



**REGIONAL DISTRICT OF MOUNT WADDINGTON
TELEGRAPH COVE HOLDINGS LTD. LAND USE
BYLAW NO. 497, 1999**

CONSOLIDATED COPY FOR
CONVENIENCE ONLY
May 28, 2019

This copy of Bylaw No. 497 is consolidated for convenience only and includes the following amendments:

BYLAW NO.	AMENDMENT NO.	DATE ADOPTED	TEXT AND/OR MAP CHANGE
755	1	October 16, 2007	Text & Map
785	2	August 18, 2009	Map
828	3	January 17, 2012	Text



REGIONAL DISTRICT OF MOUNT WADDINGTON

BYLAW NO. 497

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

The Regional District of Mount Waddington, being the Regional District having jurisdiction on and in respect of Telegraph Cove in the Province of British Columbia pursuant to the Municipal Act, Section 26, as amended, 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 the Telegraph Cove Holdings Ltd. Zone Map 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 The Regional District of Mount Waddington Interim Zoning Bylaw No. 21, 1972 as amended, is repealed for all lands and water legally described as:

Parcel Identifier: 009-867-112, District Lot 79, Rupert District except that part in Plan 49316 and VIP60383 and Parcel Identifier: 023-160-586, Lot 2, District Lot 79, Rupert District, Plan VIP61691.

4. This Bylaw may be cited as the "Telegraph Cove Holdings Ltd. Land Use Bylaw No. 497".

READ A FIRST TIME THIS 21 DAY OF APRIL, 1999
READ A SECOND TIME THIS 21 DAY OF APRIL, 1999
PUBLIC MEETING HELD THIS 19 DAY OF MAY, 1999
READ A THIRD TIME THIS 19 DAY OF MAY, 1999

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS 03 DAY OF JULY, 1999
ADOPTED THIS 21 DAY OF JULY, 1999

Secretary

Chairman

I, hereby certify the foregoing to be a true and correct copy of Bylaw No. 497 as given final reconsideration and adoption 21 July, 1999.

SECRETARY

Statutory Approval

Under the provisions of section 913
of the MUNICIPAL ACT
I hereby approve Bylaw No. 497
of Regional District of Mount Waddington, a copy
of which is attached hereto.

Dated this July day
of 8th, 1999
Minister of Municipal Affairs

Minister of Municipal Affairs

TELEGRAPH COVE HOLDINGS LTD. LAND USE BYLAW

**REGIONAL DISTRICT OF MOUNT WADDINGTON
BYLAW NO. 497**

Contents

BYLAW SCHEDULE.....	1
PART 1 – TITLE AND MEANINGS	1
S.1 TITLE.....	1
S.2 MEANINGS.....	1
PART 2 – ADMINISTRATION	7
S.3 ADMINISTRATION	7
S.4 PENALTY.....	7
S.5 BOARD OF VARIANCE	7
S.6 BYLAW AMENDMENT	7
S.7 METRIC EQUIVALENTS	8
S.8 SEVERABILITY	8
PART 3 – SPECIAL REGULATIONS.....	8
S.9 PARKING	8
S.10 LOCATION OF PARKING SPACES REQUIRED.....	9
S.11 MINIMUM PARKING FACILITY DIMENSIONS.....	9
S.12 OFF-STREET LOADING.....	10
S.13 SURFACING OF PARKING AND LOADING AREAS.....	10
S.14 GRADIENT OF PARKING AND LOADING AREAS.....	10
S.15 DRAINAGE	10
S.16 SIGNS.....	10
S.17 FENCING.....	10
S.18 GENERAL REQUIREMENTS FOR ELEVATIONS AND SETBACKS.....	11
PART 4 – GENERAL ZONE REGULATIONS.....	12
S.19 USES PERMITTED IN ALL ZONES	12
S.20 USES PROHIBITED IN ALL ZONES.....	12
S.21 HEIGHT REGULATIONS	13
S.22 LOT SIZE EXCEPTIONS.....	13
S.23 HOME OCCUPATIONS.....	13
S.24 BED AND BREAKFASTS	14
S.25 SITE STANDARDS.....	14
PART 5 – ZONE REGULATIONS	14
S.26 ZONES	14
S.27 TELEGRAPH COVE HOLDINGS LTD. ZONE MAP.....	15
S.28 RS - RESIDENTIAL - Single Unit / Low Density.....	15
S.29 RH - RESIDENTIAL - Multiple Unit / Higher Density.....	16
S.30 RM - RESIDENTIAL - Mobile / Modular Homes.....	18
S-31 RV - TOURIST - Recreation Vehicles.....	19
S.32 C1 - COMMERCIAL - Class One / Retail and Service	19
S.33 CT – COMMERCIAL - Tourist / Retail, Service and Education.....	21
S.34 M1 – MARINE - Limited Access.....	21
S.35 M2 – MARINE - Permitted Access.....	22
S.36 MARINE – Requirement to Comply.....	23
S.37 P1 PARK – Conservation / Private Use	23
S.38 P2 PARK – Golf Course, Recreation	24
S.39 P3 PARK – Recreation / Private Use	24
S.40 P4 PARK – Recreation / Non-Profit.....	25
ZONE MAP	26

BYLAW SCHEDULE

PART 1 – TITLE AND MEANINGS

S.1 TITLE

This bylaw may be cited as the **TELEGRAPH COVE HOLDINGS LTD. 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 principal use or building, and includes separate garages or carports.

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

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

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 bath or shower, in a dwelling unit to transient guests, and the provision of a breakfast meal to those guests.

Boat repairs and Storage means uses intended for servicing, repair or off-season storage in the Telegraph Cove area.

Building means any structure intended for the shelter or accommodation of people, or to shelter service or utility facilities, or for the storage of goods or chattels and includes manufactured homes, sheds, garages, fences, signs, and carports.

Business Services means a service use providing a business and includes such uses as a printing establishment, film processing, janitorial firms and computer or business equipment, repair or service.

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 moveable 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 exceeding 10m (33ft 10in.).

Coach means a motor vehicle for the scheduled transportation of passengers to and/ or from any activity within the Telegraph Cove Holdings Ltd. area.

Community Facility means a use or building the intent of which is to provide a non-profit public service to the Telegraph Cove Holdings Ltd. area.

Community Sewer and Water 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 improvement district, the Board of the Regional District of Mount Waddington, an agency of the provincial government or a legal corporate entity of one of the above as authorized under appropriate provincial or federal legislation.

Commerce means 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 property 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 topsoil 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 vehicle 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 the bylaw.

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, manufactured home or mobile home provided that portable structures are served with sewer and water, skirted, and properly attached to the lot;
- (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.).

Drive-in and Drive-Through Business means establishments which serve customers traveling in motor vehicles driven onto the site where a business is carried on, where normally the customer either remains in the vehicle for service, or parks his vehicle for a short period for the purpose of doing business at the premises, and includes service stations.

Duplex means a dwelling composed of two dwelling units.

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.

Gross Leasable Area means the total floor area of the building contained within the outside surface of the exterior walls at all levels, and includes all enclosed and heated areas, but excludes mechanical and utility rooms, public washrooms, stairwells and elevators.

Habitable Room means a room used for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms and dens. This does not include non-habitable rooms which include bathrooms, laundries, pantries, foyers, hallways, entryways, storage areas and rooms in basement or cellars used for recreational purposes, or any space in a dwelling not intended primarily for human occupancy.

Height means the vertical distance from the grade level to the highest point of a building or structure.

Home Occupation means a business carried on within a dwelling and which is not visible or noticeable in any manner from the outside of the dwelling. Such occupancy is secondary to the residential occupancy and does not change the character thereof.

Hostel means a facility where group accommodation is provided on a temporary basis and where food services may also be provided.

Kitchen means an area within a building used for preparing food, and may include food storage and serving, and dishwashing facilities.

Land includes land that is ordinarily covered by water.

Loading Space means an off-street space on the same lot or site as a building or group of buildings for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded.

Lot or parcel means any area of land which is subdivided and registered in the Land Titles Office except that any parcel divided pursuant to the Condominium Act and amendments

thereto and not contained within a Bare Land Strata Plan, shall not be considered subdivided for the purpose of this bylaw.

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; and
- (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 that the lot line or lot lines not being the front, side or rear lot line but being common to a lot and abutting roadway.

Manufactured Home means a portable structure designed to be transported or trailed to its place of use, and to be used with a permanent foundation as a dwelling, and excludes recreational vehicles and travel trailers.

Mobile Home means a portable structure built on a chassis, designed to be transported or trailed 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 administrator, have a limited impact on surrounding uses.

"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.

Nursery means a facility where young trees and plants are raised for transplanting.

Off-Street means not within a public roadway.

Park means land designated as park on a subdivision plan filed in the Land Title Office, as designated in the Park Act or Park (Regional) Act, or as held under private ownership for limited use or as parkland for residents and users of the Telegraph Cove Holdings Ltd. 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 as provided for in the Zone Regulations of the Bylaw, and which conforms to this Bylaw.

Personal Service means the use of land for the provision of services directly to a consumer, including 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 or leased by a religious organization used for worship and related religious, philanthropic, or social activities including, classrooms, dormitories, and accessory buildings.

Present Natural Boundary means the visible highwater 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 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 Principle Building means 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 in which food is served in conjunction with the serving of alcoholic beverages.

Public Utilities means the provision of sewer, water, gas, electrical, telephone and television services by a government body or agency or by a company regulated by the Utilities Commission Act or by the Radio Communication Act of Canada, serving the Telegraph Cove Holdings Ltd. 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 strata 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 goods 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 Suite means a separate dwelling either connected to or detached from a primary residential unit. Secondary suites will have a maximum total floor space of 743 sq. ft. (80 square m) (this does not include the areas used for common storage, common laundry facilities or common areas used for ingress or egress). No more than one secondary suite shall be allowed on any single family lot.

Secondary Use means a use which is not 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 tool and equipment for automobile 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 means one or more lots upon which a permit or development takes place.

Site Coverage or Lot Coverage means the combined area of all buildings on the site or lot measured at the level of the lowest story above grade, and includes all porches and verandahs, 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 to build on a lot, or lots, upon the application being received in a complete form, as required under Section 3 of this bylaw, and provided that the application conforms in all respects to this bylaw.

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 1.8m (6 ft.) above grade.

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, billboards, water and sewer storage and pumping facilities.

Telegraph Cove Holdings Ltd. Lands means those lands shown on the Telegraph Cove Holdings Ltd. Zone Map, Legally described as:

Parcel Identifier: 009-867-112 District Lot 79, Rupert District Except That Part in Plan 49316 and V1P60383 AND Parcel identifier: 023-160-586 Lot 2, District Lot 79, Rupert District, Plan VIP61691

Trade, Convention and Conference Facilities means a facility for mass display of equipment, merchandise and services, and assembly of audiences for the purpose of meetings, performing arts or conventions and which may include related offices, food service and licensed premises,

Use means a use of land or a building or structure, the type of which shall be determined by the administrator when not clear in the 8.2, or as normally defined in the dictionary.

Utility means sewer, water, gas, electrical, telephone or television.

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, solid waste system, or for a television, electrical, gas, oil, or similar public utility. The utility lot can exist in any zone designation. No minimum size is established and no minimum setback is required

Watercourse means any natural depression with a bed 0.6 (2ft) 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) Make available for inspection during regular 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.
 - (b) Perform such duties as established to enforce this bylaw in conformance to the Municipal Act.
- (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 ascertain whether the requirements of this bylaw are being observed, provided that the occupier has been notified.

S.4 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 distinct offence.

S.5 BOARD OF VARIANCE

A Board of Variance exists in accordance with the provisions of the Municipal Act under the Regional District of Mount Waddington.

The Board of Variance, when considering an appeal on a development proposed on a lot which existed at the time of the coming into force of this bylaw, and which is smaller than the minimum size permitted in this bylaw, shall consider the relaxation of minimum setbacks where good reason is shown.

S.6 BYLAW AMENDMENT

- (1) The Board of the Regional District of Mount Waddington may, by law, amend or repeal this bylaw in accordance with the provisions of the Municipal Act.
- (2) An application to apply a zone or change a zone as shown on the Telegraph Cove Holdings Ltd. Zone Map shall be treated as an application to amend this bylaw.
- (3) An application shall be accompanied by the appropriate fee and supporting documents.

S.7 METRIC EQUIVALENTS

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

S.8 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, it shall be severed from this Bylaw without affecting the validity of the remaining portions of this Bylaw

PART 3 – SPECIAL REGULATIONS

S.9 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 Breakfast / boarding	1 per guest bedroom
(e) Home Business	1 per 2 employees plus no. required for business
(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 & Dental	1 per 30 sq. m (377 sq. ft.) Gross Leasable Area
(j) Theaters, 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	1 per employee plus 10 for visitors
(l) Service Stations	4 plus 2 per service bay
(m) Marinas and Wharfage (transient accommodation)	1 per 2.5 berths, and non for owner-occupied berth
(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 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 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 provided in the vicinity.

- (6) Where public and private transportation (coaches, airplanes, cruise ships, etc.) are the means for pedestrian arrival and departure, the minimum number of parking stalls required may be reduced accordingly.
- (7) There shall be no parking of automobiles, trailers, trucks, buses, 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. Violations are subject to tow away and fines.

S.10 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 (and 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 fulfill the requirements of S.9 provided that the facility is within 500m (1635 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 a 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) Clause (3) does not apply where the off-site provision of parking made under Clause (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 areas required in Part 5, ZONE REGULATIONS of this bylaw.

S.11 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	Aisle Width	
			One Way	Two Way
Parallel	2.6m (8'6")	6.7m (21')	3.4m (11'2")	4.4m (15'2")
45 degrees	2.8m (9'3")	5.8m (19')	3.6m (11'10")	-----
60 degrees	2.8m (9'3")	6.1m (20')	5.6m (18'4")	-----
90 degrees	2.8m (9'3")	5.5m (18')	7.0m (23'0")	7m (23'0")

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

S.12 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.13 SURFACING OF PARKING AND LOADING AREAS

All parking and traveling areas must be of hard durable surface such as asphalt or well-packed gravel that does not produce mud or dust.

S.14 GRADIENT OF PARKING AND LOADING AREAS

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

S.15 DRAINAGE

- (1) All parking and loading area sites in the proximity of buildings and structures in residential, commercial and industrial areas, and where there is a frequent passage of people, shall be so graded and drained as to dispose of all surface water.
- (2) In all cases, site grades shall be established to conduct surface and storm water runoff 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 development.

S.16 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.

S.17 FENCING

- (1) All structures, buildings, or uses under construction or otherwise, which would be dangerous and easily accessible, shall be adequately fenced or otherwise barriered from public access, and no electrification offences will be permitted on any site.
- (2) Except to ensure an adequate barrier for the purpose of Clause (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.18 GENERAL REQUIREMENTS FOR ELEVATIONS AND SETBACKS

General requirements for elevations and setbacks apply to the following lands legally described as:

Parcel Identifier: 009-867-112 District Lot 79, Rupert District Except That Part in Plan 49316 and VIP60383 **AND** Parcel Identifier: 023-160-586 Lot 2, District Lot 79, Rupert District, Plan VIP61691

- (1) Floating structures or buildings are permitted within the protected waters of Telegraph Cove and the adjacent lagoon in accordance with the permitted uses defined in C1 - Commercial and CT - Commercial of Bylaw 497. See attached area Schedule A. The level of any habitable floor or surface intended for walking, and built above the level of the water in Telegraph Cove and the adjacent lagoon, shall be no less than .5m (1.63 ft.) above the tide for floating structures or buildings and .5m (1.63 ft.) above the highest tide for other structures or buildings. Highest tide is determined as 17.5 feet above zero tide.
- (2) Notwithstanding Clause (1), the level of any habitable floor in areas outside Telegraph Cove and the adjacent lagoon shall be no less than 1.5m (5.0ft) above the highest tide or flood level.
- (3) Except for adjacent lands within 75 m (250 feet) of the protected waters of Telegraph Cove and adjacent lagoon in which case no setback is required, the minimum setback for buildings and structures shall be 7.5m (24.6ft) from the present natural boundary of any waterbody, watercourse or the sea provided also that the elevations required in Clause (1) and Clause (2) also apply.
- (4) Notwithstanding Clause (3) where fill is required to achieve the elevations required in Clause (1) or Clause (2) the fill must be adequately protected against erosion by flood waters, or other waters.
- (5) Temporary buildings and structures such as boardwalks, marinas or breakwaters on private lands or on, or adjacent to water surface areas leased for wharfs, piers, fuel sales or other moorage facilities, are not subject to approval by the Regional District of Mount Waddington when other government agency approval is required.
- (6) 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 of Mount Waddington and other government agencies.
- (7) Areas of land that may become subject to flooding, erosion or landslip may be designated as "tree cutting permit areas" in conformance with 8.970 of the Municipal Act.
- (8) 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 landslip will not occur as a result of the cutting of trees.
- (9) 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.19 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 and Private Utilities: Water; Storm Sewer and Sewer facilities; Landfill Sites and Excavation Areas as shown on an Area Plan or on servicing plans undertaken in the development of the Telegraph Cove Holdings Ltd. Lands or adjacent zoned waters.
- (b) Parks and Recreation facilities.
- (c) "Tree Cutting Permit Areas" or other reserves required by the Regional District of Mount Waddington, or under the terms of a contract or the bylaws of a strata corporation.
- (d) General development works of the site.

S.20 USES PROHIBITED IN ALL ZONES

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

- (a) Fish farms
- (b) Fish processing plants
- (c) Disposal of effluent from the pumping out of sewage facilities onto land (except Lot or by marine outfall, except for disposal facilities operated by a government body agency or private utility
- (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 related site, or as permitted and approved as a Regional, Community or private utility 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 odors
 - 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.18 of this Bylaw.

- (2) Except as an approved Community or Government Facility or as a permitted or accessory use, (except as required by Telegraph Cove Holdings in the initial development of the property) 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) No person shall use or permit to be used an accessory building as a residence except as specifically permitted in this bylaw.

S.21 HEIGHT REGULATIONS

- (1) Except for buildings or structures otherwise regulated in this S.21, the maximum height above the grade level of any single family residence, excluding devices not structurally essential to the building, shall be 9m (29 ft. 6 in).
- (2) The maximum height of accessory buildings and structures shall be 6m (19ft 8in), excluding secondary suites and garages.
- (3) The height limits set out in this S.21 do not apply to any multi-family commercial or institutional buildings or to any radio or television antenna or tower, flagpole, lightning pole, utility pole or water storage tank.

S.22 LOT SIZE EXCEPTIONS

- (1) The minimum lot sizes in any zone are as regulated in that zone.
- (2) Notwithstanding minimum lot size requirements of PART 5 - ZONE REGULATIONS of this bylaw, to facilitate the planning, subdivision and development of those lands proposed to be served by Community Sewer and Water Facilities, those lands may be subdivided to the minimum size permitted for serviced lots, provided that a covenant be registered against the title of each lot created to prevent the construction of any habitable buildings on that lot until the Ministry of Health or the Ministry of Environment have approved appropriate sewage disposal facilities for the lot.
- (3) 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.23 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 persons in the business who are not residents of the dwelling unit in which the business is operated, nor employ more than five persons in total including the owner or resident of the dwelling unit;
 - (b) Not use or store flammable 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.20 (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. 18 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.24 BED AND BREAKFASTS

- (1) Bed and Breakfasts must:
 - (a) Comply with the requirements of S.23;
 - (b) Provide only temporary accommodation for the traveling 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 and one bagged lunch per day to each guest accommodated overnight.
- (2) There shall be no more than four bedrooms to accommodate the traveling 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.
- (3) Appropriate washroom and toilet facilities shall be provided to the extent of at least one washbasin and one toilet for each two guests (and one child under the age of five years) for which the Bed and Breakfast is developed to accommodate.

S.25 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 the 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.26 ZONES

The Telegraph Cove Holdings Ltd. land is hereby divided into the following zones:

SHORT FORM		DISTRICT DESCRIPTION
RS	RESIDENTIAL	Single Unit / Low Density
RH	RESIDENTIAL	Multiple Unit / Higher Density
RM	RESIDENTIAL	Mobile / Modular Homes
RV	TOURIST	Recreation Vehicles
C1	COMMERCIAL	Class One / Retail and Service
CT	COMMERCIAL	Tourist / Retail, Service & Education
M1	MARINE	Limited Access
M2	MARINE	Permitted Access
P1	PARK	Conservation / Private Use
P2	PARK	Golf Course
P3	PARK	Recreation / Private Use
P4	PARK	Recreation / Non-Profit

S.27 TELEGRAPH COVE HOLDINGS LTD. ZONE MAP

- (1) The location and extent of the zones described in S.26 are shown on the TELEGRAPH COVE HOLDINGS LTD. ZONE MAP which is an integral part of this bylaw.
- (2) The location of the boundary of any zone is deemed to be the surveyed lot boundary or the centerline of a road, creek or stream where there is a surveyed plan or legal description.
- (3) Where there is no 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 a lot is designated as having more than one zone or the location of any zone boundary cannot be clearly located according to Clauses (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.28 RS - RESIDENTIAL - Single Unit / Low Density

- (1) General Purposes

This zone is generally intended to provide for residential lots of 800 sq. m (.2 acres) or more in size, principally for one residence or duplex per lot. Lots may be created as bare land strata titles under the Condominium 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) Residence including manufactured homes, but not mobile homes
- (b) Secondary Suites
- (c) Home Occupations
- (d) Bed and Breakfasts
- (e) Accessory uses
- (f) Recreation

- (3) Development Regulations and Density for Permitted Uses

- (a) One residential dwelling unit or duplex building is permitted on each lot. Recreation Vehicles may be sited on lots as residences only during the normal construction period of building or placing dwellings on parcels.
- (b) Coverage by all buildings shall not exceed 30% of any lot.
- (c) Accessory buildings shall have a total floor area of no more than 70 sq. m (750 sq. ft.).
- (d) The raising of farm animals and poultry is not permitted. Nor is the raising of any animal for commercial purposes.
- (e) Bed and Breakfasts are subject to S.24 of this bylaw.
- (f) Commercial and Tourist Commercial uses will be permitted as principal uses on lots

subject to the regulations of this bylaw.

(4) Minimum Setbacks

(a) The minimum setbacks for buildings and accessory structures in normal subdivisions shall be:

- i. 8m (26.2 ft.) from all front lot lines,
- ii. 4m (13 ft.) from all rear lot lines,
- iii. 1.8m (5.9 ft.) from all side lot lines, and
- iv. such other distances as required under S.20 of this bylaw

(b) The minimum setbacks for all buildings and accessory structures in bare land strata subdivisions shall be:

- i. 8m (26.2 ft.) from all front lot lines or, if it is less, 9m (29.5 ft.) from the edge of the traveled portion of the road, and at least 1m (3.3ft) from the front lot line.
- ii. 4m (13 ft.) from all rear lot lines.
- iii. 1.8 (5.9 ft.) from all side lot lines or if it is less, 9m (29.5 ft.) from the edge of the traveled portion of the road, and at least 1m (3.3 ft.) from the side lot line.
- iv. such other distance as required under S.18 of this bylaw.

(c) A lesser minimum setback will be considered where extreme grades or topographic conditions prevail.

(5) Minimum Lot Size

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

- (a) 670 sq. m (7,212 sq. ft.) for lots served with Community Sewer and Water Facilities.
- (b) No minimum size is required for a parking lot or other lots having no habitable building.
- (c) No habitable building shall be permitted on the lot unless, or until, the lot is served with community sewer and water facilities and meets the minimum lot size of clause (a) above. S22 (2) also applies.

S.29 RH - RESIDENTIAL - Multiple Unit / Higher Density

(1) General Purposes

This zone is generally intended to provide for low to medium density housing, principally for dwellings of one, two or more than two dwelling units. Lots may be created as bare land strata titles under the Condominium 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) Residential including Manufactured Homes, but not Mobile Homes
- (b) Secondary Suites
- (c) Commerce as secondary uses only
- (d) Bed and Breakfast
- (e) Accessory Uses
- (f) Recreation

(3) Development Regulations and Density for Permitted Uses

- (a) One or more residential dwelling units are permitted on each lot.
- (b) Coverage by all buildings shall not exceed 40% of any lot.
- (c) Except for Community Buildings serving projects, accessory buildings shall have a total floor area of no more than 70 sq. m (750 sq. ft.).
- (d) Bed and Breakfasts are subject to S.24 of this bylaw.
- (e) Innovative designs incorporating docking facilities, boardwalks, and floating buildings abutting, or included as part of a housing project, will be considered on their merits with respect to construction and design.

(4) Minimum Setbacks

- (a) The minimum setbacks for buildings and structures shall be:
 - i. 7.5m (24.6 ft.) from all front lot lines or roadways,
 - ii. 6m (19.7 ft.) from all rear lot lines,
 - iii. 3m, or one-half the height of the building whichever is the greater, to a maximum of 4.5m (14.8 ft.) from all side lot lines.
 - iv. such greater distance as may be required under S.18 and S.25 of this bylaw and the fire and building codes.
- (b) Except as may be a part of a principal building, satellite dishes, antennas and parabolic reflectors shall be set back at least 8m (26.2 ft.) from all lot lines.
- (c) Notwithstanding clause (a), innovative designs incorporating docking facilities, boardwalks and floating buildings abutting, or included as part of a housing project, will be considered on their merits with respect to setbacks permitted.

(5) Minimum Lot Size

- ~~(a) The minimum area of any lot created by subdivision shall be 334 sq. m (3,600 sq. ft.) and all Lots, except lots used exclusively for parking, shall be served with Community Sewer and Water Facilities.~~
- (a) *There shall be a lot area of at least 670 sq. m. (7,212 sq. ft.) and all lots, except lots used exclusively for parking, shall be served with Community Sewer and Water Facilities. (Per Bylaw No. 755, 2007)*
- (b) No minimum size is required for a parking lot or other lots having no habitable building.
- (c) No habitable building shall be permitted on the lot unless, or until, the lot is served with community sewer and water facilities and meets the minimum lot size of clause (a) above. S22 (2) also applies.

(6) Dwelling Unit Density

There shall be a lot area of at least 334 sq. m (3,600 sq. ft.) for each dwelling unit developed on a site.

(7) Landscaping and Private Areas

- (a) The minimum landscaped area shall be 35% of the site.
- (b) A private outdoor area of at least 18.6 sq. m (200 sq. ft.) shall be provided for each dwelling unit developed
- (c) The regulations of clauses (a) and (b) above do not apply to lots upon which the

principal use is parking.

(8) Parking

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

S.30 RM - RESIDENTIAL - Mobile / Modular Homes

(1) General Purpose

This zone is generally intended to provide for residential lots of 470 sq. m (5050 sq. ft.) or more in size, principally for one standard, modular or mobile home residence per lot. Lots may be created as bare land strata titles under the Condominium 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

~~(b) Commerce~~

~~(c) Accessory uses~~

~~(d) Recreation~~

(b) Accessory uses that are clearly incidental to a residence (Per Bylaw No. 828, 2012)

(3) Development Regulations and Density for Permitted Uses

(a) One residential building is permitted on each lot. Recreational Vehicles may be sited on lots as residences only during the normal period of building or placing dwellings on parcels.

(b) Coverage by all buildings shall not exceed 30% of any lot.

(c) Accessory buildings shall have a total floor area of no more than 67 sq. m (720 sq. ft.) and shall not be more than one storey or 4m (13 ft.) in height.

(4) Minimum Setbacks

(a) The minimum setbacks for buildings and structures shall be:

i. 6m (19.7 ft.) from all front lot lines, and where a building flanks on a roadway.

ii. 3m (9.8 ft.) from all side lot lines for principal buildings

iii. 4m (13 ft.) from all rear lot lines for principal buildings.

iv. 1m (3.3 ft.) from all rear and side lot lines for accessory buildings.

(5) Minimum Lot Size and Servicing

(a) The minimum area of lots shall be 470 sq. m (5,059 sq. ft.).

(b) No minimum size is required for a parking lot or other lots having no habitable building.

(c) No habitable building shall be permitted on the lot unless or until, the lot is serviced with community sewer and water facilities and meets the minimum lot size of clause (a) above. S22 (2) also applies.

(6) Parking

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

S-31 RV - TOURIST - Recreation Vehicles

(1) General Purpose

This zone is generally intended to provide for lots upon which Recreation Vehicles are temporarily parked. Lots created as an R.V. Park need not be serviced with sewer and water provided that a common water supply and sewage dumping station is provided.

Lots created as Bare Land Strata titles under the Condominium Act, or as normal subdivided lots registered in the Land Titles Office, shall be serviced by community sewer and water facilities.

(2) Permitted Uses

The following uses only are permitted in this zone:

- (a) Recreation Vehicles and Boat Trailers; Mobile Homes
- (b) Accessory uses including local commerce
- (c) Common area facilities: such as washrooms, laundry and resident manager accommodation
- (d) Recreation

(3) Development Regulations and Density for Permitted Uses

- (a) Except where a service, commercial or recreation building has been provided to serve a project, one Recreation Vehicle, Boat Trailer and accessory building is permitted on each lot or assigned area.
- (b) The floor area of accessory buildings on any lot or assigned area shall not exceed 14 sq. m (150 sq. ft.) and shall not be more than one storey or 2.8 m (9 ft.) in height.

(4) Minimum Setbacks

The minimum setback for all structures and buildings shall be no less than 1 m (3.3 ft.) from all lot lines.

(5) Minimum Lot Size

- (a) The minimum area of lots or sites assigned for the parking of recreation vehicles shall be 140 sq. m (1500 sq. ft.).
- (b) No minimum size is required for a parking lot or other lots having no habitable building.
- (c) No habitable building shall be permitted on the lot unless, or until, the lot is served with community sewer and water facilities and meets the minimum lot size of clause (a) above. S22 (2) also applies.

(6) Parking

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

S.32 C1 - COMMERCIAL - Class One / Retail and Service

(1) General Purpose

This zone is generally intended to provide sites for retail and service outlets (including marine and associated businesses) which offer a variety of goods and services that are not provided for in other zones. These lots are located primarily in areas that are readily accessible to permanent and seasonal residents. Lots may be created as Bare Land Strata Titles under the Condominium Act, or as normal subdivided lots as registered in the Land Titles Office.

(2) Permitted Uses

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

- (a) Retail stores
 - (b) Personal and Business Services including mini-storage facilities
 - (c) Offices and Government Buildings and Institutional uses
 - (d) Indoor and Outdoor Eating Establishments and Pubs
 - (e) Drive-In and Drive-Through Businesses including car washes and boat washes
 - (f) Theaters and Indoor Entertainment Establishments
 - (g) Bakeries
 - (h) Schools, Clubs, Lodges and Places of Worship
 - (i) Motels, Hotels, Inns, Hostels and Condominiums
 - (j) Recreation
 - (k) Boat Repairs and Storage
 - (l) Parking as a principle use
 - (m) Helipad
 - (n) Accessory Buildings and Parking facilities including associated residence
 - (o) Trade, Conference and Convention facilities
 - (p) Recreational Vehicle parks and campgrounds
- (3) Development and Setback Regulations for Permitted Uses
- (a) The maximum site coverage by all buildings shall be 75% and there shall be:
 - i. an adequate provision for loading and garbage facilities
 - ii. setbacks as required by S.18, and the fire and building codes for access, and with regard to existing adjacent developments, and
 - iii. minimum setbacks for all buildings of 8m (26.2 ft.) from the front lot lines except for gas pumps and canopies, propane or fuel tanks, and accessory buildings of 14 sq. m (150 sq. ft.), or less,
 - iv. no setback is required from the rear and side lot lines.
- (4) Minimum Lot Size
- (a) The minimum area of any lot created by subdivision is 670 sq. m (7,200 sq.). Lots shall be not less than 18m (59 ft.) on a single fronting line and shall be served by Community Sewer and Water Facilities.
 - (b) No minimum size is required for a parking lot or other lots having no habitable building.
 - (c) No habitable building shall be permitted on the lot unless, or until, the lot is served with community sewer and water facilities and meets the minimum lot size of clause (a) above. S22 (2) also applies.
 - (d) Clause (a) above does not apply to Strata Titles created under the Condominium Act for the purpose of creating mini-storage units or Recreation Vehicle spaces for ownership or rental.

(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) (2) of this section.

S.33 CT – COMMERCIAL - Tourist / Retail, Service and Education

(1) General Purpose

This zone is generally intended to provide sites for tourist oriented and educational developments of local, regional or wider significance, and for uses accessory to the main developments. Lots may be created as Bare Land Strata Titles under the Condominium 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) Those uses permitted in the C1 zone
- (b) Marinas, Commercial Resorts and Tour Facilities
- (c) Science, Cultural, and Education Centers and Offices
- (d) Arts and Crafts and Personal Services
- (e) Residential where considered an accessory use

(3) Development and Setback Regulations

- (a) The maximum site coverage by all buildings shall be 100%.
- (b) There shall be an adequate provision for loading and garbage facilities.
- (c) All lots in this zone shall be served by Community Sewer and Water Facilities.
- (d) Clause (c) does not apply to Parking Lots or other uses having no habitable buildings, or to Strata Titles created under the Condominium Act for the purpose of creating marinas boat slips or mini-storage units for ownership or rental.

(4) Minimum Lot Size

- (a) The minimum area of any lot created by subdivision is 670 sq. m (7,200 sq. ft.). Lots shall be not less than 18 m (59 ft.) on a single fronting lot line and shall be serviced by Community Sewer and Water Facilities.
- (b) No minimum size is required for a parking lot or other lots having no habitable building.
- (c) No habitable building shall be permitted on the lot unless, or until the lot is served with community sewer and water facilities and meets the minimum lot size of clause (a) above. S.22 (2) also applies.
- (d) Clause (a) above does not apply to Strata Titles created under the Condominium Act for the purpose of creating lots for boat trailers, campers and recreation vehicles, for parking only, in which case the minimum size of the lot is 34 sq. m (366 sq. ft.), or for mini-storage units for ownership or rental where no minimum applies.

(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 Clause 3 (b) (2) of this section.

S.34 M1 – MARINE - Limited Access

(1) General Purpose

This zone is generally intended to permit marine access to the shore of the Telegraph Cove Holdings Ltd- Land only for the private use of residential uses permitted on upland lots abutting the foreshore.

(2) Permitted Uses

The following uses only are permitted in this zone:

- (a) Boat launch and anchorage for private use.
- (b) Marine navigational aids.
- (c) Docks, piers, wharves, and floats for private use to access, and which are necessary to, residential and commercial uses or developments permitted on the upland lots abutting the foreshore.

(3) Buildings and Structures Prohibited

No breakwaters, fill material, groins or changes to the configuration or surface of the foreshore or lands underwater shall be undertaken except as may be allowed as a condition of a permit to facilitate Clause (2) (c) of this section.

S.35 M2 – MARINE - Permitted Access

(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 adjacent zones to the Telegraph Cove Holdings Ltd. Land.

(2) Permitted Uses

- (a) Marinas
- (b) Strata Titles created under the Condominium Act for the purpose of creating lots for dwelling units, commercial space, boat moorage slips, etc.
- (c) Seaplane moorage and anchorage
- (d) Government or private wharves and breakwaters
- (e) Boat rentals, sales and repairs
- (f) Boat launching, ramps, anchorage and moorage
- (g) Marine fuel sales
- (h) Marine navigational aids
- (i) Private lockers and storage facilities
- (k) Cruise and tour vessel facilities
- (l) Recreation Uses
- (m) 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.

S.36 MARINE – Requirement to Comply

Except as specifically permitted by this bylaw, or until a permit has been issued where one is required, no areas within zones M1 and M2 within 50m (164 ft.) of the shore of the land shall be subdivided, developed, used or occupied. Nor shall any buildings, structures or floats be constructed, altered, located, erected or anchored on that land or water except as conforms to this bylaw.

VIOLATIONS

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

- (a) Violates or permits the violation of this bylaw, or
- (b) Negates 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 authorized under S.3 (2) of this bylaw.

S.37 P1 PARK – Conservation / Private Use

(1) General Purpose

This zone is generally intended to provide zoning on sensitive slopes and treed areas for the passive recreational or private recreational use of all people owning lands or using facilities within the Telegraph Cove Holdings Ltd Area. Lots may be created as Bare Land Strata Titles under the Condominium 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) Nature walks, trails and educational uses
- (b) Telecommunication towers and facilities
- (c) Signs identifying park related matters
- (d) Minor buildings and structures serving recreation and boating uses
- (e) Accessory uses and structures

(3) Minimum Lot Size

The minimum area of any lot is 2 ha (5 acres).

(4) Parking

Where limited use of lands has been permitted and developed, parking shall be provided in accordance with Part 3 of this bylaw.

S.38 P2 PARK – Golf Course, Recreation

(1) General Purpose

This zone is generally intended to preserve areas suitable for development as a golf course. Lots may be created as Bare Land Strata Titles under the Condominium 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) Golf Course Development
- (b) Uses accessory to the Golf Course, including housing, retail and restaurant buildings and structures.
- (c) Recreational / leisure activities such as camping
- (d) Plant nursery

(3) Minimum Lot Size

- (a) The minimum area of any lot created by subdivision is 670 sq. m (7,200 sq. ft.); Lots shall be not less than 18m (59 ft.) on a single fronting lot line and shall be served by Community Sewer and Water Facilities.
- (b) No minimum size is required for a parking lot or other lots having no habitable building.
- (c) No habitable building shall be permitted on the lot unless, or until, the lot is served with community sewer and water facilities and meets the minimum Lot size of clause (a) above. S22 (2) also applies.

(4) Parking

- (a) The number of parking stalls shall be provided to the extent of one stall per two golfers at peak time, except that the projected number of local users walking to the site shall also be taken into account at the time of development.
- (b) Parking shall be provided for all uses in accordance with the requirements of Part 3 of this bylaw.

S.39 P3 PARK – Recreation / Private Use

(1) General Purpose

This zone is generally intended to provide zoning on treed areas for private recreational, nature, boating and associated facilities. Lots may be created as Bare Land Strata Titles under the Condominium 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) Nature walks, trails and educational use
- (b) Signs identifying park related matters
- (c) Buildings and structures serving recreation and small boating uses
- (d) Transient cabin or camping facilities
- (e) Accessory Residences
- (f) Hostels

- (g) Accessory uses and structures including pavilion, bath and laundry facilities, and the storage of small boats.
- (3) Minimum Lot Size
- (a) The minimum area of any lot created by subdivision is 720 sq. m (7.750 sq. ft.). Lots shall be not less than 18m (59 ft.) on a single fronting lot line and shall be served by Community Sewer and Water Facilities.
 - (b) No minimum size is required for a parking lot or other lots having no habitable building.
 - (c) No habitable building shall be permitted on the lot unless, or until, the lot is served with community sewer and water facilities and meets the minimum lot size of clause (a) above. S22 (2) also applies.
- (4) Parking
- Where limited use of lands has been permitted and developed, parking shall be provided in accordance with Part 3 of this bylaw.

S.40 P4 PARK – Recreation / Non-Profit

- (1) General Purpose
- This zone is generally intended to provide zoning for the Johnstone Strait Killer Whale Interpretive Centre under the auspices of the Johnstone Strait Killer Whale Interpretive Centre Society, and/ or for other non-profit organizations such as B.C. Parks.
- (2) Permitted Uses
- The following uses are permitted in this zone:
- (a) Building and structures serving educational, recreation and research uses
 - (b) Nature walks and trails
 - (c) Signs identifying whale center and park related matters
 - (d) Dormitory facilities to accommodate researchers and or employees of the site specific activities
- (3) Parking
- Parking shall be provided for all uses in accordance with the requirements of Part 3 of this bylaw.

SCHEDULE

