiencies related to energy and water conservation.

(a) Consider adopting a formal building systems commissioning plan that includes:

(i) Building system plan;

(ii) Audit program; and

(iii) Operations and Maintenance Plan

1.7 Development Permit Guidelines "A.2": Marine Waterfront - Objectives & Application

The objectives of this Development Permit Area are to encourage thoughtful building and site design in an effort to:

(a) Maximize opportunities for public access to the waterfront;

(b) Build on existing assets and context;

(c) Protect waterfront views;

(d) Establish a network of well-connected multi-use public and private spaces;

(e) Integrate development with the site's natural attributes to reduce negative impacts to coastal ecosystems;

(f) Reduce conflict and achieve a balance between the different users and uses of commercial waterfronts in each community; and

(g) Maintain and enhance the existing character of each of the community's commercial waterfronts while facilitating quality development.

North Cowichan's commercial waterfront is perhaps best characterized by its public accessibility and coastal village qualities. These features are hallmarks of the commercial waterfront and are the central theme of the design guidelines. New commercial development will maintain and enhance the positive features of the waterfront. The following considerations should be incorporated into projects at an early stage in the design process to ensure that the important qualities of the commercial waterfront are maintained and enhanced.

Further, these Development Permit Guidelines protect site archaeology, recognize water side gateway features, encourage a high standard and quality of Multi-Family, commercial and mixed-use commercial residential development and redevelopment that enhances pedestrian mobility, respects viewscapes, ensures quality architecture in keeping with individual waterfront communities, ensures negative impacts

of parking and site servicing is mitigated, provides landscaping that enhances the overall development, and provides for pedestrian oriented signage. The objectives will be achieved by:

(a) encouraging development that is identifiable and compatible with existing waterfront uses in siting, character, massing, form and detail;

(b) building on the rich industrial and social histories of the communities in which development is proposed;

(c) ensuring a high quality living, working and recreating environment for all waterfront users;

(d) creating connections between different waterfront uses within and between communities;

(e) following principles of sustainability throughout the development process from building siting to detailed design; and

(f) incorporating best practices to protect and enhance the sensitive ecosystems located in this area and to respect the natural physical processes that occur in this dynamic environment.

The design guidelines encourage orderly, sensitive and attractive development that is compatible with established community character and values. The guidelines outlined below must be considered together with DPA 1 General Guidelines to advise developers and waterfront users of the form and character of future development.

The Development Permit Guidelines "A.2" "Marine Waterfront" associated with DPA-1 and DPA-2 will be applied to all Multi-Family, Commercial and Industrial developments within the Municipality of North Cowichan that are proposed to be located 100 m above (inland) and 300 m below (seaward) the natural boundary of the foreshore.

1.9 Development Permit Guidelines "A.2": Marine Waterfront - Exemptions

See Table 1: Development Permit Guidelines Exemption Criteria. (Page 150)

1.10 Development Permit Guidelines "A.2": Marine Waterfront - Senior Government Authority

Jurisdiction over coastal areas is split among federal, provincial and local governments, depending on the location along the coast and the relationship to the shore and the type of activity. As a result, senior government agencies may have some approval authority over different activities. Receiving senior government approval is a necessary first step for such developments prior to North Cowichan considering any proposals.

1.11 Development Permit Guidelines "A.2": Marine Waterfront - General Guidelines

Development Permits will only be issued in these Development Permit Areas (DPA-1 and DPA-2) subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual design through to detailed design and refinement of a development proposal.

1.11.1 Plan with the Environment

Foreshore and waterfront environments are unique in their physical challenges and opportunities and are areas with high ecological values. The adjacent communities are highly influenced by this constantly changing environment. The demands on the waterfront environment are considerable. Much of the commercial waterfront area has been modified over time to differing degrees; remnants of the natural

condition still exist in many places. Any development activity in these areas must be carefully planned to ensure environmental stability and long-term project success.

(a) Existing landform and natural feature assets should remain, and should not be modified in a way that could adversely affect the foreshore environment or adjacent land uses. Existing natural conditions must be investigated and incorporated into development plans from the onset.

(b) Geotechnical issues such as foreshore bank stability and seasonal variation should be considered early on in the planning and design process. Existing vegetation and drainage patterns should be researched and accommodated within the overall plan.

(c) Modification to the foreshore should receive the same level of attention to design and detail as buildings/structures and open space. Monotonous water edge treatments should be avoided. [See also public access considerations.]

1.11.2 Archaeological History

The marine shoreline was well used by First Nations people and as a result it is not uncommon for these areas to contain significant cultural sites and remnants. Any development activity along the marine shoreline must understand that there is a strong potential that these cultural remnants could exist on or below the surface. The *BC Heritage Conservation Act* governs the processes by which any development activity can occur in and around archeological sites and any indication of archeological artifacts requires adherence to this legislation.

1.11.3 Appropriate Design Elements

While North Cowichan's waterfront communities are not intended to be nautical or maritime theme parks, the incorporation of marine or industrial imagery and elements is a desirable means of enhancing the region's character. Successful design comes from understanding the character and values of the existing waterfront communities and interpreting them in a fresh and innovative way.

1.11.4 Sightlines, Views and Vistas

Waterfront environments are unique and identifiable areas within communities. They are viewed from numerous directions both off and onshore. Protecting public views to, from and within waterfront communities is very important to maintaining the character and visual quality.

(a) New developments should consider view impacts and opportunities from all directions during the planning stages.

(b) Existing street-end views or long range vistas should be maintained and incorporated into development plans.

(c) Significant or interesting sightlines of natural features or industrial activities should be identified and framed or enhanced through building form, massing or landscaping.

(d) Minimize impact that structures and landscaping will have on existing public views.

(e) Buildings, open space and circulation should be designed to maximize ocean views while not impacting the privacy of adjacent land uses.

(f) Where safety or security of industrial uses is required, screening or fencing should be transparent to maintain visibility.

1.11.5 Interaction, Integration and Public Access

Public access to the waterfront is very important to communities in North Cowichan. One of the greatest attractions of waterfront communities is the high level of activity – commercial, recreational and residential. Many of the most successful and vibrant waterfronts "blur the edges" between activities and places, allowing for more interaction between people.

(a) Where safe to do so, public access walkways to and/or along the waterfront should be incorporated into any development. Walkways should be made prominent and marked for easy identification.

(b) A mix of land-based and water-based activities and industries should be encouraged on and along the waterfront to encourage integration of the waterfront community.

(c) Strong visual and physical connections are encouraged through the addition of piled boardwalks and floating docks or structures.

(d) New commercial waterfront development should provide a balance between public and private spaces.

(e) Public views of all areas of the waterfront should be maximized, especially for zones where public access is not safely possible (industrial uses).

1.11.6 Circulation, Arrival Points and Entrances

The enjoyment of a place is often determined by initial impressions, ease of access and getting around. As waterfront communities are often destinations unto themselves, it is important that they have defined entry points. Waterfronts have two "front doors": water edge and street front. Both should exhibit a clear and welcoming presence for people whether they arrive by boat, seaplane, car, ferry or bicycle.

(a) Waterfront areas should support distinct gateway features at key arrival points. In form, character and detailing, developments should articulate the type of activity and local context.

(b) Developments should incorporate clearly defined parking areas and well- connected pedestrian routes, linked to internal and community amenities.

(c) Buildings that are visible from the street and waterfront should treat both as front elevations to ensure that the structures do not appear to be turning their backs on either street or waterfront.

1.11.7 Building Materials and Detailing

Buildings should be of quality design and detailing and built for durability.

(a) Consideration should be given to how colours and natural materials weather in a marine environment over time.

(b) Building colour can be used to provide interest, highlight architectural features or acknowledge a buildings use. Colour choices and architectural detailing should reflect the waterfront context and community patterns.

(c) Exterior lighting should be oriented away from adjacent residential areas or residential

components of mixed-use developments, and should be shielded so as not to affect marine navigation.

(d) Lighting should avoid glare and the spillover of light from its intended focus. Illumination should not exceed 2 foot candles at the water's edge.

1.11.8 Outdoor Space, Landscaping and Features

Successful developments take a comprehensive approach to planning and design by including site, buildings, open space and detailing in the design process. Each component is equally important to the creation of a quality development. Well-designed outdoor space adds to the quality of life in communities. Usable outdoor space should be incorporated into developments at the site planning stage of the process.

(a) Planting schemes based on native or natural-looking landscapes with reduced water and maintenance requirements are recommended, as are plants suited to the salt water environment.

(b) Existing native vegetation, particularly trees, should be preserved wherever possible.

(c) Walkways, gangways and piers should have pedestrian-scale lighting, but the lighting should be shielded so as to not affect marine navigation. Illumination should not exceed 2 foot candles at the water's edge.

(d) Variation in treatment along the foreshore (e.g. boardwalks, floating docks and decks) is encouraged where it can be environmentally supported.

(e) Retaining walls will, in general, be discouraged.

1.11.9 Structures on the Water

Buildings and structures on the water as part of marina developments are common in maritime communities. The design and treatment of these structures requires the same amount of consideration as any upland development.

(a) No new float homes are permitted unless they can be connected to an approved sewage treatment facility.

(b) Boat shelters are permitted only in marinas located in Bird's Eve Cove and Genoa Bay.

(c) Colours for float homes and boat shelters should be non-reflective and should be consistent with the character of the area.

(d) Colour variations and vertical or horizontal bands are encouraged to reduce the visual impact of height and mass by giving the appearance of variation and form.

(e) A variety of pitched and angular, along with domed or rounded roof lines on all structures on the water, are encouraged.

(f) All structures on the water (including boat shelters, float homes service and other building) should be sited carefully so as to avoid obstructing the waterfront view from public roads, walkways and trails that intersect with the shoreline.

(g) Boat shelters and float homes should be clustered together in locations that create the least impact from public access, viewpoints and existing residential sight lines.

(h) Boat shelters of different heights should be distributed with some randomness to avoid a monotonous roof line and to create view corridors.

(i) Lighting within boat shelters should be low level and full cut off in order to minimize creation of a night-time glow effect and mitigate against any off-site / spill-over impacts.

(j) A maximum of 25% of the frontage of a marina development (from land and water) should consist of float homes and boat shelters. For the purposes of this section, frontage shall mean the water lot boundaries that are generally parallel with the shoreline and provide primary access and views of the marina from land and water.

(k) Boat shelters under 200 m^2 are encouraged, but boat shelters over 200 m^2 may be supported where it can be demonstrated that a variety of boat shelters are being provided and the overall average boat shelter size on a water lot does not exceed 200 m^2.

(l) Boat shelters must not contain habitable space or toilet facilities.

(m) Any potable water supply plumbed to a boat shelter must have a backflow prevention device installed.

(n) Any new float home and boat shelter design must be certified by a professional engineer or equivalent, confirming that it is safe for the intended use and conditions (e.g. snow loads and wind patterns).

(o) Noise impacts from both marine and upland developments should be considered in an effort to minimize impact on residential uses in proximity to the marine environment.

(p) All new docks must be certified by a professional engineer or equivalent, confirming that they are safe for the intended use and conditions.

(q) Marine pump out facilities are required for marina (re)development where there is adequate upland waste water treatment facilities.

1.12 Form, Character & Performance: Community Specific Guidelines

Each of the five waterfront areas (Chemainus, Crofton, Maple Bay, Bird's Eye Cove and Genoa Bay) expresses a unique character in terms of their natural environments, community culture and context. A pre-existing cultural emphasis may exist in some, biased towards industrial, environmental or artistic activities. Developers should consider these localized opportunities and constraints when interpreting the development guidelines for North Cowichan's waterfronts.

Development Permits will only be issued in Development Permit Areas 1 & 2 subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual design through to detailed design and refinement of a development proposal.

1.12.1 Chemainus

The commercial waterfront of Chemainus is characterized by a steep natural foreshore edge condition with little passable space at sea level. Existing structures are perched or cantilevered over the slope, resulting in an unstable or temporary character to the built environment. The working nature of the foreshore and close proximity of existing docks and ramps to each other and to marine and industrial

related activities creates a vibrant and interesting environment. The predominant imagery of this waterfront area stems from the strong industrial presence.

(a) Planning for new development on Chemainus' waterfront should address the physical and aesthetic challenges associated with the steep foreshore banks.

(b) Buildings should terrace down slopes, minimizing exposed foundations and supports. Decks, retaining walls and landscape features should be used to reduce the visual massing of structures.

(c) Careful thought should be given to roof forms to reduce their impact as seen from both the water and the upland.

(d) Developments are encouraged to consider the industrial marine context in form, materials, detailing and colours.

(e) A continuous public pedestrian corridor (with viewing platforms, decks and wharves) should be established along the waterfront edge connecting developments with each other and public amenities.

1.12.2 Crofton

Crofton's waterfront, on Osborne Bay, is central to its identity and to its success today and in the future. It is located in a picturesque setting and affords an ideal environment to enable people to interact with the ocean. Crofton slopes gently downhill to the water and most areas have a view of the waterfront and Saltspring Island. A variety of different uses (including but not limited to: public boat launch; BC Ferries dock, terminal and trestle; Department of Fisheries and Oceans small craft harbour dock and parking lot; museum/seniors' centre and park; elevated seawalk, gazebo and access stairs; sandy/gravelly spit; RV park; streams and natural vegetation; and Berridge Street park and sandy beach along the waterfront) are enjoyed by local area residents and visitors alike. The community exhibits a vibrant spirit that focuses on the waterfront. Historic smelting operations have left a legacy of contamination on the waterfront, which requires remediation to achieve ecological integrity.

(a) A strong focal point should be created through enhancing positive sightlines and public view corridors that work within the community grid pattern.

(b) Buildings should be sited and designed in a manner that helps to establish a strong sense of place.

(c) Where possible, remediation of the historic contamination along the waterfront should form part of any redevelopment plan.

(d) New waterfront development should reflect Crofton's historic context by incorporating elements of the marine industrial heritage both symbolically and with the addition of asymmetrical and irregular building massings.

(e) New construction should be made predominantly from natural materials with a rustic finish; and, in the arrangement of how buildings meet the street and shore, should include inviting areas to congregate.

(f) To lessen the impact of development on the natural shoreline, buildings should be stepped back from the waterfront to make way for important public view corridors.

(g) The volume of buildings should not dominate the waterfront and should blend in with the natural form and landscape.

(h) Preservation of any native vegetation should be emphasized and future plant selection based on a range of existing native species and/or plants that mix well with the natural landscape.

(i) The arrangement of buildings and structures along the waterfront should strive to: maintain public views; create engaging space for people to congregate; and create connected pathways that encourage travel down to and along the waterfront.

(j) Storefronts should meet the street and have a varied structure that offers visual intrigue, shelter to walkers and the possibility of places to sit and chat.

1.12.3 Maple Bay

A strong residential community dominates the shoreline of this spectacular natural bay. The marine commercial area in Maple Bay is limited to a relatively small portion of the foreshore. The marine-related activities are currently limited to the public wharf that provides temporary, unserviced moorage for small watercraft. The foreshore edge is defined by retaining walls separating the pebble beach from upland uses.

(a) Building forms should recall historic precedents and be stepped away from the water edge.

(b) Buildings should be designed to be compatible with the residential context, in materials, character and detailing. Architecture that reflects local character is recommended using traditional elements including roof forms and glazing.

(c) The foreshore edge should be maintained in as natural a state as possible.

1.12.4 Bird's Eye Cove

Bird's Eye Cove is located in a picturesque inlet just south of Maple Bay proper. The majority of the commercial waterfront is focused on the busy recreational marina and associated businesses. The upland uses are currently located on a flat bench protected by a riprap edge, with a steep hillside rising behind. A portion of the foreshore is accessible to the public. The existing character of the area is defined by a blend of elements found in a working marina along with elements from a transient recreational environment.

(a) A strong sense of arrival should be established near Genoa Bay Road to set the tone of the area.

(b) The scale of new developments should be compatible with the cove context. Buildings should be clustered, leaving irregularly shaped open spaces in between.

(c) Developments located on steep slopes should be terraced with careful attention paid to the retention of the natural environment. Broad scale slope manipulation is discouraged. Future development should incorporate a variety of open space opportunities along the water edge. Wharves that extend out over the water, a widow's walk or tidal steps could be considered to provide variety and interest in the public realm.

(d) Building design should be based on regional imagery. Building details, colours and amenities may feature more unique solutions. Highlight colours may be brighter or marine artifacts used in unusual ways to enhance the flavour of the community.

1.12.5 Genoa Bay

Genoa Bay is a small, geographically isolated but scenic community focused on its waterfront. It is a popular marine destination and supports residential and seasonal public moorage facilities. The marine commercial areas are located in an intimate bay closely surrounded by adjacent hills and smaller shallow coves. The distinct character of Genoa Bay is based on the human scale of its context in landform, marine environment and built form. There is a seamless transition between land- and water-based activities because of numerous floating commercial and residential structures and compatible design styles. The existing development leans towards a functional though eclectic aesthetic.

(a) New developments in Genoa Bay should be sympathetic to the unique scale of the natural environment and existing built form. Buildings and open spaces should be intimate in scale and detail.

(b) Building form and character should appear to be equally at home on water as land.

(c) Buildings should be uncomplicated structures with small detailing elements. Simple local materials and colours that weather well should be considered.

(d) Historic or contemporary local elements used in unique ways as public art features are encouraged.

2.0 Natural Environment Development Permit Guidelines "B"

2.1 Development Permit Guidelines "B": Objectives & Application

The objectives of this Development Permit Area are to protect, manage and/or mitigate the following key environmental considerations:

(a) **Sensitive Aquatic Ecosystems**: Environmental significance as habitat for fish and wildlife, their vital functions in natural storage and flood protection, their increasingly important role in reducing the effects of climate change, and their sensitivity to disturbance by development.

(b) **Sensitive Terrestrial Ecosystems**: Environmental significance as habitat and corridors for wildlife, their contribution to local and regional biodiversity, and their sensitivity to disturbance by development.

(c) **Groundwater, Aquifers and Watersheds**: Quality and quantity of water supply and flow.

(d) **Marine Shoreline and Adjacent Coastal Waters**: Environmental significance for forage fish and other species; and their sensitivity to disturbance by development.

The Development Permit Guidelines "B" are associated with DPA-3 Natural Environment will be applied to:

(a) **Watercourses**: Streams, wetlands, lakes and ponds – shown on Map 4 of the OCP or as determined by the Municipality of North Cowichan through on-site investigation.

  (i) For all watercourses, DPA-3 applies to a 30.0 m strip of land on both sides of the watercourse, measured from the natural boundary; and

  (ii) Within a ravine, requirements detailed in the provincial *Riparian Area Regulation* apply.

(b) **Coastal Areas**: The development permit requirements apply to the 30.0 m horizontal distance upland from the present natural boundary and within the 30 m horizontal distance seaward of the present natural boundary.

(c) **Terrestrial Habitat and Endangered Species Protection Areas**: Those areas shown on Map 4 of the OCP or as determined by the Municipality of North Cowichan or a qualified professional

through on-site investigation; and which include those species listed under the federal *Species at Risk Act (SARA)* and provincially ranked species identified as red-listed or blue-listed by the Provincial Conservation Data Centre or by a qualified professional through on-site investigation

(d) **Wildlife Trees**: As detailed in the provincial *Wildlife Act* (e.g. those with nests of eagles, herons, osprey, falcons or burrowing owl)

(e) **Aquifer Protection Areas**: Those areas having a high vulnerability rating as shown on Map 5 of the OCP.

2.2 Development Permit Guidelines "B": Exemptions [BL3990]

See Table 1: Development Permit Guidelines Exemption Criteria. (Page 150)

Also, an exemption from Development Permit requirements under this DPA may be granted if one or more of the following criteria apply:

(a) Development activity which occurs outside of the environmentally sensitive area, and which appropriately protects and buffers any environmentally sensitive area on the property.

(b) The development activity involves any of the following: fence-building, growing, rearing, producing or harvesting of agricultural products in accordance with recognized standards of the *Farm Practices Protection (Right to Farm) Act* or forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act*;

(c) Emergency works or procedures required to prevent, control or reduce flooding, erosion or other immediate threats to life or property, including:

(i) emergency flood or erosion control works;

(ii) clearing of an obstruction from a bridge, culvert or drainage flow;

(iii) repairs to bridges or safety fences; and

(iv) cutting down of hazardous trees within the DPA that present an immediate danger to the safety of persons or will potentially damage public or private property, as determined by an arborist or similar professional.

NOTE: Emergency actions by anyone other than municipal or provincial government staff must be reported immediately to the Municipality.

(d) Planting and maintenance of native (indigenous) trees, shrubs or groundcover for the purpose of restoring or enhancing habitat values and/or soil stability within the DPA, provided such planting is carried out in accordance with the guidelines or directions provided by the Municipality.

(e) Works approved by the Municipality, Department of Fisheries and Oceans, or provincial Ministry of Environment, including the installation of public utilities, sewer and water lines, trail construction, stream enhancement, and fish and wildlife habitat restoration;

(f) Construction of a trail within the DPA, as long as the following conditions are met:

(i) only one trail is built;

(ii) the trail is for personal, non-vehicular use only;

(iii) the trail is less than 1 m wide;

(iv) is constructed of a pervious surface (e.g. soil, gravel, mulch);

(v) no erosion is caused by the trail's construction or use;

(vi) no native trees will be removed;

(vii) the overall slope of the trail is less than 10% grade or, where portions are greater than

10% grade, the trail is designed to prevent erosion; and

(viii) movement of soil, fill or aggregates occurs within a corridor less than 2 m wide.

(g) Subdivision of lands containing a portion of the DPA where all of the following apply:

(i) minimum lot areas required under the Zoning Bylaw have been achieved exclusive of the Development Permit area where lands are located within the UCB;

(ii) no development or development activities (e.g. construction, grading, clearing, trenching, installation of services) relating to the creation of lots or the provision of services for those lots will occur in the DPA; and

(iii) the DPA has been protected through dedication, conservation covenant or other provisions acceptable to the Approving Officer.

(h) Residential development on a lot for which a Riparian Area Assessment or bio inventory report was prepared and the conditions met through the subdivision process, and for which a S.219 covenant to protect the riparian assessment area was registered on title;

(i) Public works and services (such as construction, repair and maintenance) performed by the Municipality or its authorized agents and contractors, as long as these works and services meet or exceed the conditions of the following guidelines;

(j) Gardening and yard maintenance activities within an existing landscaped areas, such as lawn mowing, minor pruning of trees and shrubs, planting of vegetation, and minor soil disturbance that does not alter the general contour of the land;

(k) The removal of invasive plants or noxious weeds on a small scale (such as Scotch broom, Himalayan blackberry, morning glory and purple loosestrife), as long as such works are conducted in accordance with a vegetation management plant and sediment and erosion control plan and the area is replanted immediately (*note:* approval by the Municipality is required before any vegetation removal); and

(l) Minor additions to existing buildings and structures to a maximum of 25% of the total floor area of the existing building or structure, as well as renovations, repairs or maintenance, as long as the proposed improvements do not result in the building or structure shifting closer to, or further impacting on, an environmentally sensitive feature.

(m) Exemption for Aquifer Protection Only:

(i) Additions to or construction of a single-family or two-family dwelling or a related accessory building on a single lot; [BL3990]

(ii) Additions to or construction of a building that contains up to four-dwelling units or a related accessory building on a single lot, provided that the dwelling units are serviced with municipal water and sewer. [BL3990]

2.3 Development Permit Guidelines "B": General Guidelines

The following guidelines apply to all environmentally sensitive areas within the Development Permit Area (DPA-3 Natural Environment). To protect and maintain these important assets, no alteration of land, disturbance of vegetation, movement of soils or other disturbance of land, water or subdivision of land within the DPA may be undertaken without:

(a) Development Permit issued under these guidelines; and

(b) Strict compliance to the terms of such a Development Permit.

Development Permits will only be issued in this Development Permit Area subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual

design through to detailed design and refinement of a development proposal.

2.3.1 Working Within the Development Permit Area

(a) Development within the Development Permit Area will generally be considered only where:

(i) historical subdivision or construction has occurred before the DPA was designated;

(ii) the DPA occupies so much of a pre-existing lot that it makes the lot undevelopable for the use permitted under its existing zoning;

(iii) because of topographic, natural hazard or other environmental constraints on the lot, there is no acceptable building site outside the DPA; and

(iv) all opportunities to relax other development requirements (such as setbacks, minimum lot size, parking) have been exhausted.

(b) Encroachment into the DPA by all development activities must not exceed what is indicated in the site plan approved for the Development Permit. All development activities must avoid causing disturbance in the DPA beyond the building footprint. This may mean adjusting conventional practices with respect to locating machinery and stockpiles and using alternatives such as hand labour as opposed to machinery.

(c) The onus lies with the applicant to demonstrate that encroaching into a DPA is necessary to establish a permitted use that might not 'fit' on the land outside of the DPA.

2.3.2 Environmentally Sensitive Protection Areas

Environmentally Sensitive Areas are deemed to be areas of significant ecological value and susceptible to disturbance, as determined by a Qualified Environmental Professional or other professional (see below).

(a) All Environmentally Sensitive Areas must be maintained free of development and conserved in a natural vegetated state or remediated to return to a natural state (except as otherwise allowed under a Development Permit issued under these guidelines).

(b) Development activity taking place outside an Environmentally Sensitive Area must make every effort through site design to avoid encroaching into the protected area and negatively affecting its natural features, functions and conditions.

(c) **Prohibited Activities**: The following development activities are not permitted in a Protection Area unless there is proven hardship:

(i) construction of septic tanks, drainage and deposit fields;

(ii) irrigation or drainage improvements; and

(iii) installation of water systems.

(d) **Relaxation of Other Land Use Regulations**: Varying or relaxing other bylaw requirements (e.g. by allowing variances to front, side and rear yard setbacks, building height or parking requirements) will be considered to facilitate safeguarding an Environmentally Sensitive Area, particularly where the relaxation can make possible the development of the remainder of the lot.

(e) **Varying the Boundaries of Environmentally Sensitive Protection Areas**: Varying the boundaries of a Protection Area is generally not allowed and will only be considered where:

(i) the Protection Area occupies so much of the property as to render it undevelopable for the use for which the property is zoned;

(ii) because of topographic, natural hazard or other environmental constraints, there is little or no acceptable development site on the property outside the Protection Area;

(iii) by averaging the width of the Protection Area over a property, an equal or greater area of ecological value, acceptable to the Municipality, is provided;

(iv) in the case of the Watercourse Protection Development Permit Area: an assessment has been undertaken by a Qualified Environmental Professional in accordance with the Riparian Area Regulation, the assessment supports any proposed boundary change; and the Department of Fisheries and Oceans and the provincial Ministry of Environment agree

that there will no harmful alteration or destruction of fish habitat;

(v) in the case of other environmentally sensitive areas, an assessment prepared by a Qualified Environmental Professional demonstrates to the satisfaction of the Municipality that the natural features, functions and conditions of the Protection Area will be preserved, protected and/or enhanced by the proposed development design.

(f) **Buffer Areas**: Buffers must be established around the Protection Area in keeping with the following guidelines:

(i) Buffers must be wide enough to protect the ecological integrity of the resource.

(ii) Riparian buffers must consider the needs of all species, not just fish.

(iii) Light penetration into a buffer area must be minimized.

(iv) The long-term protection of buffer areas must be secured through dedication, donation, covenant or other legal mechanisms.

(v) Permanent barriers may be required to be installed to discourage access.

(vi) Invasive plant species within the buffer must be removed and replaced with native species.

(vii) Buffer areas must be physically located on the ground by a B.C. Land Surveyor or Qualified Environmental Professional before any development, land alteration or vegetation removal occurs.

(viii) For developments not subject to subdivision, the limit of a Protection Area may be determined and flagged on-site in cooperation with the Municipality.

(ix) Temporary barrier fencing, to demarcate the area of no disturbance, must be installed along all buffer areas before any development activities begin.

(x) Permanent fencing may be required to be installed to demarcate the Protection Area over the long term. Where required, it must be designed to allow for free and uninterrupted movement of organisms between the Protection Area and upland ecosystems and must be maintained in good order.

(xi) Signage may be required to be installed. Where required, it must be in a clearly visible location a minimum of every 10 m, and at least one sign must be installed on each proposed lot adjacent to the Protection Area.

(g) **Subdivision**: When land containing a Protection Area is to be subdivided all lots smaller than 1.0 ha (2.47 acres) within the Urban Containment Boundary must meet the minimum lot size and dimensions required under the Zoning Bylaw exclusive of the Protection Area.

(h) **Dedication**: Where possible, Protection Areas should be dedicated for conservation purposes using one of these mechanisms:

(i) reversion to the Province (a "Return to Crown");

(ii) dedication to the municipality where the land would be managed primarily to protect the environmental values;

(iii) dedication to a private land trust where the land is managed for conservation purposes;

(iv) registration of a section 219 (conservation) covenant in favour of the municipality, provincial agency, recognized stewardship group or land trust; or

(v) other suitable mechanism as determined by the Municipality.

(i) **Sediment and Erosion Control**:

(i) All development within this Development Permit Area (DPA-3 Natural Environment) must be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse, storm sewer or over land.

(ii) An erosion and sediment control plan may be required as part of the Development Permit application and should include actions to be taken before land clearing and site preparation, and the proposed timing of development activities to reduce the risk of erosion.

(iii) Sediment containment and erosion control measures must be installed before any land development activity begins.

(iv) Development must be avoided on slopes greater than 20% because of the high risk of erosion and bank slippage.

(v) The standards for sediment and erosion control outlined in the *Land Development Guidelines for the Protection of Aquatic Habitat* (jointly published by BC Ministry of Environment and Department of Fisheries and Oceans) must be adhered to.

(j) **Monitoring**: The Municipality may require a qualified environmental professional to monitor and ensure that implementation of environmental mitigation, restoration or enhancement measures approved under a Development Permit are being done.

(k) **Unauthorized Development Activity in a Protection Area or Development Permit Area**: Where land alteration has occurred within any Protection Area or Development Permit Area without prior Municipality approval, the Municipality will require:

(i) an environmental impact assessment report to be completed by a Qualified Environmental Professional to identify mitigation and restoration requirements;

(ii) the owner to apply for a Development Permit and to meet the conditions established to mitigate and restore the environmentally sensitive area; and

(iii) the owner to post a financial security in an amount that is equal to the amount required to pay for:

- the cost of rehabilitating and/or restoring an environmentally sensitive area;
- the cost of repairing damage caused by construction or site disturbance; and
- the cost of restoring fish habitat.

(l) **Performance Bonding**: The Municipality may require the applicant to submit an estimate, prepared by a qualified professional and accepted by the Municipality, of the total cost to rehabilitate and/or restore the environmentally sensitive area and to ensure the conditions of the permit and these DP guidelines are met. Financial security, based on the cost estimate approach outlined above, must be provided to the Municipality before any approval for construction, land alteration or vegetation removal will be issued. For example, security may be required, and applied against, erosion control works, site grading, phased clearing, barrier fence installation, habitat restoration works, post-development success of revegetation and restoration works, or any other requirements of a Development Permit.

2.3.3 Best Management Practices

Development design must reflect the objectives and guidelines of "Best Management Practices" outlined in the following documents and others that may be developed, updated and or amended from time to time. As stated in the preamble of this document, there are numerous references to documents, guidelines, plans and strategies developed and administered by other government agencies and

organizations throughout this document. While these documents are relevant and useful as of the date of adoption of this document, it is always advisable to confirm with Municipal Planning staff that specific documents and information remains up-to-date and supported by the Municipality.

(a) *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*
(b) *Best Management Practices for Amphibians and Reptiles in Urban and Rural Environments in British Columbia*
(c) *Instream Flow Guidelines for British Columbia*
(d) *Standards and Best Management Practices for Instream Works*
(e) *Riparian Area Regulation Assessment Methods*
(f) *Best Management Practices for Lakeshore Stabilization*
(g) *Stream Stewardship: A Guide for Planners and Developers*
(h) *Access Near Aquatic Areas: A Guide to Sensitive Planning, Design and Management*
(i) *Stormwater Planning: A Guidebook for British Columbia*
(j) *Community Green Ways Linking Communities to Country and People to Nature*
(k) *Guidelines to protect fish and fish habitat from treated wood used in aquatic environments in the Pacific Region*
(l) *Land Development Guidelines for the Protection of Aquatic Habitat*
(m) *Living by Water*
(n) *Marina Development Guidelines for the Protection of Fish and Fish Habitat*
(o) *Riparian Revegetation*
(p) *The Shore Primer – A Cottagers Guide to a Healthy Waterfront; and*
(q) *Other Fisheries and Oceans best practices materials for docks, wharves and retaining structures or other waterfront development.*

2.3.4 Vegetation Management, Restoration and Enhancement

(a) Existing, native vegetation must be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.

(b) To ensure their long-term health, existing trees and shrubs that are retained must be clearly marked before development, and temporary fencing must be installed at the drip line (at a minimum) to protect the trees during clearing, grading and other development activities.

(c) If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting must be done in keeping with these guidelines or with requirements specified in the Development Permit. Areas of undisturbed bedrock exposed at the surface or natural sparsely vegetated areas shall not require planting.

(d) Where existing trees and vegetation are retained, the following actions are allowed:

  (i) pruning or removing of hazardous trees (as determined by an arborist), but leaving wildlife trees and snags (dead, upright trees, or stumps) wherever safe;

  (ii) pruning of undergrowth within 1 m of existing or proposed public trails to avoid injury to users; and

  (iii) supplementing existing vegetation with planted stock as needed to landscape bare or thin areas, following specifications noted below.

(e) Invasive plants (e.g. blackberry, Scotch broom, English ivy) and noxious weeds may be required to be removed from the lands and areas replanted in keeping with these guidelines.

(f) Plant species selected for replanting, restoration or enhancement should: suit the soil, light and groundwater conditions of the site; be native to the district; and be suitable for erosion control and, as needed, for fish and habitat wildlife habitat.

(g) Replanting requirements will be set out in plans developed as part of the Development Permit application and approved by the Municipality, or will be expected to meet the guidelines provided by the Municipality and will form part of the Development Permit.

(h) All replanting must be maintained by the property owner for a minimum of two years from the date of completion of the planting. This may require removal of invasive plants and maintenance of irrigation systems. Unhealthy, dying or dead stock will be replaced at the owner's expense within that time in the next regular planting season.

2.3.5 Rainwater Management Strategies

(a) Rainwater management systems should be designed in accordance with the following principles:

(i) Development practices shall not increase nutrient inputs to waterways beyond natural levels.

(ii) Development must not increase or decrease the amount and quality of surface and groundwater.

(b) Rainwater management systems should be designed with reference to the provincial Ministry of Environment's document *Stormwater Planning: A Guidebook for British Columbia,* and should consider the following guidelines:

(i) Manage rainwater on site so that post-development rainwater flow levels from the site are equal to pre-development levels.

(ii) Use rain gardens, vegetated swales, reduced impervious surfaces, increased soil depths and other technologies for managing rainwater on site.

(iii) Install features for controlling erosion and rainwater quality and quantity to the Municipality's satisfaction, to minimize impacts of outflow on slope stability, fish habitat and downstream impacts.

(iv) Make provision, and undertake works, to provide for the disposal of surface run-off and stormwater flowing over the land which may stem from later development. Such works must divert drainage away from areas subject to sloughing.

2.4 Development Permit Guidelines "B": Specific Guidelines

Development Permits will only be issued in this Development Permit Area (DPA-3 Natural Environment) subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual design through to detailed design and refinement of a development proposal.

2.4.1 Watercourse Protection Areas

The layout and design of development proposed within DPA-3 (a. Stream and Watercourses), or any associated Environmentally Sensitive Protection Areas as defined in section 2.3.2, must strive to:

(a) preserve and protect sensitive riparian and aquatic ecosystems;

(b) preserve and protect water quality within aquatic ecosystems;

(c) ensure riparian and watercourse protection areas remain large enough to protect habitat, prevent flooding, control erosion, reduce sedimentation and recharge groundwater.

(d) connect environmentally sensitive areas by retaining wildlife corridors wherever possible;

(e) design development layout to allow flooding, streambank erosion and other natural processes to continue unimpeded;

(f) protect the ecological values of riparian areas and watercourses during and after development;

(g) restore degraded ecosystems where possible;

(h) ensure that all planning and development in the DPA occurs according to the requirements of the Riparian Area Regulation and other environmental protection regulations;

(i) maintain hydrologic regimes, including not dyking or damming inflow and outflow streams; and

(j) maintain normal wetland and water processes such as flooding, seasonal drawdown and groundwater recharge.

2.4.2 Terrestrial Habitat and Endangered Species Protection Areas

Habitat Protection Area boundaries should be located, with the assistance of a professional environmental professional, to maximize the inclusion within them of one or more of their natural features, functions or conditions. The layout and design of development proposed within DPA-3 (b. Environmentally Sensitive Areas), or any associated Environmentally Sensitive Protection Areas as defined in section 2.3.2, must strive to:

(a) develop away from the most pristine and least disturbed habitat areas;

(b) ensure development results in no net loss to environmentally sensitive terrestrial ecosystems;

(c) protect endangered Douglas-fir forests and the critical habitat contained in them from disturbance;

(d) protect endangered Garry oak meadow ecosystems, including their spring wildflowers, grasses, mosses, shrubs, lichens and fungi, as well as the variety of animal and insect species that thrive in this unique environment;

(e) maintain connectivity and linkages between sensitive ecosystems and habitat areas, and minimize fragmentation within one property and among adjacent properties;

(f) favour maintaining fewer larger undisturbed areas rather than many small but isolated areas;

(g) maintain and establish more complex areas of habitat that contain a variety of plant species, ages and multi-storey vegetation;

(h) protect and enhance biodiversity within terrestrial ecosystems;

(i) design habitat areas without creating barriers to wildlife passage (e.g. walls, solid fences, roads);

(j) protect the ecological values of terrestrial areas during and after development; and

(k) restore degraded ecosystems where possible.

2.4.3 Shoreline Protection Areas

(a) Development in a Shoreline Protection Area is restricted generally only to those uses necessitating shoreline access, and then only with appropriate environmental assessment and mitigation measures.

(b) The layout and design of development proposed within DPA-3 (c. Marine Riparian Areas), or any associated Environmentally Sensitive Protection Areas as defined in section 2.3.2, must strive to:

  (i) minimize erosion, retain wildlife habitat and maintain water quality, slope stability and natural vegetation along shorelines;

  (ii) avoid areas with poor slope stability and locate foreshore accesses/structures sensitively;

  (iii) maintain existing marine habitat (e.g. eelgrass beds, shell fish beds) in their natural state to protect the resource;

  (iv) establish water views selectively by pruning branches of shoreline trees instead of topping or removing healthy trees; and

  (v) maintain public access.

(c) Installation of hard structural shore protection measures (e.g. riprap structures, lock block walls, concrete walls) to address shoreline erosion is strongly discouraged. The use of non-structural options is preferred, such as using bio-engineering techniques, locating new buildings/structures farther from the shoreline, or installing on-site drainage improvements are preferred.

(d) Before any shore protection measure is taken, an appropriate qualified coastal professional must provide conclusive evidence that the development structure is at risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion of steep bluffs or shoreline erosion itself without a scientific or geotechnical analysis is not a sufficient demonstration of need. Confirmation is required that the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

(e) All shore protection measures must be designed by an appropriate qualified coastal professional.

(f) Shore protection measures that could cause erosion or other physical damage to adjacent or down-current properties or that impedes public access are not supported.

(g) The size of any shore protection device must be limited to the minimum size necessary.

(h) All structural shore protection measures should be installed within the property line or upland of the natural boundary, whichever is farther inland.

(i) Backfilling to extend the existing top of bank is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings/structures.

(j) A geotechnical assessment of the site and shoreline characteristics may be required to establish safe setbacks from the top of bank and to identify measures to ensure safe building site areas or usable lots. Such assessment must consider rising sea levels. [See also DPA 4 – Hazard Lands, Sea Level Rise]

(k) Where a Shoreline Protection Area includes native plant species or plant communities that are identified as sensitive, rare, threatened or endangered, or have been identified by a Qualified Environmental Professional as worthy of particular protection, their habitat areas must be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation/compensation measures must be undertaken under the supervision of the Qualified Environmental Professional and may require additional advice from applicable senior governmental agencies.

2.4.4 Nest Tree Protection Areas

All nest trees are protected under the provincial *Wildlife Act*. Therefore, notifying the Municipality of these nest trees before and during construction and adhering to these guidelines will protect an applicant, landowner or developer from potential prosecution under the *Wildlife Act* and or under this bylaw.

(a) The layout and design of development proposed within a DPA-3 (b. Environmentally Sensitive Areas), or any associated Environmentally Sensitive Protection Areas as defined in section 2.3.2, should ensure that buffer areas are established based on the Ministry of Environment's best practices, as detailed in *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia,* and strive to:

(i) identify: areas to be maintained free of development and in a naturally vegetated state; areas of no disturbance and with noise control during the breeding season (usually January 30 to June 30), including areas around a nest tree in which no blasting should occur during the breeding season;

(ii) retain wildlife trees (including fallen trees and snags, trees with cavities), leaf litter, fallen debris and natural vegetation; and

(iii) locate artificial snags to help improve habitat.

2.4.5 Aquifer Protection Areas

(a) Developments found to have the potential to pose detrimental impacts on either the quality or quantity of groundwater will not be supported.

(b) The use or disposal of substances or contaminants that may be harmful to area aquifers is prohibited and, wherever practical, steps must be taken to ensure the proper disposal of such contaminants.

(c) Where the possibility of a development impacting an aquifer exists, the applicant must submit to the Municipality a report from a registered professional that includes:

(i) an assessment of the characteristics of the aquifer and its ability to accommodate the additional groundwater demand proposed by the development, including an assessment of the anticipated demand given the development potential of the subject property based on its current zoning, and given potential impacts on adjacent properties;

(ii) a statement backed by a professional assessment that the proposed development will not have a negative impact on the aquifer; and

(iii) recommendations of measures required to ensure the aquifer is protected.

(d) The layout and design of development proposed within DPA-3 (d. Aquifer Protection), or any associated Environmentally Sensitive Areas as defined in section 2.3.2, must strive to:

(i) ensure that drainage from all impervious surfaces and areas where vehicles are parked is directed through an appropriately sized and engineered sedimentation, soil, water and grease separator, or is managed with another engineered solution;

- The engineer must provide an appropriate maintenance schedule.
- A section 219 covenant may be required to be registered on the title of the land, outlining the maintenance schedule and a commitment to maintain the sedimentation, oil, water and grease separator in keeping with the engineer's recommendations.

(ii) make provision for grease, oil, and sedimentation removal facilities and the ongoing maintenance of these facilities to handle treated effluent and diverted rainwater collection and discharge systems on development sites (commercial, industrial, multi-residential and others) where there is potential for silt and petroleum-based contaminants to enter a watercourse or infiltrate into the ground; and

(iii) use permeable paving and other methods to reduce rainwater run-off.

3.0 Hazardous Conditions Development Permit Guidelines "C"

3.1 Development Permit Guidelines "C": Objectives & Application

The objectives of this Development Permit Area are to:

(a) Prevent personal injury and property loss;

(b) Protect structures from damage;

(c) Provide stable and accessible building sites; and

(d) Mitigate hazards while not compromising environmental issues.

The Development Permit Guidelines "C" are associated with DPA-4 Hazardous Conditions, and will be applied to all lands with steep slopes over 20%, lands vulnerable to interface wildfire, lands on floodplains, and coastal lands.

3.2 Development Permit Guidelines "C": Exemptions

See Table 1: Development Permit Guidelines Exemption Criteria (Page 150)

An exemption from Development Permit requirements under this DPA may be granted if one or more of the following criteria apply:

3.2.1 General:

(a) Emergency procedures necessary to prevent, control or reduce flooding, erosion or other immediate threats to life and property, including:

(i) Emergency flood or erosion protection works;

(ii) Clearing of an obstruction from a bridge, culvert or drainage flow;

(iii) Planting of native vegetation for bank stabilization;

(iv) Repairs to bridges and safety fences.

Note: Any emergency action for flood protection and clearing of obstructions by anyone other than the Municipality of North Cowichan or a provincial ministry must be reported to the Municipality and applicable provincial ministry immediately to secure exemptions under this provision.

(b) The proposed development has been assessed by a qualified professional who has identified that the land is subject to hazardous conditions, provided a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed, and this report, together with a "save harmless" covenant in favour of the Municipality of North Cowichan, is registered on title.

(c) The following activities are being undertaken: fence-building, growing, rearing, producing or harvesting of agricultural products in accordance with the *Farm Practices Protection (Right to Farm) Act,* or forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act*.

(d) Hazardous trees that present an immediate danger to the safety of people or are likely to damage public and private property need to be cut down in accordance with recommendations contained in a report prepared by an arborist or other qualified professional.

(e) Construction, repair and maintenance of works is being done by the Municipality or its authorized agents and contractors.

(f) A trail across or through the Development Permit Area is being constructed.

(g) A fence is being constructed.

3.2.2 Fire Hazard:

(a) An accessory building is being constructed, such as a gazebo or tool or garden shed having a total floor area not exceeding 10 m^2.

(b) An addition that is 50 m^2 or less is being constructed on an existing building, unless more than 50% of the existing roof will be replaced as part of the construction.

(c) Residential development is planned on a lot for which an Interface Wildfire Assessment was prepared and conditions have accordingly been met through the subdivision process.

3.2.3 Floodplain:

(a) An addition to an existing building or structure used as a residence is being constructed that would increase the size of the building or structure by less than 25% of the existing floor area.

(b) The portion of a building or structure that is being constructed is designed or intended for uninhabitable residential use, such as a carport or garage, storage area, utility area or workshop.

3.3 Development Permit Guidelines "C": General Guidelines

Development Permits will only be issued in this Development Permit Area (DPA-4 Hazard Lands) subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual design through to detailed design and refinement of a development proposal.

(a) No alteration of land, disturbance of vegetation, movement of soils or other disturbance of land or water or subdivision of land within the Development Permit Area may be undertaken:

(i) without a Development Permit issued under these guidelines; or

(ii) contrary to the terms of a Development Permit issued under these guidelines.

(b) Before any development or alteration of land, a geotechnical engineering report must be prepared by a qualified professional engineer with experience in geotechnical engineering and, preferably, with experience in hydraulic engineering. The geotechnical report should include:

(i) a topographic and geomorphic description of the site and a statement as to which type of natural hazards may affect it;

(ii) a review of previous geotechnical studies affecting the site and/or engineering work in the vicinity;

(iii) a description of the extent of the nature, extent, frequency (probability) and potential effect of the hazard, including a description of the methodology used to define these parameters;

(iv) proposed mitigation works (including construction and maintenance programs for such works) and/or actions designed to prevent hazardous occurrences;

(v) proposals for vegetation protection, enhancement or retention;

(vi) an assessment of the effect of the mitigative work in terms of its ability to reduce the potential impact of the hazard; and

(vii) a statement confirming that the site is safe for the intended use and providing any other recommendations that the qualified professional engineer determines are appropriate to ensure the proposed development is protected from the natural hazard and will not result in a detrimental impact on the environment or adjoining properties.

3.3.1 Steep Slope Lands

Land activities must be carried out in consideration of the following factors. Development on lands with slopes greater than 30% is strongly discouraged. Development forms should be integrated with the natural environment by:

(a) Limiting disturbance of vegetation and movement of subsoils to areas necessary for building sites, servicing and access;

(b) Maintaining existing vegetation to control erosion and protect banks (any access improvements on the steep slope, such as footpaths or stairs, should be constructed so as not to disturb the natural slope drainage;

(c) Using lot configurations and building designs that incorporate the topography, instead of creating large, flat lots;

(d) Using building heights and roof forms that conform to topography and minimize visual impact;

(e) Protecting special natural features such as rock outcroppings, significant trees, watercourses and ridgelines;

(f) Incorporating controls on erosion during the construction phase, and measures to mitigate erosion on the finished development;

(g) Balancing the desire for views with the need to maintain vegetation;

(h) Designing building foundations to step down slopes to fit with the natural terrain profile;

(i) Clustering residential development on the most level portions of the land to retain natural vegetation;

(j) Establishing safe setbacks from the tops of ridgelines and bluff crests;

(k) Designing and fitting roads and buildings to the natural terrain to maintain the integrity of natural landforms and drainage patterns;

(l) Minimizing excavation and site grading to protect native vegetation and drainage patterns;

(m) Aligning access roads and driveways to the natural topography to avoid straight alignments and to keep them narrow to reduce site disturbance;

(n) Re-vegetating exposed disturbed areas to a natural condition immediately after site grading to prevent erosion;

(o) Preferring the use of native plant materials for site restoration and residential landscaping;

(p) Making provision for, and undertaking works, to ensure the disposal of surface run-off and stormwater currently flowing over the crest of the slope and which may stem from further development (such works are required to divert drainage away from areas subject to sloughing); and

(q) Prohibiting the use of non-engineered retaining walls over 1.2 m tall.

3.3.2 Fire Hazard Lands

Land development activities must be carried out in consideration of the following:

(a) All roofing materials and insulation requirements must meet class "B" fire rating requirements contained within the current B.C. Building Code.

(b) Building design and construction must generally be consistent with the standards in the National Fire Protection Association (NFPA) Standard 1144 – *Standard for Protection of Life and Property from Wildfir*e.

(c) All eaves and attic vents must be screened using 3-mm non-combustible wire mesh at a minimum to prevent the entry and accumulation of combustible materials and wind-blown embers.

(d) Any building or structure used to store wood must not be located within 10 m of the dwelling unit/principal building unless the building or structure is built in accordance with guideline a), b) and c) above.

(e) All land clearing debris (wood and vegetation) resulting from development must be disposed of by chipping and removal or burning in accordance with the Fire Protection Bylaw. Chipping and removal is the preferred option.

(f) Where building construction or management of vegetation (trees, shrubs and ground cover) is proposed to take place within environmentally sensitive areas, all work undertaken must be consistent with Natural Environment Development Permit Guidelines "B" and all other relevant

bylaws and regulations.

(g) Where a Registered Professional Forester, Registered Forest Technician or Registered Professional Engineer qualified by training or experience in fire protection engineering has undertaken an assessment of a proposed development and determined the fire hazard to be low (provided specific conditions are met), the requirements of these guidelines may be relaxed as long as the development is carried out in accordance with such conditions.

(h) Subdivisions within the high to extreme fire hazard Development Permit areas must be designed in accordance with the *Fire Protection Guidelines for Subdivision Development in the Wildland Urban Interface at the Municipality of North Cowichan* (Strathcona Forestry Consulting).

3.3.3 Floodplain Lands

Land development activities must be carried out in consideration of the following:

(a) Any development activities within designated floodplains must be very carefully planned in consideration of the significant impacts created by flooding. Where residential development is currently allowed within the floodplain, structures should be flood proofed to standards specified by the BC Ministry of Environment and/or the Municipality of North Cowichan. Habitable space and building systems that could be damaged by flood waters should be elevated to meet Flood Control requirements.

(b) The Municipality will discourage new filling within designated floodplains because of the cumulative impact that such works can have. Where filling cannot be avoided, i.e. where filling is required to create a development site, it will only be permitted when it is shown that the drainage of other lands will not be affected. Any application to use fill in a floodplain will require a sediment and erosion control plan. Permission to fill will be limited to the extent of creating a house site

(c) On-site stormwater management systems are required throughout the district to reduce potential flood impacts and to improve rainwater infiltration. [See also DPA-3 Natural Environment]

(d) Where a floodplain setback from a designated watercourse renders a property totally undevelopable, the setback may be reduced provided that:

  (i) the development is to be located only where there is no risk to life;

  (ii) a geotechnical report from a professional engineer certifies that the land may be used safely for the intended use and provides measures to safeguard buildings from flood or erosion damage;

  (iii) environmental factors such as building siting, placement of fill, soil disturbance, planting and maintenance of vegetation have been considered; and

  (iv) a Save Harmless Covenant is registered in favour of the Municipality.

(e) For the Lower Cowichan River floodplain, flood hazard mitigation measures, including land use restrictions, will be undertaken in accordance with the Lower Cowichan/Koksilah River Integrated Flood Management Plan (Final Report, September 2009), and for the Cowichan Estuary will be undertaken in accordance with the Cowichan Estuary Environmental Management Plan (1992).

(f) Where high-risk land use activities involving the use, handling, storage or manufacture of potential contaminants are proposed within the floodplain, groundwater protection best practices must be incorporated in the design and ongoing operations of the activities.

(g) Development or subdivision of land should be designed to:

  (i) replicate the function of a naturally vegetated watershed;

(ii) maintain the hydraulic regime of surface and groundwater and pre-development flow rates;

(iii) not interfere with groundwater recharge; and

(iv) not introduce or remove materials where doing so would cause erosion of or the filling in of natural watercourses or wetlands.

4.0 Farm Land Protection Development Permit Area Guidelines "D"

4.1 Development Permit Guidelines "D": Objectives & Application

The objectives of this Development Permit Area are to establish and/or protect a vegetated visual buffer between agricultural and non-agricultural uses on lands outside of the Agricultural Land Reserve (ALR) and minimize potential land use conflicts and protect for long-term capability to produce local food and agricultural products. The Development Permit Guidelines "D" are associated with DPA-5 Farm Land Protection, and will be applied to all lands within 30.0 m of any property situated within the Agricultural Land Reserve (ALR). The 30.0 m buffer shall be made up of a minimum of 15 m vegetated buffer and 15 m setback for principal buildings.

4.2 Development Permit Guidelines "D": Exemptions

See Table 1: Development Permit Guidelines Exemption Criteria (Page 150)

An exemption from Development Permit requirements under this DPA may be granted if one or more of the following criteria apply:

(a) Development activities on lands within the ALR;

(b) An application for the construction of a building or structure which is proposed to be located outside of the 30 m DPA;

(c) The construction of fencing in accordance with *A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges* published in 2009 by the Ministry of Agriculture provided existing vegetation adjacent to the ALR boundary is maintained to the greatest extent possible;

(d) Maintenance to existing buildings and structures;

(e) Additions or alterations to existing buildings or structures provided the alterations or additions do not result in the buildings or structures being located further within the DPA than the existing buildings or structures;

(f) The removal of invasive plants or noxious weeds on a small scale within the DPA including, but not limited to, Giant Hogweed, Scotch broom, Himalayan Blackberry, Morning Glory and Purple Loosestrife provided native species suitable to the local light, soil, and moisture conditions are replanted to maintain and enhance the existing vegetated buffer;

(g) Subdivision where each proposed parcel within the DPA, have a minimum parcel depth of 100 m or can provide adequate parcel depth to provide for a satisfactory building site area including accessory buildings and septic disposal system (if applicable) and provide for a vegetated buffer area in accordance with *A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges* published in 2009 by the Ministry of Agriculture;

(h) Reconstruction or redevelopment of an existing dwelling unit or other building or structure within the DPA provided the new building or structure is not located further within the DPA; and,

(i) Development in accordance with landscaped buffer conditions previously approved by the Agricultural Land Commission.

4.3 Development Permit Guidelines "D": General Guidelines

Development Permits will only be issued in this Development Permit Area (DPA-5) subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual design through to detailed design and refinement of a development proposal.

(a) A vegetated buffer must be maintained and/or established on land within this DPA parallel to and/or along the ALR boundary. All buffer areas shall generally be designed and sized in accordance with *Section 10 – Urban Side Buffer Design Criteria of A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges* published in 2009 by the Ministry of Agriculture.

(b) Despite Guideline (a) above, a vegetated buffer of lesser width or type than what is identified in *A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges* may be accepted in cases where it is not possible due to parcel size or configuration, or a natural or man-made constraint to provide the buffer recommended by the document above.

(c) Buildings and structures, except for fencing, should generally be situated outside of the vegetated buffer area. Where fencing is constructed, it should be designed in accordance with Appendix C of *A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges* published in 2009 by the Ministry of Agriculture.

(d) Plant layout, spacing, and support shall generally be in accordance with *A Guide to Edge Planning Promoting Compatibility along Urban-Agricultural Edges* published in 2009 by the Ministry of Agriculture.

(e) A section 219 covenant for the vegetation buffer area may be required which restricts the removal of vegetation and the construction of any buildings or structures other than fencing within the buffer area.

(f) All planning, design, and construction of a landscaped buffer shall be to the standard of the publication entitled BC Landscape Standards.

(g) Subdivision design must minimize potential negative impacts that may occur between farm and non-farm land users. Public road endings or road frontage next to ALR should be avoided except as may be necessary for access by farm vehicles. Subdivision design and construction should minimize erosion and maintain ground water quality and quantity through adequate rainwater management.

(h) The landscaped buffer should be installed prior to commencing construction or land alteration, where practical.

(i) A buffer maintenance plan should be developed and signed off by a registered landscape architect or Professional Biologist.

5.0 GHG Reduction, Energy & Water Conservation Development Permit Guidelines "E"

5.1 Development Permit Guidelines "E": Objectives & Application

The objectives and guidelines of this Development Permit Area is to reduce GHG emissions and energy and water consumption for new development within the boundaries of Municipality of North Cowichan to help meet the OCP target of net-zero GHG emissions by 2050. Objectives include: promoting GHG reduction and energy efficiency through thoughtful site, building and landscape design; moving towards a net-zero emissions target by improving efficiency of new buildings; reducing the volume of embodied carbon in new construction; encouraging the design and construction of new buildings that are resilient and responsive to climate change; and reducing water consumption demands from new development.

5.2 Development Permit Guidelines "E": Exemptions

Any applicable exemptions under Development Permit Guidelines "A.1" or "A.2" associated with DPA-1 and DPA-2, as the case may be, shall also apply to these Development Permit Guidelines associated with DPA-6.

5.3 Development Permit Guidelines "E": Infrastructure and Servicing Impacts

5.3.1 Energy Conservation

(a) With respect to energy, show how conservation is incorporated and how the project endeavours to use renewable energy sources. Building siting is an important component.

(b) Select materials and colours in building and roof construction that minimize heat absorption.

(c) Select materials that encourage thermal massing and seasonal thermal energy storage.

(d) Use energy-efficient exterior lighting systems with timers and sensors to provide light only when required.

(e) Where possible, use lighting systems that are powered by renewable energy sources, such as solar energy.

(f) Control light glare such that light does not rise more than 90 degrees from the ground (nadir) and does not cross property boundaries. Consider installing high efficiency lighting and use shields to reduce glare to the outside.

(g) Minimize the amount of lighting on signs. Installation of video, reader board, neon or LED signs is discouraged.

(h) Applicants are encouraged, where feasible, to use on-site renewable energy generation systems to supply electrical and heating and cooling needs to buildings and other structures, and to operate water pumps, sewage pumps and/or charging stations for electric vehicles. Renewable and alternative energy sources include, but are not limited to: geothermal energy (heat loops and wells), wind (turbines), low-impact hydropower, passive solar heating (collectors, photovoltaic panels); co-generation; fuel cells; heat energy extracted from air (heat pumps), biomass, bio-gas and wastewater effluent.

5.3.2 Water Conservation

(a) With respect to water, show how conservation is incorporated. Site landscaping is an important component (see Objective 3 – Site Design and Landscaping).

(i) Manage stormwater flows and water quality by designing systems in accordance with the Ministry of Environment's Stormwater Planning: A Guidebook for British Columbia.

(ii) Install above-or below-ground rainwater collection systems such as naturalized ponds, bioswales, rain gardens and/or cisterns to capture, store and potentially re-use rainwater to irrigate non-edible plants and landscaping.

(iii) Design, install and manage cost-effective and efficient irrigation systems that support water, soil and energy conservation practices (including system features such as temporary (2 year plant establishment), drip irrigation, mulching, watering schedules, moisture sensors and timers, and water-use monitoring for leakages).

(iv) Where possible, use recycled water for irrigating non-edible plants and landscaping and for washing vehicles.

(v) To ensure that irrigation systems are cost-effective and efficient, use certified irrigation designers and installers. The Irrigation Industry Association of British Columbia is a certifying body in the province.

(vi) Use low or no water toilets, appliances and fixtures.

(vii) Consider installing "purple pipes" (pipes carrying reclaimed water, coloured purple to distinguish them from pipes carrying potable water).

(b) Manage stormwater flows and water quality.

(i) Discuss plans with the District to determine the site and off site (downstream) needs for storm water management to establish design parameters for infiltration, retention, and detention.

(ii) Minimize the length and amount of infrastructure (such as sewer and water lines, and roads) planned for a site.

5.3.3 Solid Waste

Reducing the amount of construction waste that ends up in landfills assists the Municipality and the Regional District in meeting their goals of reducing the amount of solid waste requiring disposal and in attaining the long-term goal of Zero Waste. It also reduces GHG emissions generated by transport of waste.

(a) Consider renovation and adaptive reuse of existing buildings.

(b) Use durable exterior and interior finishes to reduce the likelihood of material ending up in landfills.

(c) Consider using salvaged materials (where permitted in BC Building Code), both for buildings and landscape (as per BC Landscape standards).

(d) Consider specifying materials that are recycled, reused, and renewable or contain recycled content.

(e) Select locally sourced materials. North Cowichan supports, through Council policy, the "Wood First" initiative of the provincial government.

(f) Consider using products made from wood waste where appropriate (but watch for indoor air quality and possible off-gassing).

(g) Consider designing structures to maximize the use of standard size materials in building design for the efficient use of materials (less waste)

(h) In assessing and selecting finishes, review their comparative aesthetics, comfort and acoustical control.

(i) Select appropriate material for all projects (e.g. through life-cycle assessments).

(j) Consider building materials that have low "embodied energy," are from rapidly renewable sources, and/or have been acquired with minimal transportation kilometres. Consider using:

(i) locally manufactured materials;

(ii) low embodied energy materials such as wood;

(iii) durable materials for long service life and low maintenance;

(iv) materials with recycled material content, locally harvested materials, and sustainably harvested and certified wood.

(k) Maximize the use of safe and healthy materials.

(i) Use roofing materials that support rainwater harvesting (cedar and asphalt can transfer chemicals).

(ii) Use insulation that does not contain harmful chemicals such as hydrochlorofluorocarbons or extruded polystyrene.

(iii) Use high-performance windows.

(iv) Choose wood with natural preservatives over chemically treated wood where appropriate.

(v) Avoid manufactured products with pollutants such as urea formaldehyde.

(vi) Specify low volatile organic compound (VOC) building products.

(vii) Avoid materials that trap dust and odours.

(l) Minimize the generation of solid waste in construction.

(i) Install with deconstruction in mind to allow for material reuse.

(ii) Avoid demolition of old buildings to waste. Consider reuse/renovation as an option.

(iii) Prepare a plan for materials staging to protect materials from damage and possible waste (e.g. schedule just-in-time delivery; fence and protect staging area from weather).

(iv) Use preassembled, pre-cut components (e.g. trusses) to reduce site waste.

(v) Minimize the selection of materials with excessive packaging.

(m) Maximize the diversion of solid waste from landfill.

(i) Use local facilities for reuse and recycling of products that are not at the end of their useful lives (consider providing a facility on site for multi or large developments).

(ii) Incorporate full recycling options for the completed development (e.g. recycling, organics, composting), as well as garbage collection.

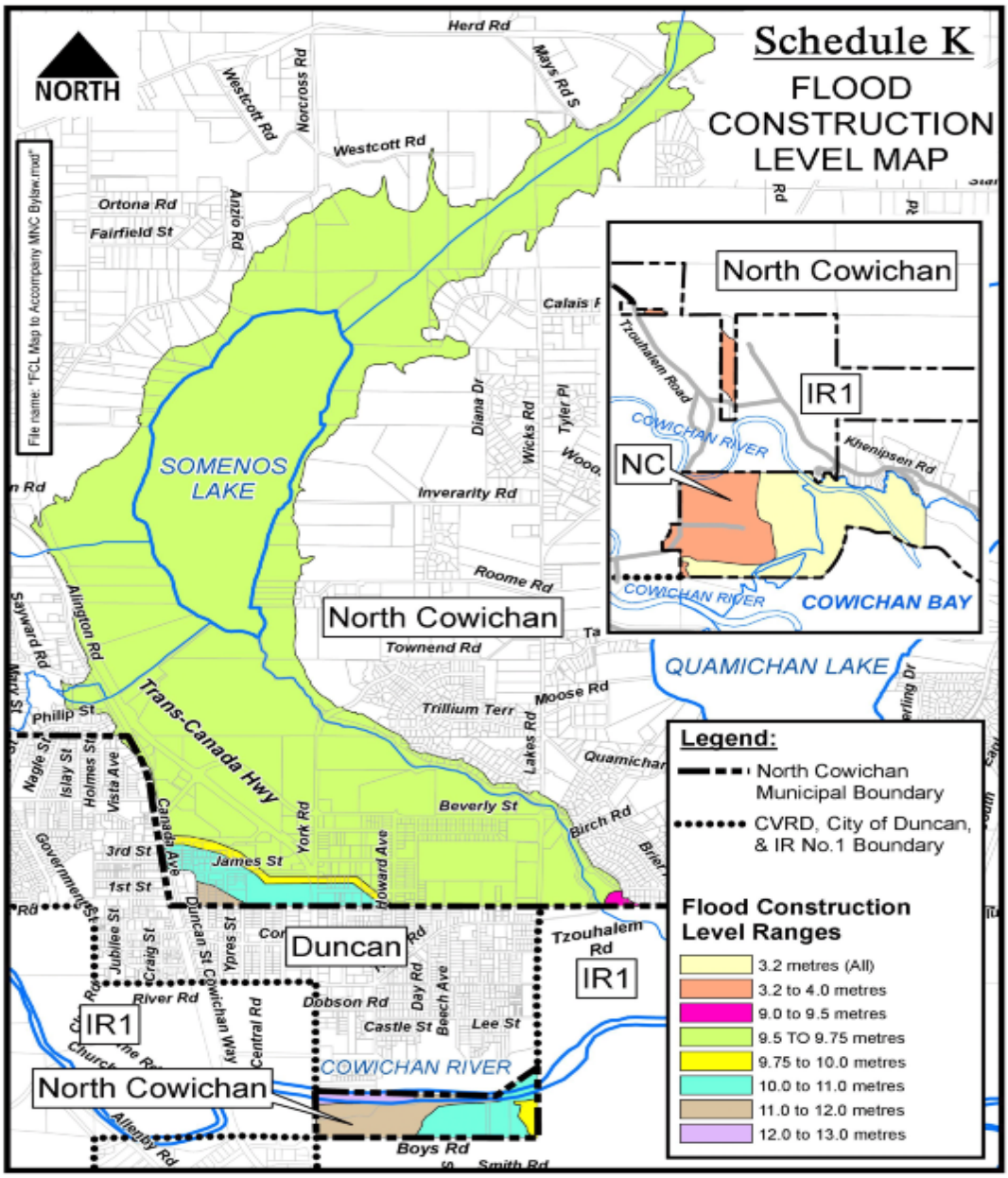
(iii) Use chipped vegetation as mulch on site, and use logged wood from the site in the design of the building or components.

(iv) Design adequately for waste diversion techniques on site, and locate these conveniently for use but not to negatively impact public access, corridors or areas.

(n) Make areas for recycling collection, composting and waste disposal sufficiently large and easily accessible and plan them so they have the capacity for expansion.

Schedule "K"

Flood Construction Level Map



Schedule "L" [BL3545]

Mixed Use Residential Zone (CD15) Areas

