

qathet REGIONAL DISTRICT

DOUGLAS BAY ROAD ZONING BYLAW NO. 573, 2021

**BEING A BYLAW TO ESTABLISH LAND USE REGULATIONS FOR LANDS
WITHIN THE DOUGLAS BAY ROAD AREA**

WHEREAS the Regional Board has given due regard to:

1. the petition for service from residents to establish a zoning bylaw within the Douglas Bay Road Area to regulate land use within the boundaries of this low-density residential neighbourhood, and restrict any new commercial or industrial activity within the defined area;
2. the existing Low-Density Residential designation for the Douglas Bay Road area in the *Area C Official Community Plan, No. Bylaw 467, 2012*; and
3. the need to ensure the level of development in the area is consistent with available services, including water, sewer and fire protection.

NOW THEREFORE the Board of the qathet Regional District in open meeting assembled HEREBY ENACTS PURSUANT TO SECTION 479 OF THE *LOCAL GOVERNMENT ACT* AS FOLLOWS:

SECTION 1 - TITLE

- 1.1 This Bylaw may be cited for all purposes as "Douglas Bay Road Zoning Bylaw No. 573, 2021".

SECTION 2 - APPLICATION

- 2.1 This Bylaw applies to the area shown in Schedule A attached to this Bylaw.

SECTION 3 - DEFINITIONS

- 3.1 All words defined in this section appear throughout the Bylaw in capitals.

- ACCESSORY USE** means a use that is:
- a) incidental to the PRINCIPAL USE of a lot;
 - b) subordinate in purpose or floor area, or both, to a PRINCIPAL USE;
 - c) exclusively devoted to the PRINCIPAL USE of a lot or BUILDING;
 - d) ancillary in use to the PRINCIPAL USE of a lot or BUILDING; and
 - e) located on the same lot or within the common property.
- ACCESSORY BUILDINGS AND STRUCTURES** means BUILDINGS and STRUCTURES which are customarily incidental or subordinate to the PRINCIPAL USE of the PARCEL, provided that such BUILDINGS and STRUCTURES are permitted under the provisions of this Bylaw.
- BUILDING** means any STRUCTURE that encloses a use.
- CANNABIS PRODUCTION AND SALES** means a business that uses land, buildings or structures to cultivate, process, package, store, distribute, or sell cannabis or cannabis related substances.
- COMMERCIAL USE** means a use providing for the retail sale, repair, servicing or storage of household, non-household, personal and non-personal goods or for providing services to people, retail and wholesale sales, gas stations, hotels, motels, professional services, offices and service commercial uses.
- DWELLING UNIT** means a self-contained unit used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.

- HOME BASED BUSINESS** means an occupation, trade, craft or profession that is an **ACCESSORY USE** to the occupancy of a **DWELLING UNIT** and is carried out by the resident(s) of the **DWELLING UNIT** provided that:
- i) the **HOME BASED BUSINESS** does not create noise, light, glare, vibration, fumes, odours, dust or smoke that can be detected from adjacent **PARCELS**;
 - ii) adequate water and sewerage are provided to the satisfaction of the regulatory authority;
 - iii) adequate off-street parking is provided; and
 - iv) the **HOME BASED BUSINESS** is undertaken by the occupant or occupants of the **ONE-FAMILY RESIDENTIAL** use on the **PARCEL**.
- INDUSTRIAL USE** means the storing, transporting, distributing, wholesaling, manufacturing and testing of goods, materials or things and includes: value-added milling and mill-working; fish processing and packing; sawmilling and value-added enterprises; manufacturing processes; concrete batch plants; auto wrecking yards; scrap metal yards; wineries, boat maintenance; equipment storage; the storage, use and movement off site of materials used in manufacturing; products and by-products of manufacturing; asphalt plants; cement plants; mineral and metal processing; and large-scale sawmilling operations.
- NON-INTENSIVE AGRICULTURE** means the use of land, buildings or structures by an agricultural enterprise, including the raising and maintaining of livestock and fowl, and the use of greenhouses, but precludes the maintaining of feedlots, commercial greenhouses and high-impact industrial-type farming or the growing of mushrooms.
- ONE-FAMILY RESIDENTIAL** means the use of a **PARCEL** of land for a **RESIDENTIAL DWELLING**.
- PARCEL** means the smallest unit into which an area of land is held or divided, whether that unit be a lot, block or other division of land, but does not include a highway.
- PRINCIPAL USE** means the main purpose for which the **PARCEL** or **BUILDING** is used and may include more than one use on a parcel.
- PUBLIC PARK** means land designated as park on a plan of subdivision filed in the *Land Title Office* or land designated under the *Park Act* and includes land designated under other provincial statutes for purposes of preservation and habitat protection.

- PUBLIC UTILITY** means the provision of electrical, gas, sewage disposal, water, storm drainage, transportation or any other similar service for the benefit of the community as a whole and includes all works and construction incidental thereto.
- RESIDENTIAL DWELLING** means a BUILDING containing not more than one DWELLING UNIT but may include a SECONDARY SUITE.
- SECONDARY SUITE** means a separate, fully-habitable accessory DWELLING UNIT located entirely within a RESIDENTIAL DWELLING, with its own entrance.
- STRUCTURE** means anything constructed or erected, whether fixed to, supported by or sunk into land or water, but does not include concrete or asphalt paving or similar surfacing of a PARCEL.

SECTION 4 - BASIC PROVISIONS

GENERAL PROHIBITION

- 4.1 No person shall subdivide, develop, use or occupy any land, BUILDING or STRUCTURE in contravention of the provisions of this Bylaw.

NON-CONFORMING BUILDINGS AND USES

- 4.2 If a BUILDING or land use is not permitted in this Bylaw, but was legally in existence at the date of adoption of this Bylaw, it may continue legally as a non-conforming use and be maintained pursuant to Division 14 of the *Local Government Act*.

ENFORCEMENT AND INSPECTION

- 4.3 The Regional Planner or a person designated by the Regional Board is authorized to enter at all reasonable times on any property subject to this Bylaw to ascertain whether the regulations, prohibitions and requirements of this Bylaw are being observed.
- 4.4 Every person who:
- a) violates any of the provisions of this Bylaw;
 - b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
 - c) neglects or omits to do anything required under this Bylaw;
 - d) carries out, causes or permits to be carried out any subdivision or construction on or use of land or use of a BUILDING or STRUCTURE in a manner prohibited by or contrary to any of the provisions of this Bylaw; or
 - e) fails to comply with an order, direction or notice given under this Bylaw is guilty of an offence under this Bylaw.
- 4.5 Each day that an offence exists or is permitted to exist shall constitute a separate offence.
- 4.6 A person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding two thousand dollars.

SEVERANCE

- 4.7 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

SECTION 5 - GENERAL LAND USE REGULATIONS APPLICABLE TO ALL ZONES

ACCESSORY BUILDINGS AND STRUCTURES

- 5.1 ACCESSORY BUILDINGS AND STRUCTURES are permitted in all zones, provided that:
- a) the PRINCIPAL USE of the PARCEL is residential; or
 - b) a BUILDING for the purpose of the PRINCIPAL USE has been or is being constructed on the same PARCEL.

PARCEL SIZE AND AREA

- 5.2 No PARCEL shall be created which is less than the minimum PARCEL area specified for the zone in which the land is located.
- 5.3 Where a PARCEL on record in the Land Title Office prior to the enactment of this Bylaw is less than the minimum PARCEL area permitted in the applicable zone, the PARCEL may be used for the uses permitted in the zone.

PARCEL AREA EXCEPTIONS

- 5.4 The PARCEL area provisions do not apply:
- a) where a PARCEL is created solely for locating unattended equipment necessary for the operation of a PUBLIC UTILITY and where no sewage would be generated;
 - b) to a PARCEL being created for PUBLIC PARK purposes where such PARCEL is shown as "Park" on the plan of subdivision; or
 - c) where two or more PARCELS are being combined into a single PARCEL.

PERMITTED AND PROHIBITED USES

- 5.5 The following uses shall be permitted in all zones:
- a) PUBLIC PARK
 - b) PUBLIC UTILITY
- 5.6 The following uses shall be prohibited in all zones:
- a) CANNABIS PRODUCTION AND SALES
 - c) COMMERCIAL USE
 - b) INDUSTRIAL USE

SECTION 6 - CREATION AND DEFINITION OF ZONES

6.1 The lands to which this Bylaw is applicable are divided into zones designated and described as follows:

<u>Abbreviations</u>	<u>Zone</u>
LDR	Low-Density Residential

The boundaries of the LDR Zone are shown on Schedule A of this Bylaw.

SECTION 7 - LDR ZONE (LOW-DENSITY RESIDENTIAL)

INTENT

7.1 The intent of the LDR Zone is to provide for low density residential use consistent with the “Low-Density Residential” designation in the Official Community Plan.

PERMITTED USES

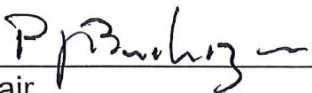
The following uses shall be permitted in the LDR zone and no others:

- 7.2 Principal Use
 - a) ONE-FAMILY RESIDENTIAL
- 7.3 Accessory Uses
 - a) SECONDARY SUITE
 - b) HOME BASED BUSINESS
 - c) NON-INTENSIVE AGRICULTURE

PARCEL SIZE

- 7.4 For a PARCEL not serviced by a community water supply system, the minimum PARCEL area created by subdivision shall be 1.0 hectare.
- 7.5 For a PARCEL serviced by a community water supply system, the minimum PARCEL area created by subdivision shall be 0.4 hectare and the average PARCEL area created by subdivision shall be 1.0 hectare.

READ A FIRST TIME	this 25 th day of November, 2021.
READ A SECOND TIME	this 25 th day of November, 2021.
PUBLIC HEARING HELD	this 25 th day of January, 2022.
READ A THIRD TIME	this 24 th day of February, 2022.
ADOPTED	this 24 th day of February, 2022.



Chair

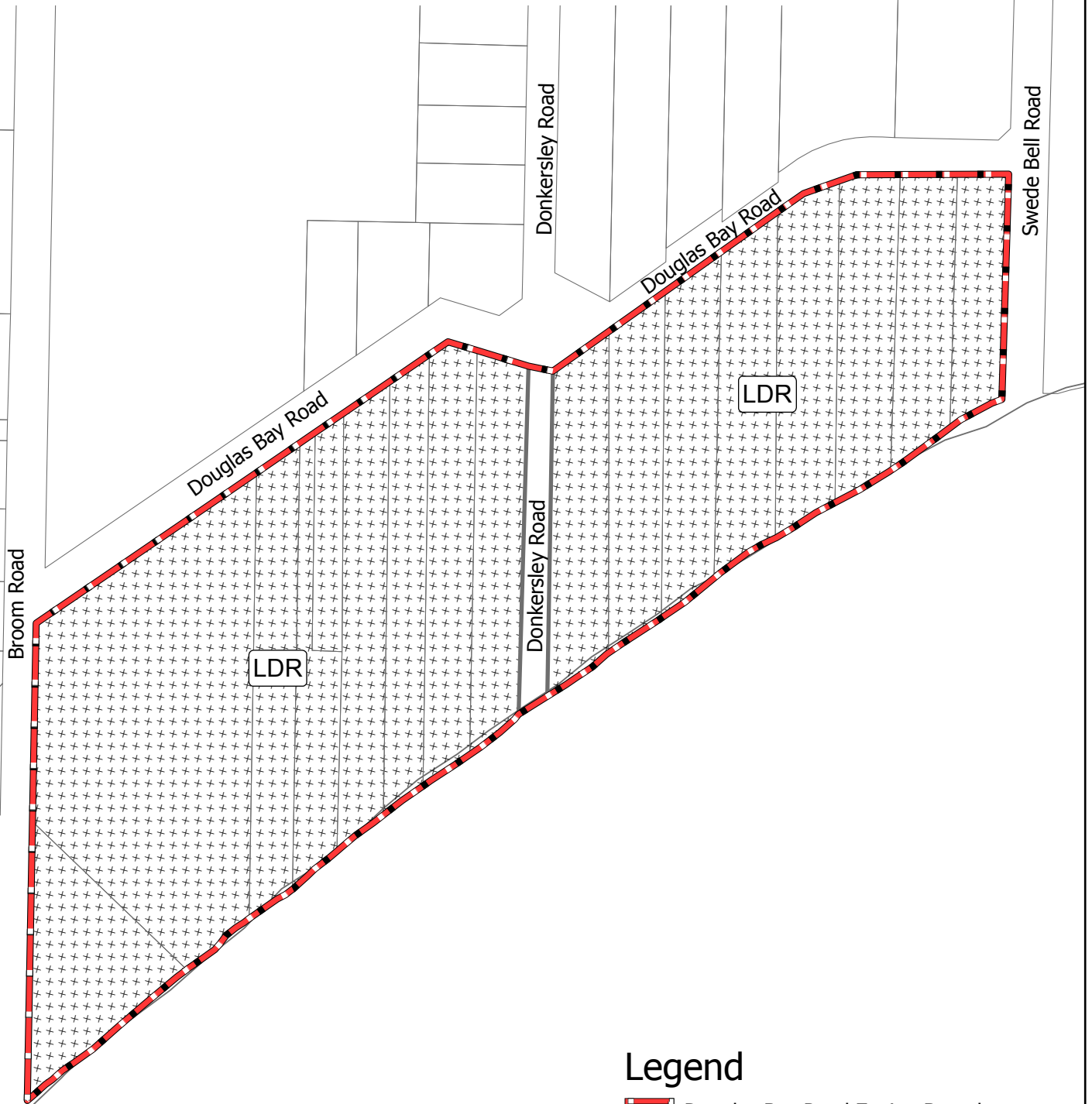


Corporate Officer





qathet
REGIONAL DISTRICT

Douglas Bay Road Zoning Bylaw No. 573, 2021
Schedule A



Legend

-  Douglas Bay Road Zoning Boundary
-  Low Density Residential (LDR)

