

# Appendix F – Amendment Bylaw 337.123

## Changes in Context

Appendix F presents an example of the sections from Bylaw 337 that are proposed for amendment. It includes the proposed amendment wording (**highlighted in red**) as outlined in the staff report for Consideration of Third Reading and Adoption.

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### GENERAL AREA REQUIREMENTS

401 The minimum parcel area shall be determined by:

- (1) the minimum average parcel size, the minimum individual parcel size, the minimum usable parcel area and other subdivision options in the applicable subdivision district;
- (2) the minimum site area required under this bylaw for the intended use of the parcel; and
- (3) the servicing requirements applying to the parcel.
- (4) **excluding the following areas from the calculation of minimum parcel area**
  - (i) area to be used for community sewer field and equipment;**
  - (ii) area to be dedicated for public open space, park or returned to the Province, except as permitted by the *Strata Property Act*;**
  - (iii) area to be dedicated as a highway;**
  - (iv) area of land include of and below the *natural boundary of a watercourse, waterbody, or wetland*;**
  - (v) area of land that contains a Streamside Protection and Enhancement Area (SPEA), as established under the *Provincial Riparian Areas Protection Regulation*.**

### AVERAGE PARCEL AREA

402 The calculation of average parcel area shall not include land:

- (a) used or dedicated for public open space, park, returned to crown, highway, or community sewer field and equipment;
- (b) **inclusive of and below the natural boundary of a watercourse**

- or waterbody, including, without limitation, a lake, pond, river, creek, spring, ravine, or wetland; or
- (c) that contains a Streamside Protection and Enhancement Area (SPEA), as established under the Provincial *Riparian Areas Protection Regulation*.

## WATERCOURSES

515

- (1) Notwithstanding any other provision of this bylaw, and for the purpose of flood protection, no building or any part thereof, except a boathouse or wharf located solely on a waterbody, shall be constructed, reconstructed, moved, located or extended within:
- (a) 15 metres of the natural boundary of the ocean;
  - (b) 30 metres of the natural boundary of Garden Bay Lake, Hotel Lake, Ruby lake or Waugh Lake;
  - (c) 20 metres of the natural boundary of all other lakes;
  - (d) 15 metres of the natural boundary of a swamp or pond;
  - (e) 30 metres of the natural boundary of Brittain River, Smanit Creek, Skawaka River, Deserted River, Vancouver River, Seshal Creek, Hunaechin Creek, Stakawus Creek, Potato Creek, Loquilt Creek, Tsuadhdi Creek, Osgood Creek; or 17 metres of the natural boundary of all other watercourses.
- (2) Despite Section 516 (1), for the purpose of habitat protection pursuant to the *Riparian Areas Regulation*, the following provisions will also apply for those parts of Electoral Area A located outside of the area covered by *Egmont-Pender Harbour Official Community Plan (Bylaw 432)*: no building or any part thereof, except a boathouse or wharf located solely on a waterbody, shall be constructed, moved, located or extended within:
- (a) for a stream, the 30 meter strip on both sides of the stream, measured from the high water mark,
  - (b) for a ravine less than 60 meters wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 meters beyond the top of the ravine bank; and
  - (c) for a ravine 60 meters wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 meters beyond the top of the ravine bank.

- (3) Notwithstanding any other provisions of this bylaw, the underside of the floor system of any area used for habitation, business or storage of goods damageable by floodwater, or in the case of a mobile home the top of land fill elevation or top of pad on which it is located or in the case of a mobile home constructed on a poured- in-place concrete perimeter footing the top of the footing wall, shall not be lower than:
- (a) 0.6 metres above the two hundred year flood level according to the records of the Province or lower than 1.5 metres above the natural boundary of the ocean, a lake, swamp or pond, whichever is the more restrictive; nor
  - (b) 3.0 metres above the natural boundary of Brittain River, Smanit Creek, Skawaka River, Deserted River, Vancouver River, Seshal Creek, Hunaechin Creek, Stakawus Creek, Potato Creek, Loquilts Creek, Tsuahdi Creek, or Osgood Creek; or
  - (c) 1.5 metres above the natural boundary of any other watercourse.
- (4) Notwithstanding any other provision of this bylaw, and for the purpose of protecting the long-term integrity and health of Streamside Protection and Enhancement Areas (SPEA), no buildings, structures, or any part thereof shall be constructed, reconstructed, moved, located, or extended within 5 metres of a provincially approved SPEA, or the default Riparian Assessment Area if a provincially approved SPEA has not been established.