

REGIONAL DISTRICT OF MOUNT WADDINGTON

BYLAW NO. 669

A Regional District of Mount Waddington Bylaw
to implement zoning regulations in Coal Harbour.

WHEREAS an Official Community Plan has been adopted for the community of Coal Harbour in accordance with the provisions of Division 2, Part 26 of the *Local Government Act*;

AND WHEREAS under the provisions of Division 7, Part 26 of the *Local Government Act*, a Zoning Bylaw has been prepared, establishing regulatory controls for development in the community of Coal Harbour that is consistent with the Official Community Plan;

NOW THEREFORE the Board of the Regional District of Mount Waddington, in open meeting assembled, enacts as follows:

COAL HARBOUR ZONING BYLAW

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PART 1 – TITLE AND MEANINGS

1.1.0 Title

This Bylaw may be cited for all purposes as the “Coal Harbour Zoning Bylaw No. 669, 2002.”

1.2.0 Repeal

The Regional District of Mount Waddington Bylaw No. 21 cited as the “Regional District of Mount Waddington Zoning Bylaw No. 21, 1972” and all amendment bylaws thereto are repealed for all the lands comprising Coal Harbour and the surface of water as shown on the “Coal Harbour Zone Map No. 1”.

1.3.0 Application

This Bylaw applies to the entire area of land, including the surface of water, as shown on the “Coal Harbour Zone Map No. 1” attached to and forming a part of this Bylaw. Zone boundaries are based on property boundaries and the edges of natural features such as shorelines and stream banks. If there are any discrepancies between information on “Coal Harbour Zone Map No. 1” and site or property specific boundaries or the edges of natural features such as shorelines and stream banks, the site specific boundary or feature shall be used to interpret the application of the Bylaw.

No land, buildings or structures, or part thereof, shall be used, occupied, erected, moved, or altered unless in conformity with this Bylaw.

1.4.0 Definitions

ACCESSORY BUILDING OR ACCESSORY STRUCTURE: means a building or structure on the same site that is subordinate or incidental to the principal use or building. Accessory buildings include separate garages and carports.

ACCESSORY USE: means a use of a building or land that is commonly associated with but secondary to the purpose and scale to a principal use located on the same lot.

BED AND BREAKFAST: means a home occupation where a private dwelling is shared with a small number of transient guests. The proprietor shall reside in the dwelling and the dwelling shall not contain more than four (4) bedrooms used for bed and breakfast purposes.

BOARD OR REGIONAL BOARD: means the Board of the Regional District of Mount Waddington.

BUILDING, FRONT OF: means the extended line of the wall of the building or any projecting portion of the building except balconies, steps, sill, cornices, eaves, fire escapes and unroofed porches, which faces the front line of the lot.

BUILDING, REAR OF: means the extended line of the wall of the building or any projecting portion of the building except balconies, steps, sills, cornices, eaves, fire escapes and unroofed porches, which faces the rear line of the lot.

BUILDING, SIDE OF: means the extended line of the wall of the building or any projecting portion of the building except balconies, steps, sills, cornices, eaves, fire escapes and unroofed porches, which faces the side line of the lot.

CABIN: means a building which may or may not be built upon a foundation, used to provide temporary accommodation for tourist and/or holiday-makers as a commercial enterprise. Cabins must not be used for year round residency and do not include mobile homes, travel trailers, or recreational vehicles.

CAMPGROUND: means a site operated and occupied for part of the year as temporary accommodation for tourists and holiday-makers in tents, travel trailers, or recreational vehicles.

COMMUNITY SEWER SYSTEM: means a common sewer system owned and/or operated, and/or maintained by a private corporation, Strata Corporation, an Improvement District, an agency of the provincial government, the Regional District of Mount Waddington, or a legal corporate entity of one of the above as authorized under the appropriate provincial and federal legislation.

COMMUNITY WATER SYSTEM: means a common water distribution system owned and/or operated, and/or maintained by a private corporation, Strata Corporation, Improvement District, an agency of the provincial government, the Regional District of Mount Waddington, or a legal corporate entity of one of the above as authorized under the appropriate provincial and federal legislation.

DEVELOPMENT: means a change in use in any land, building or structure for any purpose. Development includes the carryout of any building, engineering, construction or other operation in, on, over or under land, or the construction, addition or alteration of any buildings or structures.

DWELLING, MULTIPLE-FAMILY: means any building consisting of three or more dwelling units used or intended to be used as the permanent residence or home of three or more families.

DWELLING, SINGLE-FAMILY: means any building consisting of one dwelling unit used or intended to be used as the permanent residence or home of one family. A single-family dwelling includes modular homes but does not include mobile homes, recreational vehicles or travel trailers.

DWELLING, TWO-FAMILY: means any building consisting of two dwelling units, used or intended to be used as the permanent residence or home of two families.

DWELLING, TEMPORARY: means a travel trailer, recreational vehicle, mobile or modular home placed on a lot, for a period not to exceed 12 months, in order to provide temporary accommodation while the permanent residence is under construction.

DWELLING UNIT: means one or more habitable rooms, constituting a self-contained unit with kitchen, bathroom, and sleeping facilities, with a separate entrance used or intended to be used as the permanent residence or home of one family.

HEIGHT OF BUILDINGS: means the vertical distance between the average elevation of the finished grade of the lot along the front of the development, to the highest point of the roof surface.

HOME BUSINESS: means an accessory or secondary industrial or commercial use to the principal residential use, carried on within the dwelling unit or on a lot upon which the dwelling unit is the principal use. Home businesses include bed and breakfasts, the selling of services and/or products manufactured or grown on the property, and the retail sale of purchased goods.

LODGING HOUSE: means a building containing up to four (4) furnished rooms which are let out by the day, week, or by the month, without meals or with limited meals.

LOT: means any parcel, block or other area in which is subdivided by a registered plan of subdivision or a certificate of title.

LOT LINE: means a legally defined line bounding any lot and:

- (a) front lot line means a lot line common to a lot and an abutting roadway and where there is more than one such line, the shortest of them;
- (b) side lot line means any lot line that is not a front lot line, rear lot line or exterior side lot line;
- (c) exterior lot line means any lot line that is not a front lot line, rear lot line but a side lot line being common to a lot and an abutting roadway; and
- (d) rear lot line means the lot line opposite the front lot line and where the rear portion of the lot is bounded by intersecting lines, the point of such intersection farthest from the front lot line.

MINI-MALL: means a multi-commercial retail or service use within a single building or structure.

MOBILE HOME: means a structure that is designed, constructed or manufactured as an individual dwelling unit and which conforms to the CAN/CSA Z240 MH Series (as amended from time to time) at the time of manufacture and contains a CSA mobile home label. It may be transported on its own wheels or undercarriage and upon arrival at the site, can be completed and ready for occupancy except for placing on foundations, connection of utilities and some incidental assembly.

MODULAR HOME: means a manufactured home that complies with the Canadian Standards Association Standard A-277, manufactured in two or more sections, is not designed to be transported on its own wheels or undercarriage, and is placed on a permanent foundation.

NATURAL BOUNDARY: means the visible high water mark of a sea, a lake or water body where the presence and action of the water are so common and usual, and so long continued in all ordinary years as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in terms of vegetation and the nature of the soil itself.

NON-CONFORMING USE: means any building or use which does not conform to any or all of the regulations for the zone in which such a building or use is located.

PRINCIPAL USE AND PRINCIPAL BUILDING: means a main permitted purpose or building for which land, buildings, or structures, as listed in the applicable zoning regulations of this Bylaw, are used. No more than one principal building or use is permitted on a lot unless specifically permitted in this Bylaw.

SETBACK: means the minimum distance required between a lot line and any building or structure on a lot as specified in the zoning regulations of this Bylaw.

STRUCTURE: means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures do not include fences less than 6 feet in height.

UTILITY LOT: means a lot used, or intended to be used, solely for the purpose of accommodating equipment necessary for the operation of a community or public sewage, water or solid waste system, or for a telecommunication, electrical power, gas, oil, or similar public utility.

PART 2 – ADMINISTRATION

2.1.0 Definition of Zoning Bylaw

The Zoning Bylaw establishes regulatory controls for the use of land, buildings, and structures; the density of the use of land, buildings, and structures; the uses that are permitted on the land; and the location of uses on the land and within buildings and structures.

The Zoning Bylaw has been prepared to regulate development in a manner that is consistent with the policies and goals stated in the “Coal Harbour Official Community Plan, Bylaw No. 657, 2002.” The Zoning Bylaw contains regulatory controls that protect landowners from detrimental impacts that might otherwise occur as a result of inappropriate development taking place. These regulatory controls have been based on the objectives outlined in the Coal Harbour Official Community Plan and include:

- (a) establishing a pattern of land use that retains the rural residential character of the area by ensuring that there is enough residential land to meet the needs of the community;
- (b) encouraging clean, light industries, commercial activities and home-based businesses;
- (c) protecting and preserving the natural resources and environmentally sensitive regions within the Coal Harbour community area; and
- (d) encouraging the development of more community recreational activities and infrastructure and services that would support tourism as an expanded economic activity.

2.2.0 Administration

- (a) The Manager of Development Services or such other person appointed by the Board of the Regional District of Mount Waddington administers this Bylaw.
- (b) The Manager of Development Services or such other person appointed by the Board of the Regional District of Mount Waddington may enter, at all reasonable times, property to ascertain whether the regulations of the Zoning Bylaw are being complied with.
- (c) The Manager of Development Services or such other person appointed by the Board of the Regional District of Mount Waddington performs such duties as established to enforce this Bylaw in conformance with the *Local Government Act*.

2.3.0 Violations and Penalties

No land in the Coal Harbour Official Community Plan area shall be subdivided, used or occupied, nor any buildings or structures be constructed, altered, located or erected on that land except as specifically permitted in this Bylaw and until a permit has been issued where a permit is required.

It is unlawful for any person to contravene or permit any act or thing in contravention of this Bylaw. On the recommendation of the Manager of Development Services, or such other person appointed by the Board of the Regional District of Mount Waddington to enforce this Bylaw, a note will be registered against the land title where a contravention is observed.

Every person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding \$5,000 and the costs of prosecution. Each day's continuance of an offence, constitutes a new and distinct offence.

2.4.0 Variance

An owner of land may apply to the Board of the Regional District of Mount Waddington for a Development Variance Permit or may make application to the Board of Variance to vary the provisions of this Zoning Bylaw. However, as per the provisions of the *Local Government Act*, a request to vary the use or density of the land as specified in this Bylaw will not be permitted.

2.5.0 Bylaw Amendment

- (a) The Board of the Regional District of Mount Waddington may, by bylaw, amend or repeal this Bylaw in accordance with the provisions of the *Local Government Act*.
- (b) An application to change a zone or uses within a zone, as shown on the Coal Harbour Zoning Map No. 1, shall be treated as an amendment to this Bylaw.
- (c) Where an application has been made to rezone a portion of a lot, the Regional District of Mount Waddington will require a legal survey, conducted by a registered BC Land Surveyor, identifying the portion of the lot that is subject to the rezoning application. This survey shall be submitted to the Regional District of Mount Waddington prior to adopting the bylaw amendment.

2.6.0 Subdivision Approval

Applications for the approval of subdivision of land shall be made to the Ministry of Transportation. The Regional District of Mount Waddington provides comments on such applications based on its regulations and policies. The Coal Harbour Zoning Bylaw No. 669, 2002 regulates the subdivision of land as it relates to the proposed use and development of the land.

2.7.0 Non-Conforming Uses

Buildings, structures or uses that pre-date the adoption of this Bylaw, may continue as a legal non-conforming use subject to Section 911 of the *Local Government Act*.

Any building or structure conforming to use and density, but non-conforming as to size, shape, siting, and/or parking stall dimensions at the time of the adoption of this Bylaw, may be altered, repaired or extended as provided in Section 911(10) of the *Local Government Act*.

2.8.0 Declaration of Minimum Requirements

The provisions of this Bylaw are the minimum requirements for the regulation of the use and development of land within the area illustrated on the Coal Harbour Zoning Map No. 1. Provincial legislation supersedes the regulations of this Bylaw in all matters within provincial jurisdiction. Where the regulations of this Bylaw are not consistent with regulations of provincial agencies, the approval of such agencies will be required as a precondition for development. Such agencies include, but are not exclusive to the:

- Ministry of Water, Land and Air Protection;
- Ministry of Agriculture and Food; or the
- Ministry of Health.

PART 3 – GENERAL PROVISIONS

3.1.0 Parking and Loading

- (a) The minimum number of off-street parking stalls required for each use of a building or development will be as follows or more as determined by the Ministry of Transportation:
- | | | | |
|--------|-------------------------|---|------------------------|
| (i) | Single Family Dwellings | - | 2 parking stalls |
| (ii) | Two Family Dwellings | - | 4 parking stalls |
| (iii) | Bed and Breakfasts | - | 1 per guest bedroom |
| (iv) | Home Industry | - | 1 per 2 employees |
| (v) | Tourist Accommodations | - | 1 per guest unit |
| (vi) | Service Stations | - | 4 plus 1 per employee |
| (vii) | Churches/Halls/Parks | - | 1 per 5 seating spaces |
| (viii) | Retail/Small Businesses | - | 2 plus 1 per employee |
| (ix) | Industrial | - | 1 per 3 employees |
- (b) In the case of a use not specified in Section 3.1.0(a), the number of stalls provided is the same as for the most similar use prescribed in Section 3.1.0(a).
- (c) Where there is more than one use of a building or development, the required number of stalls is the sum of the requirements for each of the uses prescribed in Section 3.1.0(a), calculated separately.
- (d) All required parking stalls must be located on the lot or site on which the use exists for which they are provided.
- (e) For uses other than residential, a group of owners may pool their required off-street parking stalls within one or more parking facilities thereby fulfilling the requirements of Section 3.1.0(a) provided that the parking facility is within 100 meters of the uses that they serve.
- (f) Parking stalls must not cover more than 40% of any setback required in Part 5 – Zone Regulations of this Bylaw.
- (g) Where a proposed development will, from time to time, require pick-up or delivery of commodities, adequate off-street space must be provided for the loading and unloading of commodities.
- (h) Off-street parking spaces are not considered as off-street loading or unloading nor are off-street loading or unloading considered to be off-street parking spaces.
- (i) For frequently used areas, the parking and travelling area must be of a hard, well-packed, durable surface that does not produce mud or dust.
- (j) Parking stall design must meet Ministry of Transportation's specifications.

3.2.0 Buffering and Screening

Buffering and screening are required in order to mask or separate industrial, commercial, and forestry uses from institutional and residential uses; and industrial and forestry uses from commercial uses.

- (a) Where any buffer area is required:
 - (i) No building or structure may be erected or placed within the buffer area
 - (ii) No vehicle may be parked within the buffer area
 - (iii) No storage shall be permitted within the buffer area
- (b) Where screening is required:
 - (i) Screens shall be a minimum of 1.8 meters in height
 - (ii) Screens shall be provided using a tight board fence or hedge

3.3.0 Drainage

No development shall create or increase the risk from flooding and erosion or negatively affect downstream water users, adjacent developments, or have a detrimental affect on the water supply. The following will apply to all developments:

- (a) All sites must be graded in a manner that directs surface and storm water run-off to a ditch or drain in such a way as to prevent flow from one site to the next, except where drainage conforms to the policies and regulations of the provincial or federal agency having jurisdiction.
- (b) On properties containing a cliff, escarpment, or bank, all surface and sewage disposal systems must be directed away from the cliff edge.

3.4.0 Fencing

All development or uses under construction or otherwise that are dangerous and easily accessible to the public, must be adequately fenced or otherwise barriered from public access.

3.5.0 Access

All lots created by plan of subdivision must have access to a public road developed to a standard acceptable to the Ministry of Transportation.

PART 4 – GENERAL ZONE REGULATIONS

4.1.0 Uses Permitted in All Zones

The following uses are permitted in all zones. These uses are in addition to those described in each zone contained in Part 5 – Zone Regulations of this Bylaw.

- (a) Utility lots
- (b) Public open space and parks
- (c) Churches and similar places of worship

4.2.0 Uses Prohibited in All Zones

The following uses are prohibited in all zones contained in Part 5 – Zone Regulations of this Bylaw:

- (a) Disposal of toxic waste
- (b) Any activity that negatively affects a person's right to quiet enjoyment of their property by reason of the generation of:
 - (i) Noise, vibration or odour
 - (ii) Dust or other particulate matter
 - (iii) Toxic or noxious matter
 - (iv) Radiation, fire, explosion, or electrical hazards
 - (v) Humidity, heat or glare
 - (vi) Waterborne or airborne waste
 - (vii) Water or steam
- (c) No person shall use or permit to be used, an accessory building as a residence except as specifically permitted in Part 5 – Zone Regulations of this Bylaw.

4.3.0 Height Regulations

The maximum height of any principal or accessory building, excluding devices not structurally essential to the building, is 12 meters (40 feet) and shall not exceed three storeys.

4.4.0 Development within Environmentally Sensitive Areas

A 30 meter (99 feet) buffer strip along the borders of streams and other water bodies, known as an Environmentally Sensitive Area (ESA) has been designated - as per Bylaw No. 657 cited as the "Coal Harbour Official Community Plan Bylaw, 2002." Any proposed development within this area may require approval from the relevant provincial and/or federal agency. Building setback requirements will be based on the conditions of development approval from the federal or provincial agency, without amendment to this Bylaw.

4.5.0 Lot Size Exceptions

The minimum lot sizes specified in this Bylaw do not apply where:

- (a) The lot is to be used for any purpose described in the POS-1 or the IS-1 zones.
- (b) The purpose of a subdivision is to consolidate two or more lots.
- (c) The subdivision would adjust the boundary between two or more lots, where no additional lots are created and where no lot is increased in area to an extent that it could be further subdivided.

4.6.0 Home Business

Where a Home Business is permitted in any residential zone, the operator must:

- (a) Not employ more than two employees who are not residents of the dwelling unit in which the business is operated, nor employ more than five employees in total including the owner or resident of the dwelling unit.
- (b) Not undertake any business that uses any equipment or process in the business that would be in contravention of Section 4.2.0 of this Bylaw or that would otherwise detract from the character of the area.
- (c) Provide parking and loading spaces as per Section 3.1.0 of this Bylaw.
- (d) Not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of other uses in the zone in which the business is located.
- (e) Provide covered or screened (subject to section 3.2.0) storage and limit the area of accessory buildings used for home business purposes to the equivalent of 50% of the floor area of the dwelling unit on the same lot.
- (f) Home business does not include auto or heavy equipment repair or cabin and campground uses on lot less than 1.01 hectares (2.5 acres).

PART 5 – ZONE REGULATIONS

5.1.0 Land Use Zones

For the purposes of this Bylaw, those parts of the Regional District of Mount Waddington to which this Bylaw applies, are hereby divided into the following land use zones:

<u>USE</u>	<u>ZONE TITLE</u>
Residential	Residential (R-1)
Residential	Residential (R-2)
Residential	Residential Restricted (RR-3)
Residential	Residential Multi-Family (RM-4)
Residential	Residential Mobile Home (RMH-5)
Commercial	Service Commercial (SC-1)
Commercial	General Commercial (GC-1)
Industrial	Industrial (I-1)
Resource	Forestry (FR-1)
Marine	Marine Restricted (MR-1)
Marine	Marine Business (MB-1)
Community	Public Open Space (POS-1)
Institutional	Institutional (IS-1)

5.2.0 Coal Harbour Zone Map No. 1

The location and extent of the zones described in Part 5, are shown on the Coal Harbour Zoning Map No. 1, which is attached to and forms a part of this Bylaw. The zone regulations of this Bylaw do not apply to roads, lanes, or other public thoroughfares.

5.3.0 Residential Zones

5.3.1 Residential (R-1)

This zone is intended to provide for single-family residential and two-family residential development, exclusive of mobile homes.

(a) Permitted Uses

- (i) Single-family and two-family dwellings
- (ii) Home businesses
- (iii) Buildings and uses accessory to a permitted use

(b) Minimum Lot Size

- (i) For a single-family dwelling serviced by both a community sewer and community water system, the minimum area of any lot is 690 square meters (7,427 square feet).

- (ii) For a two-family dwelling serviced by both a community sewer and community water system, the minimum area of any lot is 920 square meters (9,903 square feet).
- (c) Minimum Setbacks
- (i) For principal buildings and structures:
 - 7.5 meters (25 feet) from all front lot lines
 - 9 meters (30 feet) from all rear lot lines
 - 1.5 meters (5 feet) from all side lot lines
 - (ii) For accessory buildings and structures:
 - 5 meters (16 feet) from all front lot lines
 - 1.5 meters (5 feet) from all rear and side lot lines
 - (iii) For principal and accessory buildings and structures on corner lots:
 - side yard widths of 4.5 meters (15 feet) on the street side
 - side yard widths of 1.5 meters (5 feet) on the interior side
 - front and rear yard setbacks as required in sub-sections (i) and (ii).
 - (iv) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.
- (d) Development Density
- (i) One single-family dwelling or one two-family dwelling is permitted on each lot.
 - (ii) Buildings and structures must not cover more than 40% of the lot area.
 - (iii) One temporary dwelling may be approved for occupation while the permanent home is under construction. A temporary dwelling may be placed on the lot for a period not to exceed 12 months. It shall cease to be used as temporary accommodation 30 days after the permanent dwelling is occupied. Mobile or modular homes shall be removed from the site 30 days after the permanent dwelling is occupied.
- (e) Conditions of Use
- (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (ii) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.
 - (iii) Home businesses must conform to Section 4.6.0 of this Bylaw.

5.3.2 Residential (R-2)

This zone is intended to accommodate single-family and two-family residential development.

(a) Permitted Uses

- (i) Single-family and two-family dwellings
- (ii) Mobile homes
- (iii) Home businesses
- (iv) Buildings and uses accessory to a permitted use

(b) Minimum Lot Size

- (i) For a single-family dwelling serviced by both a community sewer and community water system, the minimum area of any lot is 690 square meters (7,427 square feet).
- (ii) For a two-family dwelling serviced by both a community sewer and community water system, the minimum area of any lot is 920 square meters (9,903 square feet).

(c) Minimum Setbacks

- (i) For principal buildings and structures:
 - 7.5 meters (25 feet) from all front lot lines
 - 9 meters (30 feet) from all rear lot lines
 - 1.5 meters (5 feet) from all side lot lines
- (ii) For accessory buildings and structures:
 - 5 meters (16 feet) from all front lot lines
 - 1.5 meters (5 feet) from all rear and side lot lines
- (iii) For principal and accessory buildings and structures on corner lots:
 - side yard widths of 4.5 meters (15 feet) on the street side
 - side yard widths of 1.5 meters (5 feet) on the interior side
 - front and rear yard setbacks as required in sub-sections (i) and (ii).
- (iv) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.

(d) Development Density

- (i) One single-family dwelling or one two-family dwelling is permitted on each lot.
- (ii) Buildings and structures must not cover more than 40% of the lot area.

- (iii) One temporary dwelling may be approved for occupation while the permanent home is under construction. A temporary dwelling may be placed on the lot for a period not to exceed 12 months and shall cease to be used as temporary accommodation or, in the case of a mobile or modular home, removed 30 days after the permanent dwelling is occupied.
- (e) Conditions of Use
- (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (ii) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.
 - (iii) Home businesses must conform to Section 4.6.0 of this Bylaw.

5.3.3 Residential Restricted (RR-3)

This zone is intended to accommodate single-family residential development, exclusive of mobile homes.

- (a) Permitted Uses
- (i) Single-family dwellings
 - (ii) Home businesses
 - (iii) Buildings and uses accessory to a permitted use
- (b) Minimum Lot Size
- (i) For a single-family dwelling serviced by both a community sewer and community water system, the minimum area of any lot is 690 square meters (7,427 square feet).
- (c) Minimum Setbacks
- (i) For principal buildings and structures:
 - 7.5 meters (25 feet) from all front lot lines
 - 9 meters (30 feet) from all rear lot lines
 - 1.5 meters (5 feet) from all side lot lines
 - (ii) For accessory buildings and structures:
 - 5 meters (16 feet) from all front lot lines
 - 1.5 meters (5 feet) from all rear and side lot lines
 - (iii) For principal and accessory buildings and structures on corner lots:
 - side yard widths of 4.5 meters (15 feet) on the street side
 - side yard widths of 1.5 (5 feet) meters on the interior side
 - front and rear yard setbacks as required in sub-sections (i) and (ii).
 - (iv) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.

- (d) Development Density
 - (i) One single-family dwelling is permitted on each lot.
 - (ii) Buildings and structures must not cover more than 40% of the lot area.
 - (iii) One temporary dwelling may be approved for occupation while the permanent home is under construction. A temporary dwelling may be placed on the lot for a period not to exceed 12 months and shall cease to be used as temporary accommodation or, in the case of a mobile or modular home, removed 30 days after the permanent dwelling is occupied.
- (e) Conditions of Use
 - (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (ii) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.
 - (iii) Home businesses must conform to Section 4.6.0 of this Bylaw.

5.3.4 Residential Multi-Family (RM-4)

This zone is intended to provide for single-family, two-family and multiple-family residential development.

- (a) Permitted Uses
 - (i) Single-family and two-family dwellings
 - (ii) Mobile homes
 - (iii) Row housing and apartments
 - (iv) Lodging houses
 - (v) Home businesses
 - (vi) Buildings and uses accessory to a permitted use
- (b) Minimum Lot Size
 - (i) For a single-family dwelling serviced by both a community sewer and community water system, the minimum area of any lot is 690 square meters (7,427 square feet).
 - (ii) For a two-family dwelling serviced by both a community sewer and community water system, the minimum area of any lot is 920 square meters (9,903 square feet).
 - (iii) For an apartment, the larger of 690 square meters (7,427 square feet) or the area calculated on the basis of 138 square meters (1,485 square feet) per dwelling unit.

- (iv) For row housing, is 835 square meters (8,988 square feet), and for each additional dwelling unit the minimum lot size is increased by 230 square meters (2,476 square feet).
- (c) Minimum Setbacks
- (i) For principal buildings and structures:
 - 7.5 meters (25 feet) from all front lot lines
 - 9 meters (30 feet) from all rear lot lines
 - 4.5 meters (15 feet) from all side lot lines
 - (ii) For accessory buildings and structures:
 - 5 meters (16 feet) from all front lot lines
 - 1.5 meters (5 feet) from all rear and side lot lines
 - (iii) For accessory buildings and structures on corner lots:
 - side yard widths of 4.5 meters (15 feet) on the street side
 - side yard widths of 1.5 meters (5 feet) on the interior side
 - front and rear yard setbacks as required in sub-sections (i) and (ii).
 - (iv) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.
- (d) Development Density
- (i) One single-family dwelling or one two-family dwelling is permitted on each lot or multiple row house, apartment and lodging house development is permitted on each lot provided that the area of the lot covered by buildings and structures does not exceed 40% of the total lot area.
 - (ii) Where a single-family or two-family dwelling is being constructed, one temporary dwelling may be approved for occupation while the permanent home is under construction. A temporary dwelling may be placed on the lot for a period not to exceed 12 months and shall cease to be used as temporary accommodation or, in the case of a mobile or modular home, removed 30 days after the permanent dwelling is occupied.
- (e) Conditions of Use
- (i) Home businesses must conform to Section 4.6.0. Home business is not permitted where row housing, apartments, or lodging houses are the principal use.
 - (ii) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (iii) Row housing, apartments, and lodging houses must be connected to a community sewer and water system.
 - (iv) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.

5.3.5 Residential Mobile Home (RMH-5)

This zone is intended to provide for permanent, residential, mobile home development on individual lots or as part of a strata development.

(a) Permitted Uses

- (i) Mobile homes
- (ii) Home businesses
- (iii) Buildings and uses accessory to a permitted use

(b) Minimum Lot Size

- (i) Where a lot is serviced by both community water and community sewer system, the minimum area of any lot is 460 square meters (4,952 square feet).

(c) Minimum Setbacks

- (i) For principal buildings and structures:
 - 6 meters (20 feet) from all front lot lines
 - 6 meters (20 feet) from all rear lot lines
 - 1.5 meters (5 feet) from all side lot lines
- (ii) For accessory buildings and structures:
 - 5 meters (16 feet) from all front lot lines
 - 1.5 meters (5 feet) from all side and rear lot lines
- (iii) For principal and accessory buildings and structures on corner lots:
 - side yard widths of 4.5 meters (15 feet) on the street side
 - side yard widths of 1.5 meters (5 feet) on the interior side
 - front and rear yard setbacks as required in sub-sections (i) and (ii).
- (iv) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.

(d) Development Density

- (i) One mobile home is permitted on each lot.
- (ii) Buildings and structures must not cover more than 40% of the lot area.

(e) Conditions of Use

- (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
- (ii) Mobile homes must conform to the CAN/CSA Z240 MH Series (as amended from time to time) at the time of manufacture and contain a CSA mobile home label.
- (iii) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.

- (iv) Where a lot line abuts an R-1, R-2, RR-3, RM-4, SC-1 or GC-1 zone screening shall be provided in accordance with Section 3.2.0 of this Bylaw.
- (v) Home businesses must conform to section 4.6.0 of this Bylaw.

5.4.0 Commercial Zones

5.4.1 Service Commercial (SC-1)

This zone is intended to provide for small, scale retail and service outlets for convenience shopping purposes oriented toward the local residents and travelling public.

- (a) Permitted Uses
 - (i) Veterinary, medical and dental clinics
 - (ii) Food and general merchandise stores and markets
 - (iii) Service stations, car washing facilities and repair & maintenance shops, self-service laundries, and dry-cleaners
 - (iv) Offices and banks
 - (v) Personal service shops
 - (vi) Motels and hotels, tourist lodges and resorts
 - (vii) Restaurants and cafes
 - (viii) Lumber and building supply yards
 - (ix) Mini-storage buildings
 - (x) Mini-malls
 - (xi) Commercial parking lots
 - (xii) Service stations, car washing facilities and auto repair & maintenance shops, self-service laundries, and dry-cleaners
 - (xiii) Apartments as an accessory use
 - (xiii) Buildings and uses accessory to a permitted use
- (b) Minimum Lot Size
 - (i) Where a lot is serviced by a community sewer and community water system, the minimum area is 550 square meters (5,920 square feet).
- (c) Minimum Setbacks
 - (i) For principal and accessory buildings and structures:
-1.5 meters (5 feet) from all front, rear, and side lot lines

- (ii) For principal and accessory buildings and structures on corner lots:
 - side yard widths of 4.5 meters (15 feet) on the street side
 - side yard widths of 1.5 meters (5 feet) on the interior side
 - front and rear yard setbacks as required in sub-section (i).
 - (iii) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.
- (d) Development Density
- (i) Multiple principal buildings are permitted on each lot. Buildings and structures may cover 100% of the lot area less the required setbacks.
 - (ii) One apartment above a general commercial use is permitted on each lot.
- (e) Conditions of Use
- (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (ii) Service connections shall be made be as per the applicable Regional District of Mount Waddington bylaws.
 - (iii) Where a lot line abuts an R-1, R-2, RR-3 or RM-4 zone a five-meter vegetated, buffer area must be provided and shall conform to section 3.2.0 of this Bylaw.

5.4.2 General Commercial (GC-1)

This zone is intended to provide for tourist commercial and marine commercial development and related activities

- (a) Permitted Uses
- (i) Motels and hotels, Tourist lodges and resorts
 - (ii) Restaurants, cafes and pubs
 - (iii) Tourist cabins, campgrounds, recreation operations and related offices
Recreational vehicles courts
 - (iv) Commercial parking lots
 - (v) Marinas, docks, wharves and boat ways
 - (vi) Marine fuelling, storage and maintenance operations
 - (vii) Boat and barge building, storage and repair operations
 - (viii) Water taxi and air charter operations
 - (ix) Retail stores, service shops including marine, aquaculture, and forestry related services

- (x) Service stations, car washing facilities and auto repair & maintenance shops, self-service laundries, and dry-cleaners
 - (xi) Apartments as an accessory use
 - (xii) Buildings and uses accessory to a permitted use
- (b) Minimum Lot Size
- (i) Where a lot is serviced by a community sewer and community water system, the minimum area is 550 square meters (5,920 square feet).
- (c) Minimum Setbacks
- (i) For principal and accessory buildings and structures:
-1.5 meters (5 feet) from all front, rear, and side lot lines.
 - (ii) For principal and accessory buildings and structures on corner lots:
-side yard widths of 4.5 meters (15 feet) on the street side
-side yard widths of 1.5 meters (5 feet) on the interior side
-front and rear yard setbacks as required in sub-section (i).
 - (iii) Setbacks do not apply to uses or structures intended to provide access to the water.
 - (iv) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.
- (d) Development Density
- (i) Multiple principal buildings are permitted on each lot. Buildings and structures may cover 100% of the lot area less the required setbacks.
 - (ii) One apartment above a commercial marine/tourist use is permitted on each lot.
 - (iii) Campsites must have a minimum area of 56 square meters (603 square feet).
 - (iv) The floor area of a cabin must not exceed 37 square meters (400 square feet).
- (e) Conditions of Use
- (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (iii) Service connections shall be made be as per the applicable Regional District of Mount Waddington bylaws.
 - (iv) Where a lot line abuts an R-1, R-2, RR-3, or RM-4 zone, a 5 meter (16 feet) vegetated, buffer area shall be provided and conform to section 3.2.0 of this Bylaw.

5.5.0 Industrial Zones

5.5.1 Industrial (I-1)

This zone is intended to provide for the accommodation of light manufacturing, warehousing, and general industrial activities while limiting the impacts on surrounding uses.

(a) Permitted Uses

- (i) Forestry, marine and general industrial manufacturing and processing sites including the sale of products manufactured or processed on the site.
- (ii) Contractor offices and work yards
- (iii) Fish packaging and processing operations
- (iv) Auto wreckers, repair and body shops
- (v) Boat building, storage and repair shops
- (vi) Scrap, salvage and storage yards
- (vii) Apartments as accessory uses
- (viii) Buildings and uses accessory to a permitted use

(b) Minimum Lot Size

- (i) Where a lot is serviced by a community sewer and community water system the minimum area of any lot created by subdivision is 0.5 hectares (1.2 acres).

(c) Minimum Setbacks

- (i) For principal and accessory buildings and structures:
 - 1.5 meters (5 feet) from front, rear, and side lot lines
- (ii) For principal and accessory buildings and structures on corner lots:
 - side yard widths of 4.5 meters (15 feet) on the street side
 - side yard widths of 1.5 meters (5 feet) on the interior side
 - front and rear yard setbacks as required in sub-section (i).
- (iii) Setbacks do not apply to uses or structures intended to provide access to the water.
- (iv) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.

- (d) Development Density
 - (i) Multiple principal buildings are permitted on each lot. Buildings and structures may cover 100% of the lot area less the required setbacks.
 - (ii) One apartment above an industrial use is permitted on each lot.
- (e) Conditions of Use
 - (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (ii) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.
 - (iii) Where a lot line abuts an R-1, R-2, RR-3, or RM-4 zone, a 5 meter (16 feet) vegetated, buffer area shall be provided and conform to section 3.2.0 of this Bylaw.
 - (iv) Where a lot line abuts a SC-1 or GC-1 zone, a 5 meter (16 feet) vegetated, buffer area shall be provided and conform to section 3.2.0 of this Bylaw.
 - (vii) Where a lot line abuts a controlled access or arterial highway, screening shall be provided in accordance with section 3.2.0 of this Bylaw.
 - (viii) Travelled areas of lots must be able to carry heavy loads and be located in areas that are well drained.
 - (vi) Access to a primary or secondary highway system or a public road developed to industrial standards is required.

5.6.0 Resource Zones

5.6.1 Forestry (FR-1)

This zone is intended to provide for natural resource extraction and processing, agriculture and recreation activities. Manufacturing activities will be directed to the industrial zone.

- (a) Permitted Uses
 - (i) Tree plantation and related management
 - (ii) Forestry, fishery, aquaculture and mining related marine transportation services
 - (iii) Harvesting and transport of forest resources
 - (iii) Log storage and booming areas
 - (iv) Logging camps and bunkhouses
 - (v) Heavy equipment storage and maintenance shops

- (vi) Recreational trails
- (vii) Single family dwellings and mobile homes as an accessory use
- (b) Minimum Lot Size
 - (i) The minimum area of any lot created by subdivision is two hectares (2 ha.)
- (c) Minimum Setbacks
 - (i) Where a lot line abuts an R-1, R-2, or RR-3 zone, a 10 meter (32 feet) vegetated, buffer area shall be provided and conform to section 3.2.0 of this Bylaw.
 - (ii) Where a lot line abuts a SC-1 or GC-1 zone, a 5 meter (16 feet) vegetated buffer area shall be provided and conform to section 3.2.0 of this Bylaw.
 - (iii) Where a lot line abuts a controlled access or arterial highway, a 5 meter (16 feet), vegetated buffer area must be provided and conform to section 3.2.0 of this Bylaw.
 - (iv) Setbacks do not apply to uses or structures intended to provide access to the water.
 - (v) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.
- (d) Development Density
 - (i) One single-family dwelling or one mobile home is permitted on each lot.
- (d) Conditions of Use
 - (i) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.
 - (ii) Access to a primary or secondary highway system or a public road developed to industrial standards is required.
 - (iii) Travelled areas of lots must be able to carry heavy loads and be located in areas that are well drained.

5.7.0 Marine Zones

5.7.1 Marine Restricted (MR-1)

This zone extends 300 meters (984 feet) from the foreshore into the Holberg Inlet and is intended to provide for marine uses accessory to residential uses.

- (a) Permitted Uses
 - (i) Marine uses accessory to a residential use.
 - (ii) Private boathouses and wharves

- (b) Conditions of Use
 - (i) Approval from the provincial or federal government agency having jurisdiction is required as a pre-condition to development.
 - (ii) Uses or combination of uses is limited to the water access needs of the residences or other permitted uses on the lot. No commercial use for the general public will be permitted.
 - (iii) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.

5.7.2 Marine Business (MB-1)

This zone extends 300 meters (984 feet) from the foreshore into Holberg Inlet and is intended to accommodate marine commercial and tourist commercial development. Development accessory to the permitted upland use will also be permitted.

- (a) Permitted Uses
 - (i) Tourist lodges and resorts
 - (ii) Restaurants, cafes, and pubs
 - (ii) Marinas, docks, wharves and boat ways
 - (iii) Marine fuelling operations
 - (iv) Water taxi and air cab operations
 - (v) Commercial recreation operations
 - (vi) Uses accessory to the permitted upland use
 - (vii) Buildings and uses accessory to a permitted use
- (b) Conditions of Use
 - (i) Approval from the provincial or federal government agency having jurisdiction is required as a pre-condition to development.
 - (ii) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.

5.8.0 Additional Zones

5.8.1 Public Open Space (POS-1)

This zone is intended to accommodate community recreation facilities and activities.

- (a) Permitted Uses
 - (i) Parks and picnic areas
 - (ii) Sports fields and playgrounds
 - (iii) Wild life viewing platforms and areas
 - (iv) Public lands for general use and access
 - (v) Accessory buildings and uses
- (b) Minimum Setbacks
 - (i) For principal and accessory buildings and structures:
 - 1.5 meters (5 feet) from all front, rear, and side lot lines
 - (ii) For principal and accessory buildings and structures on corner lots:
 - side yard widths of 4.5 meters (16 feet) on the street side
 - side yard widths of 1.5 meters (5 feet) on the interior side
 - front and rear yard setbacks as required in sub-section (i).
 - (iii) Setbacks for development adjacent to any watercourse, are as required by the provincial and/or federal government regulations and policies.
- (c) Development Density
 - (i) Multiple principal buildings are permitted on each lot provided that the area of the lot covered by principal and accessory buildings and structures does not exceed 60% of the total area of the lot.

5.8.2 Institutional (IS-1)

This zone is intended to accommodate non-profit community and public use development.

- (a) Permitted Uses
 - (i) Health clinics, hospitals, and ambulance services
 - (ii) Police, fire, and community halls
 - (iii) Cemeteries
 - (iv) Activity centres, museums, libraries
 - (v) Schools and education centres

(b) Minimum Setbacks

- (i) For principal buildings and structures:
 - 7.5 meters (25 feet) from all front lot lines
 - 1.5 meters (5 feet) from all rear and side lot lines
- (ii) For accessory buildings and structures:
 - 5 meters (16 feet) from all front lot lines
 - 1.5 meters (5 feet) from all rear and side lot lines
- (iii) For principal and accessory buildings and structures on corner lots:
 - side yard widths of 4.5 meters (15 feet) on the street side
 - side yard widths of 1.5 meters (5 feet) on the interior side
 - front and rear yard setbacks as required in sub-section (i) and (ii).
- (iv) Setbacks for development adjacent to any watercourse are as required by provincial and/or federal government regulations and policies.

(d) Development Density

- (i) Multiple principal buildings are permitted on each lot provided that the area of the lot covered by principal and accessory buildings and structures does not exceed 60%.

(e) Conditions of Use

- (i) Service connections shall be made as per the applicable Regional District of Mount Waddington bylaws.
- (ii) Parking and loading must be in conformance with Section 3.1.0 of this Bylaw.

PART 6 – SEVERABILITY

6.1.0 Severability

If any provision of this Bylaw is found invalid, such provision is severable and shall not affect the validity of the remainder of this Bylaw.

READ A FIRST TIME THIS 19th DAY OF November, 2002.

READ A SECOND TIME THIS 19th DAY OF November, 2002.

PUBLIC HEARING HELD THIS 20th DAY OF January, 2003.

READ A THIRD TIME AS AMENDED THIS 18th DAY OF February, 2003.

ADOPTED THIS 18th DAY OF February, 2003.

SECRETARY

CHAIRMAN

