

8.9 R-5 ZONE – COMPREHENSIVE DEVELOPMENT RESIDENTIAL

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in the R-5 Zone:

(a) Permitted Uses

The following uses, plus the uses permitted under Section 4.4, and no other uses, are permitted in the R-5 Zone:

- (4) One single detached dwelling per parcel;
- (5) Agriculture, horticulture, including horse riding arena and boarding stable, subject to Section 8.9(b)(4) below;
- (6) Home occupation;
- (7) Bed and Breakfast accommodation;
- (8) Daycare, nursery school accessory to a residential use;
- (9) attached suite or detached suite.

(b) Conditions of Use:

For any parcel in the R-5 Zone:

- (1) The following limits to *parcel coverage* and impervious surface coverage apply in the R-5 Zone:
 - i. 20% for buildings and structures plus up to an additional 5% for other impervious surfaces for the first hectare of parcel area or portion thereof; plus
 - ii. for each additional hectare of land area above 1 hectare an additional 10% for buildings and structures and up to an additional 5% for other impervious surfaces, to be calculated on a pro rata basis.
- (2) the height of all buildings and structures shall not exceed 10 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this Section are listed for the residential, agricultural and accessory uses in Columns II, III and IV:

COLUMN I Type of Parcel Line	COLUMN II Residential Use Setbacks	COLUMN III Agricultural Use and accessory to Agricultural Use Setbacks	COLUMN IV Accessory to Residential Use
Front	7.5 metres	30 metres	7.5 metres
Interior Side	3.0 metres	15 metres	1.0 metres
Exterior Side	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	1.0 metres

- (4) Horse riding arenas and boarding stables are only permitted on parcels of land that exceed 3 hectares in area.

(e) Density and Density Bonus

~~Subject to Part 12, the following regulations apply in the R-5 Zone:~~

- ~~(1) The number of parcels that may be created by subdivision in the R-5 zone must not exceed 22, including any remainder parcel.~~
- ~~(2) Despite Section 8.9(c)(1), the number of parcels that may be created by subdivision in the R-5 zone may be increased to 50 if the conditions in Sections 8.9(c)(6) through (8) are met.~~
- ~~(3) Density averaging is permitted, provided that the average density in any subdivision, excluding any remainder parcel, does not exceed one parcel per 1.6 hectares of gross land area.~~
- ~~(4) The minimum parcel area for the purposes of s.946(4) of the *Local Government Act* is 25 hectares.~~
- ~~(5) The minimum parcel area is 1 hectare.~~
- ~~(6) In respect of each 4 parcels created in excess of 22, one of the parcels must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for the purposes set out in Section 8.9(c)(10), and the costs of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.~~
- ~~(7) Each parcel transferred to the regional district must be selected by the Regional District on the basis of the proposed plan of subdivision, being neither the most valuable nor the least valuable of the lots in the proposed subdivision.~~
- ~~(8) Each parcel transferred to the regional district must be fully provided with hydro, cable and telephone service and highway frontage improvements to the standard provided in the rest of the subdivision, as well as a driveway to the property line, all as determined by an inspection of the parcel by the Regional District prior to the transfer. The subdivider must also provide to the Regional District proof of potable water and on-site sewage disposal capability, each as required by the local health authority or the subdivision approving officer. No parcel transferred to the Regional District may be a strata lot.~~
- ~~(9) In the event that a particular subdivision creates a number of parcels producing a fraction of a parcel to be transferred under Section 8.9(c)(6), the subdivider must transfer a parcel in relation to the fraction, with the obligation to transfer parcels under this Section being adjusted upon subsequent subdivision so that the total number of parcels transferred to the Regional District under this Section does not exceed 7.~~
- ~~(10) The parcels transferred to the Regional District under Section 8.9(c)(6) must be used for:
 - ~~i. the provision of fire protection services, including the sale of one or more of the parcels and the deposit of the proceeds into the Sahtlam Fire Protection Service Area statutory reserve fund; or~~
 - ~~ii. community park purposes, including the sale of one or more of the parcels and the deposit of the proceeds into an Electoral Area E or Electoral Area F community parks statutory reserve fund.~~~~

8.10 R-6 ZONE – BARE LAND STRATA RESIDENTIAL ZONE

(c) Density and Density Bonus

Subject to Part 12, the following regulations apply in the R-5 Zone:

- (1) The number of parcels that may be created by subdivision in the R-5 zone must not exceed 22, including any remainder parcel.
- (2) Despite Section 8.9(c)(1), the number of parcels that may be created by subdivision in the R-5 zone may be increased to 50 if the conditions in Sections 8.9(c)(6) through (8) are met.
- (3) Density averaging is permitted, provided that the average density in any subdivision, excluding any remainder parcel, does not exceed one parcel per 1.6 hectares of gross land area.
- (4) The minimum parcel area for the purposes of s.946(4) of the *Local Government Act* is 25 hectares.
- (5) The minimum parcel area is 1 hectare.
- (6) In respect of each 4 parcels created in excess of 22, one of the parcels must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for the purposes set out in Section 8.9(c)(10), and the costs of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.
- (7) Each parcel transferred to the regional district must be selected by the Regional District on the basis of the proposed plan of subdivision, being neither the most valuable nor the least valuable of the lots in the proposed subdivision.
- (8) Each parcel transferred to the regional district must be fully provided with hydro, cable and telephone service and highway frontage improvements to the standard provided in the rest of the subdivision, as well as a driveway to the property line, all as determined by an inspection of the parcel by the Regional District prior to the transfer. The subdivider must also provide to the Regional District proof of potable water and on-site sewage disposal capability, each as required by the local health authority or the subdivision approving officer. No parcel transferred to the Regional District may be a strata lot.
- (9) In the event that a particular subdivision creates a number of parcels producing a fraction of a parcel to be transferred under Section 8.9(c)(6), the subdivider must transfer a parcel in relation to the fraction, with the obligation to transfer parcels under this Section being adjusted upon subsequent subdivision so that the total number of parcels transferred to the Regional District under this Section does not exceed 7.
- (10) The parcels transferred to the Regional District under Section 8.9(c)(6) must be used for:
 - i. the provision of fire protection services, including the sale of one or more of the parcels and the deposit of the proceeds into the Sahtlam Fire Protection Service Area statutory reserve fund; or
 - ii. community park purposes, including the sale of one or more of the parcels and the deposit of the proceeds into an Electoral Area E or Electoral Area F community parks statutory reserve fund.

8.10 R-6 ZONE – BARE LAND STRATA RESIDENTIAL ZONE

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an R-6 zone:

- (1) *modular home*
- (2) *single detached dwelling*
- (3) *daycare* or nursery school *accessory* to a residential use;
- (4) *home occupation*
- (5) *horticulture*

(b) Conditions of Use

For any *parcel* in the R-6 zone:

- (1) the *parcel coverage* shall not exceed 35%
- (2) the *height* of all *buildings* and *structures* shall not exceed 6.0 metres, except for accessory buildings, which shall not exceed a *height* of 4.5 metres.
- (3) *Buildings* shall not exceed a single *storey*.
- (4) *Dwellings* shall not exceed a *gross floor area* of 120 square metres.
- (5) *Accessory Buildings* shall not exceed a combined *gross floor area* of 30 square metres.
- (6) The minimum *setbacks* for the types of *parcel lines set out in Column I of this section* are set out for the *principal* and *accessory uses* listed in Column II and III;

COLUMN I Type of Parcel Line	COLUMN II Principal Use	COLUMN III Accessory Use
Front	5.5 m	5.5 m
Interior Side	2.0 m	1.0 m
Exterior Side	3.0 m	2.0 m
Rear	4.5 m	1.0 m.

- (7) In no case shall the number of *dwelling units* per *parcel* exceed one.
- (8) All residential *parcels* shall be connected to a sewer and water system owned and operated by the CVRD and designed to CVRD specifications, including but not limited to:
 - A recycled water treatment and distribution system to supply treated waste water for irrigation and toilets;
 - Water metering for individual homes and a rate structure to encourage conservation;

- Registration of a covenant on all residential parcels to require “low flow” fixtures and appliances and the use of native and drought tolerant plant species for landscaping;

(9) Prior to subdivision, a covenant shall be registered on all residential *parcels* to:

- Require all dwellings to be heated primarily by air-to-air heat pumps unless otherwise authorized by the CVRD;
- Require dwellings to be heated primarily by ground source heat pumps if the CVRD chooses to establish and finance a district energy system;
- Establish decibel limitations on heat pumps;
- Require dwellings to be insulated to an R2000 standard or better;
- Require dwellings to have roughed in facilities for auxiliary wood or gas heating.

(c) Density and Density Bonus

Subject to Part 12, the following regulations apply in the R-6 Zone

- (1) The number of residential parcels that may be created by subdivision in the R-6 zone must not exceed 3, including any remainder parcel.
- (2) Despite Section 8.10(c)(1), the number of residential parcels that may be created by subdivision in the R-6 zone may be increase to 18 if park land in the form of a titled lot, with a minimum area of 0.81 hectares, in a location acceptable to the Regional District, is provided at no cost.
- (3) Despite Section 8.10(c) (1) and (2), the number of residential parcels that may be created by subdivision in the R-6 zone may be increased to 50 if the conditions in Sections 8.10(c)(7) are met.
- (4) The minimum parcel area for the purposes of s. 946(4) of the *Local Government Act* is 25 hectares.
- (5) The minimum residential parcel size is 400 square metres.
- (6) The maximum residential parcel size is 460 square metres.
- (7) In order to develop any residential lot in excess of 18, a strata-owned amenity building and grounds must be constructed that will include:
 - i) A minimum gross floor area of 650 square metres;
 - ii) Interior improvements and furnishings, including a common kitchen and dining room, workshops, dance studio and meeting rooms;
 - iii) A minimum of 20 paved parking spaces;
 - iv) Site landscaping.

8.11 RF-50/50 ZONE – RURAL RESIDENTIAL/FORESTRY CONSERVATION ZONE

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following *uses, uses* permitted under Sections 4.4 and 4.5, and no others are permitted in an RF-50/50 zone:

- (1) One single detached *dwelling*;
- (2) *agriculture, horticulture, silviculture*;
- (3) *daycare* or nursery school *accessory* to a residential *use*;
- (4) *home occupation*;
- (5) *attached suite*.

(b) Conditions of Use

For any *parcel* in the RF-50/50 zone:

- (1) The following limits to *parcel coverage* and impervious surface coverage apply in the RF-50/50 Zone:
 - i. 30% for buildings and structures plus up to an additional 5% for other impervious surfaces for the first hectare of parcel area or portion thereof; plus
 - ii. for each additional hectare of land area above 1 hectare, an additional 10% for buildings and structures and up to an additional 5% for other impervious surfaces, to be calculated on a pro rata basis.
- (2) the *height* of all *buildings* and *structures* shall not exceed 10.0 metres, except for accessory buildings, which shall not exceed a *height* of 7.5 metres.
- (3) the minimum *setbacks* for the types of *parcel* lines set out in Column I of this Section are listed for the residential, non-agricultural, agricultural and *accessory* uses in Column II and III.

COLUMN I Type of Parcel Line	COLUMN II Residential and Non- Agricultural Principal and Accessory Uses	COLUMN III Agricultural Principal and Accessory Uses
Front	7.5 m	30 m
Interior Side	3.0 m	15 m
Exterior Side	4.5 m	15 m
Rear	4.5 m	15 m.

- (4) Notwithstanding Section 8.11(b)(3), a *building* or *structure* used for the keeping of livestock shall be located not less than 30 metres from all *watercourses*, sandpoints or wells.

(c) Density and Density Bonus

- (1) In no case shall the minimum parcel size be less than 1 hectare.
- (2) The minimum parcel area for the purpose of s. 946(4) of the *Local Government Act* is 25 hectares.
- (3) Blocks A and B, Section 1, Range 6, Seymour District and Section 10, Range 8, Sahtlam District, as shown outlined in black on Schedule A of Bylaw No. 3338, shall be subject to Density and Density Bonus provisions of Section 13.1.
- (4) The South ½ of Section 9, Range 8, Sahtlam District (PID 009-850-741, Cowichan Valley Trap and Skeet Club) shown outlined in black and identified as “Area B” on Schedule A of Bylaw No. 3807 shall be subject to Density and Density Bonus provisions of Section 13.2.

13.1 Subject to Part 12, the following regulations apply to Blocks A and B, Section 1, Range 6, Seymour District and Section 10, Range 8, Sahtlam District as shown outlined in black on Schedule A of Bylaw No. 3338:

- (1) The number of residential parcels that may be created by subdivision on the subject lands must not exceed 3.
- (2) Despite Appendix 1(1), the number of parcels that may be created by subdivision may be increased to 25 if the conditions in Appendix 1(5) are met.
- (3) Despite Appendix 1 (5), the number of parcels that may be created by subdivision may be increased to 41 if the conditions in Appendix 1 (7) are met.
- (4) Density averaging is permitted, provided that the average density in any subdivision, including public land dedication, does not exceed one parcel per 2.0 hectares of gross land area.
- (5) In respect of any parcel created in excess of 3, an area of land equivalent to 47.13 hectares must be transferred to the Regional District for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances, at no cost to the Regional District.
- (6) Land provided to the Regional District described in Appendix 1 (5) may be phased, if the area of public land dedicated is at least proportional to the area of land to be subdivide.
- (7) In respect to any parcel created in excess of 25, one parcel must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for purposes set out in Appendix 1 (9) and the cost of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.
- (8) The parcel transferred to the Regional District referred to in Appendix 1 (7) must generally be located in the northern portion of the subject property, with the location and boundaries of the parcel approved by the Regional District.
- (9) The parcel transferred to the Regional District under Appendix 1 (7) must be used for community park purposes, including the sale of the parcel and the deposit of the proceeds into an Electoral Area E parks statutory reserve fund.
- (10) Notwithstanding Appendix 1 (7), the subdivider may register a restrictive covenant against the parcel referred to in the Section, precluding sale of the parcel for five years following registration of the subdivision and the sale of the lot below market price.
- (11) Prior to any subdivision of the subject lands, the owner must register a covenant that includes the following provisions:
 - a) All dwellings placed or constructed on the subject lands must have an air-to-air heat pump, geo-source heat pump or an equivalent energy

efficient heating system acceptable to the General Manager of the Planning and Development Department;

b) All dwellings placed or constructed on the subject lands shall utilize water efficient plumbing fixtures and appliances;

c) Dwellings shall be situated and designed so as to maximize solar gain in the winter and minimize solar gain in the summer.

13.2 Subject to Part 12, the following regulations apply to that part of The South ½ of Section 9, Range 8, Sahtlam District (PID 009-850-741, Cowichan Valley Trap and Skeet Club) shown outlined in black and identified as “Area B” on Schedule A of Bylaw No. 3807.

- (1) The number of residential parcels that may be created by subdivision on the subject lands must not exceed 2.
- (2) Concurrent with construction of a public trail on land used for park and conservation purposes, the owner must install fencing and signage as necessary to discourage public access onto adjacent P-4 zoned lands.
- (3) Concurrent with construction of a public trail on land used for park or conservation purposes, the owner must install fencing between the public trail and residential lots within the RF 50/50 Zone.
- (4) Fencing referred to in Section 13.2 will be low impact page wire, of a minimum height of 1.2 metres.
- (5) Prior to any subdivision of the subject lands, the owner must register a covenant that includes the following provisions:
 - a. All dwellings placed or constructed on the subject lands must have an air-to-air heat pump, geo-source heat pump or an equivalent energy efficient heating system acceptable to the General Manager of the CVRD’s Planning & Development Department;
 - b. All dwellings placed or constructed on the subject lands shall utilize water efficient plumbing fixtures and appliances;
 - c. Dwelling shall be situated and designed so as to maximize solar gain in the winter and minimize solar gain in the summer, or be designed and constructed to achieve a minimum EnerGuide rating of 82.

13.3 **Identification of Road, Trail or Parkland Acquisitions Priorities**

The CVRD considers it within the public interest to acquire road dedication through Section 7, Range 8, Sahtlam District, except parts in Plan VIP80873, for the purpose of connecting the public road network west of the subject property (Hanks Road) with Riverbottom Road and Barnjum Road to the east.

13.4 In addition to the regulations specified in Section 9.5 (CD-1 Integrated Community Comprehensive Development Zone), the following regulations apply to Lot 6, Section 13, Range 6, Quamichan District, Plan 7797 as shown shaded in grey on Schedule ‘A’ of Bylaw No. 3552.