

COLUMBIA SHUSWAP REGIONAL DISTRICT

SCOTCH CREEK/LEE CREEK ZONING AMENDMENT (CSRD) BYLAW NO. 825-34

A bylaw to amend the "Scotch Creek/Lee Creek Zoning Bylaw No. 825"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 825;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 825;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. "Scotch Creek/Lee Creek Zoning Bylaw No. 825" is hereby amended as follows:

A. TEXT AMENDMENT

1. Schedule A, Zoning Bylaw Text, which forms part of the "Scotch Creek/Lee Creek Zoning Bylaw No. 825" is hereby amended as follows:

i. Part 1, Definitions is amended by adding the following definitions:

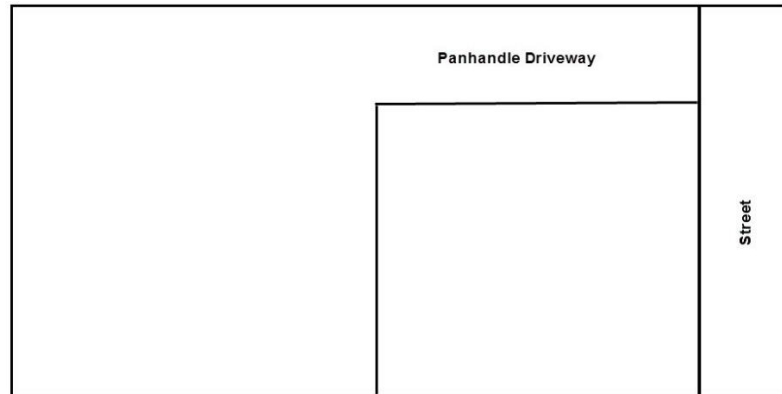
"FLOOD PROOFING PROTECTION means the installation of improvements, provided they are upland of the current *natural boundary*, that are specifically designed to prevent damage to existing natural earthen banks caused by the erosive effects of water and wave action by armouring the soil surface through the use of geotextile materials and some combination of rip-rap or other protective surfacing materials. *Retaining Structures* and *Landscape Retaining Structures* are not included under this definition;"

After the definition of "FAMILY";

"LANDSCAPE RETAINING STRUCTURE means a specific type of *retaining structure*, the use or intended use of which is to hold back and resist, stabilize or support less than 1.2 meters of retained material, such as an earthen bank;"

After the definition of "KENNEL";

"LOT, PANHANDLE means a lot that has its primary *highway* frontage through a narrow strip of land which projects to the *highway* from the main portion of the lot. This narrow strip is an integral part of the lot and is referred to as the *panhandle driveway* as illustrated in the following drawing:



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After the definition of “LOADING AREA”;

“PANHANDLE DRIVEWAY means that portion of a *panhandle lot* that is the narrow strip fronting a *highway*.”

After the definition of “PAD”;

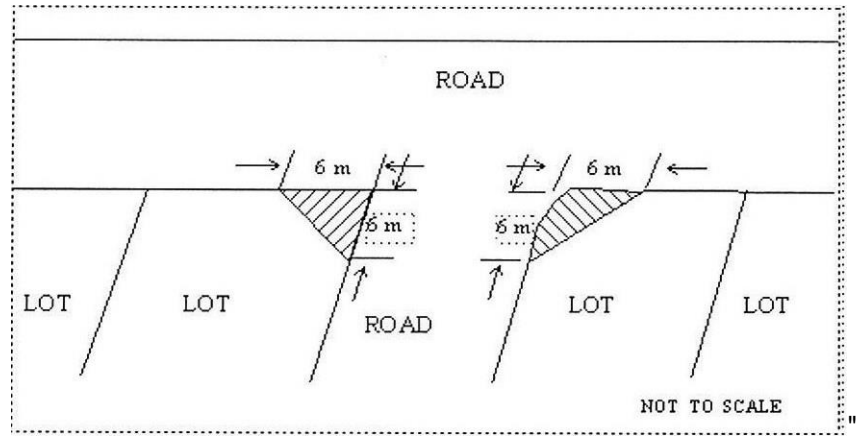
“MEAN ANNUAL HIGH WATER MARK means an elevation of 348.3 metres Geodetic Survey of Canada Datum;”

After the definition of “MARINA”;

“RETAINING STRUCTURE means a specific type of structure that is subject to lateral earth pressure, is laterally unsupported at the top and retains more than 1.2 meters of soil material at any point along its length, measured as the difference between the *finished ground elevation* at the top and bottom of the structure, and specifically excludes *Landscape Retaining Structures* and *Retaining Structures* which are part of and connected structurally to a *Building*;

After the definition of “RESTAURANT”;

“SIGHT TRIANGLE means the area formed by a triangle in the angle formed by the right of way boundaries or boundaries produced and 2 points on those boundaries 6 m from the point of intersection, as shown crosshatched in the diagram below:



After the definition of “SIDE PARCEL BOUNDARY”.

“FINISHED GROUND ELEVATION means either a natural or altered ground level but shall not include areas artificially raised through the use of *retaining structures* unless the *retaining structure* provides a level ground area that is a minimum of 1.2 m wide measured from the face of the *building*; or earth piled against the building with a slope of greater than 2:1 (horizontal to vertical).”

Before the definition of “FLOOR AREA”; and,

“SURVEYOR CERTIFICATE means a sketch plan provided by either a BC Land Surveyor or a Survey Technician which locates all *buildings* structures and improvements on a *parcel*.”

After the definition of “STRUCTURAL ALTERATION”.

- ii. Part 1, Definitions is amended by:
- a) replacing the existing definition of “WATERCOURSE” with the following:
 

“WATERCOURSE is a natural depression with banks and a bed of 0.6 m (1.97 ft.) or more below the surrounding land and 1 of the following, a) serving to give direction to a current of water for at least 6 months of the year, b) having a drainage area of 2 km<sup>2</sup> (494 ac.) or more, c) an area designated as a *watercourse* by the Province, and includes lake, pond, river, stream, creek, spring, ravine, swamp, and wetland.”
  - b) replacing the existing definition of “FRONT PARCEL BOUNDARY”, with the following:
 

“FRONT PARCEL BOUNDARY means the *parcel* boundary that is the shortest *parcel* boundary common to the lot and an abutting *highway* or access route in a bare land strata plan, and

where in the case of a *panhandle lot* means the line separating the *panhandle driveway* from the main part of the lot.”

- c) Replacing the existing definition of “HABITATION” with the following:

“HABITATION means the support of life processes within a *building*, including, but not limited to, sleeping, eating, food preparation, waste elimination, personal cleaning, and rest and relaxation areas.”

- iii. Part 3, General Regulations is amended by:

- a) deleting Section 3.2(1)(b), and replacing it with the following:

"(b) a fence not exceeding 2.4 m (7.87 ft.) in height, in compliance with the regulations set out in Section 3, General Regulations, subsection 3.17 Sight Triangles;

- b) adding Section 3.2(1)(g) as follows:

"(g) *landscape retaining structures*, provided that such structures must be separated from each other by a minimum 1.5 m distance measured horizontally from the face (or from the toe of the upper wall to the top face of the lower wall, if the *landscape retaining structures* are not vertical) of each *landscape retaining structure* and specifically excludes *landscape retaining structures* proposed to be constructed adjacent to a Section 42 road, as defined in the Transportation Act, or in the sight triangle. *Landscape retaining structures* proposed to be located adjacent to a *Highway* must comply with Ministry of Transportation and Infrastructure regulations and may require the approval of that Ministry."

- c) deleting Section 3.4(3), and replacing it with the following:

"(3) The floodplain setback is:

- (a) 15.0 m from the mean annual high water mark of Shuswap Lake, defined as 348.3 metres Geodetic Survey of Canada Datum;
- (b) 30.0 m (98.4 ft.) from the *natural boundary* of Corning (Lee) Creek;
- (c) 30.0 m (98.4 ft.) from the *natural boundary* of Adams River;
- (d) 15.0 m (49.2 ft.) from the *natural boundary* of any other *watercourse*; and
- (e) where more than one floodplain setback is applicable, the larger distance is the floodplain setback.

- d) deleting Section 3.6(5), and replacing it with the following:

“(5) The Manager of Development Services or their delegate requires that a *Surveyor Certificate* be submitted to them by the land and property owners to verify compliance with the flood construction level and flood plain setback specified in subsections 3.6(1), (2), (3) and (4).”

e) adding the following subsections to Section 3.6(7):

- “(f) a roof overhang or cantilevered deck with no footings within the setback area;
- (g) on-loading and off-loading facilities associated with water oriented industry and portable sawmills;
- (h) ground level patios;
- (i) detached *accessory building* that do not include habitation;
- (j) exterior stairway not forming part of a *building* or attached in any way to another structure, provided it does not extend below the *parcel boundary*, or the *natural boundary*;
- (k) electrical or mechanical equipment not susceptible to damage by floodwater; and,
- (l) storage of goods not damageable by flood waters.”

f) deleting subsection 3.6(7)(e) and replacing it with the following:

“(e) *flood proofing protection* works constructed to stabilize the shoreline  
or banks of a *watercourse*”

g) adding new section 3.17 titled Sight Triangle, as follows:

#### **"SIGHT TRIANGLE**

3.17 An owner, occupier or lessee of land at the intersection of any *highway* must not grow or place, or cause or allow to be grown or placed, within the sight triangle on that land, any signs or structures or trees or other plants, with horizontal dimension exceeding 0.6m, unless:

- a) the person has the consent of the Ministry of Transportation and Infrastructure to do so; or
- b) an eye 0.9 m above the surface elevation of one *highway* can, by looking directly over the sign or structure or tree or other plant, see an object 0.9 m above the surface elevation of the other *highway*."

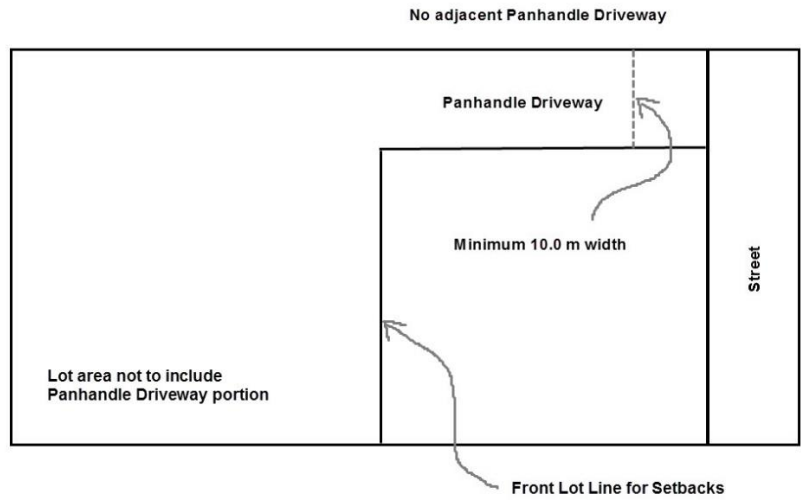
h) Adding new section 3.18 titled Subdivision Regulations for Panhandle Lots, as follows:

#### **"SUBDIVISION REGULATIONS FOR PANHANDLE LOTS**

3.18 Where a subdivision application proposes to create a *panhandle lot* the panhandle lot must meet the following requirements:

- a) The minimum width of the *panhandle driveway* is 10.0 m;
- b) The *panhandle driveway* portion of the lot is not included in lot area calculation for minimum *parcel* size; and,
- c) No more than 2 *panhandle lots* to be adjacent to each other.

As illustrated in the following drawing:



2. This bylaw may be cited as "Scotch Creek/Lee Creek Zoning Amendment (CSR) Bylaw No. 825-34."

READ a first time this 17 day of March, 2016.

READ a second time, as amended, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PUBLIC HEARING held this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Chair

Certified true copy of Bylaw No. 825-34  
as read a third time.

Certified true copy of Bylaw No. 825-34  
as adopted.

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Corporate Officer