

POWELL RIVER REGIONAL DISTRICT

BYLAW NO. 321, 1999

Being a bylaw of the Powell River Regional District to establish
Land Use Regulations for the Nootka Street area.

WHEREAS the Regional Board has given due regard to:

- (a) the need to preserve the Nootka Street residents' rural lifestyle;
- (b) the need to ensure the level of development in the Nootka Street area is consistent with available services, including water, sewer, and fire protection; and
- (c) the importance of protecting the area's aquifer by restricting the density of residential development which generates wastes, increases the speed of runoff, and consumes large volumes of groundwater.

NOW THEREFORE, in open meeting assembled, the Board of the Powell River Regional District enacts pursuant to Section 903 of the Municipal Act as follows:

SECTION 1 - TITLE

1.1 This bylaw shall be cited as the "Nootka Street Zoning Bylaw, No. 321, 1999".

SECTION 2 - APPLICATION

2.1 This bylaw applies to the area described in Schedule "A".

SECTION 3 - DEFINITIONS

3.1 In this bylaw:

"**Dwelling Unit**" means one or a set of self-contained, habitable and inter-connected rooms occupied or intended to be occupied for residential and domestic purposes by one family.

"**Family**" means one or more persons related by blood, marriage, adoption, foster parenthood, or by common-law relationship and sharing one dwelling unit, or not more than seven unrelated persons sharing one dwelling unit.

"Parcel" means the smallest unit into which an area of land is held or divided, whether that unit be a lot, block or other division of land, but does not include a highway.

"Regional District" means the Powell River Regional District.

SECTION 4 - BASIC PROVISIONS

GENERAL PROHIBITION

4.1 No person shall develop, use or occupy any land, building or structure in contravention of the provisions of this bylaw.

ENFORCEMENT AND INSPECTION

4.2 The Regional Planner or Bylaw Enforcement Officer is authorised to enter at all reasonable times on any property subject to this bylaw to ascertain whether the regulations of this bylaw are being observed.

4.3 Every person who:

- (a) violates any of the provisions of this bylaw;
- (b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
- (c) neglects or omits to do anything required under this bylaw;
- (d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw; or
- (e) fails to comply with an order, direction or notice given under this bylaw;

is guilty of an offence under this bylaw.

4.4 Each day that an offence exists or is permitted to exist shall constitute a separate offence.

4.5 A person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000).

SECTION 5 - LAND USE REGULATIONS

DENSITY

- 5.1 The density of residential development shall not exceed:
- (a) one dwelling unit per parcel 0.6 hectare in area or smaller; nor
 - (b) one dwelling unit per 0.6 hectare for parcels greater than 0.6 hectare in area.

DWELLING CONFORMANCE

- 5.2 Where two or more dwelling units have been lawfully constructed on a parcel at the time of adoption of this bylaw, the dwelling units are deemed to conform to this bylaw despite any non-compliance under Section 5.1.

SECTION 6 - SEVERABILITY

- 6.1 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, such decision shall not affect the validity of the remaining portions of this bylaw.

SECTION 7 - ADOPTION

READ A FIRST TIME the 27th day of May, 1999.
READ A SECOND TIME the 24th day of June, 1999.
PUBLIC HEARING HELD the 7th day of July, 1999.
READ A THIRD TIME the 22nd day of July, 1999.
RECONSIDERED AND ADOPTED the 26th day of August, 1999.

S. Gisborne, Chair

Frances Ladret, Secretary-Treasurer

