

Powell River Regional District
Bylaw No. 99

WHEREAS the Regional Board considers it advisable and necessary to divide part of the Regional District into zones and to regulate the use of land, and the use, size, shape and siting of buildings and structures within such zones;

AND WHEREAS The Regional Board has given due regard to:

1. the promotion of health, safety, convenience and welfare of the public;
2. prevention of the overcrowding of land and preservation of the amenities peculiar to any zone;
3. the securing of adequate light, air and access;
4. the value of the land and the nature of its present and prospective use and occupancy;
5. the character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses; and
6. the conservation of property values

AND, WHEREAS, it is recognized that land designated as "Agricultural Land Reserve" is subject to the Agricultural Land Commission Act, Regulations made pursuant to the Agricultural Land Commission Act, and relevant Orders of the provincial Agricultural Land Commission made pursuant to the Agricultural Land Commission Act;

NOW THEREFORE, the Regional Board of the Powell River Regional District in open meeting assembled ENACTS AS FOLLOWS:

SECTION 1 - SHORT TITLE

This bylaw may be cited as "Texada Island Zoning Bylaw No. 99, 1982."

SECTION 2 - APPLICATION

This bylaw shall be applicable to Electoral Area D.

SECTION 3 - DEFINITIONS

In this bylaw, unless the context otherwise requires:

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| "accessory to" | means customarily incidental to; |
| "building" | means any structure and every part thereof which is designed, erected or intended for the support, enclosure or protection of persons or property; |
| "land" | includes the surface of water; |
| "natural boundary" | means the visible high-water mark of 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 upon the soil of the bed of the watercourse a character distinct from that of the banks or shore thereof, in respect of the vegetation as well as in respect of the nature of the soil itself; |
| "parcel" | means lot, block or other area in which land is held or into which land is subdivided; |

- "refuse" includes litter, rubbish, trash, garbage and any other matter or material discarded and collected for disposal or storage, whether or not any such litter, rubbish, trash, garbage or other matter or material has value or is capable of being used for a useful purpose;
- "structure" means anything constructed or erected and every part thereof, the use or construction of which requires location on the ground or attachment to something having a location on the ground, but shall not include fences;
- "watercourse" means sea, ocean, or other tidal water and lake, stream, creek, river, spring, swamp or marsh and includes a gully, a ravine or other natural or man made depression having defined banks and a bed 0.6 metres (2 feet) or more below the surrounding land serving to retain or give direction to a flow of water either continuously or intermittently and if intermittently, then at least six months of a year.

SECTION 4 - ESTABLISHMENT OF ZONES

4.1 Electoral Area D of the Regional District is hereby divided into the following Zoning Districts and such Zoning Districts are hereby designated and described by the following classifications:

<u>Zoning District</u>	<u>Short Form</u>	<u>Schedule No.</u>
Refuse Storage	RS	1
Rural	RU	2

- 4.2 The extent and area of each zone is shown on the "Official Zoning Map" attached to this bylaw as Schedule "A" which Official Zoning Map is hereby made and declared to be part of this bylaw.
- 4.3 Where the zone boundary is designated on the Official Zoning Map as following a road allowance or river, stream or creek, the centre line of such road allowance or river, stream or creek shall be the zone boundary.
- 4.4 Where a zone boundary does not follow the boundaries of subdivided parcels on record in the Land Title Office, electoral area boundaries, or some other legally defined line and where the distances are not specifically indicated, the location of the boundary of the zone shall be determined by scaling from the Official Zoning Map.
- 4.5 In addition to the general regulations provided in Section 10 of this bylaw the regulations for each zone shall be as set forth in Section 11 District Schedules, which District Schedules are an integral part of this bylaw.

SECTION 5 - ADMINISTRATION AND ENFORCEMENT

- 5.1 This bylaw shall be administered by the Secretary-Treasurer of the Regional District or by any other official of the Regional District who may be appointed by the Regional Board.
- 5.2 Any official of the Regional Board charged with the administration of this bylaw or appointed under Section 5.1 is hereby authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of this bylaw are being observed.

SECTION 6 - GENERAL PROHIBITIONS

- 6.1. No land, building or structure shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, altered, moved or extended except in conformity with this bylaw and the contrary shall be unlawful.
- 6.2 No person shall cause, suffer or permit any building or structure to be erected, constructed, altered, moved, extended, used or occupied, or any land to be used or occupied in contravention of this bylaw.
- 6.3 No person shall prevent or obstruct any official charged with the administration of this bylaw or appointed hereunder from entering onto any land or into any building or structure at any reasonable time for the purposes of ascertaining whether the regulations herein are being observed.

SECTION 7 - OFFENCE AND PENALTY

Every person who violates any provision of this bylaw shall be guilty of an offence for each day the said violation continues and shall be liable on summary conviction to a fine of not less than \$50.00 and not more than \$2,000.00 for each offence.

SECTION 8 - AMENDMENT

- 8.1 In addition to the requirements of the Municipal Act, the following requirements for an amendment to this bylaw shall apply:
 - (a) An application for amendment shall be in writing and shall be submitted to the Secretary-Treasurer of the Regional District.
 - (b) Each application shall include:
 - (i) a statement of the nature and purpose of the amendment applied for;
 - (ii) a statement of reasons in support of the application;
 - (iii) a sketch plan sufficiently identifying the land to be rezoned.
- 8.2 Notice of any amendment of this bylaw having the effect of rezoning an area of the Regional District from one zone to another zone shall be mailed or otherwise delivered to the owners and occupiers of all real property within the area subject to the rezoning and within a radius of 1.5 kilometres in all directions from the boundaries of the area subject to the rezoning.

SECTION 9 - INTERPRETATION

- 9.1 Imperial units of measurement are provided in brackets for convenience only and do not form part of this bylaw.
- 9.2 If any provision of this bylaw is unenforceable or is declared invalid or is void for any reason whatsoever, such unenforceability, or invalidity shall not affect the enforcement or validity of the remaining provisions of this bylaw and such provision shall be severable from the other provisions of this bylaw.

SECTION 10 - GENERAL SITING PROVISIONS

In addition to the requirements provided in each District Schedule, the following requirements shall apply in all Zoning Districts:

- 10.1 No building or structure shall be sited less than 15 metres from the natural boundary of any watercourse provided that if such watercourse is the subject of a licence pursuant to the Water Act RSC 1979 C.429 and amendments thereto as a source of water supply for domestic purposes then every building or structure shall be sited at least 30 metres from the natural boundary of such watercourse.
- 10.2 Section 10 does not apply to a building or structure existing at the time this bylaw comes into force, except that any subsequent structural alteration, extension or addition to such building or structure shall comply with Section 10.
- 10.3 Without restricting the generality of Section 9.2, if all or any provision of Section 10 is unenforceable, declared invalid or void for any reason whatsoever such unenforceability, or invalidity shall not affect the enforcement or validity of the remaining provisions of this bylaw and Section 10 or any provision therein shall be severable from the other provisions of this bylaw.

SECTION 11 - DISTRICT SCHEDULES

11.1 Schedule 1 - Refuse Storage Zone (RS)

In a Refuse Storage Zone, the following uses of land, buildings and structures and no others shall be permitted:

- (a) storage on or under the surface of the land of refuse that has been transported to the land from elsewhere;
- (b) disposal of refuse that has been transported to the land from elsewhere and includes disposal by incineration, land fill or any other method of disposal;
- (c) buildings and structures accessory to the uses permitted in Clauses (a) and (b) hereof.

11.2 Schedule 2 - Rural Zone (RU)

In a Rural Zone, the following uses of land, buildings and structures and no others shall be permitted:

- (a) all uses except those permitted in the Refuse Storage Zone;
- (b) all uses accessory to the uses permitted in clause (a) hereof.

This bylaw shall come into force and take effect upon adoption.

READ A FIRST TIME this 25th day of November 1982

READ A SECOND TIME this 25th day of November 1982

PUBLIC HEARING HELD the 9th day of December 1982

READ A THIRD TIME this 16th day of December 1982

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS the 23rd day of February, 1983.

~~APPROVED~~ pursuant to the provisions of section

817 of the "Municipal Act" this 23

day of Feb. 1983

[Signature]

Minister of Municipal Affairs

APPROVAL No. 830200

RECONSIDERED AND FINALLY PASSED AND ADOPTED by the REGIONAL BOARD this 24th day of March, 1983.

L. Emmonds
Chairman

Don Cabot
Secretary-Treasurer

I, hereby, certify that the foregoing is a true and correct copy of Bylaw No. 99, cited as "Texada Island Zoning Bylaw No. 99, 1982", as read a third time by the Regional Board on the 16th day of December, 1982.

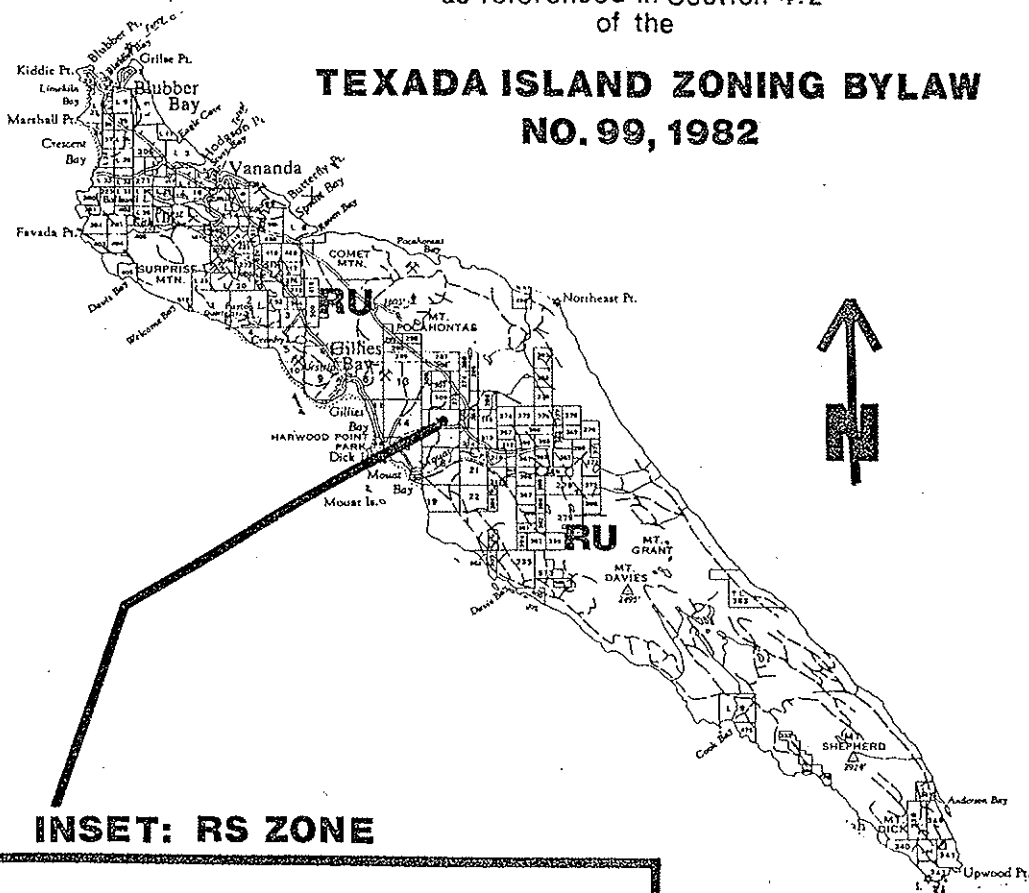
Don Cabot
Secretary-Treasurer

Schedule A

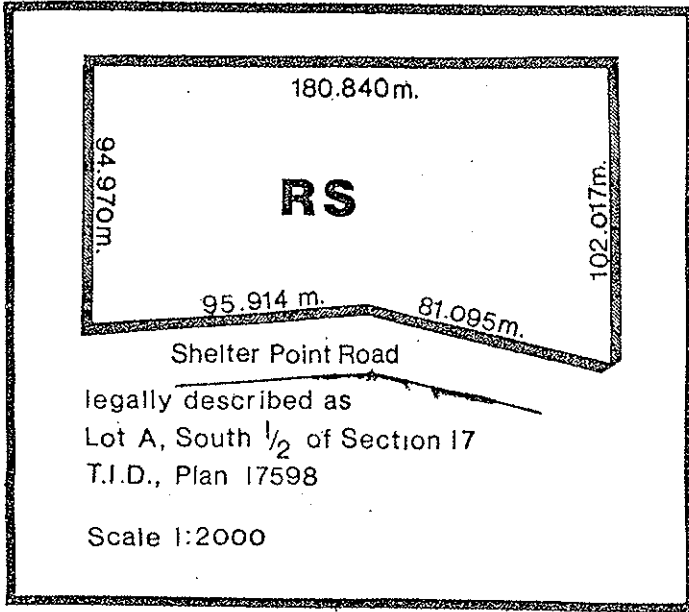
ZONING MAP

as referenced in Section 4.2
of the

TEXADA ISLAND ZONING BYLAW NO. 99, 1982



INSET: RS ZONE



Unless otherwise designated on this map, all areas are zoned RU, including the area extending 300 metres out from the high water mark.

scale 1:250,000