

COLUMBIA SHUSWAP REGIONAL DISTRICT

MAGNA BAY ZONING AMENDMENT (CSRD) BYLAW NO. 800-26

A bylaw to amend the "Magna Bay Zoning Bylaw No. 800"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 800;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 800;

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

1. "Magna Bay Zoning Bylaw No. 800" is hereby amended as follows:

A. TEXT AMENDMENT

1. Schedule A, Zoning Bylaw Text, which forms part of the "Magna Bay Zoning Bylaw No. 800" is hereby amended as follows:

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

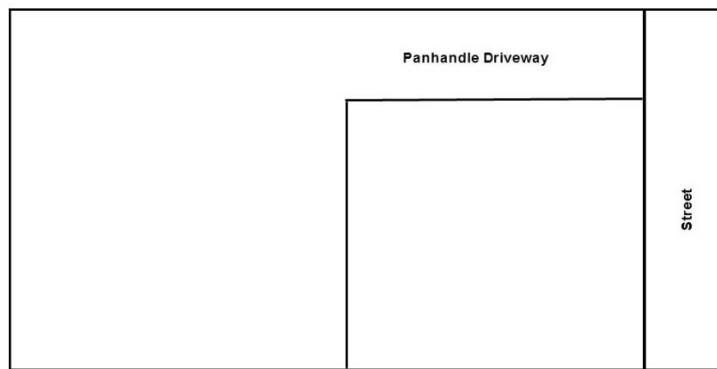
"FLOOD PROOFING PROTECTION means the installation of improvements, provided they are upland of the current *natural boundary*, that are specifically designed to prevent damage to existing natural earthen banks caused by the erosive effects of water and wave action by armouring the soil surface through 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:



”

Before the definition of “MARINA”;

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

After the definition of “MARINA”;

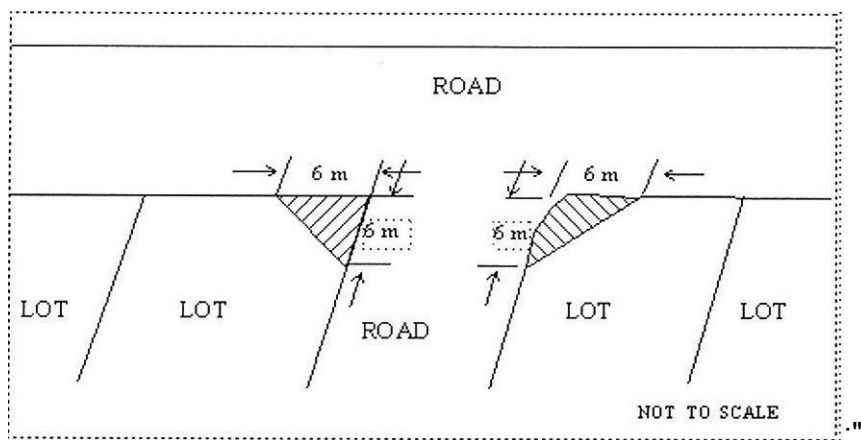
“PANHANDLE DRIVEWAY means that portion of a *panhandle lot* that is the narrow strip fronting a *highway*.”

After the definition of “PAD”;

"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 “RETAIL STORE”;

"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 “SETBACK”;

“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 “STANDALONE RESIDENTIAL CAMPSITE”.

ii. Part 1, Definitions is further 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 km² (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 “PARCEL BOUNDARY, FRONT”, with the following:

“PARCEL BOUNDARY, FRONT 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"

"HABITATION in respect of development proposed on properties subject to floodplain specifications, 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(a), and replacing it with the following:

"(a) 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 3.19 Sight Triangles;

b) deleting Section 3.2 (e), and replacing it with the following:

"(e) a structure below finished grade;"

c) adding Section 3.2.(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; and,"

d) adding Section 3.2.(h), as follows:

"(h) exterior stairway not forming part of a building."

e) 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 Ross Creek;
 - (c) 20.0 m (65.62 ft.) from the *natural boundary* of Onyx Creek;
 - (d) 15.0 m (49.2 ft.) from the *natural boundary* of a water body or watercourse other than Onyx Creek and Ross Creek; and
 - (e) where more than one floodplain setback is applicable, the larger distance is the floodplain setback.”
- f) 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).”
- g) 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*,”
- h) 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*;
- (j) electrical or mechanical equipment; not susceptible to damage by floodwater; and,
- (k) storage of goods not damageable by flood waters.”
- i) adding a new section 3.19 titled Sight Triangle, as follows:

"SIGHT TRIANGLE

3.19 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 0.6 m, unless:

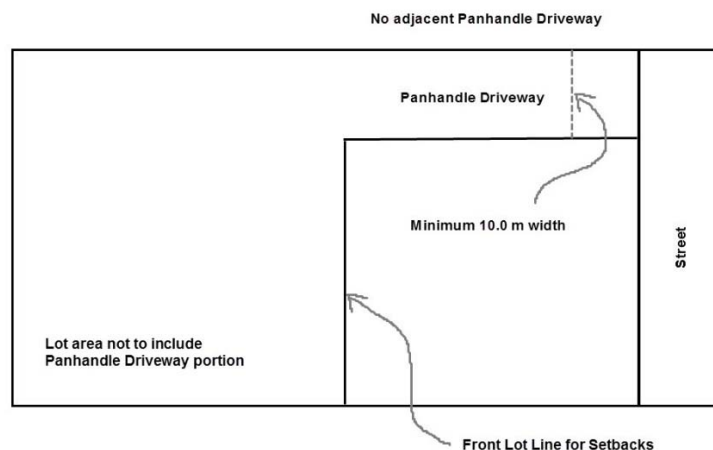
- a) the person has the consent of the Ministry of Transportation and Infrastructure to do so; or
 - b) an eye 0.9 m above the surface elevation of one *highway* can, by looking directly over the sign or structure or tree or other plant, see an object 0.9 m above the surface elevation of the other *highway*.”
- j) Adding a new section 3.20 titled Subdivision Regulations for Panhandle Lots, as follows:

“SUBDIVISION REGULATIONS FOR PANHANDLE LOTS

3.20 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 "Magna Bay Zoning Amendment (CSRD) Bylaw No. 800-26."

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

READ a second time, as amended, this 15 day of June, 2017.

PUBLIC HEARING held this 15 day of August, 2017.

READ a third time, as amended, this _____ day of _____, 2017.

ADOPTED this _____ day of _____, 2017.

Corporate Officer

Chair

Certified true copy of Bylaw No. 800-26
as read a third time.

Certified true copy of Bylaw No. 800-26
as adopted.

Corporate Officer

Corporate Officer