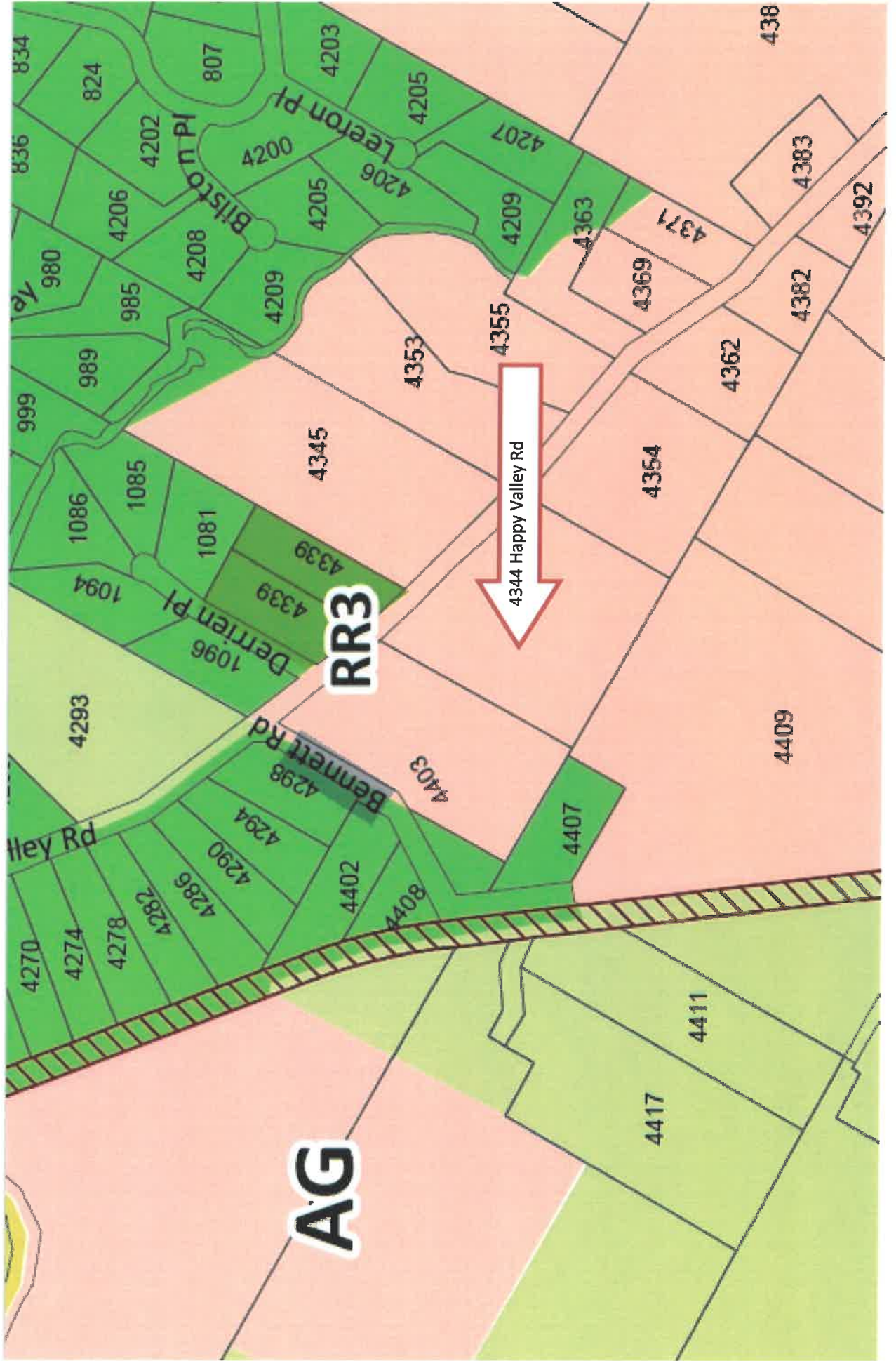


4344 HAPPY VALLEY RD

DISTRICT OF METCHOSIN ZONING - AG



51. AGRICULTURAL (AG) ZONE (ALR)

(1) Subdivision Requirements

- (a) The minimum area that may be created by subdivision under the *Land Title Act* or the *Condominium Act* shall be 4 ha (9.88 ac). For the purposes of the Bare Land Strata Regulations, the average lot size shall not be less than 4 ha (9.88 ac), and no lot less than the average lot size shall be created by a strata plan.
- (b) The minimum highway frontage that may be created by subdivision under the *Land Title Act* or the *Condominium Act* shall be 10% of the perimeter of the lot.
- (c) Notwithstanding Paragraph (b), the minimum width of the access strip of a panhandle lot shall be 20 m (65.6').
- (d) In the case of a panhandle lot, the minimum lot area shall be exclusive of the access strip.

(2) Permitted Uses

In addition to the uses permitted by Sections 17 and 18 of this Bylaw, the following uses and no others shall be permitted in the Agricultural (AG) Zone (ALR):

- (a) Accessory uses and buildings, subject to Section 31
- (b) Agriculture, subject to Subsection (5)
- (c) Agricultural fairground
- (d) Dwelling unit
 - Accessory uses and buildings permitted only with a dwelling unit:
 - (i) Boarding in a dwelling unit of not more than 4 persons
 - (ii) Breeding kennel, subject to the Metchosin Animal Regulation and Impounding Bylaw including issuance of a kennel licence, and Subsection (5)
 - (iii) Home Business, subject to Section 21, including bed and breakfast, subject to 21(17)
 - (iv) Secondary suite or detached secondary suite, subject to Section 23
- (e) Intensive agriculture, subject to Subsection (6) and Section 22
- (f) Riding stable
- (g) Illuminated Greenhouses

(Bylaw 636)

(3) Density

- (a) Only 1 dwelling unit is permitted per lot.
- (b) Notwithstanding Paragraph (a), on a lot classified as a farm pursuant to the *Assessment Act*, where such lot is 4 ha (9.88 ac) or more, there shall not be more than 2 dwelling units provided that:
 - (i) at least 1 dwelling unit is a mobile home;
 - (ii) the mobile home is for the sole purpose of housing farm employees working on that farm; and
 - (iii) the mobile home shall be removed from the lot when no longer required for housing farm employees.
 - (iv) the gross floor area of a mobile home for housing farm employees shall not exceed 70m².
- (c) Only 1 secondary suite or detached secondary suite is permitted per lot except that no secondary suite or detached secondary suite shall be permitted on a lot which has more than 1 dwelling unit.

- (d) The gross floor area of an accessory building shall not exceed 200 m² (2,153 ft²).

(4) Lot Coverage

- (a) The maximum lot coverage shall be 20% of the lot.
- (b) Notwithstanding Paragraph (a), where a lot is less than 930 m² (10,011 ft²) in area, the maximum lot coverage shall be 186 m² (2,002 ft²).

(5) Non-Conforming Lots – Keeping of Livestock and Breeding Kennels

Notwithstanding the provisions and regulations of this zone, on lots having an area of less than 8,000 m² (1.98 ac):

- (a) for each 4,000 m² (.99 ac) of lot area or pro-rated portion thereof if less than 4,000 m² (.99 ac) of lot area, the keeping of livestock shall be limited to the following maximum numbers:
 - (i)
 - 1) 2 horses or cattle, or
 - 2) 8 pigs, sheep, or goats, or
 - 3) any combination of the above with 1 animal from 1) being the equivalent of 4 from 2)
 - (ii) in addition to (i) above, 24 rabbits, game birds or poultry.
- (b) a breeding kennel is limited to a maximum of 10 dogs.

(6) Minimum Lot Area for Specific Uses

- (a) The minimum lot area required for an intensive agriculture use is 2 ha (4.94 ac).
- (b) The minimum lot area required for a detached secondary suite use is 0.8 ha (1.98 acres).

(7) Yard Requirements

- (a) A front yard of not less than 7.5 m (24.6') shall be provided.
- (b) Side yards of not less than 3 m (9.8') shall be provided.
- (c)
 - (i) A rear yard of not less than 10 m (32.8') shall be provided for a principal building.
 - (ii) A rear yard of not less than 3 m (9.8') shall be provided for an accessory building.
- (d) Notwithstanding Paragraphs (a) through (c), buildings and structures:
 - (i) for breeding kennels or for the keeping of livestock or other farm animals, or for an agriculture use other than an intensive agriculture use, shall be located not less than 30 m (98.4') from the front lot line and not less than 15 m (49.2') from any other lot line;

51. **AGRICULTURAL (AG) ZONE (ALR) (CONT.)**

(ii) for an intensive agriculture use, shall be located not less than 60 m (196.9') from the front lot line and not less than 20 m (65.6') from any other lot line, subject to minimum setbacks established in Section 22 for beef feedlots and swineries.

(f) for a detached secondary suite, shall be located not less than 15 m (49.2') from any lot line.

(e) In addition, buildings and structures referred to in Paragraph (d) shall be located to the satisfaction of the Medical Health Officer in respect of all nearby wells or watercourses which in his opinion could suffer contamination therefrom.

(f) Notwithstanding Paragraphs (a) through (e), the general provisions in Sections 27 and 30 for the siting of buildings from highways and watercourses shall also apply.

(8) Height of Buildings

(a) The height of a principal building shall not exceed 12 m (39.4').

(b) Notwithstanding Paragraph (a), the height of a dwelling unit or of an accessory building shall not exceed 10.5 m (34.5').

(c) Notwithstanding paragraph (b), the height of a detached secondary suite shall not exceed 8 m (26.2').

(9) Off-Street Parking and Loading

Off-street parking and loading shall be provided and maintained in accordance with the Off-Street Parking and Loading Regulations as contained in Part 9 of this Bylaw.

(10) Placement of Signs

The placement of signs shall comply with Part 8 of this Bylaw.

(11) *Agricultural Land Commission Act*

No provision of this Bylaw shall be interpreted as superseding the intent of the *Agricultural Land Commission Act* that all lands except those exempted under Section 19 of that Act or a General Order of the Agricultural Land Commission are subject to the provisions of the *Agricultural Land Commission Act*, Regulations thereto and Orders of the Commission (thereby not permitting the subdivision of land or the development of new non-farm uses unless approved by the Agricultural Land Commission).

PART 4 - GENERAL REGULATIONS – USES

16. Permitted Uses

Where a particular use is expressly permitted in 1 zone, such use is prohibited in all zones where it is not also expressly permitted.

17. Permitted Uses in Any Zone

The following uses shall be permitted in any Zone:

- (a) public utility poles, pipelines, and underground or submarine utility systems, the installations of which may be sited on any portion of a lot;
- (b) unmanned telephone exchange buildings;
- (c) railway lines and similar public transportation corridors;
- (d) multiple-use trails, public parks and playgrounds; and
- (e) pumping stations and reservoirs for a community water system where they are a public utility use subject to the following:
 - (i) a front yard of not less than 7.5 m (24.6') shall be provided;
 - (ii) side yards of not less than 6 m (19.7') shall be provided;
 - (iii) a rear yard of not less than 10 m (32.8') shall be provided;
 - (iv) compliance with the height and lot coverage regulations of the zone in which the use is located.

18. Community Care Facilities

Pursuant to the provisions of the *Community Care Facility Act*, a community care facility, including day care, is permitted on a lot in any zone provided that the facility:

- (a) provides day care for no more than 8 persons; or
- (b) is a residence for no more than 10 persons, of whom not more than 6 are in care; and
- (c) is eligible to be licensed under Section 5(iii) of the *Community Care Facility Act*.

19. Dog Boarding and Breeding Kennels

The operation of kennels shall comply with the District of Metchosin Animal Regulation and Impounding Bylaw.

20. Height Restriction Exemptions

The following type of structures or structural parts shall not be subject to the building height requirements of this Bylaw: Church spires, belfries or domes, fire and hose towers, public utility poles, chimneys, flag poles, radio towers, television towers, silos, masts, aerials, monitors, elevator and ventilating machinery penthouses, provided that no such structure shall cover more than 20% of the lot or, if located on a building, not more than 10% of the roof area of the principal building.

21. Home Business

General Regulations

- (1) Definition – Dwelling Unit, includes, for the purpose of Section 21, a secondary suite, both of which are defined in Part 1 of this Bylaw.
- (2) Business Licence – With the exception of Roadside Stands, Home Business is required to obtain a business licence issued pursuant to the Metchosin Business Licence Bylaw.
- (3) Number of Home Businesses – Not more than 2 Home Businesses shall be permitted on a lot provided that the maximum number of employees and the maximum floor area as specified in the regulations of Section 21 are not exceeded.
- (4) Owner/Operator Employee – The owner and the operator of the Home Business must be a family member who is a resident of the dwelling unit located on the lot on which the Home Business is carried on. Each owner and/or operator is considered to be an employee for the purpose of these provisions.
- (5) External Residential Appearance – The external appearance of the lot on which Home Business is operated shall retain a residential appearance.
- (6) Containment Within Building – Home Business, including the storage of materials, tools, equipment, containers, finished and unfinished products associated with the Home Business, must occur wholly within a building which may be either the dwelling unit or an accessory building or both provided that the maximum floor area specified in this Section is not exceeded.
- (7) Horticultural and Beekeeping Operations – Subject to the regulations of this Section and notwithstanding Subsection (6), horticulture and beekeeping carried on as a Home Business may be permitted external to a building:
 - (a) provided that the aggregate lot area, including that covered by buildings, of the portion of the lot used for the operation of a horticultural or beekeeping Home Business, shall not exceed 49% of the lot area; and
 - (b) subject to the setback restrictions for accessory buildings and agricultural uses.
(Bylaw 635)
- (8) Prohibitions – Home Business shall not:
 - (a) consist of a salvage yard, storage yard, warehouse, or incinerator business or a business involving the use of welding, high-pressure steam water cleaning, compressed-air cleaning or any other industrial use;
 - (b) produce noise, vibration, smoke, dust, odour, litter, or glare which is detectable from any lot line of the lot on which Home Business is operated; or
 - (c) create any electrical interference, fire hazard, or traffic congestion.
- (9) Sales of Goods – Sales of goods from a lot shall be prohibited except for the sales of goods which have been produced or fabricated on the lot by the Home Business, unless they comply with the following:
 - (a) the dispensing of medications by licensed health care professionals, who are regulated by Provincial Statute, provided that the sale is in conjunction with a consultation with that health

21. Home Business (cont.)

care professional operating a Home Business; sales exclusive of a consultation are expressly prohibited;

- (b) a Sales Distributorship may be operated as a Home Business subject to the following regulations:
 - (i) the maximum floor area used for the storage of goods sold through the Sales Distributorship shall not exceed 14 m² (151 ft²) on the lot on which the Sales Distributorship is operated; and
 - (ii) employees shall be limited to 2 family members who are residents of the dwelling unit situated on the lot on which the Sales Distributorship is located;
- (c) subject to all Provincial Statutes, sales which include goods not produced on the property may be held on 2 days each year.

(10) Display Area - Subject to the maximum floor area regulations of Section 21, the display to clients of products or goods associated with the Home Business is limited to an area not exceeding 16 m² (172 ft²).

(11) Off-Street Parking – Off-street parking for employees, clients, delivery vehicles, and any personal or business vehicles utilized in the operation of the Home Business shall be provided on the lot on which Home Business is conducted in compliance with the regulations of Section 21 and Part 9 of this Bylaw.

(12) Sign – Only 1 sign, which has a maximum sign area of 0.5 m² (5.4 ft²) for each face with a maximum of 2 faces indicating that Home Business is being carried on, may be exhibited on the lot on which the Home Business is operated provided that a permit is obtained prior to placing the sign.

(13) Medical Health Officer Approval – Home Business involving food premises, as defined in B.C. Reg. 148/74, *Health Act, Sanitation and Operation of Food Premises Regulations*, or its successor regulation, must be approved by the Medical Health Officer prior to operation.

Size of Home Business

(14) Lots of Less Than 2,000 m² (0.49 ac) – On lots having an area of less than 2,000 m² (0.49ac):

- (a) the maximum floor area shall not exceed the lesser of 50 m² (538 ft²) or 40% of the gross floor area of the dwelling unit located on the lot on which Home Business is operated provided that the Home Business shall not be operated in an accessory building having a gross floor area greater than the maximum floor area permitted;
- (b) the maximum number of employees permitted on a lot on which Home Business is operated shall be limited to 2 family members who are residents of the dwelling unit located on the lot, and, in addition, 1 non-resident employee shall be permitted; and
- (c) not more than 2 vehicles, only 1 of which may be a vehicle having a gross vehicle weight in excess of 5,443 kg (6 tons), that are used in the conduct of Home Business shall be stored or parked in an unenclosed manner on the lot on which Home Business is operated.

21. Home Business (cont.)

- (15) Lots of 2,000 m² (0.49 ac) to 2 ha (4.94 ac) – On lots having an area of 2,000 m² (0.49 ac) up to and including 2 ha (4.94 ac):
- (a) the maximum floor area shall not exceed the lesser of 95 m² (1,023 ft²) or 40% of the gross floor area of the dwelling unit located on the lot on which the Home Business is operated provided that the Home Business shall not be operated in an accessory building having a gross floor area greater than the maximum floor area permitted;
 - (b) the maximum number of employees permitted on a lot on which Home Business is operated shall be limited to 2 family members who are residents of the dwelling unit located on the lot, and, in addition, 1 non-resident employee shall be permitted; and
 - (c) not more than 2 vehicles, only 1 of which may be a vehicle having a gross vehicle weight in excess of 5,443 kg (6 tons), that are used in the conduct of Home Business shall be stored or parked in an unenclosed manner on the lot on which Home Business is operated.
- (16) Lots Over 2 ha (4.94 ac) – On lots having an area greater than 2 ha (4.94 ac):
- (a) the maximum floor area shall not exceed the lesser of 140 m² (1,507 ft²) or 45% of the gross floor area of the dwelling unit located on the lot on which Home Business is operated provided that the Home Business shall not be operated in an accessory building having a gross floor area greater than the maximum floor area permitted;
 - (b) the maximum number of employees permitted on a lot on which Home Business is operated shall be limited to 4 employees who may either be resident family members of the dwelling unit located on the lot, or a combination of resident family members and up to 2 non-resident employees;
 - (c) not more than 4 vehicles, 2 of which may have a gross vehicle weight in excess of 5,443 kg (6 tons), that are used in the conduct of Home Business, shall be stored or parked in an unenclosed manner on the lot on which Home-Based Business is operated;
 - (d) notwithstanding Subsection (6), external storage of materials, tools, equipment, containers or finished products associated with Home Business shall be permitted, provided that such storage is not visible from adjacent highways and neighbouring properties or is kept from view by means of a landscaping screen and provided that the area of the lot used for external storage is included as a part of the maximum floor area subject to the maximum size calculated in Subsection 16(a);
 - (e) notwithstanding Subsection (8)(a), Home Business may involve welding provided that the welding use does not:
 - (i) produce noise, vibration, smoke, dust, odour, litter, or glare which is detectable from any lot line of the lot on which the Home Business is operated; or
 - (ii) create any electrical interference, fire hazard, or traffic congestion.

21. **Home Business (cont.)**

Specific Home Business Uses

(17) **Bed and Breakfast**

In addition to the other Home Business regulations included Section 21, Bed and Breakfast establishments shall comply with the following conditions:

- (a) the Bed and Breakfast establishment must be operated within a dwelling unit and may not be operated in an accessory building, secondary suite or detached secondary suite;
- (b) not more than 3 bedrooms shall be rented as part of the Bed and Breakfast establishment and not more than 6 persons shall be accommodated at any time;
- (c) notwithstanding Paragraph (b), where boarding in a dwelling unit is also provided, a maximum of 6 persons shall be accommodated through the combined boarding and Bed and Breakfast uses;
- (d) no liquor shall be sold as part of the Bed and Breakfast establishment; and
- (e) an approved smoke alarm shall be installed within or adjacent to each room to be rented.

(18) **Offices for Trades** – Home Business which provides offices for businesses, such as building trades, where the business activity is performed at varying locations shall have no restrictions on the number of employees who do not carry out their employment duties on the lot on which the Home Business is operated.

(19) **Repair of Motor Vehicles** – Notwithstanding the regulations of Section 21, only 1 Home Business involving the repair of internal combustion engines or the repair of motor vehicles shall be permitted on a lot subject to the following:

- (a) a maximum of 1 employee, who is a family member resident in the dwelling unit on the lot on which the Home Business is operated, is permitted; and
- (b) not more than 2 motor vehicles which are awaiting or undergoing repair or which have been repaired may be stored external to the building in which the Home Business is operated.

(20) **Roadside Stands** – In addition to the other Home Business regulations included in this Section, Roadside Stands shall be permitted subject to the following:

- (a) only 1 Roadside Stand shall be permitted on a lot;
- (b) notwithstanding any other regulation in this Bylaw, a Roadside Stand having a gross floor area of not more than 12 m² (129.2 ft²) and a height of not more than 3 m (9.8') is permitted in the front or side yards of a lot;
- (c) no Roadside Stand shall be located within a highway right of way.
- (d) (i) a Roadside Stand shall be limited to the sales of vegetables, fruits, flowers or foodstuffs which have been grown, produced, or processed on the lot on which the structure is located;

- (ii) notwithstanding Subparagraph (i), in an Agricultural, Upland, Rural or Commercial Recreation Zone, where a Roadside Stand is used for the sale of vegetables, fruits, flowers or foodstuffs which have been grown, produced, or processed on the lot on which the structure is located, it may also include the accessory sales of the aforementioned products which are grown, produced, or processed on other lots within the Municipality; and
- (e) a building permit shall be required for the construction of a permanent Roadside Stand.

22. Intensive Agriculture – Beef Feedlots and Swineries

The following are minimum yard requirements for buildings, structures, and enclosures or fences used for beef feedlots and swine operations:

| Number of Animals | Yard Requirement | Distance to Nearest Adjacent Dwelling Unit |
|-------------------|------------------|--|
| 21 – 50 | 50 m (164') | 120 m (393.7') |
| 51 – 100 | 70 m (229.7') | 150 m (492.1') |
| 101 – 200 | 80 m (262.7') | 200 m (656.2') |
| 201 – 300 | 90 m (295.3') | 240 m (787.4') |
| 301 – 400 | 100 m (328.1') | 270 m (885.8') |
| 401 – 500 | 120 m (393.7') | 300 m (984.3') |
| 501 and Over | 150 m (492.1') | 320 m (1049.9') |

23. Secondary Suites and Detached Secondary Suites

- (1) A secondary suite or detached secondary suite shall not be used or occupied unless it complies with all of the provisions of this Bylaw and with all health, fire and building bylaws and regulations in force from time to time in the Municipality.
- (2) A detached secondary suite is not permitted on any lot on which a secondary suite exists in the principle dwelling and a secondary suite is not permitted on any lot containing a detached secondary suite. A secondary suite and detached secondary suite shall not occur on the same lot concurrently.
- (3) Two off-street parking spaces shall be provided on the lot for a secondary suite or detached secondary suite, as per parking requirements in Section 49 of this Bylaw.

Secondary Suites

- (4) The secondary suite and the dwelling unit must be joined by a wholly common floor/ceiling assembly or by a common wall.
- (5) The floor area of a secondary suite shall not exceed the lesser of 90 m² (969 ft²) or 40% of the gross floor area, excluding garages and carports, of the dwelling unit in which it is located, but including the secondary suite itself, and shall include not more than one (1) kitchen.

- (6) A secondary suite shall not have more than two (2) doorways opening directly to the outside of the dwelling unit.

Detached Secondary Suites

- (7) The gross floor area of a detached secondary suite shall not exceed 70 m² (753.5 ft²).
- (8) An accessory building containing a detached secondary suite shall not be used for any accessory use other than a detached secondary suite.
- (9) A detached secondary suite shall only be permitted on lots of 0.8 ha (1.98 acres) or greater.
- (10) The distance separating a detached secondary suite from the principal dwelling located on the same lot shall be not more than 15 m (49.2'), but no less than 1 m (3.3').
- (11) A detached secondary suite shall be located no closer than 15 m (49.2') from any lot line.
- (12) The height of a detached secondary suite shall not exceed 8 m (26.2').
- (13) No separate road access shall be permitted to provide access to a detached secondary suite.
- (14) No person shall construct a new building to accommodate a detached secondary suite without first obtaining a building permit from the District and paying the prescribed fee.
- (15) No person shall convert or alter an existing building to accommodate a detached secondary suite without first obtaining a building permit from the District and paying the prescribed fee.
- (16) Prior to issuance of an occupancy permit to allow a detached secondary suite, the owner of the lot shall provide proof of CRD water, or adequate potable well water (3400 L/day) and an approved means of sewage disposal, including a letter detailing any upgrades that are required to conform with Vancouver Island Health Authority regulations.
- (17) No building or occupancy permit shall be issued for the construction of a detached secondary suite or the conversion of an existing building to a detached secondary suite unless the owner has granted to the District a covenant pursuant to s. 219 of the *Land Title Act* agreeing that there shall be no secondary suite in the principal dwelling unit on the property.

24. Temporary Buildings

A temporary building or structure may be erected for construction purposes on a lot being developed for a period not to exceed the duration of such construction or 1 year, whichever is less, subject to the requirements of the Metchosin Building Bylaw. Upon receipt of a written request, Council may extend the period that the temporary building may remain in place for a maximum of 1 additional year.

PART 5 - GENERAL REGULATIONS – SITING

25. Building in Required Yard

No building shall be constructed or placed in a required yard except as otherwise specifically provided for in this Bylaw.

26. Projections into Required Yards

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

- (a) steps, eaves and gutters, cornices, sills, chimneys, or other similar features, provided that such projections do not project more than 1 m (39") into the required yard or 0.5 m (20") in the case of a side yard of less than 3 m (9.8') in width; and
- (b) balconies and sun shades, provided that such projections do not project more than 1 m (3.3') into the required yard.

27. Setbacks from Roads

- (1) Notwithstanding the regulations for yards within all zones of the Bylaw, or any other regulations of the *Highway Act*, principal or accessory buildings or structures shall not be located less than:
 - (a) 10 m (32.8') from a lot line that abuts any highway, other than an access route in a bare land strata lot development, when the required dedication to achieve the required right of way width, as indicated in the Metchosin Official Community Plan, has not occurred to facilitate widening of the road; or
 - (b) 7.5 m (24.6') from a lot line that abuts an arterial highway, as designated under the *Highway Act*, when dedication has occurred to achieve a 25 m (82') right of way.
- (2) Any reduction in the yard regulations of Subsection (1), respecting an arterial classified highway as designated under the *Highway Act*, may require the prior written consent of the Minister of Transportation and Highways.

28. Sight Triangle Visibility at Intersections

No building, structure, fence, tree, shrub or plant exceeding 0.6 m (2') in width or 0.9 m (3') in height shall be permitted in any sight triangle.

29. Driveway Grades

A dwelling unit or principal building shall be provided with a driveway from the highway to the building for access by fire-fighting and emergency vehicles and the driveway shall be constructed to the following standards:

- (a) the driveway is to be designed to support the expected loads imposed by fire-fighting equipment and surfaced with materials designed to permit accessibility under all climatic conditions;
- (b) the driveway shall have a minimum centre-line radius of 12 m (39.4');

- (c) the minimum width of the driveway shall be 3.6 m (11.1');
- (d) the maximum allowable grade shall be 15%, but, subject to the approval of the Municipality, a maximum grade of 20% may be allowed when the driveway is surfaced with concrete or asphaltic pavement to a minimum width of 3 m (9.8');
- (e) the minimum "K" value for vertical curves shall be "2";
- (f) the driveway shall have a minimum overhead clearance of 4 m (13.1') for its entire width and length;
- (g) the driveway must provide for the parking of emergency vehicles not more than 15 m (49.2') from the main entrance of the building; and
- (h) driveways exceeding 90 m (295.2') in length, measured from the highway to the building, shall provide a turnaround area within 30 m (98.4') of the main entrance of the building, and the turnaround shall have a minimum length of 10 m (32.8'), a minimum width of 5 m (16.4'), and a maximum grade of 6%.

30. Flood Control and Environmental Protection

- (1) Notwithstanding any other provisions of this Bylaw, no buildings or any part thereof shall be constructed, reconstructed, placed, moved or extended, nor shall any manufactured home unit, modular home or structure be located:
 - (a) (i) within 30 meters (98.4 feet) of the natural boundary of Bilston Creek, Cole Creek, Hewitt Creek, Metchosin Creek, Sherwood Creek, and Veitch Creek;
 - (ii) within 15 meters (49.2 feet) of the natural boundary of any other watercourse, water body or a Riparian-wetland Area

unless the applicant provides, at his/her expense, a report from a Qualified Professional certifying that a lesser setback will not negatively affect the Proper Functioning Condition of the watercourse or Riparian-wetland Area.

- (b) (i) within 15 meters (49.2 feet) of the natural boundary of the sea;
- (ii) within 60 meters (196.9 feet) of the top of the bank of the shoreland slope of a Class II or Class III drift-sector beach as designated by the Metchosin Official Community Plan

unless the applicant provides, at his/her expense, a report from a registered professional engineer with geotechnical experience certifying that a lesser setback is safe for the use intended.

- © within any Riparian Assessment Area unless the development proceeds in accordance with Section 4(2) or Section 4(3) of the Riparian Areas Regulation.
- (d) with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a manufactured home or unit, the ground level on which it is located that is:
 - (i) lower than 600 mm (2 feet) above the 200-year *flood elevation* of Bilston Creek and its tributaries,
 - (ii) lower than 1.5 meters (4.9 feet) above the natural boundary of the sea.
- (2) Where adjacent flood elevations are not available, the hydraulic profile shall be developed through hydraulic analysis, except where the site is clearly above the estimated flood elevations. All habitable

structures shall also be protected from flooding by grading drainage away from the structure and providing overland flow routes through the site that are capable of safely conveying away the 200-year runoff event.

- (3) Subsection (1)(b) shall not apply to:
 - (a) a renovation of an existing building or structure used as a dwelling unit that does not involve an addition thereto;
 - (b) farm buildings other than dwelling units and closed-sided livestock housing;
 - (c) dwelling units on lots greater than 8 ha (19.77 ac) in area and within the Agricultural Land Reserve, but such units shall be elevated 1 m (3.3') above the natural ground elevation;
 - (d) closed-sided livestock housing, but such livestock housing shall be elevated 1 m (3.3') above the natural ground elevation;
 - (a) The required elevation may be achieved by structural elevation, or by adequately compacted landfill, or by a combination of both structural elevation and landfill.
- (5) Where landfill is used to achieve the required elevation, no portion of the landfill slope shall be closer than the distances in Subsection 30(1)(a) or Subsection 30(1)(b) from the natural boundary, and the face of the landfill slope shall be adequately protected against erosion from floodwaters.
- (6) The maximum Effective Impervious Area coverage shall be 10% of the lot.

31. Accessory Buildings

General Regulations for All Zones

- (1) Where an accessory building or structure is attached at or above grade to the principal building, it is to be considered a part of the principal building and shall comply in all respects with the requirements of the Bylaw applicable to the principal building.
- (2) No person shall use an accessory building for sleeping accommodation or as a dwelling unit except in a building containing a detached secondary suite that complies with all applicable regulations in this bylaw;
- (3) No accessory building that is not attached to a principal building shall be located less than 1 m (3.3') from any principal building.
- (4) Agricultural, Upland, Rural, Amenity Residential, or Rural Residential Zones

In an Agricultural, Upland, Rural, Amenity Residential, or Rural Residential Zone:

- (a) Accessory buildings having an aggregate gross floor area of not more than 3.35 m² (36 ft²) and a height of not more than 1.85 m (6.1'), which are constructed for the sole purpose of housing a well head, are permitted in a front, side or rear yard of a lot and shall not be considered a structure for the purposes of this Bylaw.
- (b) Accessory buildings or structures located in a rear yard having an individual floor area of not more than 3.35 m² (36 ft²), an aggregate gross floor area of not more than 9.3 m² (100 ft²), and a height of not more than 1.85 m (6.1') are permitted and shall not be considered as a structure for the purposes of this Bylaw.

32. Swimming Pools

Swimming pools and hot tubs shall not be constructed or located within 1.5 m (4.9') of any lot line.

33. Underground Structures

Except for swimming pools, a structure or portion of a structure, which is located beneath the lower of natural grade or finished grade, may be sited not less than 1 m (3.3') from any lot line of the lot on which it is located.

34. Prohibitions

- (1) Mobile vendors are not permitted on any land except as may be permitted by this Bylaw.
- (2) No lot, building or structure shall be used for an arcade, off-track betting or gaming activity of any kind.
- (3) Notwithstanding Subsection (2), social occasion casinos or freestanding bingos shall be permitted on a lot located in the Community Institutional 1 (P1) or Community Institutional 2 (P2) Zone (ALR) for up to an aggregate total of 12 occasions within a calendar year with each occasion having a duration of not more than 6 hours.