

**This is the text referred to in the
“Regional District of Kitimat-Stikine Specified Portion of
Electoral Area B South Hazelton Zoning Bylaw No. 326, 1992”
as the**

SOUTH HAZELTON ZONING BYLAW

This Consolidated Version includes amendments to January 27, 2014, up to and including Bylaw No.502, 2003

Amendment Bylaw No.	Adoption Date	Description
400	November 23, 1996	Map
401	February 15, 1997	Text
502	December 6, 2003	Text

NOTE: This zoning bylaw is consolidated for convenience only.

Where there is a discrepancy between the Consolidated Version and the Amending Bylaw, then the Amending Bylaw shall be deemed to be true and correct.

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PART 1: INTERPRETATION

1.1 TITLE

This bylaw may be cited as the “Regional District of Kitimat-Stikine specified portion of Electoral Area B, South Hazelton Zoning Bylaw No. 326, 1992”.

1.2 SHORT TITLE

This bylaw may also be referred to as the “South Hazelton Zoning Bylaw”.

1.3 APPLICATION

This bylaw shall be applicable to all lands within the Plan Area Boundary indicated on Schedule ‘A’ which is attached to and forms part of this bylaw.

1.4 DEFINITIONS

In this bylaw, unless the context otherwise requires:

“**ACCOMODATION FACILITY**” means a building or group of buildings containing sleeping units, occupied or intended to be occupied temporarily by automobile tourists or transients, with each unit having its own individual outside access and parking space located adjacent thereto and each dwelling unit being self-contained with or without cooking facilities, having its own bathroom with a water closet, wash basin, and bath or shower;

“**ANICILLARY BUILDING**” means a building or structure separate from and subordinate to the principal structure on the site;

“**ANIMAL HOSPITAL AND SHELTER**” means development for the temporary care, treatment or impoundment of small animals within an enclosed building and ancillary buildings or structures;

“**BOARDER**” or “**LODGER**” means a person who, for a fee, occupies a sleeping room, with or without individual toilet facilities in a dwelling unit occupied by a family to which he or she is not related by blood or marriage;

“**BUFFER AREA**” means a screened area, natural or man made, the purpose of which is to minimize the conflicts between the incompatible zones and/or uses;

“**CONVENIENCE RETAIL STORES**” means development for the retail sale of those goods required by area residents on a day to day basis and includes such uses as food stores and variety stores that sell confectionary, tobacco, groceries, beverages, personal care goods and printed matter;

“DERELICT VEHICLE” means a vehicle which is stored outside of any building or structure and which has not been licensed for a period of one year;

“DESIGNATED FLOOD” means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available. Where the flow of a large watercourse is controlled by a major dam, the designated flood shall be set on a site specific basis;

“DESIGNATED FLOOD LEVEL” means the observed or calculated elevation for the designate flood, which is used in the calculation of the flood construction level;

“DUPLEX” means a building containing two residential dwelling units with one dwelling unit situated over the other in whole or in part with separate and individual entrances to each dwelling;

“DWELLING UNIT” means two or more rooms for the residential accommodation of one or more individuals and contains sleeping, cooking, and toiled facilities;

“DWELLING, MULITPLE” means a building which is divided into three or more dwelling units, each of which is occupied or intended to be occupied as residence of one family and shall include row houses and apartments;

“FAMILY” means an individual, or two or more persons related by blood or marriage, or five or fewer persons not necessarily related by blood or marriage;

“FISH FARMING” means development where buildings, structures, tanks or ponds are used to rear, store and sell fish produces on the site;

“FLOOD CONSTRUCTION LEVEL” or **“FLOOD LEVEL”** means a designated flood level plus freeboard, or where a designated flood level cannot be determined, a specified height above a natural boundary, natural ground elevation, or any obstruction that could cause ponding;

“FLOODPLAIN” means an area which is susceptible to flooding form a watercourse, lake, or other body of water and that which is designated under Section 3.2(1) of this bylaw;

“FLOODPLAIN SETBACK” means the required minimum distance from the natural boundary of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the flood construction level, so as to maintain floodway and allow for potential land erosion:

“FLOOR/SITE RATIO” means the number obtained when the total gross floor area of all buildings on a site is divided by the site area;

“FREEBOARD” means a vertical distance added to a designated flood level, used to establish a flood construction level.

“FRONTAGE” means that length of a parcel which immediately adjoins a highway other than a lane or walkway. In the case of a parcel fronting on more than one highway, the narrower side of the parcel abutting a highway shall be its frontage;

“GENERAL RETAIL STORES” means a building used for the retail sale of groceries, bakery foods, flowers, beverages, household goods, hardware, furniture and appliances, office equipment, printed matter, confectionary, processed film, tobacco, pharmaceutical and personal care items, stationary, bicycles, sporting goods, toys, models and arts and crafts;

“GROSS FLOOR AREA” means the total area of all the floors of a building measured at the exterior extremities and includes basements;

“GROUP DAY CARE FACILITY” means a facility licensed by the province pursuant to the Community Care Facility Act that provides, in a group setting, care to children and opportunities for their social, emotional, physical and intellectual growth;

“G.S.C” means a Geodetic Survey of Canada datum;

“HABITABLE AREA” means any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater;

“HEIGHT” means the vertical distance from the average finished ground level at the perimeter of the building or structure to the highest point of the roof and in the case of a structure without a roof, to the highest point of the structure;

“HOME OCCUPATION” means an occupation, trade, profession, arts and crafts, or commercial business which is clearly incidental both to the residential use of a dwelling unit for residential purposes and to the residential use of a site occupied by that dwelling and includes:

- (a) the operation of a community care facility licensed pursuant to the Community Care Facility Act which accommodates not more than 10 physically active persons.
- (b) the keeping of not more than four boarders and lodgers;

“MOBILE HOME” means a single dwelling unit suitable for year round occupancy which is designed to be transported along a public roadway to the site where it is to be occupied and is complete and ready for occupancy once foundation supports are placed, utilities are connected and other incidental assembly functions undertaken;

“MOBILE HOME PARK” means land used or occupied by any person for the purposes of providing spaced for the accommodation of mobile homes and for imposing a charge or rental for the use of such space;

“NATURAL BOUNDARY” means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself, as defined in Section 1 of the Land Act, and also includes the edge of dormant side channels of any lake, river, stream, or other body of water;

“NATURAL GROUND ELEVATION” means the undisturbed ground elevation prior to site preparation;

“NEIGHBOURHOOD PUBLIC HOUSE” means a public liquor serving establishment licensed under the Liquor Control and Licensing Act and regulations pursuant thereto;

“O.C.P.” means Hazelton's Vicinity Official Community Plan;

“PAD” means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a manufacturing home, or a concrete pad for supporting a habitable area;

“PARCEL” means a lot, block, or other area in which land is held or into which land is subdivided;

“PERSONAL SERVICE STORE” means a facility used for the provision of personal services related to the care and appearance of the body or the cleaning or repair of personal effects such as barbershops, beauty salons, hairdressers, tailors, dressmakers, shoe repair shops, upholsters, appliance service and dry cleaning establishments and laundromats;

“RESTAURANT” means a building where food and beverage is sold to the public and includes cafes, delicatessens, tea rooms and take-out restaurants;

“RETAILING” means the sale of goods to the ultimate consumer, including the servicing of such goods;

“SEMI DETACHED RESIDENCE” means a building containing two residential dwelling units attached in whole or in part with no dwelling unit situated over the other in whole or in part and each dwelling unit having separate and individual entrances and separated from the other by a vertical party wall;

“SERVICE STATION” means a business for the retail sale of motor fuels or lubricating oils, including the servicing or repair of motor vehicles and marine engines, the sale of automobile and marine accessories and the rental of trailers and motor vehicles but does not include an unattended cardlock operation nor an autobody repair shop;

“SETBACK” means the required minimum distance between a building or use and the nearest site line;

“SINGLE DETACHED RESIDENCE” means a building containing only one residential dwelling unit;

“SITE” means an unit of land consisting of one or more parcels, or a portion of one parcel delineated by a zone boundary, which is devoted to a certain use, or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same;

“SITE AREA” means the portion of the total area of the parcel or parcels which remains after excluding;

- (a) bodies of water including swamps or surface water measured from the highest level of water
- (b) private roads exceeding 15 meters in length and 7.6 metres in width
- (c) land where the natural slope exceeds 30% ; and
- (d) land within 60 metres of the natural boundary of the Skeena and Bulkley Rivers;

“SITE COVERAGE” means the total area of all buildings and structures allowable on a site as measured from the exterior walls or columns of a building or structure expressed as a percentage of site area;

“SITE LINE” means the line which defines the perimeter of the site;

SITE WIDTH” means the average distance between the side site lines as determined by measuring the distance between the front and rear site line and calculating the average;

“SMALL ANIMAL KENNEL” means development for the breeding, boarding or training of small animals such as dogs and cats within a building including an adjacent fenced compound;

“STANDARD DYKE” means a dyke built to a minimum crest elevation equal to the flood construction level and meeting standards of design and construction approved by the Ministry of Environment and maintained by an ongoing authority such as a local government body;

“STRUCTURE” means any construction fixed to, supported by, or sunk into the land or water but not concrete or asphalt paving of similar surfacing or a site, and for purposes of this bylaw excludes a fence constructed along the property line;

“WATERCOURSE” means any natural or man-made depression with well defined banks and a bed 0.6 meters or more below the surrounding land serving to give direction to a current of water at least six months of the year, or having a drainage area of 2 square kilometers or more upstream of the point of construction.

PART 2: ADMINISTRATION

2.1 ZONES

For the purpose of this bylaw, the lands indicated outlined by plan area boundaries on Schedule 'A' shall be divided into the following zones;

Zones	Zone Symbol
Rural Agriculture	Ru1
Hobby Farm	Ru2
Rural Residential	Ru3
Single Detached Residential	R-1
Two Dwelling Residential	R-2
Mobile Home Park	RMH
Four Dwelling Residential	RM-1
Town Commercial	C-1
Highway Commercial	C-3
Heavy Industrial	M-2
Community and Institutional	P-1
Open Space and Resource Management	OS-1
Planning Reserve	PR

2.2 ZONE BOUNDARIES

- (1) The extent of each zone shall be as indicated on Schedule 'A' which is attached to and forms part of this bylaw.
- (2) Where the zone boundary is designated as following a road allowance, the center line of such road allowance shall be the zone boundary.
- (3) Where the zone boundary is designated as following a topographic break, the boundary shall be determined as the lowest level of elevation if the topographic break occurs at the toe of the slope, and the highest level of elevation if topographic break occurs at the top of the slope.
- (4) Where the zone boundary follows the banks formed by a natural water course, the natural high water mark shall constitute the boundary.
- (5) Where the zone boundary does not correspond with a legal lot line, does not follow a road allowance, a topographic break or water course, the boundary of the zones shall be determined by scaling Schedule 'A' of this bylaw.
- (6) In the event that a zone boundary passes through a legal parcel, the requirements of the applicable zone shall apply in respect to each site created by the zone boundary.

2.3 PROHIBITION

No person shall erect, construct, locate, alter, or reconstruct any buildings, or use any property or surface of water or air space contrary to the provisions of this bylaw.

2.4 NONCONFORMING USE

- (1) A lawful use of premises existing or lawfully under construction at the time of the adoption of the zoning bylaw, although such use does not conform to the provisions of this bylaw, may be continued, subject to the provisions of Section 970 of the Municipal Act (*now see Section 911 of the Local Government Act*), respecting nonconforming uses.
- (2) A building or structure existing prior to the date of this bylaw which fails to comply with the siting requirements herein shall be deemed to be nonconforming. Any subsequent alterations or additions to such buildings shall be permitted only in accordance with Section 970(9) of the Municipal Act (*now see Section 911 of the Local Government Act*) or as allowed by the Board of Variance pursuant to Section 962(2) of the Municipal Act (*now see Section 901 of the Local Government Act*).

2.5 ADMINISTRATION

This bylaw shall be administered by the person or persons appointed by the Board of the Regional District of Kitimat-Stikine.

2.6 RIGHT OF ENTRY

The persons appointed or designated under Section 2.5 may enter at all reasonable times, upon any property subject to the regulations of this bylaw, for the purpose of administering, reviewing, or enforcing this bylaw.

2.7 PENALTY

- (1) Any person who violates the provision of this bylaw is liable on summary conviction to a penalty not exceeding two thousand dollars (\$2,000) and also the cost of prosecution.
- (2) Each day during which such violation is continued may be deemed to constitute a new and separate offense.

2.8 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, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

2.9 OTHER REGULATIONS

Nothing contained in this bylaw shall relieve the owner or developer of any land from the responsibility to seek out and comply with the legislation or regulation applicable to this undertaking.

PART 3: GENERAL REGULATIONS

3.1 B.C. AGRICULTURAL LAND COMMISSION

- (1) Notwithstanding any other provision of this bylaw, all lands within the Agricultural Land Reserve, except those exempted under Section 19(1) of the Agricultural Land Commission Act (*now see Section 23 of the Agricultural Land Commission Act*), are subject to the provisions of the Agricultural Land Commission Act, regulations thereto, and orders of the Commission. That is to say, where land within the Agricultural Land Reserve is also within a zone established under this zoning bylaw, the zoning bylaw shall be binding only insofar it is not contrary to, in conflict with, inconsistent with or repugnant to the Agricultural Land Commission Act, regulations made thereunder and orders of the Commission.
- (2) Where land presently within the Agricultural Land Reserve is, pursuant to the Agricultural Land Commission Act, regulations made thereunder, or orders of the B.C. Agricultural Land Commission:
 - (a) excluded from an Agricultural Land Reserve; or
 - (b) exempted by the Agricultural Land Commission Act; or
 - (c) exempted by regulations made under the B.C. Agricultural Land Commission Act, or an order of the B.C. Agricultural Land Commission, the provision of the bylaw shall be binding.

3.2 FLOODPLAINS AND WATERCOURSES

(The following provisions of this bylaw respecting floodplains and watercourses are enacted pursuant to Section 969 of the Municipal Act (*now see Section 910 of the Local Government Act*). For ease of reference, Appendix A provides regulations contained in other provincial statutes or regulations.)

(1) FLOODPLAIN DESIGNATION

The following land is designated as floodplain:

- (a) land lower than the flood construction levels specified in Section 3.2(2)(a);
- (b) land within the floodplain setbacks specified in Section 3.2(2)(b).

(2) FLOODPLAIN SPECIFICATION

(a) Flood Construction Levels

The following elevations are specified as flood construction levels, except that where more than one flood construction level is applicable, the higher elevation shall be the flood construction level:

- i) 4.5 metres above the natural boundary of the Skeena River and the Bulkley River;
- ii) 1.5 metres above the natural boundary of any other watercourse, lake, marsh, or pond.

(b) Floodplain Setbacks

The following distances are specified as floodplain setbacks, except that where more than one floodplain setback is applicable, the greater distance shall be the floodplain setback:

- i) 60 meters from the natural boundary of the Skeena River and the Bulkley River;
- ii) 15 metres from the natural boundary of any other watercourse;
- iii) 7.5 metres from the natural boundary of a lake, marsh, or pond.

3.3 VISIBILITY

- (1) No building, structure, fence, vegetation, or equipment shall be situated so as to obstruct the line of vision as measured between the heights of 0.8 meters and 3.0 meters above the established street grades within an area of 24 metres radius measured from the centre line intersection of intercepting highways.
- (2) Notwithstanding Section 3.3(1) above, the setback from a property line adjacent to any public roadway shall not be less than 4.5 metres unless authorized by the Ministry of Transportation and Highways.

3.4 PARKING AND LOADING SPACES

- (1) Each parking space required to be provided under this Bylaw shall be no less than 3.0 metres in width and no less than 5.2 metres in depth.
- (2) Where a lot is located at the intersection of two road rights-of-way, no entrance, exit, driveway, or parking stall shall be located within 7.5 metres from the intersection of the property lines adjacent to the rights-of-way.
- (3) All off-street parking provided under the requirements of this bylaw shall be on the same site as the use for which the parking is provided.
- (4) In all multi-residential, commercial, and industrial zones, off-street parking shall not be situated in a manner that requires backing into a public roadway.
- (5) In buildings of mixed occupancy, the parking requirements for each occupancy shall be provided for that portion of the building so utilized.
- (6) Off-street parking for each building and use shall, with any fraction becoming another, be provided as follows:

<u>USE</u>	<u>PARKING REQUIREMENTS</u>
Auto Sales and Repair	1 per 90 m ² gross floor area plus 1 per service bay
Animal Hospital/Kennel	1 per 45 m ² gross floor area
Bank	1 per 30 m ² gross floor area
Bowling Alley	3 per alley
Boat Sales and Repair	1 per 90 m ² gross floor area
Building Materials and Supply	1 per 50 m ² gross floor area
Campgrounds/ Overnight Trailers	1 per space plus 2
Café, Dining Room, etc.	1 per 4 seats
Café, Take Out	4 spaces
Clubs, Lodges, Beer Parlours	Pubs, etc. 1 per 4 seats
Curling Rinks	4 per sheet of ice
Service Station	1 per 90 m ² gross floor area plus 2 per service bay
Grocery	1 per 30 m ² gross floor area
Accommodation Facility	1 per unit

Institutional	
Religious Assembly	1 per 8 seats
Fraternal Organization Society	1 per 8 seats
Public Library, Museum, Art Gallery, Theatre	1 per 40 m ² gross floor area
Hospital	1 per bed
Recreation Centre	1 per bed 9 m ² ice area and 1 per 4 m ² pool surface, and 1 per 4 players capacity of other sport
Community Hall	1 per 10 m ² gross floor area
Senior Citizen's Lodge	1 per 60 m ² gross floor area
Group Day Care	1 per 60 m ² gross floor area
School, Elementary	1 per classroom
School, Secondary	4 per classroom
Ambulance Station	1 per emergency vehicle bay
Fire Station	3 per emergency vehicle bay
Laundry/Dry Cleaning	1 per 40 m ² gross floor area
Laundromat	1 per 10 m ² gross floor area
Motel	1 per unit
Nursery, Greenhouse	1 per 30 m ² floor area of retail sales buildings
Offices, Business	1 per 35 m ² gross floor area
Offices, Medical	1 per 25 m ² gross floor area
Pool	1 per 4 m ² pool water surface
Post Office	1 per 40 m ² gross floor area
Public Bus Depot	1 per 30 m ² gross floor area
Public Utility Building	1 per 40 m ² gross floor area
Residential, Single Detached/ Mobile Home	2 per dwelling unit
Residential Multi-Dwelling	1.5 per dwelling unit
Store, Retail	1 per 30 m ² gross floor area
Store, Personal Service	1 per 30 m ² gross floor area
Taxi Stand	1 per taxi
Warehouse	1 per 180 m ² gross floor area

3.5 SIGNS AND NOTICES

Subject to the Motor Vehicle Act and the Highway Act (see *Transportation Act, Provincial Public Undertakings Regulation, BC Reg. 513/2004*), the following signs and notices are permitted:

- (1) In Residential and Rural Zones:
 - (a) One unilluminated sign denoting name and address of the property not to exceed 0.2 square meters in area; and
 - (b) One unilluminated "For Rent", "For Sale", professional practice, homecraft, or occupation identify sign, not to exceed 0.5 square meters in area.
- (2) In the RMH (Mobile Home Park) zone, one sign in accordance with Section 3.5 (1) shall be permitted for each mobile home unit. In addition, one sign maximum height of 3.5 meters from grade and with maximum area of 3.0 square meters may be located at the principal entrance.
- (3) In all Commercial, Industrial, Institutional, and Open Space Zones, signs and notices shall be permitted in accordance with the Motor Vehicle Act and the Highway Act (see *Transportation Act, Provincial Public Undertakings Regulation, BC Reg. 513/2004*).
- (4) All signs shall conform to the following restrictions and standards:
 - (a) Flashing and animated signs shall not be permitted.
 - (b) Signs shall not project beyond the property line.
 - (c) Roof top signs shall not be permitted.
 - (d) Wall signs shall not exceed an area on any one side of a building or structure greater than 0.25 square metres per 1.0 metre of side length of the building concerned.
 - (e) No sign shall exceed 6.0 meters in height.
 - (f) Freestanding signs shall not exceed an area greater than 3.0 square metres.

3.6 HOME OCCUPATIONS

- (1) A home occupation whether in the principal or ancillary building shall have no exterior indication that the buildings or land is being used for any use other than its permitted residential or ancillary use.
- (2) A home occupation shall not produce noise, vibrations, smoke, dust, odor, litter, glare or heat, other than that normally associated with a dwelling, nor shall it create or cause any fire hazard, electrical interference or traffic volumes in excess of what normally occurs in the residential area.
- (3) A home occupation shall not involve materials or products that produce flammable vapor or gases under ordinary temperatures.
- (4) A home occupation shall not create visible or audible interference in radio or television in nearby residential buildings.
- (5) A home occupation shall have no external display of advertisement other than a sign in accordance with Section 3.5 of this bylaw.
- (6) A home occupation shall have no external storage of materials, containers, or finished products.
- (7) A home occupation must be carried on wholly within a dwelling unit or within an ancillary structure; except that where a home occupation is for boarding or lodging, it shall be conducted only within the principal residence.
- (8) The proprietor of the home occupation shall be resident of the dwelling unit on-site.

3.7 AGRICULTURAL USES

- (1) No drinking or feeding trough, no manure pile, and no enclosure or structure for housing animals or for the storage of feed, bedding and such materials shall be closer than 20 metres to any property line or dwelling, the case of housing, keeping and production of animals, livestock, birds, bees, and 60 metres to any property line or dwelling in the case of mink farms, mushroom farms, and piggeries.
- (2) All structures, pens, runs, enclosures, and manure piles shall be located to comply with the Health Act (*see Public Health Act, Drinking Water Protection Act and Environmental Management Act, Agricultural Waste Control Regulations*) as to proximity to all nearby wells, lakes, streams, and springs or other bodies of water.
- (3) The keeping of not more than one large animal (horse, cow, goat, or similar animal) per 4000 m² of site area shall be permitted only in Rural Zones.

3.8 MOBILE AND MANUFACTURED HOMES

All mobile or manufactured homes shall be installed and located in accordance with the following provisions:

- (1) All installed mobile homes and manufactured homes shall be securely anchored against the effect of high winds.
- (2) All mobile and manufactured homes shall be placed on a foundation and properly skirted and insulated.
- (3) All foundations for the support of a mobile home or manufactured home and permissible additions shall be designed and stilled in accordance with the National Building Code.
- (4) Every mobile home or manufactured home shall be situated so as to provide crawl space with a minimum 45 cm. clearance measured from the underside of the beam to the ground.

3.9 ONE PRINCIPAL USE PER SITE

In any zone, only one principal use per site shall be allowed.

3.10 ONE PRINCIPAL STRUCTURE PER PARCEL

Only one principal structure shall be permitted on each land registry parcel unless otherwise specifically permitted.

3.11 EQUIPMENT ACCESS

Where a site is not serviced by a community sewer system, there shall be provided a clear distance of not less than 3.0 metres between structures or buildings on a site, or between a site line and any structures or buildings.

3.12 UTILITY AND PUBLIC SERVICE STRUCTURES

- (1) Utility and public service facilities such as lift stations, water works installations, natural gas stations, transmission towers and electrical transformer substations are permitted in any zone.
- (2) Notwithstanding Section 3.12(1) above, utility and public service uses such as offices, maintenance yards, or equipment storage are not permitted uses unless they are specified as permitted use in the zone category.

3.13 DERELICT VEHILCES

No Land shall be used for the storage of derelict vehicles or equipment or processing of scrap metals unless as otherwise specifically permitted.

PART 4: RURAL ZONES

4.1 Ru1 (RURAL AGRICULTURE) ZONE

A. Description

The Ru1 (Rural Agriculture) zone allows for rural residential and agricultural uses in areas which are intended to be preserved in larger parcel sizes.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the Ru1 zone is restricted to the following and no other uses:

- (a) Agricultural Uses
- (b) One Single Detached Residence or Mobile Home
- (c) Fish Farming
- (d) Small Animal Kennel
- (e) Home Occupations
- (f) Timber Harvesting and Wood Processing
- (g) Resource extraction activities and ancillary structures
- (h) Buildings and Structures ancillary to residential and agricultural uses

(2) Regulations of Use:

- (a) Refer to Section 3.7 of this bylaw.

C. Subdivision

(1) Parcel Size:

In the Ru1 Zone, land shall not be subdivided to a parcel size less than 8.0 hectares.

(2) Frontage:

In the Ru1 Zone, the frontage for each parcel to be created by subdivision shall be no less than 15% of its perimeter.

D. Site Development

- (1) In the Ru1 Zone, no building or structure or part thereof shall be constructed within 7.6 meters of a property line.

4.2 Ru2 (HOBBY FARM) ZONE

A. Description

The Ru2 (Hobby Farm) Zone provides for active rural residential uses.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the Ru2 Zone is restricted to the following and no other uses:

- (a) One Single Detached Residence or Mobile Home
- (b) Agricultural Uses
- (c) Fish Farming
- (d) Small Animal Kennel
- (e) Home Occupations
- (f) Tot Lots, Playgrounds, Parks
- (g) Buildings and Structures ancillary to residential and agricultural uses

(2) Regulations of Use:

- (a) Refer to Section 3.7 of this bylaw.

C. Subdivision

(1) Parcel Size:

In the Ru2 Zone, land shall not be subdivided to a parcel size less than 2.0 hectares.

(2) Frontage:

In the Ru2 Zone, the frontage for each parcel to be created by subdivision shall be no less than 15% of its perimeter.

D. Site Development

- (1) In the Ru2 Zone, no building or structure or part thereof shall be constructed within 7.6 meters of a property line.

4.3 Ru3 (RURAL RESIDENTIAL) ZONE

A. Description

The Ru3 (Rural Residential) Zone provides for the development of single detached residences in a rural setting.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the Ru3 Zone is restricted to the following and no other uses:

- (a) One Single Detached Residence or Mobile Home
- (b) Home Occupations
- (c) Tot Lots, Playgrounds, Parks
- (d) Ancillary Buildings and Structures

(2) Regulation of Use:

- (a) In the Ru3 Zone, the gross floor area of all ancillary structures used in the home occupation shall be no greater than the gross floor area of the residential structure; however, if the residential structure is 80 m² or less, then ancillary structures with gross floor area up to 80 m² will be permitted.

C. Subdivision

(1) Parcel Size:

In the Ru3 Zone, land shall not be subdivided to a parcel size less than 0.3 hectares.

(2) Frontage:

In the Ru3 Zone, the frontage for each parcel to be created by subdivision shall be no less than 15% of its perimeter.

D. Site Development

(1) Setbacks:

In the Ru3 Zone, no building or structure or part thereof shall be located within the following setback from a property line:

	<u>Principal Building</u>	<u>Ancillary Structure or Building</u>
Front Yard	7.6 metres	7.6 metres
Rear Yard	7.6 metres	1.5 metres
Side yard	3.0 m on one side 1.5 m on other side	3.0 m on one side 1.5 m on other side

(2) Height:

In the Ru3 Zone, no building or structure shall exceed 10.0 metres in height.

PART 5: RESIDENTIAL ZONES

5.1 R-1 (SINGLE DETACHED RESIDENTIAL) ZONE

A. Description

The R-1 (Single Detached Residential) Zone provides for the development of single detached residences in a community setting.

B. Uses

(1) Permitted Uses:

The use of land, buildings, and structures in the R-1 Zone is restricted to the following and no other uses:

- (a) One Single Detached Residence or Mobile Home
- (b) Home Occupations
- (c) Tot Lots, Playgrounds, Parks
- (d) Ancillary Buildings and Structures

C. Subdivision

(1) Parcel Size:

In the R-1 Zone, land shall not be subdivided to a parcel size less than:

- (a) 560 m² if the parcel is serviced by community water and community sewer,
- (b) 700 m² if the parcel is serviced by community water but not by community sewer,
- (c) 1670 m² if the parcel is neither serviced by community water nor community sewer

(2) Frontage:

In the R-1 Zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the R-1 Zone, where the area of an existing parcel is less than the minimum parcel size requirement, in order to build a single detached residence or situate a mobile home, two or more parcels shall be required so that the site area is no less than

- (a) 560 m² if the site is serviced by community water and community sewer,
- (b) 700 m² if the site is serviced by community water but not by community sewer,
or
- (c) 1580 m² if the site is neither serviced by community water nor community sewer.

A larger site area than the minimum indicated above may be required by the Ministry of Health depending on the results of soil percolation tests.

(2) Site Coverage:

In the R-1 Zone, the site coverage shall not exceed 35% of the site area.

(3) Setbacks:

In the R-1 Zone, no building or structure or part thereof shall be located within the following setback from a site line:

	<u>Principal Building</u>	<u>Ancillary Structure or Building</u>
Front Yard	7.6 metres	7.6 metres
Rear Yard	7.6 metres	1.5 metres
Side yard	3.0 m on one side 1.5 m on other side	3.0 m on one side 1.5 m on other side

(4) Height:

In the R-1 Zone,

- (a) the principal dwelling shall not exceed 10.0 meters in height, and
- (b) ancillary structures or buildings shall not exceed 4.0 metres in height.

(5) Ancillary Structures and Buildings:

- (a) In the R-1 Zone, the total gross floor area of all ancillary structures and buildings shall not exceed 60 m².

5.2 R-2 (TWO DWELLING RESIDENTIAL) ZONE

A. Description

The R-2 (Two Dwelling Residential) Zone provides for the development of single detached, semi-detached and duplex housing in a community setting.

B. Uses

(1) Permitted Uses:

The use of land, buildings and structures in the R-2 Zone is restricted to the following and no other uses:

- (a) One Single Detached Residence or Mobile Home or Duplex or Semi Detached Residence
- (b) Tot Lots, Playgrounds, Parks
- (c) Home Occupations
- (d) Ancillary Buildings and Structures

E. Subdivision

(1) Parcel Size:

In the R-2 Zone, land shall not be subdivided to a parcel size less than:

- (a) 560 m² per dwelling unit if the parcel is serviced by community water and community sewer,
- (b) 700 m² per dwelling unit if the parcel is serviced by community water but not by community sewer,
- (c) 1670 m² per dwelling unit if the parcel is neither serviced by community water nor community sewer.

(2) Frontage:

In the R-2 Zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the R-2 Zone, where the area of an existing parcel is less than the minimum parcel size requirement, two or more parcels shall be required so that the site area is no less than

- (a) 560 m² if the site is serviced by community water and community sewer,
- (b) 700 m² if the site is serviced by community water but not by community sewer,
or
- (c) 1580 m² if the site is neither serviced by community water nor community sewer.

A larger site area than the minimum indicated above may be required by the Ministry of Health depending on the results of soil percolation tests.

(2) Site Coverage:

In the R-2 Zone, the site coverage shall not exceed 40% of the site area.

(3) Setbacks:

In the R-2 Zone, no building or structure or part thereof shall be located within the following setback from a site line:

	<u>Principal Building</u>	<u>Ancillary Structure or Building</u>
Front Yard	7.6 metres	7.6 metres
Rear Yard	7.6 metres	1.5 metres
Side yard	3.0 m on one side 1.5 m on other side	3.0 m on one side 1.5 m on other side

(4) Height:

In the R-2 Zone,

- (a) the principal dwelling shall not exceed 10.0 meters in height, and
- (b) ancillary structures or buildings shall not exceed 4.0 metres in height.

(5) Ancillary Structures and Buildings:

In the R-2 Zone, the total gross floor area of all ancillary structures and buildings shall not exceed 60 m².

PART 6 MULTI-RESIDENTIAL ZONES

6.1 RMH (MOBILE HOME PARK) ZONE

A. Description

The RMH (mobile Home Park) zone provides for the orderly development of mobile home parks.

B. Uses

(1) Permitted Uses:

The use of land, buildings, and structures in the RMH zone is restricted to the following and no other uses:

- (a) Mobile home Park
- (b) Caretaker Residence
- (c) Home Occupations
- (d) Tot Lots, Playfields, Recreation Areas
- (e) Ancillary Buildings and Structures

(2) Provisions:

- (a) In the RMH zone, no person shall be compelled to upgrade an existing mobile home park to the standards of this bylaw; but any upgrading shall not lessen the compliance with this bylaw and expansion shall meet bylaw requirements.

C. Site Development

(1) Site Area:

In the RMH zone, the minimum site area for a mobile home park shall be 2.0 hectares.

(2) Density:

In the RMH zone, the maximum density for a mobile home park shall be 15 mobile home units per hectare of site area.

(3) Vehicular Access and Circulation:

- (a) In the RMH zone, there shall be a minimum of 6 meters between mobile homes or their appurtenances;
- (b) The internal layout of mobile home pads shall be organized to allow for the efficient movement of vehicular traffic and no mobile home shall be permitted to locate in a situation which hinders the efficient movement of traffic;
- (c) There shall be no direct access from a mobile home pad to a public road; and
- (d) There shall be no more than three access points at which an internal mobile home park road intersects a public road.

(4) Amenity Area:

- (a) In the RMH zone, an area equal to no less than 5% of the site area of the mobile home park shall be set aside for an developed as a tot lot or playground area; and
- (b) The amenity area shall be centrally located with respect to the mobile home pads.

(5) Parking:

In the RMH zone, mobile home parks shall provide:

- (a) at least one off-street parking space per mobile home pad, plus
- (b) at least two spaces for a caretaker residence, plus
- (c) at least on space per eight mobile home pads for guest parking.

(6) Siting:

In the RMH zone, no part of any mobile home, caretaker residence, or structure or any part thereof shall be located within 4.0 metres of a property line.

(7) Height:

In the RMH zone, no building or structure shall exceed 2 stories or 8.0 metres in height.

(8) Fencing:

In the RMH zone, every mobile home park shall be surrounded by a solid fence or screened with a thick hedge no less than 1.8 metres high.

6.2 RM-1 (FOUR DWELLING RESIDENTIAL) ZONE

A. Description

The RM-1 (Four Dwelling Residential) Zone provides for the orderly development of single detached and semi-detached residences, duplexes and residential buildings containing three or four dwelling units in a community setting.

B. Uses

(1) Permitted Uses:

The use of land, buildings and structures in the RM-1 Zone is restricted to the following and no other uses:

- (a) One Single Detached Residence, or
One Semi Detached Residence or
One Duplex, or
One Residential Building containing three dwelling units, or
One Residential Building containing four dwelling units.
- (b) Tot Lots, Playgrounds, Parks
- (c) Home Occupations
- (d) Ancillary Buildings and Structures

C. Subdivision

(1) Parcel Size:

In the RM-1 Zone, land shall not be subdivided to a parcel size less than:

- (a) 560 m² per dwelling unit if the site is serviced by community water and community sewer,
- (b) 700 m² per dwelling unit if the site is serviced by community water but not by community sewer,
- (c) 1670 m² per dwelling unit if the parcel is neither serviced by community water nor community sewer.

(2) Frontage:

In the RM-1 Zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the RM-1 Zone, where the area of an existing parcel is less than the minimum parcel size requirement, two or more parcels shall be required so that the site area is no less than

- (a) 560 m² per dwelling unit if the site is serviced by community water and sewer,
- (b) 700 m² per dwelling unit if the site is serviced by community water but not community sewer, or
- (c) 1580 m² per dwelling unit if the site is neither serviced by community water nor community sewer.

A larger site area than the minimum indicated above may be required by the Ministry of Health depending on the results of soil percolation tests.

(2) Site Coverage:

In the RM-1 Zone, the site coverage shall not exceed 40% of the site area.

(3) Setbacks:

In the RM-1 Zone, no building or structure or part thereof shall be located within the following setback from a property line or a site line:

	<u>Principal Building</u>	<u>Ancillary Structure or Building</u>
Front Yard	7.6 metres	7.6 metres
Rear Yard	7.6 metres	1.5 metres
Side yard	3.0 m on one side 1.5 m on other side	3.0 m on one side 1.5 m on other side

(4) Height:

In the RM-1 Zone,

- (a) the principal building shall not exceed 10.0 metres in height; and
- (b) ancillary buildings shall not exceed 4.0 metres in height.

(5) Ancillary Structures:

In the RM-1 Zone,

- (a) no ancillary structure shall exceed 60 m² in gross floor area, and
- (b) no more than two ancillary structures shall be permitted on a site.

PART 7: COMMERCIAL ZONES

7.1 C-1 (TOWN COMMERCIAL) ZONE

A. Description

The C-1 (Town Commercial) Zone provides for the orderly development of offices and commercial uses in a community core.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the C-1 Zone is restricted to the following and no other uses:

- (a) General Retail Stores excluding automobile, boat and trailer sale lots
- (b) Personal Service Stores
- (c) Restaurants
- (d) Parking Lot
- (e) Offices
- (f) Entertainment facilities such as bowling alley, night club, dance hall, theatre or cinema
- (g) Accommodation Facilities with or without Licensed Premises
- (h) Service Station, Gas Bar, Car Wash and Convenience Store but excluding bulk storage and distribution of Petroleum Products
- (i) Taxi Stand
- (j) Office and outlet for Plumbers, Electricians, and other Service Contractors without exterior storage of products and equipment
- (k) Group Day Care Facility
- (l) Community and Institutional Facilities as per Section 9.1.B(1)(a) to (n)
- (m) One Residential dwelling unit provided that it is contained in the same building and located above or behind the permitted commercial uses.
- (n) Licensed Premises (*see amendment Bylaw No. 401*)
- (o) One Single Detached Residence if existing on February 20, 1993 (*see amendment Bylaw No. 502*)

C. Subdivision

(1) Parcel Size:

In the C-1 Zone, land shall not be subdivided to a parcel size less than

- (a) 560 m² if the parcel is serviced by community water and sewer.
- (b) 700 m² if the parcel is serviced by community water but not community sewer.
- (c) 1670 m² the parcel is neither serviced by community water nor community sewer.

(2) Frontage

In the C-1 Zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the C-1 Zone, an existing parcel may be built upon for a use permitted, provided that the development meets all other requirements including but not limited to

- (a) Setback, height and density requirements of this bylaw,
- (b) Domestic water supply and sewage disposal requirements and other legislation, regulations and orders of responsible authorities having jurisdiction.

(2) Site Coverage:

In the C-1 Zone, the site coverage shall not exceed 80% of the site area.

(3) Setbacks:

In the C-1 Zone, no portion or part of any building or structure shall extend beyond the property line of the site line, except that a sign may be permitted upon written consent of the authorities having jurisdiction.

(4) Height

In the C-1 Zone, no building or structure shall exceed 15.0 metres in height.

7.2 C-3 (HIGHWAY COMMERCIAL) ZONE

A. Description

The C-3 (Highway Commercial) Zone provides for the orderly development of commercial services which caters to vehicular traffic.

B. Use

(1) Permitted Uses:

The use of land, buildings, and structures in the C-3 Zone is restricted to the following and no other uses:

- (a) Accommodation Facilities with or without Licensed Premises
- (b) Restaurants
- (c) Service Station, Car Wash, Gas Bar and Convenience Store
- (d) Automobile, Boat and Trailer Sales
- (e) Farming and Logging Equipment Sales
- (f) Automotive Parts and Accessories Sales

C. Subdivision

(1) Parcel Size:

In the C-3 zone, land shall not be subdivided to a parcel size less than 2000 m².

(2) Frontage:

In the C-3 zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the C-3 zone, where the area of an existing parcel is less than the minimum parcel size requirement, two or more parcels shall be required so that the site area is no less than 2000 m².

(2) Site Coverage:

In the C-3 zone, the site coverage shall not exceed 40 % of the site area.

(3) Setback:

In the C-3 zone, no building or structure or part thereof shall be located within the following setback from a property line:

Front	14.0 metres
Rear	4.0 metres
Side	3.5 metres on one side; 1.0 metres on the other side

(4) Height:

In the C-3 zone, no building or structure shall exceed three stories or 12 metres in height.

PART 8: INDUSTRIAL ZONE

8.1 M-2 (HEAVY INDUSTRIAL) ZONE

A. Description

The M-2 (Heavy Industrial) Zone provides for the orderly development of industrial uses which produce noise, odors or vapors, which requires unsightly exterior storage of equipment and materials and which may have other characteristics not compatible with uses in other zones.

B. Uses

(1) Permitted Uses:

The use of land, buildings, and structures in the M-2 Zone is restricted to the following and no other uses:

- (a) Manufacturing, Processing and Storage of Wood Products
- (b) Reload and Log Sorting and Log Storage Yard ancillary to Section 8.1.B(1)(a)
- (c) Office Ancillary to the above permitted uses
- (d) One Single Detached Residence or Mobile Home for caretaker, watchman or manager
- (e) Buildings and Structures ancillary to the above permitted uses.

C. Subdivision

(1) Parcel Size:

In the M-2 Zone, land shall not be subdivided to a parcel size less than 2.0 hectares.

(2) Frontage:

In the M-2 Zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Setback:

In the M-2 Zone, no building, structure, or use in a heavy industrial zone shall be located within 7.6 metres of the exterior property line which forms the site line.

PART 9: COMMUNITY AND INSTITUTIONAL ZONE

9.1 P-1 (COMMUNITY AND INSTITUTIONAL) ZONE

A. Description

The P-1 (Community and Institutional) Zone provides for the orderly development of health, education and recreation facilities for public purpose or benefit.

B. Use

(1) Permitted Uses:

The use of land, buildings and structures in the P-1 Zone is restricted to the following and no other uses:

- (a) Schools
- (b) Group Day Care Facility
- (c) Hospital and Health Clinic
- (d) Senior Citizen's Lodge
- (e) Religious Assembly
- (f) Fraternal Organization Assembly
- (g) Civic Buildings and Facilities
- (h) Public Recreation Facilities
- (i) Community Hall
- (j) Theatre
- (k) Public Library
- (l) Museum, Art Gallery
- (m) Tot Lots, Playgrounds, Public Sports Fields and Parks
- (n) Fire Station and Ambulance Station
- (o) One dwelling unit in conjunction with a permitted use
- (p) Ancillary Buildings and Structures

C. Subdivision

(1) Parcel Size:

In the P-1 Zone, land shall not be subdivided to a parcel size less than 1670 m²

(2) Frontage:

In the P-1 Zone, the frontage for each parcel to be created by subdivision shall be no less than 10% of its perimeter.

D. Site Development

(1) Site Area:

In the P-1 Zone, where the area of an existing parcel is less than the minimum parcel size requirement, two or more parcels shall be required so that the site area is no less than 1670 m². A larger site area for development may be required by the Ministry of Health depending on the results of soil percolation tests.

(2) Site Coverage:

In the P-1 Zone, the site coverage shall not exceed 30% of the site area.

(3) Setbacks:

In the P-1 Zone, no building or structure or part thereof shall be located within the following setback from the exterior property line which forms the site line:

	<u>Principal Building</u>	<u>Ancillary Structure</u>
Front Yard	7.6 metres	7.6 metres
Rear Yard	7.6 metres	3.0 metres
Side yard	2.0 m on one side 3.0 m on other side	2.0 m on one side 3.0 m on other side

PART 10: OPEN SPACE AND RESOURCE MANAGEMENT ZONE

10.1 OS-1 (OPEN SPACE AND RESOURCE MANAGEMENT) ZONE

A. Description

The OS-1 Zone is intended to:

- (a) preserve and protect development from potentially hazardous conditions
- (b) preserve and protect natural watercourses,
- (c) preserve hazardous areas in a natural state by allowing minimal activity
- (d) provide for development which enhances the environmental stability of natural features, and
- (e) allow for the development of public parks and amenity areas.

B. Use

(1) Permitted Uses:

The use of land, buildings and structures in the OS-1 Zone is restricted to the following and no other uses:

- (a) Nature Trails
- (b) Pedestrian and Bicycle Recreation Paths
- (c) Tot Lots and Playgrounds
- (d) Neighbourhood and Regional Parks
- (e) Open Space
- (f) Public Sports Fields
- (g) Agricultural Uses
- (h) Community Watershed
- (i) Major Utility Services subject to technical referral process
- (j) Resource extraction activities and ancillary structures subject to integrated resource management.
- (k) Buildings and Structures ancillary to above permitted uses.

(2) Regulation of Use:

In the OS-1 Zone,

- (a) Where the zone has been designated for potential hazards, the area will be evaluated on a site specific manner for the nature of the hazard and the potential impact of the proposed development on the immediate environment to ensure development is safe from hazard; and
- (b) Where the zone is for purposes of protecting environmentally sensitive areas, the permitted uses shall be in accordance with the nature of the sensitive area and the potential impact of development or characteristics of that sensitivity.

PART 11: PLANNING RESERVE

11.1 PR (PLANNING RESERVE) ZONE

A. Description

The PR (Planning Reserve) Zone provides for the reservation of crown land for planning purposes to facilitate orderly development in the future.

B. Use

(1) Permitted Uses:

The use of land, buildings and structures in the PR Zone is restricted to the following and no other uses:

- (a) Agricultural Uses**
- (b) Open Space Recreation**

APPENDIX A: FLOODPLAIN MANAGEMENT

1. APPLICATION OF FLOODPLAIN SPECIFICATIONS

- a) Pursuant to Section 969(5) of the Municipal Act (*now see Section 910 of the Local Government Act*), after a bylaw has specified flood construction levels and floodplain setbacks:
 - i. the underside of any floor system, or the top of any pad supporting any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above that specified level, and
 - ii. any landfill required to support a floor system or pad shall not extend within any setback from a watercourse or body of water specified by the bylaw or the Minister of Environment.
- b) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the flood construction levels specified in Section 3.2(2)(a) of the bylaw. The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
- c) The Building Inspector, or such person appointed by the Board of the Regional District of Kitimat-Stikine may require that a British Columbia Land Surveyor's certificate be required to verify compliance with the flood construction levels and floodplain setbacks specified in Sections 3.2(2)(a) and (b) of the bylaw. The cost of verification shall be assumed by the land owner.

2. SITE-SPECIFIC EXEMPTIONS

An application by a property owner to the Minister of Environment, Lands and Parks for a site-specific exemption shall be completed upon a form provided by the Regional District of Kitimat-Stikine and submitted in accordance with the instructions on the application.

3. GENERAL EXEMPTIONS

Pursuant to Section 969(6) of the Municipal Act (*now see Section 910 of the Local Government Act*), the Minister of Environment, Lands and Parks may exempt types of developments from the requirements of Section 969, subject to conditions he may impose. The General Exemptions which have been approved by the Minister are provided below for information purposes.

- (a) The following types of development are exempt from the requirement of Section 969(5)(a) of the Municipal Act (*now see Section 910 of the Local Government Act*), as it pertains to the flood construction levels specified in Section 3.2(2)(a) of this bylaw:
 - i. A renovation of an existing building or structure that does not involve an addition thereto;

- ii. An addition to a building or structure, at the original non-conforming floor elevation, that would increase the size of the building or structure by less than 25 percent of the floor area existing at the date of adoption of this bylaw, provided that the degree of nonconformity regarding setback is not increased;
- iii. That portion of a building or structure to be used as a carport, garage or entrance foyer;
- iv. Farm buildings other than dwelling units and closed-sided livestock housing;
- v. Hot water tanks and furnaces behind standard dykes;
- vi. Closed-sided livestock housing behind standard dykes;
- vii. Heavy industry behind standard dykes;
- viii. On-loading and off-loading facilities associated with water oriented industry and portable sawmills.

(b) The following types of development are exempt from the requirement of Section 969(5)(a) of the Municipal Act (*now see Section 910 of the Local Government Act*), as it pertains to the flood construction levels specified in Section 3.2(2)(a) of this bylaw, subject to the following conditions:

- i. **Farm Dwelling Units:** Farm dwelling units on parcel sizes 8.1 hectares, or greater, located within the Agricultural Land Reserve, shall be located with the underside of a wooden floor system or the top of a pad of any habitable area (or in the case of a manufactured home, the top of pad or the ground surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the flood construction levels specified in Section 3.2(2)(a) of this bylaw, whichever is the lesser.
- ii. **Closed-sided Livestock Housing:** Closed-sided livestock housing not behind standard dykes shall be located with the underside of the wooden floor system or the top of the pad (or in the case of a manufactured home, the top of the pad or the grounds surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the flood construction levels specified in Section 3.2(2)(a) of this bylaw, whichever is the lesser.
- iii. **Industrial Uses:** Industrial Uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the pad (or in the case of a manufactured home, the top of the pad or the ground surface on which it is located) no lower than the flood construction levels specified in Section 3.2(2)(a) of this bylaw, minus freeboard. Main electrical switchgear shall be no lower than the flood construction level.