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THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO. 1187

A Bylaw to regulate the siting of buildings, structures and agricultural uses with respect to watercourses and the sea.

The Municipal Council of the Corporation of the District of Central Saanich in open meeting assembled enacts as follows:

1. In sections 1 through 5 of this Bylaw, and Schedules 1,

“Watercourse” means any natural drainage course or surface source of water, whether usually containing water or not, and includes any lake, river, stream, creek, spring, ravine, swamp or gulch.

“Natural boundary” means the visible high water mark of any watercourse or the sea where the presence and action of the water are so common and usual, and so long continued, as to mark on the soil of the bed of the watercourse or the sea a character distinct from that of its banks, in vegetation and in the nature of the soil.

“Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, and includes paved driveways and motor vehicle parking areas however surfaced.

“Building” means a structure designed, erected or capable of providing support, enclosure, or protection for person, property or animals.

2. On a parcel adjacent to or containing a watercourse, no person shall construct or place or erect a building or structure other than a fence or place fill material on the bed of the watercourse, nor on any portion of the parcel that is within 15 metres measured horizontally from the natural boundary of the watercourse nor within 10 metres measured horizontally from the top of the bank of the watercourse. For the purposes of this section, the top of the bank is the point nearest the natural boundary of the watercourse where a break in the slope of the land occurs such that the grade inland of the break is less than 3:1 for a minimum distance of 15 metres measured perpendicularly to the watercourse.
3. Schedule “1” attached to and forming part of this Bylaw illustrates schematically the application of Section 2 of this Bylaw.
4. No person shall construct, erect or place a building or structure other than a fence within 10 metres measured horizontally inland from the natural boundary of the sea nor within 10 metres measured horizontally inland from the top of a slope of 3:1 or more adjacent to the sea.
5. No person shall construct or erect a building or structure for housing animals other than pets, or construct, erect or use any building, structure or area for the storage of manure, within 30 metres measured horizontally inland from the natural boundary of any watercourse or the sea.
6. The Building Inspector and Municipal Engineer duly appointed by resolution of the Council of the District of Central Saanich are authorized to enter at all reasonable times upon any premises that are subject to the regulations of this Bylaw to determine whether those regulations are being observed and no person shall obstruct those officials when they are so engaged.
7. Every person who violates any regulation of this Bylaw or who causes or permits any act or thing to be done in contravention of this Bylaw commits an offence punishable upon summary conviction by a fine of not more than \$10,000.00 and the costs of prosecution.
8. If any section, subsection, clause or phrase of this Bylaw is for any reason held to be invalid by a

court of competent jurisdiction, it shall be severed from this bylaw without affecting the validity of the remaining portions of this Bylaw.

9. District of Central Saanich Land Use Bylaw No. 1037, 1992 is amended by:
- a) deleting the definitions of “natural boundary” and “watercourse”;
 - b) deleting Section 51(1) and 51(2);
 - c) deleting from Section 51(3) the words “a watercourse or” and renumbering the Section as Section 51(1);
 - d) renumbering section 51(4) as section 51(2); and
 - e) deleting Schedules 6(i) through 6(iii).

CITATION

This Bylaw may be cited for all purposes as the “ **Central Saanich Watercourse Setbacks Bylaw No. 1187, 1996**”.

READ A FIRST TIME this **18th** day of **December**, 1995.

READ A SECOND TIME this **18th** day of **December**, 1995.

PUBLIC HEARING held on this **8th** day of **January**, 1996.

AND RECONVENED on this **15th** day of **January**, 1996.

READ A THIRD TIME this **4th** day of **March**, 1996.

APPROVED BY THE MINISTER OF TRANSPORTATION AND HIGHWAYS pursuant to Section 57(2) of the *Highway Act* this **7th** day of **March**, 1996.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council, signed by the Mayor and Municipal Clerk, and sealed with the Seal of the Corporation on this **21st** day of **May**, 1996.

NOTICE

The material contained in this notice does not form part of Bylaw No. 1187 and is not a legal interpretation, but is attached for information purposes only. Property owners seeking advice on particular circumstances should consult the *Municipal Act* or qualified legal counsel.

NON-CONFORMING SITING

Existing buildings and structures that do not comply with the setbacks regulations of this Bylaw, but that were lawfully sited when constructed, may under section 970 of the *Municipal Act* be maintained, altered and extended but no alteration may extend farther into the setback area. A building permit may be required for such alterations.

VARIANCE OF SETBACK REGULATIONS

The Board of Variance of the District of Central Saanich has jurisdiction under Section 962 of the *Municipal Act* to order a minor variance from the requirements of this bylaw upon the application of an owner alleging undue hardship. For application information, please contact the Secretary to the Board of Variance at the Central Saanich Municipal Hall, 1903 Mt. Newton Cross Road, Saanichton, B. C., 652-4444.

The Council of the District also has jurisdiction under Section 974 of the *Municipal Act* upon the application of an owner to issue a development variance permit that varies the provisions of this bylaw. Notice of an application for such a permit must be given by the District and members of the public may make submissions to Council on the application. If such a permit is issued, a notice of the permit is filed in the Land Title Office. For application information, please contact the Department of Planning and Development Services at the Central Saanich Municipal Hall, 1903 Mt. Newton Cross Road, Saanichton, B. C., 652-4444.

A variance is not required to authorize any maintenance, alteration or extension of existing buildings or structures that is authorized by Section 970 of the *Municipal Act*.