



HYDE CREEK ZONING BYLAW NO. 648, 2002

CONSOLIDATED COPY FOR
CONVENIENCE ONLY
March 20, 2018

LIST OF AMENDMENTS

This copy of Hyde Creek Zoning Bylaw No. 648 is consolidated for convenience only and includes the following amendments:

BYLAW NO.	AMENDMENT NO.	DATE ADOPTED	TEXT AND/OR MAP CHANGE
703	1	February 15, 2005	Text
716	2	September 20, 2005	Map
734	3	May 16, 2006	Map
742	4	November 21, 2006	Text
743	5	February 20, 2007	Map
750	6	January 15, 2008	Map
751	7	October 16, 2007	Map
933	8	March 20, 2018	Map

REGIONAL DISTRICT OF MOUNT WADDINGTON

BYLAW NO. 648 (*Consolidated Version*)

A Regional District of Mount Waddington Bylaw to implement zoning regulations in Hyde Creek

WHEREAS an Official Community Plan has been adopted for the Hyde Creek and Nimpkish Heights settlement areas 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 Hyde Creek and Nimpkish Heights settlement areas, 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:

HYDE CREEK 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 “Hyde Creek Zoning Bylaw No. 648, 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21 cited as the “Regional District of Mount Waddington Zoning Bylaw No. 21, 1972” and all amendment bylaws thereto are repealed for all the lands comprising Hyde Creek and the surface of water as shown on the Hyde Creek Zone Map No. 1.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 “Hyde Creek Zone Map No. 1” attached to and forming a part of this 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 business 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 lodge more than eight (8) guests regardless of how the guests are distributed amongst the bedrooms.

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 separate from a primary residential or commercial use, which may or may not be built upon a foundation, used to provide temporary accommodation to tourists and/or holiday-makers as a commercial enterprise. Cabins must not be used for year round residency and do not include mobile homes, 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.

CAMPSITE: means one space within a campground used to provide 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, SINGLE-FAMILY: means any building consisting of one dwelling unit which is intended to be the permanent residence or home of one family. A single-family dwelling includes mobile and modular homes but does not include recreational vehicles or travel trailers.

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 containing a kitchen with sink and cooking facilities and a bathroom with a toilet, sink and shower and/or bath, with a separate entrance intended to be used together for living and sleeping purposes for not more than one family.

GUESTHOUSE: means a separate, single-family dwelling, built upon a foundation, accessory to a primary permanent residence. Guesthouses must not be used for commercial enterprise purposes and do not include mobile homes, trailers, or recreational vehicles.

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 AGRICULTURE: means the cultivation of the soil, growing of crops or produce and/or the keeping and rearing of animals for the personal use of the owner but does not include compost based mushroom growing or the keeping of swine, poultry, fur bearing animals or other livestock for home commerce purposes.

HOME COMMERCE: means a commercial use accessory to the principal residential use that is carried on within a single-family dwelling or on a lot upon which the dwelling is the principal use. Home commerce includes bed and breakfasts and the selling of services and/or products manufactured or grown on the lot. Home commerce does not include the retail sale of purchased

goods or inventory that does not relate to the service or goods provided, or campsite, or cabin uses.

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) 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; and
- (d) flanking lot line means the lot line or lot lines not being the front, side or rear lot line but being common to a lot and an abutting roadway.

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.

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

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 “Hyde Creek Official Community Plan, Bylaw No. 613, 2001.” 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 following objectives:

- (a) the promotion and protection of the rural residential lifestyle choices of the residents
- (b) the protection of the environmental and sensitive features within the Hyde Creek and Nimpkish Heights settlement areas
- (c) the protection of property values and the capability of the land and natural resources to support proposed developments
- (d) the protection of the Hyde Creek and Nimpkish Heights settlement areas against adverse effects resulting from extreme and unplanned land use changes

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 Hyde Creek 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 Hyde Creek Zoning Map No. 1, shall be treated as an application to amend this Bylaw.
- (c) Where an application has been made to rezone a portion of a lot, the Regional District of Mount Waddington shall require a legal survey; identifying the portion of the lot that is subject to the rezoning application; be conducted by a registered BC Land Surveyor. This survey shall be submitted to the Regional District of Mount Waddington prior to the bylaw being adopted.

2.6.0 Subdivision Approval

Applications for the approval of land subdivision shall be made to the Ministry of Transportation. The Regional District of Mount Waddington provides comments from the viewpoint of its regulations and policies. The Hyde Creek Zoning Bylaw No. 648, 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 Hyde Creek Zoning Map No. 1. Provincial legislation supersedes the regulations of this Bylaw in all matters within provincial jurisdiction. In particular, where the regulations of this Bylaw are not consistent with those of the:

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

the approval of such agencies is recognized as being a precondition for development.

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 Commerce | - | 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 are 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) Other than on residential property, 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 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 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 effect 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.

3.3.0 Fencing

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

3.4.0 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) Public utilities
- (b) Public open space and parks
- (c) Schools and churches
- (d) Community halls or similar public facilities

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

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- (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 and shall not exceed three storeys.

4.4.0 Development within Environmentally Sensitive Areas

A 30 metre buffer strip known as a Environmentally Sensitive Area (ESA) has been designated - as per Bylaw No. 613 cited as the "Hyde Creek Official Community Plan Bylaw, 2001" - from the top of the bank of the Nimpkish River and Hyde Creek, along any other recognized water course, and along the Broughton Strait foreshore. Any proposed development within this area may require approval from the relevant provincial and/or federal agency. Setback distance between the top of the bank and the use, building or structure will be based on the relevant required approval, 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 PK-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 Commerce

Where Home Commerce is permitted in any 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.

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	Rural Residential RU-1
Residential	Rural Residential RA-1
Residential	Rural Residential RA-2
Residential	Restricted Residential RR-1
Residential	Residential Recreational RC-1
Commercial	General Commercial CG-1
Industrial	Forest Industrial FIND-1
Industrial	Light Industrial LIND-2
Industrial	Industrial IND-3
Resource	Forestry FR-1
Marine	Marine Restricted MR-1
Park	Park PK-1
Institutional	Institutional IS-1
Airport	Airport AP-1

5.2.0 Hyde Creek Zone Map No. 1

The location and extent of the zones described in Part 5, are shown on Zone Map No. 1, which is attached to and forms 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 Rural Residential RU-1

This zone is generally intended to provide for single-family rural residential development on larger parcels.

- (a) Permitted Uses
 - (i) Single-family dwellings
 - (ii) Home agriculture
 - (iii) Home commerce
 - (iv) Accessory buildings and uses
- (b) Minimum Lot Size
 - (i) The minimum area of any lot created by subdivision is four hectares (10 acres).
- (c) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front and rear lot lines (30 feet)
 - 2.5 meters from all side lot lines (8 feet)
 - 18 meters from another principal building or structure (59 feet)
 - (ii) For accessory buildings and structures:
 - 5 meters from all front lot lines (16 feet)
 - 1.5 meters from all rear and side lot lines (5 feet)
 - (iii) Setbacks for development adjacent to any watercourse, are as required by the provincial or federal government agency having jurisdiction.
- (d) Development Density
 - (i) One single-family dwelling is permitted for every 2 hectares (5 acres) of land.
 - (ii) One temporary dwelling may be approved for occupation while the permanent home is under construction. The temporary dwelling must be removed 30 days after the permanent dwelling is occupied.
- (e) Conditions of Use
 - (i) Home Commerce must be in accordance with Section 4.6.0 of this Bylaw.
 - (ii) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.

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- (iii) Principal buildings must be serviced by a community sewer system and water system or (where on-site services are proposed) separate on-site wells and separate septic disposal systems for each single-family dwelling, constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
 - (iv) Storage of derelicts, including but not limited to, vehicles, equipment, boats or recreational vehicles is not permitted.

5.3.2 Rural Residential RA-1

This zone is intended to provide for single-family residential and accessory guesthouse development. Guesthouse development is to be small in scale and compatible with the rural residential character of the lot.

- (a) Permitted Uses
 - (i) Single-family dwellings
 - (ii) Guesthouses as accessory uses
 - (iii) Home agriculture
 - (iv) Home commerce
 - (v) Accessory buildings and uses
- (b) Minimum Lot Size
 - (i) Where a lot is serviced by a community sewer and water system the minimum area of any lot created by subdivision is 0.8 hectares (2 acres).
 - (ii) Where a lot is serviced by on-site well and septic disposal systems, the minimum area of any lot created by subdivision is one hectare (2.5 acres) or more as determined by the Medical Health Officer as sufficient for on-site services.
 - (iii) *Where a lot is serviced by a community sewer system and an on-site well, the minimum area of any lot created by subdivision is 0.8 hectares (2 acres). (added by Bylaw 703)*
- (c) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front and rear lot lines (30 feet)
 - 2.5 meters from all side lot lines (8 feet)
 - (ii) For accessory buildings and structures:
 - 5 meters from all front lot lines (16 feet)
 - 1.5 meters from all rear and side lot lines (5 feet)
 - (iii) Setbacks for development adjacent to any watercourse are as required by the provincial or federal government agency having jurisdiction.
- (d) Development Density
 - (i) One single-family dwelling plus one accessory guesthouse is permitted on each lot. The floor area of the guesthouse must not exceed 37 square meters in total (400 square feet).

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- (ii) One temporary dwelling may be approved for occupation while the permanent home is under construction. The temporary dwelling must be removed 30 days after the permanent dwelling is occupied.
- (e) Conditions of Use
- (i) Home commerce must be in accordance with Section 4.6.0 of this Bylaw.
 - (ii) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (iii) Principal buildings and guesthouses must be serviced by a community sewer and water system or private on-site water and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
 - (iv) Storage of derelicts, including but not limited to, vehicles, equipment, boats or recreational vehicles is not permitted.

5.3.3 Rural Residential RA-2

This zone is intended to provide for single-family residential and accessory guesthouse development. Guesthouse development is to be small in scale and compatible with the rural residential character of the lot.

- (a) Permitted Uses
 - (i) Single-family dwellings
 - (ii) Home agriculture
 - (ii) Home commerce
 - (iii) Guesthouses as accessory uses
 - (iv) Accessory buildings and uses
- (b) Minimum Lot Size
 - (i) The minimum area of any lot created by subdivision is two hectares (5 acres).
- (c) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front and rear lot lines (30 feet)
 - 2.5 meters from all side lot lines (8 feet)
 - (ii) For accessory buildings and structures:
 - 5 meters from all front lot lines (16 feet)
 - 1.5 meters from all rear and side lot lines (5 feet)
 - (iii) Setbacks for development adjacent to any watercourse are as required by the provincial or federal government agency having jurisdiction.
- (d) Development Density
 - (i) One single-family dwelling plus one accessory guesthouse is permitted on each lot. The floor area of the guesthouse must not exceed 37 square meters in total (400 square feet).
 - (ii) One temporary dwelling may be approved for occupation while the permanent home is under construction. The temporary dwelling must be removed 30 days after the permanent dwelling is occupied.
- (e) Conditions of Use
 - (i) Home commerce must be in accordance with Section 4.6.0 of this Bylaw.
 - (ii) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.

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- (iii) Principal buildings and guesthouses must be serviced by a community sewer and water system or an on-site well and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
 - (iv) The storage of derelicts, including but not limited to, vehicles, equipment, boats or recreational vehicles is not permitted.

5.3.4 Restricted Residential RR-1

This zone is intended to only accommodate single-family residential development and accessory guesthouse development on those legally existing lots containing less than 0.8 hectares (2 acres). It is not the intention that this zone district be applied to future subdivision proposals.

- (a) Permitted Uses
 - (i) Single-family dwellings
 - (ii) Home agriculture
 - (iii) Home commerce
 - (iv) Guesthouses as accessory uses
 - (v) Accessory buildings and uses
- (b) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front and rear lot lines (30 feet)
 - 2.5 meters from all side lot lines (8 feet)
 - (ii) For accessory buildings and structures:
 - 5 meters from all front lot lines (16 feet)
 - 1.5 meters from all rear and side lot lines (5 feet)
 - (iii) Setbacks for development adjacent to any watercourse, are as required by the provincial or federal government agency having jurisdiction.
- (c) Development Density
 - (i) One single-family dwelling plus one accessory guesthouse is permitted on each lot. The floor area of the guesthouse must not exceed 37 square meters in total (400 square feet).
- (d) Conditions of Use
 - (i) Home commerce must be in accordance with Section 4.6.0 of this Bylaw.
 - (ii) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (iii) Principal buildings and guesthouses must be serviced by a community sewer and water system or on-site well and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
 - (iv) The storage of derelicts, including but not limited to, vehicles, equipment, boats, or recreational vehicles is not permitted.

5.3.5 Residential Recreational RC-1

This zone is intended to provide for the development of combined residential and space extensive recreational uses.

- (a) Permitted Uses
 - (i) Single-family dwellings
 - (ii) Home agriculture
 - (iii) Home commerce
 - (iv) Golf courses and driving ranges that may include licensed clubhouses serving food and beverages, as accessory uses. (*Amended by Bylaw No. 742, 2006*)
 - (v) Campgrounds and cabins as accessory uses
 - (vi) Accessory retail sales; gift shop
 - (vii) Accessory buildings and uses
- (b) Minimum Lot Size
 - (i) The minimum area of any lot created by subdivision is 2 hectares (5 acres).
- (c) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front and rear lot lines (30 feet)
 - 2.5 meters from all side lot lines (8 feet)
 - (ii) For accessory buildings and structures:
 - 7 meters from all front lot lines (23 feet)
 - 1.5 meters from all rear and side lot lines (5 feet)
 - (iii) Setbacks for development adjacent to any watercourse, are as required by the provincial or federal government agency having jurisdiction.
- (d) Development Density
 - (i) One single-family dwelling is permitted on each lot. Additionally, one cabin for every 0.8 hectares (2 acres) of land and one campsite for every 0.10 hectares (1/4 acre) of land is permitted on each lot.
 - (ii) The floor area of a cabin must not exceed 46.5 square meters in total (500 square feet).
 - (iii) Campsites must have a minimum area of 56 square meters (600 square feet.)

(e) Conditions of Use

- (i) Where a lot line abuts an RU-1, RA-1, RA-2, or RR-1 zone district, a 5 meter (16 feet), vegetated, buffer area must be provided. No development shall take place within this buffer area.
- (ii) Home commerce must be in accordance with Section 4.6.0 of this Bylaw.
- (iii) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
- (iv) Principal buildings must be serviced by a community sewer and water system or an on-site well and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
- (v) A washroom facility and garbage disposal container must be provided for every campground.
- (vi) With the exception of golf courses and driving ranges, accessory uses do not include restaurants, dining rooms, lounges, public cafes, or convenience stores. *(Amended by Bylaw No. 742, 2006)*
- (vii) The storage of derelicts, including but not limited to, vehicles, equipment, boats or recreational vehicles is not permitted.

5.4.0 Commercial Zones

5.4.1 General Commercial CG-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. Single-family dwellings and apartments are permitted as accessory uses in this zone.

- (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
 - (v) Mini malls
 - (vi) Motels and hotels
 - (vii) Campgrounds and cabins
 - (vii) Restaurants and cafes
 - (viii) Single-family dwellings or apartments as accessory uses
 - (ix) Accessory uses and buildings
- (b) Minimum Lot Size
 - (i) Where a lot is serviced by a community sewer system the minimum area of any lot created by subdivision is 0.8 hectares (2 acres).
 - (ii) Where a lot is serviced by an on-site septic disposal system, the minimum area of any lot created by subdivision is one hectare (2.5 acres) or more as determined by the Medical Health Officer as sufficient for on-site sewer services.
- (c) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front and rear lot lines (30 feet)
 - 2.5 meters from all side lot lines (8 feet)
 - (ii) For accessory buildings and structures:
 - 7 meters from all front lot lines (23 feet)
 - 2.5 meters from all rear and side lot lines (8 feet)

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- (iii) Setbacks for development adjacent to any watercourse are as required by the provincial or federal government agency having jurisdiction.
- (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 does not exceed 40% of the total area of the lot.
 - (ii) One single-family dwelling or one apartment above a general commercial use is permitted on each lot.
 - (iii) Campsites must have a minimum area of 56 square meters (600 square feet).
 - (iv) The floor area of a cabin must not exceed 46.5 square meters in total (500 square feet).
 - (e) Conditions of Use
 - (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (ii) Where a single-family dwelling or apartment has been constructed in accordance with the provisions of this zone, it must be serviced by a community sewer and water system or an on-site well and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
 - (iii) Where multiple principal buildings have been constructed in accordance with the provisions of this zone, the lot must be serviced by a community sewer and water system or an on-site well and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
 - (iv) Where a lot line abuts an RU-1, RA-1, RA-2, or RR-1 zone, a 5 meter (16 feet) vegetated, buffer strip must be provided. No development shall take place within this buffer area.

5.5.0 Industrial Zones

5.5.1 Forest Industrial FIND-1

This zone is intended to provide for industrial, manufacturing and forestry related uses as permitted within the Forest Land Reserve.

- (a) Permitted Uses
 - (i) Forestry and industrial related activities as permitted by the *Forest Land Reserve Act*.
 - (ii) Single family dwellings as accessory uses.
- (b) Minimum Lot Size
 - (i) Where a lot is serviced by a community sewer system, the minimum of any lot created by subdivision is 0.8 hectares (2 acres).
 - (ii) Where a lot is not serviced by a community sewer system, the minimum area of any lot created by subdivision is one hectare (2.5 acres) or more as required by the Medical Health Officer as sufficient for on-site services.
- (c) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front and rear lot lines (30 feet)
 - 2.5 meters from all side lot lines (8 feet)
 - (ii) For accessory buildings and structures:
 - 7 meters from all front lot lines (23 feet)
 - 2.5 meters from all rear and side lot lines (8 feet)
 - (iii) Setbacks for development adjacent to any watercourse are as required by the provincial or federal government agency having jurisdiction.
- (d) Development Density
 - (i) Multiple principal buildings and one single-family dwelling, to be used as an on-site watchman's quarters, is permitted on each lot or less as determined by the Land Reserve Commission.
- (e) Conditions of Use
 - (i) This zone will apply to those lands within the Forest Land Reserve and the Land Reserve Commission's policies and regulations will take precedence over any regulatory tool contained in this Bylaw. Any proposed use of the land is subject to the approval of the Land Reserve Commission.
 - (ii) Where a single family dwelling is constructed in accordance with the provisions of this zone, it must be serviced by a community sewer and

water system or on-site well and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.

- (iii) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
- (iv) Access to a primary or secondary highway system or a public road developed to industrial standards is required.
- (v) Traveled areas of lots must be able to carry heavy loads and be located in areas that are well drained.

5.5.2 Light Industrial LIND-2

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, industrial, and marine related manufacturing and processing sites including the sale of products manufactured or processed on the site.
- (ii) Contractor offices and work yards
- (iii) Bottle depots
- (iv) Auto wreckers, repair and body shops
- (v) Boat building, storage and repair shops
- (vi) Scrap, salvage and storage yards
- (vii) Single family dwellings or apartments as accessory uses
- (viii) Accessory buildings and uses

(b) Minimum Lot Size

- (i) Where a lot is serviced by a community sewer system the minimum area of any lot created by subdivision is 0.8 hectares (2 acres).
- (ii) Where a lot is not serviced by a community sewer system, the minimum area of any lot created by subdivision is one hectare (2.5 acres) or more as required by the Medical Health Officer for on-site services.

(c) Minimum Setbacks

- (i) For principal buildings and structures:
 - 9 meters from all front and rear lot lines (30 feet)
 - 2.5 meters from all side lot lines (8 feet)
- (ii) For accessory buildings and structures:
 - 7 meters from all front lot lines (23 feet)
 - 2.5 meters from all rear and side lot lines (8 feet)
- (iii) Setbacks for development adjacent to any watercourse, setbacks are as required by the provincial or federal government agency having jurisdiction.

(d) Development Density

- (i) Multiple principal buildings and one single-family dwelling or apartment, to be used as an on-site watchman's quarters, 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) Where a single family dwelling or apartment is constructed in accordance with the provisions of this zone district, it must be serviced by a community sewer and water system or an on-site well and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
- (iii) Where a lot line abuts an RU-1, RA-1, RA-2, RR-1, or RC-1 zoning district, a 5 meter (16 feet), vegetated buffer strip must be provided. No development shall take place within this buffer area.
- (iv) Where a lot line abuts any arterial or controlled access highway, screening must be provided through the use of berms, fences or trees.
- (iv) Access to a primary or secondary highway system or a public road developed to industrial standards is required.

5.5.3 Industrial IND-3

This zone is intended to only accommodate that legally existing industrial zoned property located within the Hyde Creek residential area. It is not the intention that this zone be applied to future subdivision proposals. Industrial development shall be directed to lots zoned either FIND-1 or LIND-2.

- (a) Permitted Uses
 - (i) Service industrial or commercial uses
 - (ii) Logging
 - (iii) Logging camps
 - (iv) Log storage and booming areas
 - (v) Sawmills

- (b) Minimum Lot Size
 - (i) The minimum area of any lot is 0.8 hectares (2 acres).

- (c) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front and rear lot lines (30 feet)
 - 2.5 meters from all side lot lines (8 feet)
 - (ii) For accessory buildings and structures:
 - 7 meters from all front lot lines (23 feet)
 - 2.5 meters from all rear and side lot lines (8 feet)
 - (iii) Setbacks for development adjacent to any watercourse, setbacks are as required by the provincial or federal government agency having jurisdiction.

- (d) Conditions of Use
 - (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (ii) Where a lot line abuts an RU-1, RA-1, RA-2, RR-1, or RC-1 zone, a 5 meter (16 feet), vegetated buffer strip must be provided. No development shall take place within this buffer area.
 - (iv) Where a lot line abuts any arterial or controlled access highway, screening must be provided through the use of berms, fences or trees.

5.6.0 Resource Zones

5.6.1 Forestry FR-1

This zone is intended to provide for the preservation of undeveloped forest land for natural resource extraction, agriculture and recreation activities. Processing, manufacturing, and related activities will be directed to the forest industrial or light industrial zones.

(a) Permitted Uses

- (i) Tree plantation and related management
- (ii) Harvesting and transport of forest resources
- (iii) Recreational trails

(b) Minimum Lot Size

- (i) The minimum area of any lot created by subdivision is 2 hectares (5 acres).

(c) Conditions of Use

- (i) Access to a primary or secondary highway system or a public road developed to industrial standards is required.
- (ii) Traveled areas of lots must be able to carry heavy loads and be located in areas that are well drained.
- (iii) Where a lot line abuts an RU-1, RA-1, RA-2, or RR-1 zone district, a 5 meter (16 feet), vegetated buffer strip must be provided. No development shall take place within this buffer area.

5.7.0 Marine Zones

5.7.1 Marine Restricted MR-1

This zone 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.

5.8.0 Additional Zones

5.8.1 Park PK-1

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

- (a) Permitted Uses
 - (i) Community park and recreation facilities
 - (ii) Educational facilities
 - (iii) Accessory buildings and uses
- (b) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front lot lines (30 feet)
 - 2.5 meters from all rear and side lot lines (5 feet)
 - (ii) For accessory buildings and structures:
 - 5 meters from all front lot lines (16 feet)
 - 1.5 meters from all rear and side lot lines (5 feet)
 - (iii) Setbacks for development adjacent to any watercourse, are as determined by the provincial or federal government agency having jurisdiction.
- (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 does not exceed 30% of the total area of the lot.
- (e) Conditions of Use
 - (i) Where a principal building has been constructed in accordance with the provisions of this zone district, it must be serviced by a community water and sewer system or an on-site well and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
 - (ii) Parking and loading must be in conformance with Section 3.1.0 of this Bylaw.

5.8.2 Institutional IS-1

This zone is intended to accommodate private educational, religious, hospital and local service uses in the community.

- (a) Permitted Uses
 - (i) Health clinics, hospitals, and ambulance services
 - (ii) Police and fire halls
 - (iii) Sewer, water, and lighting works
 - (iv) Activity centres, museums, libraries

- (b) Minimum Setbacks
 - (i) For principal buildings and structures:
 - 9 meters from all front lot lines (30 feet)
 - 2.5 meters from all rear and side lot lines (8 feet)
 - (ii) For accessory buildings and structures:
 - 5 meters from all front lot lines (16 feet)
 - 1.5 meters from all rear and side lot lines (5 feet)
 - (iii) Setbacks for development adjacent to any watercourse are as required by the provincial or federal government agency having jurisdiction.

- (d) Development Density
 - (i) The area of the lot covered by principal and accessory buildings must not exceed 30% of the total area of the lot.

- (e) Conditions of Use
 - (i) Where a principal building has been constructed in accordance with the provisions of this zone district, it must be serviced by a community water and sewer system or on-site well and septic disposal system constructed to the standards of the provincial agency having jurisdiction and/or the Medical Health Officer.
 - (ii) Parking and loading must be in conformance with Section 3.1.0 of this Bylaw.

5.8.3 Airport AP-1

This zone is intended to accommodate the development of airport infrastructure while limiting the impact on surrounding uses.

- (a) Permitted Uses
 - (i) Runways and related infrastructure
- (b) Minimum Setbacks
 - (i) Setbacks are as required by the provincial or federal government agency having jurisdiction.
- (c) Development Density
 - (i) The area of the lot covered by principal and accessory buildings must not exceed 30% of the total area of the lot.
- (d) Conditions of Use
 - (i) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
 - (ii) Where a lot line abuts an RU-1, RA-1, RA-2, RR-1 or RC-1 zone district, a 9 meter (30 feet) - or more as determined by the provincial and/or federal government agency having jurisdiction – vegetated buffer strip must be provided. No development shall take place within this buffer area.
 - (iii) Where a lot line abuts any arterial or controlled access highway, screening must be provided through the use of berms, fences or trees.

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 FEBRUARY, 2002.

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

PUBLIC HEARING HELD THIS 15th DAY OF APRIL, 2002.

READ A THIRD TIME AS AMENDED THIS 21 DAY OF MAY, 2002.

ADOPTED THIS 21 DAY OF MAY, 2002.

ORIGINAL SIGNED BY SECRETARY AND CHAIRMAN

SECRETARY

CHAIRMAN

Lot A, Section 15, Township 1, Rupert District, Plan VIP61039 rezoned from the Rural Residential RU-1 Zone to the Rural Residential RA-1 Zone by Hyde Creek Zoning Bylaw No. 648, Amendment Bylaw No. 933, 2018

