



REGIONAL DISTRICT OF MOUNT WADDINGTON ALDER BAY RESORT LAND USE BYLAW NO. 491

CONSOLIDATED COPY FOR
CONVENIENCE ONLY
December 8, 2011

This copy of Alder Bay Resort Land Use Bylaw No. 491 is consolidated for convenience only and includes the following amendments:

BYLAW NO.	AMENDMENT NO.	DATE ADOPTED	TEXT AND/OR MAP CHANGE	APPLICANT
715	1	February 21, 2006	Both	MM&E Holdings Ltd.

REGIONAL DISTRICT OF MOUNT WADDINGTON

BYLAW NO. 491

A bylaw to establish regulations and requirements respecting the use of buildings and structures and the use of subdivision of land.

The Regional District of Mount Waddington, being the Region having jurisdiction on and in respect to the Alder Bay Resort in the Province of British Columbia pursuant to the Municipal Act RSBC 1979, Chapter 290, enacts as follows:

1. The Bylaw Schedule is attached to and forms an integral part of this bylaw.
2. This Bylaw applies to the entire area of land, including the surface of water, as shown on Alder Bay Zone Map, Schedule 'A' attached to and forming an integral part of this bylaw.
3. The Regional District of Mount Waddington Interim Zoning Bylaw No. 21, 1972 as amended, is repealed for all lands comprising Alder Bay and the surface of water as shown on the Alder Bay Zone Map, Schedule 'A'.

This Bylaw may be cited as the "Regional District of Mount Waddington Alder Bay Resort Land Use Bylaw No.491".

READ A FIRST TIME THIS 17TH DAY OF JANUARY, 1996.

READ A SECOND TIME THIS 17TH DAY OF APRIL, 1996.

PUBLIC HEARING HELD THIS 17TH DAY OF JUNE, 1996.

READ A THIRD TIME THIS 19TH DAY OF JUNE, 1996.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS 11TH DAY OF DECEMBER, 1996.

RECONSIDERED AND FINALLY ADOPTED THIS 15TH DAY OF JANUARY, 1997.

R. Fromson
SECRETARY

CHAIR

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BYLAW SCHEDULE

Part 1 TITLE AND MEANINGS

S.1 TITLE

This bylaw may be cited as the **ALDER BAY RESORT LAND USE BYLAW**.

S.2 MEANINGS

(1) The municipal Act, RSBC, Chapter 290, as amended, takes precedence in a case of dispute on the meaning of all words or clauses.

(2) In this bylaw words have their dictionary meaning except that:

Accessory Building and Structure means a building or structure on the same site with, and which is subordinate or incidental to the principle use or building, and includes separate garages and carports.

Accessory Use means a use of a building or land which is commonly associated with, and secondary in purpose and scale to a principle use located on the same lot.

Administrative Officer means a person or persons appointed by the Regional Board to administer this bylaw.

Alder Bay Resort Lands means those lands shown on the Alder Bay Resort Zone Map.

Area Plan means a plan showing future land uses, locations, densities, roads, utilities, methods of resolving any difficulties on the land, and any other matters considered necessary by the Board of the Region to plan future subdivision or development and must be adopted by the Board to be considered an Area Plan.

Bed and Breakfast means a home business consisting of the renting of bedrooms with toilet and washing facilities, including a bath or shower, in a dwelling unit to transient guests, and the provision of a breakfast meal to those guests.

Building means any structure intended for the shelter or accommodation of people or animals or for the storage of goods or chattels and includes manufactured homes, sheds, garages, carports and all outhouses disposing effluent directly into the ground.

Carport means a roofed structure used for storage or parking of not more than two private vehicles and which has not less than 40 of its total perimeter open and unobstructed.

Chattel means a movable item of personal property.

Cliff means a land surface or face having an average slope of 50 degrees or more, measured from the horizontal plane and having a height greater than 10 meters (33 ft. 10 in.).

Coach means a motor vehicle for the scheduled transportation of passengers to and/or from, any activity within the Alder Bay resort Area.

Community Facility means a use or a building the intent of which is to provide a public service to the Alder Bay Resort Area.

Community Water and Sewer Facilities means a common sewer or system of sewerage or sewerage disposal, and a common system of water works which may be owned and/or operated and /or maintained by: a Strata Corporation, a private corporation, an agency of the provincial government or a legal corporate entity or one of the above as authorized under provincial or federal legislation.

Commerce means a retail, wholesale or service business, development or use operated for profit, but does not include major storage, or the manufacture or any other production of items or commodities, or the breeding of animals as a business.

Derelict Vehicle means any motor vehicle that has not been licensed for more than twelve months or is incapable of being driven, except for any non-licensed off-road or construction vehicle currently being used or properly stored for construction, maintenance or recreation on the site.

Development means and includes the following:

- (a) the carrying out of any construction, excavation or other operation, under the land, or on or over the land or water, or the change in use or intensity of use of any land, building or structure and includes the removal of top soil and the demolition of buildings;
- (b) in a building or on a site used for dwelling purposes, any increase in the number of dwelling units on the site;
- (c) the placing of any waste material, refuse or chattel on any land or water;
- (d) the use of land for the storage and repair of motor vehicles or other machinery or equipment;
- (e) the use of land or the surface of water for the parking or mooring of any trailers, houses, portable dwellings, houseboats or any other type of removable buildings or structures whatsoever, whether or not the same has been placed or affixed in any way; and
- (f) includes the erection of signs.

District means a zone in the Zone Regulations of this bylaw.

Duplex means a Dwelling composed of two Dwelling Units.

Dwelling means a building designed or used exclusively for living and may be comprised of one or more dwelling units, and shall have appropriate sewer and water facilities.

Dwelling unit means one or more rooms:

- (a) used or capable of being used for human habitation by one or more individuals living in common occupancy as a single domestic unit and sharing facilities contained in that unit;
- (b) contained in a single building or manufactured home on a permanent foundation;
- (c) containing only one kitchen; and at least one toilet;
- (d) under one roof with any covered walkway, covered patio or hallway connecting portions being no longer than 4m (13 ft.)

Garage means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles.

Grade Level means the level adjacent to the walls of the building if the finished grade is level. If the natural ground is not level, the grade level shall be determined by averaging the elevation of the ground for each face of the building.

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;
- (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.

Manufactured Home means a portable structure designed to be assembled on the site, and not to be transported as a preassembled unit to the site, and to be used with a permanent foundation as a dwelling, and excludes mobile homes, recreational vehicles and travel trailers.

Mobile Home means a preassembled - assembled structure, designed to be transported or trailered to its place of use, and to be used with a permanent foundation as a dwelling, and excludes recreational vehicles and travel trailers.

Minor means, where used to refer to a use, a use which due to its nature or relatively small size will, in the opinion of the administrative officer have a limited impact on surrounding uses.

Minor Commerce means commercial activities related to the mobile park use including check ins, convenience sales such as confections and basic foodstuffs, and sales of camping supplies, fishing tackle and light repair materials.

"Multiple Unit" Dwelling means a dwelling of two or more dwelling units.

Natural Ground means the ground surface of land prior to any intentional disturbance, alteration, excavation or placement of fill.

Off-Street means not within a public roadway.

Park means land designated as a park on a subdivision plan filed in the land Title Office, as designated in the Park Act or Regional Park Act, or as held under private ownership for use only as park land for residents of the Alder Bay Resort Area.

Parking Stall means one space set aside for the parking of one vehicle.

Permitted Use means the use of land or a building or structure, provided for in the Zone regulations of this bylaw, and which conforms to this bylaw.

Personal Service means the use of land for the provision of services directly to the consumer, and includes hair cutting shops, laundromats, massage therapists, medical health clinics and the incidental retail side of goods commonly associated with these uses, and does not include service stations.

Places of Worship means development owned by a religious organization, used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings.

Present Natural Boundary means the visible high water mark of the sea, or any watercourse 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 respect of the vegetation as well as in respect of the nature of the soil itself, and/or such boundary as formally surveyed and filed as such in the province.

Principal Use and Principal Building mean a main permitted purpose for which land, buildings or structures listed in the zoning districts in this bylaw is used and there shall be no more than one principal building on each lot unless ; specifically permitted elsewhere in this bylaw.

Pub means an establishment providing primarily for the serving of alcoholic beverages, including off premises sales, and includes premises on which food is served in conjunction with the serving of alcoholic beverages.

Public Utilities means the provision of gas, electrical, telephone and television services by a government body or agency or by a company regulated by the Utilities Commission Act or the Radio Communication Act of Canada serving the Alder Bay Resort Area.

Recreation means any public or private land or structure, the use, or intended use, of which is for either active or passive recreation.

Residence means a use of land providing for the home life of a person or persons in common occupancy.

Road and Roadway mean a highway, street, walkway or lane, and any other way open to public use or within a bare land condominium plan, but does not include a private right -of-way on a private lot.

Retail Store means an establishment providing for the sale, rental or repair of commodities or good to the ultimate consumer or user, and specifically excludes laundromats and service stations.

School means a public or private education facility not including overnight or dormitory accommodation.

Secondary Use means a use which is not a Principal Use.

Separation Space means the horizontal open space provided around a dwelling to ensure no conflict of visibility from dwellings, and adequate light, air and privacy, for activity undertaken within a dwelling, and may be partially or entirely outside the lot boundaries of a dwelling unit.

Service Station means a use of land providing for the retail sale of motor fuels and lubricating oils and which may include the servicing or repair of motor vehicles, the sale of motor vehicle accessories, and the rental of trailers, motor vehicles, and tools and equipment for automotive or household use, and which may be a towing service dispatch point.

Setback means the minimum horizontal distance between the site boundary or lot line and the nearest point on the exterior wall or chimney of the building.

Site Coverage or Lot Coverage means the combined area of all the buildings on the site or lot, measured at the level of the lower storey above the grade, and includes all porches and verandas, open or covered, but excludes open terraces at grade, and steps, cornices, eaves and similar projections.

Site Permit means a permit granted to an applicant upon an application being received in the complete form, as required under section 3 of this bylaw, and provided that the application conforms in all respects to this bylaw.

Structure means anything constructed or erected in a fixed location on the ground, or which is attached to something having a fixed location on the ground; among other things, structure includes buildings, walls, fences, stairs, signs and billboards.

Storey means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the top most floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m. (6 ft.) above grade

Use means a use of land or a building or structure, the type of which shall be determined by the administrative officer when not clear in this section or as normally defined in a dictionary.

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 sewage, water, or solid waste system, or for telecommunication, electrical power, gas, oil, or similar public utility.

Watercourse means any natural depression on a bed 0.6 m. (2 ft.) or more, below the average elevation of the surrounding land and which contains flowing water for at least six months of the year.

Part 2 ADMINISTRATION

S.3 Administration

- (1) The administrative officer or such other person appointed by the Board of the Regional District of Mount Waddington shall administer this bylaw and shall:
 - (a) receive, consider and decide upon applications for site permits which shall show the use, size, and location of developments on the lot as required by the bylaw, and
 - (b) make available for inspection during working hours
 - (i) a copy of this bylaw as amended, and
 - (ii) a register of all applications including the decisions rendered on them and the reasons for them.
 - (c) perform such duties as established to enforce this bylaw is in conformance to the Municipal Act, and ensure buildings do not contravene development covenants that are on the land.
- (2) Any person appointed under (1) may enter at all reasonable times upon any property that is subject to the regulations under this bylaw to provided that the occupier has been notified.

S.4 PERMIT AND PERMIT FEES

- (1) Site Permits are required in accordance with the Regional District of Mount Waddington Building Bylaw.
- (2) Permit applications and fees shall be undertaken in the form and amount as specified by the Regional District of Mount Waddington Building Bylaw.
- (3) Each application for a site permit shall be accompanied by a scale drawing which shows all lot lines, buildings, setbacks, and dimensions of the lot on which building is proposed, and showing all roadways and lots abutting the lot.

S.5 REQUIREMENT TO COMPLY

Except as specifically permitted by this bylaw, or until a permit has been issued where one is required, no land or surface of water within 50m (164 ft.) of the shore of the land, nor any area as shown as zoned on the Alder Bay Resort Zone Map, shall be subdivided, used or occupied. Nor shall any buildings, structures, or floats, be constructed, altered, located, erected or anchored on that land or water except as permitted.

S.6 VIOLATIONS

Every person commits an offence who, being an owner or occupier of land, or on the surface of water within a 50m (164 ft.) of the shores of the land:

- (a) violates or permits the violation of this bylaw, or
- (b) neglects or omits to do anything required by this bylaw, or
- (c) carries out any act or development in a manner not permitted by, or that is contrary to the provisions of this bylaw, or
- (d) fails to comply with an order, directive or notice given under this bylaw, or
- (e) prevents, obstructs or attempts to prevent or obstruct a person from entering on property as authorised under S.3 (2) of this bylaw.

S.7 PENALTY

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 district offence.

S.8 BOARD OF VARIANCE

A Board of Variance is hereby established in accordance with the provisions of the Municipal Act.

S.9 BYLAW AMENDMENT

- (1) The Board of the Regional District of Mount Waddington may, by bylaw, amend or repeal this bylaw in accordance with provisions of the Municipal Act.
- (2) An application to apply a zone or change a zone as shown on the **ALDER BAY RESORT ZONE MAP** shall be treated as an application to amend this bylaw.

S.10 METRIC EQUIVALENTS

At any place in this bylaw where a discrepancy occurs between the metric and imperial equivalents shown, the metric shall take precedence.

PART 3 SPECIAL REGULATIONS

S.11 PARKING

- (1) The minimum number of off-street automobile parking stalls required for each use of building or development shall be as follows:

	USE	NUMBER OF STALLS
(a)	One and two residential units	2 per dwelling unit
(b)	Multiple family residential	1.5 per dwelling unit
(c)	Multiple (seniors housing) Self-contained	0.6 per dwelling unit
(d)	Bed and Breakfasts/Boarding	1 per guest bedroom
(e)	Home Business	1 per 2 employees
(f)	Hotels, Motels and Inns	1 per guest unit
(g)	Restaurants, Pubs, Cafes	1 per 4 seats + 1 per employee
(h)	Retail and Personal Service Shops (including strip Malls)	1 per 17 sq.m (183 sq.ft. Gross Leasable Area)
(i)	Museums, Government and Other Offices, Medical and Dental	1 per 30 sq.m (377 sq.ft) Gross Leasable Area)

(j)	Theatres, churches, tours and other places or means of public assembly	1 per 4 seating spaces or persons assembled at peak times, except as under (6) of this section
(k)	Schools	per employee plus 10 for visitors
(l)	Service Stations	4 plus 2 per service bay
(m)	Marinas and Wharfage, (transient accommodation)	4 per launch ramp + 1 per 2.5 berths. <u>None for owner/occupant.</u>
(n)	Drive-in Business	8, except where more required according to minimum area requirements of this section.
(o)	Industries except (p) below	1 per 3 employees
(p)	Equipment storage, warehouses	1 per 80 sq.m (861 sq.ft)

- (2) In a case of a use not specified in (1), the number of stalls provided shall be the same as for the most similar use prescribed in (1).
- (3) Where there is more than one use of a building or development, the required number of stalls shall be the sum of the requirements for each of the uses prescribed in (1), calculated separately.
- (4) Where there is a fractional number of parking spaces required by this bylaw, the next highest number of stalls shall be provided.
- (5) Where coaches are scheduled to serve tours or public assembly places, adequate off-street passenger drop-off areas for coaches shall be provided, and signed as such, within 150m (429 ft.) of the assembly place, and parking areas for coaches awaiting passengers shall be given in the vicinity.
- (6) Where coaches are scheduled to serve tours or public assembly places in conformance to (5) above, S.11(1), (i)&(j) may be reduced accordingly.
- (7) There shall be no parking of automobiles, trailers, trucks, motor homes, or any other vehicles on public property, including public roads and road rights-of-way, except where parking has been clearly designated and signed as permissible in a particular area.

S. 12 LOCATION OF PARKING SPACES REQUIRED

- (1) Except for (2) and (3) below, and where parking has been provided as a public or commercially operated parking facility, all required automobile parking stalls shall be located on the lot or site containing the use for which they are provided.
- (2) Notwithstanding (1), on other than residential property an owner of land or a group of such owners may pool his or their required off-street parking stalls within one or more parking facilities and may thereby fulfil the requirements of S.11 provided that the facility is within 120m (400 ft.) of the use or uses they serve.
- (3) Where an off-site provision of parking has been made under (2), a restrictive covenant in favour of the Regional District of Mount Waddington must be registered against the lot with the parking restricting the use of the lot, or a portion of it to parking use to the extent required by this bylaw with respect to the lot or lots on which the use or uses are located, the owners of the lots involved shall also execute and register in the Land Titles Office an easement satisfactory to the Regional District of Mount Waddington securing the use of the parking spaces for the owner or owners of the lot or lots on which the use or uses are located.

- (4) does not apply where the off-site provision of parking made under (2) has been satisfied under the provisions or bylaws of a Condominium / Strata or Bare Land Strata Development.
- (5) In residential zones, parking stalls shall not cover more than 40 of any setback area required in Part 5, ZONE REGULATIONS of this bylaw.

S.13 MINIMUM PARKING FACILITY DIMENSIONS

- (1) The dimensions of manoeuvring aisles and parking stalls shall be in accordance with the following minimum requirements:

Parking Angle	Stall Width	Stall Depth	One Way	Two Way
Parallel	2.6m (8'6")	6.7m (21")	3.4m(11'02")	4.4m(15.2")
45deg.	2.8m (9'3")	5.8m (19')	3.6m(11'10")	-----
60deg.	2.8m (9'3")	6.1m (20')	5.6m(18'04")	-----
90deg.	2.8m (9'3")	5.5m (18')	7.0m(23'00")	7m(23'0")

- (2) Where the width of a parking stall abuts any permanent structure higher than 0.2m (8 in.) in height, at any point in the front 3.6m (12 ft.) of the stall (measured along that side of the stall) the minimum width of the stall shall be 0.3m (1 ft.) wider than the normal required width.

S.14 OFF-STREET LOADING

- (1) Off-street parking spaces shall not be considered for off-street loading nor shall off-street loading spaces be considered for off-street parking.
- (2) Where a proposed development will, from time to time, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.

S.15 SURFACING OF PARKING AND LOADING AREAS

All parking and travelling areas must be of hard durable surface such as asphalt or well-packed gravel.

S.16 GRADIENT OF PARKING AND LOADING AREAS

No parking or loading area shall have a gradient in any direction of greater than 10%.

S.17 DRAINAGE

- (1) All sites in the proximity of buildings and structures, in residential, commercial and industrial areas, for all parking and loading areas, and where there is a frequent passage of people, shall be so graded and drained as to dispose of all water.
- (2) In all cases, site grades shall be established to conduct surface and storm water run-off to a cistern, ditch or drain in such a way as to prevent flow from one site to the next, except where drainage conforms to local or subdivision drainage plan approved by the Region.
- (3) On properties containing a cliff, all surface drainage and sewage disposal systems shall be directed away from the cliff edge, except where communal drainage systems have been formally designed and accepted as a part of a development.

S.18 SIGNS

- (1) No private sign shall overhang or be placed on public property, nor shall it be of such size or design as to obstruct the vision of persons using roads in the proximity of the parcel.
- (2) No flashing, animated or interiorly illuminated sign shall be placed in a development where it would affect residents in adjacent housing or residential districts.
- (3) Major signs advertising a business or commodity shall be limited to one per site.
- (4) Signs in the RR - Residential zone, shall be no larger than 3.5 sq. ft. in size and shall only be placed on a lot outside the dwelling.

S.19 FENCING

- (1) All structures, buildings or uses under construction or otherwise, which would be dangerous and easily accessible, shall be adequately fenced or otherwise barred from public access, and no electrification of fences will be permitted on any site.
- (2) Except to ensure an adequate barrier for the purpose of (1), in any district, a person shall not construct a fence or wall of higher than 2m (6'6") nor shall use barbed wire below the height of 2m (6'6").

S.20 GENERAL REQUIREMENTS FOR ELEVATIONS AND SETBACKS

- (1) The level of any habitable room floor shall be no less than 1.5m (5 ft.) above the highest tide or flood level.
- (2) The minimum setback for buildings and structures shall be 3m (9.8 ft.) from the present natural boundary of any water body, watercourse or the sea provided also that the elevation required in (1) also applies.
- (3) Where fill is required to achieve the elevations required in (1) no part of the fill materials may be less than 5m (16.4 ft.) from the present natural boundary, and the face of the fill must be adequately protected against erosion by flood waters, or other waters.
- (4) The minimum setback for sewage disposal fields from the natural boundary of any lot lines, lake, watercourse or the sea, shall be as required by the Regional District and other government agencies.
- (5) Areas of land that may become subject to flooding, erosion or land slip may be designated as "tree cutting permit areas" in conformance with S.970 of the **Municipal Act**.
- (6) Where areas are designated as "tree cutting permit areas" no cutting of trees shall be permitted except where a permit has been obtained and where it has been determined that flooding, erosion or land slip will not occur as a result of the cutting of trees.
- (7) Notwithstanding other requirements of this bylaw, no building or object of more than 1m (3.3 ft.) in height shall exist within the triangular area formed by intersecting road rights-of-way and a straight line joining the points on a line 9m (29.5 ft.) from the intersection of the rights-of-way.

PART 4 GENERAL ZONE REGULATIONS

S.21 USES PERMITTED IN ALL ZONES

The following uses are permitted in all zones in addition to the uses permitted under (2) of each zone in Part 5 of this bylaw:

- (a) Public Utilities, Water, Storm Sewer, and Sanitary and Sewer facilities, as shown on a Conceptual Land Use Plan or on servicing plans undertaken in the development of the Alder Bay Resort Lands or adjacent zoned waters.
- (b) Parks and recreation facilities.

S.22 USES PROHIBITED IN ALL ZONES

(1) The following uses are prohibited in all zones:

- (a) Fish farms,
 - (b) Fish packing plants
 - (c) Disposal of effluent from the pumping out of sewage facilities onto land, or by marine outfall, except for approved disposal facilities operated by a body or agency in accordance with a permit under the Waste Management Act;
 - (d) Disposal of toxic waste in marine areas and on land;
 - (e) Storage of waste and salvage material, except where required on a designated construction site, or as permitted and approved as a Regional or Community operated facility.
 - (f) Storage or activity which constitutes a danger, or which constitutes an annoyance due to their being uncharacteristic of the area, to persons on the site, on public property, or on any other site by reason of the generation of:
 - (i) noise or vibration
 - (ii) dust or other particulate matter
 - (iii) smoke or odours
 - (iv) toxic or noxious matter
 - (v) radiation hazards
 - (vi) fire or explosive hazards
 - (vii) humidity heat or glare
 - (viii) waterborne or airborne waste
 - (ix) water or steam
 - (x) electrical interference;
 - (g) Any building, structure, use or development which would contravene S.20 of this Bylaw.
- (2) Except as an approved Community or Government Facility or as a permitted or accessory use, no parcel shall be used principally for the wrecking or storage of derelict vehicles or equipment or as a junkyard, and no owner or tenant shall permit such vehicles, equipment or junk to remain on a parcel.
- (3) Except as specifically permitted in this bylaw, no person shall use or permit to be used an accessory building as a residence.

S.23 HEIGHT REGULATIONS

- (1) Except for buildings or structures otherwise regulated in this S.23, the maximum height above the grade level of any structure or building, excluding devices not structurally essential to the building, shall be 9m (29 ft. 6 in.).
- (2) The height limits set out in this S.23 do not apply to any commercial or institutional buildings, or to any radio or television antenna or tower, flag pole, lighting pole, utility pole, or water storage tank.

S.24 LOT SIZE EXCEPTIONS

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

- (a) the lot is to be used as a "Utility Lot" or is shown as a "Park" on the subdivision plan; or
- (b) the purpose of the subdivision is to consolidate two or more lots; or
- (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 the extent that it could be subdivided further.

S.25 HOME OCCUPATIONS

- (1) Where Home Occupations are permitted in a residential zone, the owner or operator of the business must:
 - (a) not employ more than two employees in the business or who are not residents of the dwelling unit in which the business is operated, nor employ more than five employees in total excluding the owner or resident of the dwelling unit;
 - (b) not use or store inflammable or explosive materials or products in the business;
 - (c) not use any equipment or process in the business that would constitute a danger or annoyance in contravention to S.22 (1) (e) of this bylaw;
 - (d) provide parking and loading in accordance with Part 3 of this bylaw.
- (2) No Home Occupation shall be a salvage or junk business or any use prohibited by S.22 of this bylaw.
- (3) No Home Occupation shall generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of other uses in the zone in which it is located.

S.26 BED AND BREAKFASTS

- (1) Only one Bed and Breakfast shall be permitted on each lot.
- (2) Bed and Breakfasts must;
 - (a) comply with the requirements of S.25;
 - (b) provide only temporary accommodation for the travelling public;
 - (c) not provide kitchen or toilet facilities to be used for guests outside the principal dwelling on the lot; and
 - (d) serve no more than two meals per day to guests accommodated overnight.

- (3) There shall be no more than four bedrooms to accommodate the travelling public in Bed and Breakfasts and there shall be no more than two beds per bedroom except for a cot for a child under the age of five.
- (4) Appropriate washroom and toilet facilities shall be provided to the extent of at least one washbasin and one toilet for each four guests (and one child under the age of five years) for which the Bed and Breakfast is developed or accommodate.

S.27 SITE STANDARDS

- (1) Where residential developments are proposed as comprehensive projects or strata developments, architectural controls establishing site standards and separation spaces for exterior walls, doors, and windows, shall be undertaken before development.
- (2) Architectural controls established for a site shall be registered as a covenant against each of the titles to which it applies.

PART 5 - ZONE REGULATIONS

S.28 ZONES

Alder Bay is shown on Alder Bay Zone Map, Schedule 'A' and is hereby divided into the following zones:

RESIDENTIAL (RR) - Resort Residential / Low Density Zone

TRANSIENT (TR) - Tourist Resort / Camping Zone

COMMERCIAL (C1) - Local / Service & Transient Zone

MARINE (M1) - Marine Access Zone

MARINE (M2) - Permitted Access Zone

S.29 ALDER BAY ZONE MAP

- (1) The location and extent of the zones described in S.28 are shown on the Alder Bay Zone Map, Schedule 'A' which is attached hereto and forms an integral part of this bylaw.
- (2) The precise location of the boundary of any zone is deemed to be the surveyed lot boundary or the centreline of a road, creek or stream where there is a surveyed plan or legal description.
- (3) Where there is not survey plan or legal description, the boundary of a zone is deemed to be the natural boundary.
- (4) Unless otherwise indicated in this bylaw, Marine zone boundaries extend from the natural boundary of the sea 50m (164 ft) seaward.
- (5) Where the location of any zone boundary cannot be clearly located according to (2), (3) or (4) above, then it shall be determined by the scale of the map.
- (6) Where subdivision, lease, or government "license of occupation" occurs on the basis of an approximate zone boundary, then the zone boundary shall be the new legal boundary of the plan or legal description.
- (7) The zone regulations of this Bylaw do not apply to roads, lanes or other public thoroughfares.

S.30 RESIDENTIAL (RR) - Resort Residential / Low Density Zone

(1) General Purpose

This zone is generally intended to provide for residential lots of 470 sq.m (5059 sq. ft.) or more in size, to a maximum gross density of 4.5 lots per acre (11.25 lots per hectare), principally for one standard, manufactured, cottage or duplex home per lot. Lots may be created as bare land strata titles under the Strata Property Act or as normal subdivided lots as registered in the Land Titles Office.

(2) Permitted Uses

The following uses only are permitted in this zone:

- (a) Residences including manufactured homes, but not mobile homes
- (b) Home Occupations
- (c) Bed and Breakfasts
- (d) Duplexes
- (e) Cottages
- (f) Accessory uses
- (g) Recreation
- (h) Low Density Condominium Housing

(3) Development Regulations and Density for Permitted Uses

- (a) One residential dwelling unit or duplex building is permitted on each lot.
- (b) A Cottage of no more than 75 sq. m (807 sq. ft.) in area shall be allowed on lots greater than 10QO sq. m (10,764 sq. ft.) in size provided that only one other residential dwelling also exists.
- (c) Recreation Vehicles may be sited on lots as residences only during the normal construction period of building dwellings on parcels, and then for not more than two years.
- (d) Coverage by all buildings shall not exceed 30 of any lot.
- (e) Accessory buildings shall have a total floor area of no more than 70 sq.m (750 sq. ft.) and shall be no more than one storey or 4m (13ft.) in height.
- (f) The raising of farm animals and poultry is not permitted.
- (g) One Bed and Breakfast per lot is permitted subject to S.26 of this bylaw.
- (h) Notwithstanding (a) to (g), a low density condominium housing project may be permitted provided that the maximum area of the project does not exceed two acres in size, nor more than a unit density of eight units per acre.

(4) Minimum Setbacks

- (a) The minimum setbacks for buildings and accessory structures in bare land strata, and normal subdivisions shall be:
 - (i) 8m (26.2 ft.) from all front lot lines, or, if it is less, 10m (32.8 ft.) from the edge of the travelled portion of the road, and at least 1 m (3.3 ft.) from the front lot line.
 - (ii) 1.8 ft. (5.9 ft.) from all side lot lines, or, if it is less, 9m (29.5 ft.) from the edge of the travelled portion of the road, and at least 1 m (3.3 ft.) from the side lot line.
 - (iii) 4m (13 ft.) from all rear lot lines, and
 - (iv) such other distances as required in S.20 of this bylaw.

(5) Minimum Lot Size

The minimum area of any lot being created by subdivision, shall be:

- (a) 470 sq. m. (5059 sq. ft.) for lots served with Community Sewer and Water facilities,
- (b) 8000 sq. m. (2 acres) for lots not served with Community Sewer or Water facilities.
- (c) No minimum size is required for parking lots, provided that no habitable building shall be permitted on the lot unless, or until, the lot is served with Community Sewer and Water Facilities.

S.31 MARINE (M2) – Permitted Access Zone

(1) General Purpose

This zone is generally intended to allow marine foreshore activities to the extent permitted in this zone and to provide access for the shore for public and private uses permitted on abutting zones.

(2) Permitted Uses

The following uses are permitted only where they have been approved for lease of development by Crown agencies where such approval is required:

- (a) non motorized boats, canoe or kayak launching
- (b) foreshore recreation
- (c) uses accessory to the above uses
- (d) boat anchorage.

(3) Parking

Motor vehicle parking must be provided for all permitted uses in accordance with Part 3 of this bylaw.

(4) Foreshore Access

Markers and signs identifying the uses permitted in the zone are allowed, and public access as required in subdivision approvals shall not be impeded.

S.32 TRANSIENT (TR) - Tourist Resort / Camping Zone

(1) General Purpose

This zone is intended to provide sites for recreational vehicles, individual camping and cabins as transient rental accommodation. Individual camping sites (tent sites) and sites reserved for temporary parking of self-contained recreational vehicles need not be serviced with sewer and water provided that a common water supply and sewage dumping station is provided. Developed sites for cabins shall be served with community sewer and water.

No subdivision of tent sites will be permitted. Any subdivision of RV or cabin sites will be as Strata titles under the *Strata Property Act*, and sites shall be serviced by community sewer and water facilities.

(2) Permitted Uses

The following uses only are permitted in this zone:

- (a) Campsites for tenting and recreation vehicles
- (b) Cottages and Cabins
- (c) Parking and storage for vehicles and boat trailers
- (d) Lodge and guest house
- (e) Personal service, minor commerce, washing and laundry facilities, and toilets
- (f) Minor launching facilities for small boats
- (g) Residential where considered an accessory use
- (h) Recreation, activity and storage buildings
- (i) Accessory buildings and uses

(3) **Parking**

Parking shall be provided in accordance with Part 3 of this bylaw.

(4) The total number of sites permitted in this zone shall not exceed 135. Minimum site requirements are:

- a) RV and cabin sites: - site area, 139 m² (1,496.23 ft.²)
 - site frontage, 9.1 m (29.85 ft.)
- b) Tent sites - minimum site frontage, 7.5 m (24.61 ft.)

S.33 COMMERCIAL (C1) - Local / Service & Transient Zone

(1) **General Purpose**

This zone is generally intended to provide sites for retail & service commercial outlets, eating establishments and overnight accommodation for the travelling public, and which offer to local residents a variety of goods and services not provided in the other zones. These lots are located primarily in a manner that is readily accessible to both permanent and seasonal residents. Lots may be created as Bare Land Strata Titles under the Strata Property Act, or as normal subdivided lots as registered in the Land Titles Office.

(2) **Permitted Uses**

The following uses only are permitted in this zone:

- (a) Retail stores, Arts and Crafts and Offices including Tour Facilities
- (b) Personal and Business Services including mini-storage facilities
- (c) Indoor and Outdoor Eating Establishments and Pubs
- (d) Indoor Entertainment Establishments
- (e) Bakeries and Catering Establishments
- (f) Motels, Hotels and Inns
- (g) Residential suites as part of commercial developments where considered accessory to the principal use
- (h) Recreational and Activity buildings
- (i) Mini-storage, units for ownership or rental
- (j) Parking as a principal use
- (k) Accessory buildings

(3) **Development and Setback Regulations for Permitted Uses**

- (a) The maximum site coverage by all buildings shall be 50 provided that the parking requirements of this bylaw can be met, and there shall be:
 - (i) an adequate provision for loading and garbage facilities,
 - (ii) setbacks as required by S.20, and the fire and building codes for access, and with regard to existing adjacent developments and
 - (iii) setbacks of at least 1 m (3.3 ft.) from all lot lines.
- (b) All lots in this zone shall be served by Community Sewer and Water Facilities.

- (c) Clause (b) does not apply to Parking Lots or other uses having no habitable buildings, or to Strata Titles created under the Strata Property Act for the purpose of creating mini-storage units for ownership or rental.
- (d) Notwithstanding S.23, no building shall be more than two storeys in height, except that S.23 (2) and (3) also apply.

(4) Minimum Lot Size

There is no minimum area required for any lot created by subdivision provided that other requirements of this bylaw are met.

(5) Parking and Access

Parking shall be in accordance with Part 3 of this bylaw, and adequate unrestricted access shall be provided as required .in 3 (a) (ii) of this section.

S.34 MARINE (M1) - Marine Access Zone

(1) General Purpose

This zone is generally intended to allow marine activities to the extent permitted in this zone and to provide access to the shore for public and private uses permitted on abutting zones.

(2) Permitted Uses

The following uses are permitted only where they have been approved for lease or development by Crown agencies where such approval is required:

- (a) Boat rentals, sales and repairs
- (b) Boat and kayak launching
- (c) Ramps, anchorage, moorage and boardwalks
- (d) Marine fuel sales
- (e) Marine navigational aids
- (f) Tour vessel facilities
- (g) Private lockers and storage facilities
- (h) Uses accessory to the above uses

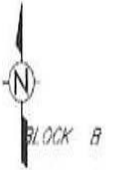
(3) Parking

Motor vehicle parking must be provided for all permitted uses in accordance with Part 3 of this bylaw.

(4) Foreshore Access

Markers and signs identifying the uses permitted in the zone are allowed, and public access as required in subdivision approvals shall not be impeded.

ALDER BAY Zone Map , Schedule 'A'



MARINE (M1)
8.30 Acres (approx)

MARINE (M2)
5.33 Acres
(approx)

COMMERCIAL (C1)
1.95 Acres (approx)

DISTRICT	LOT
LOT 1	2 2 6 6

MARINE (M2)
2.04 Acres (approx)

TRANSIENT (TR)
15.24 Acres (approx) • 135 Sites, 9 units/Acre

RESIDENTIAL (RR)
12.94 Acres (approx) • 60 Sites, 4.5 units/Acre



Except Road Plan VIP 69850

Lot 1, DL 2266, Rupert District, Plan VIP 71064



Prepared by RCL Consulting Ltd, (250) 477-7003, OCT 17/05