



**BY-LAW NO. 1155,
 “ELECTORAL AREA ‘A’ (GOLD RIVER) ZONING BY-LAW, 1990” (CONSOLIDATED)**

The following is a consolidated version of the Electoral Area ‘G’ Zoning By-law, 1990 and includes the following amendment bylaws:

BYLAW No.	BYLAW NAME	ADOPTED	PURPOSE
RDCS 1350	Electoral Area ‘G’ Zoning By-Law, 1990, Amendment By-Law No. 1	October 28, 1991	To amend the area and frontage requirements and lot size exceptions. Map amendment – area to be rezoned from CR-1 to PU-1.
RDCS 1539	Electoral Area ‘G’ Zoning By-law, 1990, Amendment By-law No. 2	November 29, 1993	To amend the fees for application, Table of Contents to add Industrial One; Zone Designations, Regulations and Conditions of Use. Map amendment – area to be rezoned from CR-1 to I-1.
SRD 34	Electoral Area ‘A’ (Gold River Area) Zoning Bylaw, 1990, Amendment No. 4	October 29, 2009	To amend by the addition of Industrial Two Zone. Map amendment – area to be rezoned from CR-1 to I-2.
SRD 89	Electoral Area ‘G’ (Gold River Area) Zoning Bylaw, 1990, Amendment No. 4	April 26, 2012	To amend by inserting for Riparian Area Regulations

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



Bylaw No. 1155

“Electoral Area ‘A’ (Gold River) Zoning Bylaw, 1990”

CONSOLIDATED COPY FOR CONVENIENCE PURPOSE ONLY

The version of this bylaw may not be complete due to pending updates or revisions and therefore is here for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please come into the regional district office to view the complete bylaw when required.

REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 1155

**A Bylaw To Regulate The Location And Use Of Buildings And Structures
And The Use And Subdivision Of Land, Including The Surface Of Water In
The Regional District of Comox-Strathcona**

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

PART A TITLE

This bylaw may be cited for all purposes as the "Electoral Area 'G' Zoning Bylaw, 1990".

PART B APPLICATION

1. This bylaw shall be applicable to those parts of Electoral Area "G" (Gold River Area), identified in Schedule 'A' attached to and forming part of this bylaw.
2. Any forestry management activity relating to the production and harvesting of timber on any land that is classified as managed forest land pursuant to the *Assessment Act* or any land within a license area under the *Forest Act* shall not be restricted by any terms or conditions of this bylaw so long as the land continues only to be classified for that purpose.
3. For the purpose of this bylaw, Schedule 'A' is attached to and forms an integral part of this bylaw and bears the words "Schedule 'A'".

PART C ADOPTION

READ A FIRST AND SECOND TIME THIS 30th DAY OF October 1989.

PUBLIC HEARING HELD THIS 20th DAY OF November 1989.

READ A THIRD TIME THIS 27th DAY OF November 1989.

I HEREBY CERTIFY the foregoing to be a true and correct copy of the "Electoral Area 'G' Zoning Bylaw, 1990" as read a third time by the Board of the Regional District of Comox-Strathcona on the 27th day of November, 1989.

W.B. d'Easum
Secretary

**APPROVED BY THE MINISTER OF
MUNICIPAL AFFAIRS THIS 28th DAY OF February 1990.**

**APPROVED PURSUANT TO THE
HIGHWAYS ACT THIS 17th DAY OF January 1990.**

**RECONSIDERED, FINALLY PASSED
AND ADOPTED THIS 26th DAY OF March 1990.**

J. Turner
Chairperson

W.B. d'Easum
Secretary

I HEREBY CERTIFY the foregoing to be a true and correct copy of the "Electoral Area 'G' Zoning Bylaw, 1990", as adopted by the Board of the Regional District of Comox-Strathcona on the 26th day of March, 1990.

W.B. d'Easum
Secretary

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RDCS 1539

SRD 34

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PART 1 **ADMINISTRATION****1.1** **Administration**

1. The Director of Planning and Development or such other persons appointed by the Regional District shall administer this by-law.
2. Persons appointed under Subsection 1 may enter any building or premises at all reasonable times for the purpose of administering or enforcing this by-law.

1.2 **Violation**

1. It shall be unlawful for any person to cause, suffer or permit any building or structure to be constructed, reconstructed, altered, moved, extended, or used, or land to be occupied or used in contravention of this by-law or otherwise to contravene or fail to comply with this by-law except as provided for under Section 962, 970 and Division 5 of the Municipal Act.
2. It shall be unlawful for any person to prevent or obstruct any official appointed under part 1, Subsection 1.1 from the carrying out of his duties under this by-law.
3. Nothing in this by-law shall exempt any person from complying with the requirements of any other by-laws in force within the Regional District or from obtaining any license, permission, permit authority, or approval required by this or any other by-law of the Regional District of Comox-Strathcona.

1.3 **Penalty**

1. Any person who violates the provisions of this by-law is liable on summary conviction to a penalty not exceeding Two Thousand Dollars (\$2,000.00) or imprisonment for a period not exceeding thirty (30) days and the cost of prosecution.
2. Each day during which such violation is continued shall be deemed to constitute a new and separate offence.
3. Upon conviction, the Provincial Court Judge may direct that no prosecution under Subsection 2 may be made, with respect to the continuance of the violation, for such period of time as he directs.

1.4 **Remedial Authority**

1. The Regional District may, by by-law, authorize:
 - i) the demolition, removal or bringing up to standard specified in the by-law of a building, structure or thing, in whole or in part, that contravened this by-law or that the Regional District believes is in an unsafe condition;

- ii) the filling in, covering over or alteration in whole or in part of an excavation that contravened this by-law or that the Regional District believes is in an unsafe condition.
- iii) The Regional District shall give the affected land owners thirty (30) days notice of any action contemplated under this section.

1.5 Appeal

The Board of Variance established under the Board of Variance by-law of the Regional District of Comox-Strathcona shall hear and determine any appeal pursuant to Section 962 of the Municipal Act.

1.6 Severability

If any provision of this by-law is found invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this by-law.

PART 2 INTERPRETATION

“AGRICULTURAL USE” means a use providing for the growing, rearing or harvesting of agricultural products and includes the processing on an individual lot of primarily agricultural products harvested, reared or grown on that lot.

“ANIMAL KENNEL” means any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.

“APPLICANT” means the person applying for the Approval of a Subdivision, Board of Variance Appeal, Rezoning, Development Variance Permit, Development Permit, or Mobile Home Park Permit, whether as the owner of the property or as agent of the owner.

“APPROVAL” means approval in writing from the authority having jurisdiction.

“APPROVING OFFICER” means approving officer designated as such pursuant to the Land Titles Act or the Condominium Act.

“AUTOMOBILE WRECKING YARD” means a place where two or more derelict vehicles are stored, kept, disassembled, and/or repaired and where parts from derelict vehicles may be salvaged, purchased, or reused subject to compliance with the Motor Vehicle Act and pursuant regulations.

“BOARDING HOUSE” means a dwelling or part thereof in which furnished sleeping accommodations with or without furnished meals are provided for consideration to more than four (4) persons as permanent accommodation.

“BUILDING” means a structure located on the ground, which is designated, erected or intended for the support, enclosure or protection of any use, person or property.

“BUILDING, ACCESSORY” means a building or structure, the use of which is ancillary to that of the principal permitted use of the lands, buildings or structures located on the same parcel, but specifically excludes buildings used for residential use or agricultural buildings.

“BUILDING, AGRICULTURAL” means a building, the use of which is primarily for the growing, rearing or harvesting of agricultural products on properties where the land is eligible for farm classification pursuant to the Assessment Act, and can include a building which is used for processing of agricultural products where such agricultural products are harvested, reared or grown on that farm or a building for the storage of farm machinery implements and agricultural supplies necessary for the operation of that farm. An agricultural building can also mean a structure for sale of agricultural products grown, rearing or produced on that farm where the floor area of the structure, and any display area, does not exceed 12 m² (129.17 ft²).

“BULK STORAGE” means the storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

“CAMPGROUND” means premises occupied and maintained for temporary accommodation of travelers in trailers, tents or recreation vehicles. It does not include a mobile home park, motel, hotel, or autocourt but allows for accessory retail grocery sales primarily for campground patrons.

“COMMUNITY CARE FACILITY” means a facility that is licensed or is under permit by the Provincial Government as a community care facility or like establishment that serves more than four (4) persons.

“COMMUNITY SEWER SYSTEM” means a common sewer or a system of laterals, collectors, mains, trunks, and appurtenances, including treatment and disposal facilities approved by the Waste Management Branch of the Ministry of Health and the Regional District.

“COMMUNITY WATER SYSTEM” means a system or waterworks within the meaning of Section 21 of the Health Act which is owned, operated and maintained by an Improvement District under the Water Act or the Municipal Act, or by the Regional District within a Water Specified Area, or by the owner of a mobile home park or by a strata corporation. This system must be approved by the Regional District and by the authority having jurisdiction.

“**DERELICT VEHICLE**” means any vehicle pursuant to the Motor Vehicle Act and amendments thereto, which is not licensed and which is not housed in a garage or carport.

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

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

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“**DWELLING, SINGLE FAMILY**” means a detached building or mobile home used exclusively for residential use for one family consisting of one dwelling unit, and containing not more than one set of cooking equipment.

“**DWELLING UNIT**” means a self-contained unit with a separate entrance occupied as a permanent home or residence with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

“**FAMILY**” means one person or two or more persons who are interrelated by bonds of marriage, legal adoption or consanguinity, or a group of not more than five (5) unrelated persons occupying a dwelling unit.

“**FLOOR AREA**” means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the storey.

“**FRONTAGE**” means the length of a lot line which immediately adjoins a highway, and where two or more lot lines adjoin a highway, only one length being the shortest length of a lot line fronting a highway shall be considered as frontage.

“**GRADE LEVEL**” means the lowest of the average levels of finished ground adjoining each exterior wall of a building, or where there is no building, the lowest of the average levels of finished ground measured at each corner of the lot.

“**HEIGHT OF BUILDING**” means the vertical distance from the main grade level to the highest part of the roof surface, as illustrated in Figure 1.

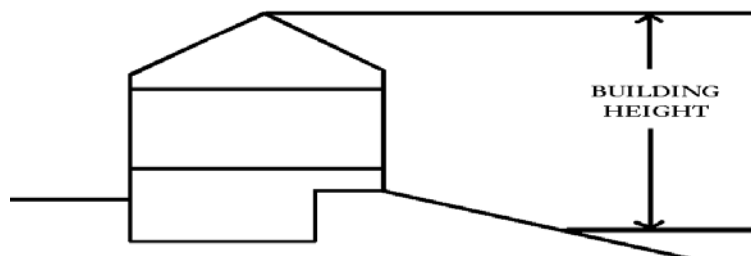


Fig. 1

“**HIGHWAY**” includes a public street, lane, bridge, road, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

“**JUNKYARD**” is a place where old articles, waste or discarded material are stored or kept, whether or not for commercial purposes or as part of a trade or calling, and such materials shall include rubber tires, metal, plastics, plastic containers, glass, papers, sacks, wire, ropes, rags, machinery, cans, any other scrap or salvage, and includes Automobile Wrecking Yards.

“**LIVESTOCK**” means animals used for agricultural purposes, which are used or the products of which are used for eventual consumption and in addition includes animals for work or are capable of work such as horses, donkeys or mules.

“**LOT**” means an area of land designated as a separate and distinct parcel that is a legally recorded subdivision plan or description filed in the Land Titles Office but does not include a strata lot.

“**LOT AREA**” means the area of land within the boundaries of the lot but excludes the panhandle area.

“**LOT COVERAGE**” means the total horizontal area measured to the outside of the exterior walls of the building on a lot, expressed as a percentage of the lot area.

“**LOT LINE**” means a legally defined line or series of continuous lines , which provides a boundary of a lot.

“**LOT LINE, FRONT**” means a lot line common to the lot and an abutting highway, or, where there is more than one such line the shortest such line shall be considered as the front lot line.

“**LOT LINE, REAR**” means the lot line opposite to and most distant from the front lot line, or where a rear portion of the parcel is bounded by intersecting side lot lines, it shall be the point of such intersection.

“**LOT LINE, SIDE**” means the lot line that extends from the front lot line to the rear lot line.

“**MOBILE HOME**” means a dwelling unit designed to be moved from time to time, which arrived at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connections of utilities, and some incidental assembly, and meets or exceeds Canadian Standards Associations Z-240 Standards, but specifically excludes recreational vehicle.

“**NATURAL BOUNDARY**” meaning 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 vegetations, as well as in respect to the nature of the soil itself. In addition, the natural boundary includes the best estimate of the edge of dormant or old side channels and marsh areas.

“**NON-CONFORMING BUILDING OR USE**” means any building or use which does not conform with all the regulations of this by-law or any amendments thereto, for the zoning district in which such building or use is located.

“**PANHANDLE**” means a strip of land not less than 6 metres (19.66 feet) in width and not exceeding 20 metres (65.62 feet) in width which extends along a side of a lot and which provides access and highway frontage to a parcel, and which forms part of that parcel as illustrated in Figure 2.

“**PARCEL**” – see “**LOT**”

“PARK” means a tract of land or water designated and used by the public for active and passive recreations.

“PERMITTED ACCESSORY USE” means a use that is ancillary to the permitted principal use of the land, building or structure located on the same parcel or on a parcel contiguous to a parcel on which the principal use is situated when both parcels are owned by the same person and both parcels have the same zoning.

“PERMITTED PRINCIPAL USE” means the principal permissible purpose for which land, buildings or structures may be used, and for the purpose of this by-law all uses not listed as permitted shall be deemed to be a prohibited use in that zone.

“PRINCIPAL BUILDING” means the main building or structure on a parcel of land which reflects the primary use of that land.

“PRINCIPAL USE” means the main purpose for which a lot, principal building or structure is ordinarily used.

“POTABLE WATER” means water which is approved for drinking purposes by the Ministry of Health.

“PUBLIC ASSEMBLY USE” means the use of land, buildings or structures for religious institutions, cemeteries, hospitals, community care facilities, institutional uses, government offices, daycare centres, schools, museums, community halls, auditoriums, publicly funded recreation facilities, and public works yards with related facilities.

“PUBLIC UTILITY USE” means the use of land, buildings or structures for the provision of community water or sewer service, public access, electrical and telecommunication service, firehalls, ferry terminals, public boat ramps, or utility service buildings.

“QUALIFIED ENVIRONMENTAL PROFESSIONAL” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if,

(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association,

(b) the individual’s area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and

(c) the individual is acting within that individual’s area of expertise.

“RECREATIONAL VEHICLE” means a unit designed to provide temporary living accommodation for travel, vacation or recreational use and to be driven, towed or transported. Such units include travel trailers, slide-in campers, tent trailers, motor homes and fifth-wheel trailers. Any unit must be licensed for transport on public roads.

“REGIONAL DISTRICT” means the Regional District of Comox-Strathcona.

“RESIDENTIAL USE” means the permanent occupancy and use of a dwelling unit by a family.

“RIDING ACADEMY” means an establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding and includes horse related events or shows where no paid admission to view the event is required.

“RIPARIAN AREA” means a Streamside Protection and Enhancement Area (SPEA).

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“RIPARIAN ASSESSMENT AREA” means:

- (a) for a stream, the 30.0 metre strip on both sides of the stream, measured from the high water mark,
- (b) for a ravine less than 60.0 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30.0 metres beyond the top of the ravine bank, and
- (c) for a ravine 60.0 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10/0 metres beyond the top of the ravine bank.

“SETBACK” means the required minimum horizontal distance measured from the respective lot line or natural boundary to any building or structure or part thereof.

“SITE AREA” means the same as lot area where only one lot is involved and means the total horizontal area within the lot lines of all lots to be covered by a use. In the case of a strata lot, site area shall mean the area of the parent lot prior to the creation of strata lots.

“SITE TRIANGLE” means the area formed by a triangle in the angle formed by the right-of-way boundaries or boundaries produced and two points on those boundaries 6 metres (19.7 feet) from the point of intersection.

“SILVICULTURE” means all activities related to the development and care of forests, including the removal of harvestable timber stocks, but does not include the processing of wood or wood products.

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“STREAM” includes any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook,
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

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“STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA)” means an area:

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

“STRUCTURE” means anything that is constructed or erected, and includes swimming pool, mobile home space, camping space and major improvements accessory to the principal use of land, but specifically excludes landscaping, paving improvements, retaining walls, signs and fences under 2.0 metres (8.56 feet) in height.

“SUBDIVISION” means any change in existing size, shape, number or arrangement of a parcel registered in the Land Title Office so as to require that a new Certificate of Indefeasible Title be issued.

“UTILITY SERVICE BUILDING” means a building or structure providing for public utility facilities for water, sewer, electrical, telephone and similar services, established by a municipality, Regional District, by another government body or by a company regulated by statute.

“WATERCOURSE” means any natural or man-made depression with well-defined banks and a bed zero point six (0.6) metres (1.97 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two (2) square kilometers (0.77 square miles) or more upstream of the point of consideration, or as required by a designated official of the Ministry of Environment of the Province of British Columbia.

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“WETLAND” includes land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically

adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.

“YARD” means a space appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this by-law.

“YARD FRONT” means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any excavation or main building on the lot.

“YARD, FRONT DEPTH” means the least horizontal dimension between the front lot line of the lot or the chord of the front lot line of the lot and the nearest part of any building, structure or excavation on the lot.

“YARD, REAR” means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any excavation or main building on the lot.

“YARD, REAR DEPTH” means the least horizontal dimension between the rear lot line of the lot and the nearest part of any building, structure or excavation on the lot.

“YARD, REQUIRED” means a yard with the minimum front yard depth, rear yard depth or side yard width required by the provisions of this by-law. A required side yard shall extend from the required front yard to the required rear yard.

“YARD, SIDE” means a yard extending from the required front yard to the required rear yard and from the side lot line of the lot to the nearest part of any excavation or main building on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.

“YARD, SIDE WIDTH” means the least horizontal dimension between the side lot line of the lot and the nearest part of any building, structure or excavation on the lot.

“YARD, SIDE, EXTERIOR” means a side yard immediately adjoining a public street.

“YARD, SIDE, INTERIOR” means a side yard other than an exterior side yard.

PART 3 **AMENDMENT****3.1** **Application**

Any person wishing to have this by-law amended shall apply using Schedule '3-A' (attached) which shall be delivered to the Regional District together with such plans and particulars as the Regional District may require as specified on Schedule '3-A'.

3.2 **Amendment Application Fee**

Prior to the processing of an application for amendment the applicant shall pay the Regional District an application fee in the amount as set out in Schedule '3-B' to this by-law.

3.3 **Amendment Procedures**

- 1) This by-law may not be amended or repealed except after a public hearing held under Section 956 of the Municipal Act.

3.4 **Public Hearing Procedure**

Where a proposed amendment to this by-law requires a public hearing, notice of the public hearing on such a proposed amendment, having the effect of altering the permitted use or density of any area, shall be mailed or otherwise delivered at least 14 days before a public hearing to the owners and occupiers of all parcels within the area subject to the by-law amendment and within 30 metres (98.4) feet of any land subject to the by-law amendment except where proposed amendment to the by-law involves 10 or more parcels owned by 10 or more persons.

APPLICATION FEE: \$500.00

REGIONAL DISTRICT OF COMOX-STRATHCONA

By-Law No. 1155

SCHEDULE '3-A'

APPLICATION TO AMEND THE "ELECTORAL AREA 'A' (GOLD RIVER) ZONING BY-LAW, 1990"

Property Owner's Name: _____ Authorized Agent of Owner: _____

I/We
Address of Owner: _____ Address of Agent: _____

City/Town/Village: _____ City/Town/Village _____

Postal Code: _____ Postal Code: _____

Telephone No.: _____ Telephone No.: _____

(If more than one owner, please list on a separate sheet.)

As registered owner of real property described as (full legal description of each of the subject properties):

Approximate area or dimensions of each lot (please use metric dimensions):

Hereby make application to the Regional District board to amend the "Electoral Area 'A' (Gold River) Zoning By-Law, 1990" as follows:

From: _____

To: _____

Reasons For Proposed Amendment:

1) I enclose a copy of the:

Certificate of Indefeasible Title

And plans of appropriate scale to support the application.

2) I enclose an application fee of \$ _____ as required in accordance with Schedule '3B' of this by-law.

Signature of Registered Owner

Date

PLEASE NOTE THAT WHERE AN AUTHORIZED AGENT ACTS ON THE PROPERTY OWNER'S BEHALF, THAT A LETTER OF AUTHORIZATION IS REQUIRED.

REGIONAL DISTRICT OF COMOX-STRATHCONA

By-Law No. 1155

SCHEDULE '3-B'

AMENDMENT APPLICATION FEE

Application Fees And Refunds

- 1) **Amendment to the “Electoral Area ‘A’ (Gold River) Zoning By-Law, 1990”:**
 - (a) The application fee for amendment to the “Electoral Area ‘A’ (Gold River) Zoning By-Law, 1990” shall be in the amount of \$500.00. There is no refund.

PART 4 PERMITS

4.1 Development Variance Permits

- 1) An application for a Development Variance Permit shall be completed upon a form provided by the Regional District which is attached Schedule '4A' and shall be delivered to the Regional District, together with such plans and particulars as the Regional District may require.
- 2) Prior to the processing of a Development Variance Permit, the applicant shall pay to the Regional District an application fee of two hundred dollars (\$200.00).
- 3) The Regional District may, by resolution, on the application of an owner of land, issue a Development Variance Permit in the form of this permit attached hereto as Schedule '4B' that may, in respect of the land covered in the permit, vary the provisions of this by-law except that the permit shall not vary
 - i) the use or density of land;
 - ii) any flood plain specification.
- 4) The Regional District may, as a condition of the issue of the Development Variance Permit, require that the applicant for the permit provide security by, at the applicant's option, an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Regional District in an amount stated in the permit, to ensure only that works may be completed to satisfy landscaping conditions or to carry out any construction required to correct any unsafe conditions.
- 5) Where the Regional District issues a Development Variance Permit, it shall file in the Land Title Office a notice that the land described in the notice is subject to the permit.

APPLICATION FEE: \$200.00

File: _____

REGIONAL DISTRICT OF COMOX-STRATHCONA

By-Law No. 1155

SCHEDULE '4-A'

APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT

I/We

Property Owner's Name: _____ Authorized Agent of Owner: _____

of

Address of Owner: _____ Address of Agent: _____

City/Town/Village: _____ City/Town/Village: _____

Postal Code: _____ Postal Code: _____

Telephone No.: _____ Telephone No.: _____

As registered owner of: (legal description of property)

Hereby make application to the Regional District Board for a Development Variance Permit for the purpose of:

Attached to this application are two copies of the plans and specifications of the proposed development drawn to a scale acceptable to the Regional District together with a full description of the proposed development.

Owner's Signature

Date

OFFICE USE ONLY:

Zoning: _____

PART 5 **LAND USE REGULATIONS**

5.1 **Zone Designations**

For the purpose of this by-law, the areas described in Part B, "Application", of this by-law are hereby divided into zones designated and described by the following classifications and their short title equivalents.

<u>Zone</u>	<u>Short Title</u>	<u>Minimum Lot Size</u>	<u>Frontage</u>
CR-1	Country Residential One	2 hectares (4.94 acres)	10% of the perimeter of the lot
PU-2	Public Use One	None	none
I-1	Industrial One	2.0 ha	none

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5.2 **Extent**

- 1) The extent of each zone is shown on Schedule 'A' which is attached to and forms part of this by-law.
- 2) When the zone boundary is designated as following a road allowance or creek, the centre line of such road allowance or creek shall be the zone boundary.
- 3) Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning map referred to in Subsection 1.

5.3 **General Provisions**

- 1) No land, surface of water, building, or structure in any zone shall be used for any purpose other than that specified for the zoning in which it is located as identified in Schedule "A".
- 2) Minimum lot size requirements are stipulated for each zone. The subdivision regulations of Part 6 of this by-law must be adhered to.

5.4 **Non-Conforming Uses**

- 1) A lawful use of land, buildings or structures existing at the time of enactment of this by-law, although the use does not conform to this by-law, may continue as a non-conforming use, but if the non-conforming use is discontinued for a continuous period of six (6) months, any subsequent use of the land, building or structure becomes subject to the by-law. Seasonal uses or agricultural uses shall not be discontinued as a result of normal seasonal or agricultural practices including
 - a) seasonal, market or production cycles
 - b) the control of disease or pests, or
 - c) the repair, replacement, or instruction of equipment to meet standards for the health or safety of people or animals.

- 2) A building or structure that is lawfully under construction at the time of the enactment of this by-law, shall, for the purpose of this by-law, be deemed to be a building or structure existing at the time, and to be then in use for its intended purpose as determined from the Building Permit authorizing its construction.
- 3) When a non-conforming use of part of a building or structure may continue then the whole of that building or structure may be used for that non-conforming use. Non-conforming use of land may not be continued on a scale or to an extent or degree greater than that at the time of adoption of this by-law.
- 4) A structural alteration or addition, except one that is required by an enactment or permitted by a Board of Variance shall not be made in or to a building or structure while the non-conforming use is continued in all or any part of it.
- 5) Where a building or a structure, the use of which does not conform to the provisions of this by-law, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the Inspector, it shall not be repaired or reconstructed except for a conforming use in accordance with this by-law.
- 6) Where the siting, size or dimensions of a building or structure or off-street parking or loading spaces or the number of off-street parking or loading spaces do not meet the requirements of this by-law, they may be repaired, extended or altered, but only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of this by-law beyond the contravention that existed at the time that the repair, extension or alteration was commence.
- 7) A change of owners, tenants or occupants of any land, or of a building or structure, does not, by reason only of the change, affect the use of the land or building or structure.
- 8) No parcel or area of land shall be alienated, and no use shall be initiated, and no building or structure shall be sited in a manner which thereby renders non-conforming any exiting use or building or structure o that parcel.
- 9) Where the use and density of buildings and structures conform to this by-law but,
 - (a) the siting, size or dimensions of
 - i) a building or structure;
 - ii) off-street parking or loading spaces; or
 - (b) the number of off-street parking or loading spaces

do not meet the requirements of this by-law that is adopted after they were constructed or provided, they may be maintained, extended or altered, but only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the by-law beyond the contravention that existed at the time that the repair, extension or alteration was commence.

5.5 General Regulations

1) Accessory Buildings and Structures

- a) Buildings and structures accessory to the permitted use of a parcel are permitted in each zone, unless otherwise specified, provided that:
 - i) the principal use is being performed on the parcel; or,
 - ii) a building for the purpose of the principal use has been constructed on the parcel; or
 - iii) a building for the purpose of the principal use is in the process of being constructed on the parcel.
- b) The maximum height of all accessory buildings is 6 metres (19.69 feet).
- c) Notwithstanding the above, an accessory building may be situated on a parcel where no principal residential building exists provided the building is no greater than 100 square metres (1076.42 feet) and is used only for the storage of goods and materials owned by the owner of the same parcel.

2) Height of Buildings and Structures

- i) The maximum height of all buildings and structures shall not exceed 10 metres (32.81 feet).
- ii) The maximum height of all fences shall not exceed two metres (6.6 feet).
- iii) The following shall not be subject to the height requirements of this by-law unless otherwise specified: chimneys, flagpoles, aerials, watertanks, transmission towers, and farm buildings.

5.5.3 Development Adjacent to Streams

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Riparian Area Regulation (RAR) Requirements

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

- i. certifies that the qualified environmental professional is qualified to carry out the assessment,
- ii. certifies that the assessment methods have been followed, and
- iii. provides the professional opinion of the qualified environmental professional that:

(a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or

(b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

4) Elevations

- i) No building shall be constructed with the underside of any floor system or the top of any pad supporting any space or room including a mobile home, that is used for dwelling purposes, business or the storage of goods which are susceptible to damage by floodwater less than 0.6 metres (1.97 feet) above the 200-year flood level where it can be determined, or, if not, less than three metres (9.8 feet) above the natural boundary of the Gold River and less than 1.5 metres (4.92 feet) above the natural boundary of any other watercourse, lake or sea in the immediate flood hazard area.
- ii) In all areas surrounding Muchalat Inlet, no building shall be constructed nor mobile home located except on natural ground which is at an elevation of not less than 11.7 metres above the natural boundary of the sea.
- iii) If land fill is required to achieve the required elevation, no portion of the land fill slope shall be closer than the required setbacks established elsewhere in this by-law and the face of the land fill slope shall be adequately protected from erosion from floodwaters.
- iv) Provided that with the approval of the Ministry of Environment, the requirements of Section i-ii may be reduced to the extent that such reduction does not exceed the setback requirements of the particular zone designation.

5.5.4 Siting of Buildings and Structures Adjacent to Streams

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i) Stream Setbacks

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

ii) Watercourse Setbacks

- a) No building shall be constructed within 60 metres (196.85 feet) horizontal distance of the natural boundary of the Gold River, or within 15 metres (49.2 feet) horizontal distance of the natural boundary of any other watercourse or source of water supply.
- b) No building that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be located within 15 metres of the natural boundary of the sea, nor on any ground which is lower than 11.7 metres above the natural boundary of the sea, whichever condition creates the greatest setback from the natural boundary of the sea.
- c) No houseboat, float camp or other building, structure or vessel used or intended to be used for temporary or permanent residence shall be located on any lake or stream.
- d) No building used to accommodate domesticated or display animals other than household pets shall be sited less than 75 metres (246.06 feet) from the natural boundary of the lake.

iii) Sea Setbacks

No building that is used for dwelling purposes, business or storage of goods which are susceptible to damage by floodwater shall be constructed within 7.5 metres (24.6 feet) of the natural boundary of the lake.

iv) Relaxation of Setbacks

Provided that with the approval of the Ministry of Environment, the requirements of Subsections i) and ii) may be reduced to the extent that such reduction does not exceed the setback requirements of the particular zone designation.

v) Site Triangles Setbacks

- a) No person, being the owner, occupier or lessee of any land at the intersection of any highway and any other highway shall place or permit to be placed or grown any tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.6 metres (1.97 feet) within the site triangle above an elevation such that an eye 0.9 metres (2.95 feet) above the surface of one highway cannot see an object 0.9 metres (2.95 feet) above the surface of the other highway.
- b) All buildings and structures shall be set back a minimum of 4.5 metres (14.76 feet) from the site triangle.

vi) Siting Exceptions

- a) Where chimneys, cornices, leaders, gutters, pilasters, belt course, sills, bay windows or ornamental features project beyond the face of a building, the minimum distance to an abutting lot line as permitted elsewhere in this by-law may be reduced by not more than 0.6 metres (1.97 feet) provided that such reduction shall apply

only to the projecting feature and except for a zero lot line in which case no feature shall project over the lot line.

- b) Where steps, eaves, or open decks, project beyond the face of a building, the minimum distance to an abutting front, rear and side lot line as permitted elsewhere in this by-law may be reduced by not more than 50% of such distance up to a maximum of two metres, provided that such reduction shall apply only to the projecting feature.
- c) Freestanding lighting poles, warning devices, antennas, signs, utility poles, wires, and flagpoles may be sited on any portion of a lot.

vii) Storage

- a) No parcel or land shall be used for the wrecking or storage of more than on derelict vehicle or as a junkyard.
- b) No recreational vehicle shall be used for human occupancy while located on a parcel of land for a period exceeding 72 hours during a period of 10 continuous calendar days.

5.6.1 **Country Residential One Zone (CR-1)**

i) Permitted Uses

The following uses and no other uses are permitted on any lot or within any building or structure in the area designated Country Residential One (cR-1):

a) Permitted Principal Uses

1. Agricultural use;
2. Animal kennel;
3. Park;
4. Public utility use;
5. Residential use limited to one single family dwelling;
6. Riding academy;
7. Silviculture.

b) Permitted Accessory Uses

1. Accessory buildings limited to not exceed a maximum gross floor area of 300 square metres (3229.3 square feet).

ii) Conditions Of Use

On a lot located in an area designated Country Residential One (CR-1), no building or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below:

- | | | |
|----|---------------------------------|---|
| 1. | Required Siting From Lot Lines: | 7.5 metres |
| 2. | Minimum Parcel Size: | 2 hectares |
| 3. | Minimum Lot Frontage: | 10% of the perimeter of the lot |
| 4. | Lot Coverage: | 15% for all buildings and structures |
| 5. | Servicing Standards: | private on-site sewage disposal
private on-site water supply |

5.6.2. **Public Use One Zone (PU-1)**

i) Permitted Uses

The following uses and no other uses are permitted on any lot or within any building or structure in the area designated Public Use One (PU-1).

a) Permitted Principal Uses

1. Agricultural use;
2. Park use;
3. Golf course;
4. Public assembly use;
5. Public utility use;

b) Permitted Accessory Uses

1. Residential use limited to one single family dwelling.

ii) Conditions Of Use

On a lot located in an area designated Public Use One (PU-1) no building or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below:

- | | | |
|----|----------------------------------|---|
| 1. | Required Siting From Lot Lines: | 7.5 metres |
| 2. | Minimum Parcel Size And Frontage | no minimum requirements apply |
| 3. | Lot Coverage | 35% for all buildings and structures |
| 4. | Servicing Standards | private on-site sewage disposal
Private on-site water supply |

5.6.3 Industrial One Zone (I-1)

i) The following uses and no other uses are permitted on any lot or within any building or structure in the area designated Industrial One (I-1):

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a) Permitted Principal Uses

On any lot:

- 1) Sanitary landfill;
- 2) Public utility use.

b) Permitted Accessory Uses

On any lot:

- 3) Offices.

ii) Conditions Of Use

On a lot located in an area designated Industrial One (I-1), no building or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below:

- | | | |
|----|---------------------------------|--------------------------|
| 1) | Required Siting From Lot Lines: | 7.5 metres (24.6 feet) |
| 2) | Minimum Parcel Size: | 1.5 hectares (3.7 acres) |

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5.6.4	Industrial Two Zone (I-2)
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i) PERMITTED USES

The following uses and no other uses are permitted on any lot or within any building or structure in the area designated industrial Two (I-2):

a) Permitted Principal Uses

On any lot:

- 1) Landfill operation for the storage and treatment of ash waste and leachate only and operated with the necessary provincial licences and/or permits;
- 2) Public utility use.

b) Permitted Accessory Uses

On any lot:

- 1) Offices in which activities are undertaken in direct relation to a permitted principal use.

ii) CONDITIONS OF USE

On a lot located in an area designated Industrial Two (i-2), no building or structure shall be constructed, located, or altered and no plan of subdivision approved which contravenes the regulations set out below:

- 1) **Required Siting From Front Lot Lines:** 7.5 metres (24.6 feet)
- 2) **Minimum Parcel Size:** 15.0 hectares (37.0 acres)

PART 6 SUBDIVISION REGULATIONS

6.1 Administration

1) Authority – Approving Officer

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

2) Application for Subdivision Approval

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

3) Fee for Application

RDCS 1539

In addition to any fees required pursuant to Section 83 of the Land Title Act, an application fee as prescribed in the “By-Law Amendment, Permit Procedure and Fee By-Law, 1990”, being By-Law No. 1244, shall be paid to the Regional District for each subdivision application prior to final approval by the Approving Officer.

6.2 General Provisions

1) Suitability

- i) The Approving Officer, at the request of the Regional District, may refuse the subdivision or strata subdivision of any parcel of land:
 - a) unless all the requirements of this by-law and any other applicable regulations under the Health Act, and those of improvement districts and other relevant agencies, have been observed;

- b) should the subdivision make any existing use on that parcel non-conforming in respect to any other by-law of the Regional District;
 - c) if the anticipated development of the subdivision would injuriously affect the established amenities of adjoining or reasonably adjacent properties;
 - d) if the land is subject, or could reasonably be expected to be subject, to flooding, erosion, land slip, or avalanche;
 - e) if the anticipated development of the subdivision would adversely affect the natural environment to an unacceptable level;
 - f) if the cost to the Province of British Columbia or the cost to the Regional District of providing public utilities or other works or services would be excessive;
 - g) if it is not suited to the use for which it is intended;
 - h) if it is not suited to the configuration of the land being subdivided;
 - i) if it makes impractical the future subdivision of the land within the proposed subdivision, or of any adjacent land;
 - j) if it is against the public interest;
 - k) if the anticipated development of the subdivision would provide additional storm water runoff sufficient to overload an existing downstream drainage facility and/or provide sufficient additional runoff to inhibit the fish bearing capabilities of downstream locations.
- ii) In considering the application for subdivision, the Regional District may hear objections from any interested persons in order to determine if the subdivision would be against the public interest or would to an unreasonable extent injuriously affect the established amenities of adjoining or adjacent properties.

2) Information Required

- i) At the request of the Regional District, the Approving Officer shall require:
 - a) the submission of a sketch plan showing that the parcels into which the land is proposed to be subdivided can conveniently be subdivided into further small parcels;
 - b) the submission of plans, including the appropriate contour plans, and data on the measures necessary to remedy wet conditions, surface water discharges, or liability to flood;
 - c) the submission of engineering and planning studies bearing the seal of a Professional Engineer and/or Planner;

- d) that the owner of land being subdivided state in writing the intended use of any parcel being created or of any remainder of the parent parcel;
 - e) that the owner of land being subdivided submit a sketch plan outlining the plan of subdivision of any remainder of the parent parcel.
- ii) Each application for subdivision referred to the Regional District shall be accompanied by a sketch plan or plans drawn to a suitable scale, clearly showing:
- a) the scale of each plan and the direction of north thereon; and,
 - b) the arrangement of all parcels (including remainders), roads, easements and rights-of-way to be created; and,
 - c) approximate dimensions of all parcels (including remainders), roads, easements and rights-of-way to be created, including: the length of all property boundary lines and acres, the width of all roads, easements and rights-of-way, and the area of all parcels (including remainders); and
 - d) all watercourse or water frontage within or adjacent to the land to be subdivided; and,
 - e) all steep banks or slopes within or adjacent to the land to be subdivided; and,
 - f) all existing buildings, identified and approximately located, existing within the land to be subdivided; and,
 - g) any existing property lines or roads to be extinguished; and,
 - h) the relationship of the proposed subdivision to adjacent roads, and the connections of proposed new roads thereto.
- iii) The Regional District shall not process any application for subdivision until all information required in Subsection ii) has been submitted.
- iv) The Regional District may require that notice in writing of the proposed subdivision be served on any owner or other person whose land or interest therein might, in the opinion of the Regional District, be detrimentally affected by the proposed subdivision.

6.3 **Parcels**

1) Area And Frontage Requirements

RDCS 1350

- i) For the purposes of this by-law, the minimum area and frontage requirements for each zone as expressed in Part 5 of this by-law shall be considered the minimum area and frontage requirements for purposes of subdivision of land.

2) Lot Size Exceptionsi) No minimum lot size shall apply:

- a) where the lot is intended for a non-sewage generating use such as unattended utility or navigational structures, public assembly and public utility uses, parks or where a restrictive covenant is registered satisfactory to the Approving Officer which prohibits the construction of buildings and structures and/or the use of a parcel;
- b) where lot lines are relocated or removed to facilitate an existing development or improve a subdivision pattern provided:
- 1) no additional lots are created;
 - 2) the lots are contiguous;
 - 3) the lot line change is minor in nature and would involve a change in area of no more than 10% of the smaller lot involved prior to subdivision.

ii) No subdivision shall be permitted which creates new severed parcels except where approved by both the Regional District and the Approving Officer.3) Strata Subdivision

- i) A minimum lot size of 2 hectares (4.97 acres) shall apply where a parcel is proposed for a strata title subdivision plan under the Condominium Act and the number of proposed lots is equal to or less than the density permitted by the minimum lot size requirement of the applicable district as established by other provisions of this by-law.
- ii) Where a strata plan is not bare-land strata plan, the Approving Officer shall be the Regional Board of the Regional District, or its appointed representative.

4) Section 996 Of The Municipal Act

The minimum parcel size for a parcel that may be subdivided under Section 996 of the Municipal Act is 10 hectares (24.7 acres).

6.4 Servicing Standards1) Highways

i) Approval required before construction:

No works respecting highway development shall commence until a plan of subdivision has received approval from the Approving Officer.

ii) Design Requirements

- a) The requirements for highways, lanes, turn-arounds, intersections, and walkways shall be those enforced by the Ministry of Transportation and Highways.
- b) The Approving Officer may require at the request of the Regional District, that the subdivision
- 1) have necessary and reasonable access

- i) to all new parcels; and,
- ii) through the land subdivided to land lying beyond or around the subdivided land;

2) where the land subdivided borders

- i) on a body of water, the bed of which is owned by the Crown; or,
- ii) on the boundary of a strip of land established as the boundary of a water reservoir are owned by the Crown; or,
- iii) on a strip of Crown land 20 metres (65.62 feet) or less in width contiguous to a natural boundary as defined in the Land Act;

access shall be given by highways 20 metres (65.62 feet) wide to the body of water and to the strips at distances not greater than 200 metres (656.17 feet) between centre lines, or, in unorganized territory where the parcels into which the land is subdivided all exceed 0.5 hectares (1.24 acres) at distances not greater than 400 metres (1312.34 feet) between centre lines;

3) where

- i) the land subdivided borders on a body of water, the bed of which is owned by a person other than the Crown; and,
- ii) in the case of a lake or pond, where the surface of the body of water at mean annual high water is at least 1.5 hectares (3.71 acres), and the mean depth at mean annual high water is at least 0.6 metres (1.97 feet); or,
- iii) in the case of a river, creek or watercourses where the average width at mean annual high water is at least 0.6 metres (1.97 feet);

access shall be given by highways 20 metres (65.62 feet) wide to the body of water and to the strips at distances not greater than 200 m (656.17 ft) between centre lines, or, in unorganized territory where parcels into which the land is subdivided all exceed 0.6 ha (1.24 ac) at distances not greater than 400 m (1312.34 ft) between centre lines; but subparagraph (ii) does not apply to a reservoir or pond where the bed is owned by a public body other than the Crown and used for the purpose of domestic or industrial water supply.;

- 4) suitable lanes shall be provided in continuation of existing lanes and every case where lanes are considered necessary by the Approving Officer;
- 5) in any proposed subdivision, a highway which is cul-de-sac shall have a terminal area for a turn-around, the size of which shall be determined by the Approving Officer having regard to the local snow, terrain, and soil conditions, provided that any such area shall be large enough to contain a circle with a radius of 15 metres (49.21 feet);
- 6) Intersections – the number of highway intersections within a subdivision shall be kept to a minimum, and where practical
 - i) Y-shaped intersections shall be avoided;

- ii) T-shaped intersections shall be used when the intersecting highway is to carry a small amount of local traffic;
 - iii) intersections with more than four legs shall be avoided;
 - iv) intersections shall not be located in or near sharp curves or near the crest of any rise or hill;
- 7) Intersection offset – wherever practical, no intersection shall be less than 40 metres (131.23 feet) from any other intersection or likely future intersection. Measurement shall be made along the centre line of the intersected highway.
- 8) Intersection angle – unless extremely difficult terrain or the pattern of existing subdivision precludes it, a minimum of 15 metres (49.2 feet) of an intersecting leg shall be as close to right angles as practical with the intersected highway. This distance shall be measured at the boundary of the intersection leg on the side of the contained angle.
9. Walkways – the minimum width of any walkway in any subdivision shall be 3 metres (9.84 feet).
- iii) The Approving Officer may, in such circumstances as may be defined by Provincial regulation, grant relief in whole or in part from a compliance with the provisions of Subsection (ii)(b)(1).
 - iv) The Minister of Transportation and Highways may, on application supported by an affidavit, grant relief from the strict compliance with Subsections (ii)(b)(3).

2) Works and Services

- i) Where the proposed subdivision is situated within a specified area, the Regional District, as a condition of subdivision, shall require the applicant or owners of the proposed subdivision:
 - a) to submit his plan of subdivision to the Regional District for approval respecting a waterworks system and/or sewer system;
 - b) to retain at his expense, a Professional Engineer who will design the required services, prepare specifications covering installation of the work, carry out all necessary surveys in connection with design and installation of services and upon completion of the design and specifications, shall submit drawings to the Regional District. No work shall commence until all plans and specifications are approved by the Regional District Engineer, and a Certificate of Approval has been received from the Ministry of Health pursuant to Section 21 of the Health Act;
 - c) to install at his own expense and at no cost to the Regional District, upon approval of the Regional District Engineer and under the supervision of the applicant's consulting Engineer, all watermains, fire hydrants, meters, and other fittings and appurtenances deemed necessary by the Regional District to provide an adequate supply of water for domestic and commercial use and fire protection for the growth or expansion of said subdivision and shall pay for all engineering costs, the said water mains, hydrants, meters, fittings and appurtenances shall become the property of the Regional District;
 - d) to comply with the requirements of the water specified area in regard to payment of development cost charges as set out by separate by-law.

- ii) The subdivision plan will not be given final approval until the design of works and services has been approved and the works and services installed and tested.
- iii) Where the proposed subdivision is already serviced by a waterline, no approval is required from the Regional District Engineer prior to final approval.

3) Public Open Space

- i) The owner of land being subdivided shall provide, without compensation, land subject to the requirements of the Municipal Act for purposes of providing sufficient open space for community parks.
- ii) The amount of land that may be required under Subsection (i) shall not exceed 5% of the land area proposed for subdivision.