
LUND WATERSHED ZONING BYLAW NO. 513, 2017

**A BYLAW TO ESTABLISH LAND USE REGULATIONS
IN THE LUND WATERSHED**

WHEREAS the Regional Board has given due regard to:

1. The need to ensure the sustained availability of sufficient quantities of good-quality water for domestic purposes.
2. The prevention of erosion and consequent siltation of watercourses by:
 - a) minimizing large-scale clearing of land;
 - b) minimizing road construction; and,
 - c) minimizing unnecessary disturbance to natural drainage patterns.
3. The need to safeguard watercourses from sewage and other household wastes.
4. The avoidance of development which would generate industrial wastes harmful to water quality.
5. The necessity of maintaining an adequate recharge area.

NOW THEREFORE the Board of the Powell River Regional District in open meeting assembled **HEREBY ENACTS PURSUANT TO THE *LOCAL GOVERNMENT ACT* AS FOLLOWS:**

SECTION 1 - TITLE

- 1.1 This Bylaw may be cited for all purposes as "Lund Watershed Zoning Bylaw No. 513, 2017".

SECTION 2 – APPLICATION

- 2.1 This Bylaw applies to the area described in Schedule A.

SECTION 3 – DEFINITIONS

3.1 All words defined in this section appear throughout this document in capitals.

"ACCESSORY BUILDINGS AND STRUCTURES" means a BUILDING or STRUCTURE which is subordinate to the principal use of the land, provided that such BUILDINGS or STRUCTURES are permitted under the provisions of this Bylaw.

"ACCESSORY HOME OCCUPATION" means the use of a SINGLE-FAMILY DWELLING or ACCESSORY BUILDINGS AND STRUCTURES for the administrative, clerical or professional operation of a business or PERSONAL SERVICE USE, or for the studio of an artist, music teacher, musician or craftsman, as long as it is carried out by the resident(s) of the property and no outdoor storage is associated with the use.

"ACCESSORY HOME OCCUPATION WORKSHOP" means the use of ACCESSORY BUILDINGS AND STRUCTURES (which are enclosed and do not exceed 150 square metres (1,614.59 square feet) of TOTAL FLOOR AREA) for the machining, fabricating or welding of metals, woodworking or boat building, as long as it is carried out by the resident(s) of the property and is clearly secondary to the use of land for residential occupancy.

"BED AND BREAKFAST OPERATION" means the use of a SINGLE-FAMILY DWELLING to provide lodging and meals to paying guests on a short-term basis, as long as it is carried out by the resident(s) of the property, and is clearly an accessory use to a SINGLE-FAMILY DWELLING.

"BUILDING" means any STRUCTURE that encloses and shelters a use.

"CONTRACTOR'S STORAGE YARD" means the use of a PARCEL of land for the storage of a maximum of 3 pieces of heavy equipment which are ancillary to an ACCESSORY HOME OCCUPATION use located on the same property and carried out by the resident(s) of the property.

"DWELLING UNIT" means a BUILDING used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.

"DRINKING WATER HEALTH HAZARD" means a condition or thing in relation to drinking water that is likely to endanger public health, or hinder the prevention or suppression of disease.

"FAMILY"	means one or more persons related by blood, marriage, adoption, foster parenthood, or a common-law couple sharing one DWELLING UNIT; or not more than seven unrelated persons sharing one DWELLING UNIT .
"FAMILY DAYCARE"	means the use of a BUILDING for the care of children as defined by the provincial <i>Community Care and Assisted Living Act</i> .
"HIGH WATER MARK"	means a point on the shoreline that corresponds: <ul style="list-style-type: none">a) for a controlled lake, to the highest water level within the normal operating range; orb) for any other body of tidal or non-tidal water, to the average highest water level calculated from measurements taken over a sufficient number of years to enable a reasonable estimate.
"HOUSEHOLD ANIMAL"	means an animal kept by a household, which is used or the product of which is primarily and directly used by the household and is not for sale or profit, and includes fowl and poultry, but excludes livestock.
"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.
"PERSONAL SERVICE USE"	means a use whereby professional or personal services are provided, and includes hairdressing salons, photography studios, travel agents, consultants, offices of health care professionals, small appliance repairs, and the incidental retail sale of goods commonly associated with these uses.
"PUBLIC PARK"	means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the <i>Park Act</i> and includes land designated under other provincial statutes for purposes of preservation and habitat protection.
"PUBLIC UTILITY"	means an organization that maintains infrastructure for a public service including water, electrical, telephone, sewer, storm water drainage or roads, and subject to forms of public control and regulation ranging from local community-based groups to government agencies providing service for the benefit of the community, and includes all works and construction incidental thereto.

"PUMPHOUSE"	means a BUILDING of which the TOTAL FLOOR AREA shall not exceed 9 square metres (96.88 square feet) that is accessory to a SINGLE-FAMILY RESIDENTIAL use and used to protect the pump and related works necessary to supply water to a SINGLE-FAMILY DWELLING.
"SINGLE-FAMILY DWELLING"	means a residential BUILDING that is occupied or intended to be occupied as the principal residence of a person or family, and is not attached to another residence.
"SINGLE-FAMILY RESIDENTIAL"	means the use of a PARCEL of land for a SINGLE-FAMILY DWELLING.
"STRUCTURE"	means anything constructed or erected, whether fixed to, supported by or sunk into land or water, but does not include concrete or asphalt paving or similar surfacing of a PARCEL.
"TOTAL FLOOR AREA"	means the total area of all floors of all stories contained within the exterior walls of a BUILDING.
"WATER SUPPLY SYSTEM"	means a domestic water system, other than a domestic water system that serves only one SINGLE-FAMILY DWELLING.
"WATERCOURSE"	means a natural body of water flowing on or under the earth and includes rivers, streams, brooks and creeks, but not artificially-created bodies of water or drainage ditches.
"WATERSHED AREA"	means that area enclosed by a dashed boundary line on the zoning map attached hereto as Schedule A.
"WETLAND"	means land that is covered mostly by water and includes lakes, swamps, marshes, bogs and fens.

SECTION 4 - BASIC PROVISIONS

GENERAL PROHIBITION

- 4.1 No person shall subdivide, develop, use or occupy any land, BUILDING or STRUCTURE in contravention of the provisions of this Bylaw.

NON-CONFORMING BUILDING AND USES

- 4.2 If a BUILDING or land use is not permitted in this bylaw, but was legally in existence at the date of adoption of this bylaw, it may continue legally as a non-conforming use and be maintained pursuant to Section 528 of the *Local Government Act*.

ENFORCEMENT AND INSPECTION

- 4.3 The Manager of Planning, their designate, or another person designated by the Regional Board is authorized to enter at all reasonable times on any property subject to this Bylaw to ascertain whether the regulations, prohibitions and requirements of this Bylaw are being observed.

- 4.4 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.

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

- 4.6 A person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding \$2,000.00.

SEVERANCE

- 4.7 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 5 - GENERAL REGULATIONS APPLICABLE TO ALL ZONES

SETBACK REQUIREMENTS

- 5.1 No BUILDING or STRUCTURE or any part thereof and no septic tank shall be sited or situated within 30 metres (98.43 feet) of the HIGH WATER MARK of any WATERCOURSE or WETLAND in the WATERSHED AREA.
- 5.2 No sewage disposal absorption field or other approved means of sewage ground disposal or any part thereof shall be permitted within 60 metres (196.85 feet) of the HIGH WATER MARK of any WATERCOURSE or WETLAND in the WATERSHED AREA.
- 5.3 Notwithstanding any other provision of this Bylaw, no BUILDING used to house HOUSEHOLD ANIMALS, shall be located within 60 metres (196.85 feet) of the HIGH WATER MARK of any WATERCOURSE, WETLAND or a well in the WATERSHED AREA.
- 5.4 No ACCESSORY HOME OCCUPATION WORKSHOP or CONTRACTOR'S STORAGE YARD shall be sited within 60 metres (196.85 feet) of the HIGH WATER MARK of any WATERCOURSE or WETLAND or within 15 metres (49.21 feet) of any interior side lot line in the WATERSHED AREA.

SITE EXCEPTIONS

- 5.5 Except where regulated in other zones, the setback requirements of this Bylaw do not apply with respect to:
 - a) works necessary for the operation of a PUMPHOUSE or WATER SUPPLY SYSTEM;
 - b) chimneys, bay windows or ornamental features which project beyond the face of the BUILDING;
 - c) eaves, stairways, balconies or fences.

ACCESSORY BUILDINGS AND STRUCTURES

- 5.6 ALL BUILDINGS AND STRUCTURES associated with an agricultural use shall be deemed to be ACCESSORY BUILDINGS AND STRUCTURES.
- 5.7 ACCESSORY BUILDINGS AND STRUCTURES are permitted in all zones except the LP Zone, provided that:
 - a) the principal use is being performed on the same PARCEL; or
 - b) a BUILDING for the purpose of the principal use has been or is being constructed on the same PARCEL.

5.8 The maximum combined TOTAL FLOOR AREA of all ACCESSORY BUILDINGS AND STRUCTURES permitted on a PARCEL is determined according to PARCEL size as follows:

<u>PARCEL Size</u>	<u>Maximum Combined TOTAL FLOOR AREA Permitted</u>
a) 1 hectare (2.47 acres) or less	200 square metres (2,153 square feet)
b) 2 hectares (4.94 acres) or less	250 square metres (2,691 square feet)
c) greater than 2 hectares (4.94 acres)	250 square metres (2,691 square feet) for the first 2 hectares (4.94 acres), and 250 square metres (2,691 square feet) for each additional 2 hectares (4.94 acres), up to a maximum of 2500 square metres (26,910 square feet).

RESTRICTIONS ON USE

5.9 All permitted uses are subject to the following restrictions:

- a) no use of land is permitted which results in the escape or disposal of a waste product which would constitute a DRINKING WATER HEALTH HAZARD harmful to the sustained purity and flow of water in the watershed; and,
- b) no use of land is permitted which results in the storage of materials which produces a leachate which would constitute a DRINKING WATER HEALTH HAZARD harmful to the sustained purity and flow of water in the watershed.

5.10 No ACCESSORY HOME OCCUPATION WORKSHOP or CONTRACTOR'S STORAGE YARD is permitted on PARCELS less than 1 hectare (2.47 acres) in area.

5.11 No more than one ACCESSORY HOME OCCUPATION WORKSHOP or CONTRACTOR'S STORAGE YARD is permitted on one legal PARCEL.

SECTION 6 - CREATION AND DEFINITION OF ZONES

ZONES

6.1 The lands to which this Bylaw is applicable are divided into zones designated and described as follows:

<u>Abbreviations</u>	<u>Zone</u>
LP	Lakes Protection
WP	Watershed Protection
WR	Watershed Rural
AG	Agricultural
RS1	Resource One
RS2	Resource Two

the boundaries of which, together with explanatory legends, notations and references, are shown, described and delineated on Schedule A.

6.2 Where a registered PARCEL of land is included in more than one zone, each portion of the PARCEL shall be subject only to the zoning regulations applicable to the zone in which the portion is situated as if it were a separately registered PARCEL of land.

SECTION 7 – LP ZONE (LAKES PROTECTION)

INTENT

The intent of the LP Zone is to protect water quality in Lund, Thulin and Petri Lakes from activities and uses which could result in pollution of essential water resources.

PERMITTED USES

7.1 The following uses of land are permitted and all other uses are prohibited in the LP Zone:

- a) PUBLIC UTILITY.

SECTION 8 – WP ZONE (WATERSHED PROTECTION)

INTENT

The intent of the WP Zone is to protect the Lund Watershed from activities and uses which could result in erosion, siltation and pollution of essential water resources.

PERMITTED USES

8.1 The following and no other uses are permitted in the WP Zone:

- a) PUBLIC UTILITY; and
- b) SINGLE-FAMILY RESIDENTIAL.

DENSITY

8.2 No more than one SINGLE-FAMILY DWELLING shall be permitted on a PARCEL.

SECTION 9 –WR ZONE (WATERSHED RURAL)

INTENT

The intent of the WR Zone is to permit SINGLE-FAMILY RESIDENTIAL use of land on large rural PARCELS.

PERMITTED USES

9.1 The following and no other uses are permitted in the WR Zone:

- a) SINGLE-FAMILY RESIDENTIAL;
- b) ACCESSORY HOME OCCUPATION;
- c) ACCESSORY HOME OCCUPATION WORKSHOP;
- d) BED AND BREAKFAST OPERATION;
- e) CONTRACTOR’S STORAGE YARD;
- f) FAMILY DAYCARE;
- g) PUBLIC PARK; and,
- h) PUBLIC UTILITY.

DENSITY

9.2 No more than one SINGLE-FAMILY DWELLING shall be permitted on any legal PARCEL which is 2 hectares (4.94 acres) or smaller. On PARCELS greater than 2 hectares (4.94 acres), one SINGLE-FAMILY DWELLING is permitted on the first 2 hectares (4.94 acres) of land, and for each additional 2 hectares (4.94 acres) of land within the PARCEL, one additional SINGLE-FAMILY DWELLING is permitted, provided that no PARCEL shall have more than ten SINGLE-FAMILY DWELLINGS.

SECTION 10 – AG ZONE (AGRICULTURAL)

INTENT

The intent of the AG Zone is to permit agricultural production on lands within the provincial Agricultural Land Reserve.

PERMITTED USES

10.1 The land uses permitted on land designated Agricultural are those permitted by the provincial *Agricultural Land Commission Act* and Regulation.

DENSITY

10.3 No more than one SINGLE-FAMILY DWELLING shall be permitted on a PARCEL.

SECTION 11 – RS1 ZONE (RESOURCE ONE)

INTENT

Land within the RS1 Zone is provincial Crown land and subject to the provincial *Forest and Range Practices Act*. The intent of the RS1 Zone is to advocate to the provincial Ministry of Forests, Lands and Natural Resource Operations that all uses of these lands meet provincial standards for the protection of community watersheds.

SECTION 12 – RS2 ZONE (RESOURCE TWO)

INTENT

Land within the RS2 Zone is Private Managed Forest Land and subject to the provincial *Private Managed Forest Land Act*. The intent of the RS2 Zone is to advocate to the owners of private managed forest land that all uses of these lands meet provincial standards for the protection of community watersheds.

SECTION 13 – RESCIND

13.1 Bylaw No. 178, 1989, and any and all amendments thereto are hereby rescinded.

READ A FIRST TIME this 22nd day of **June**, 2017.

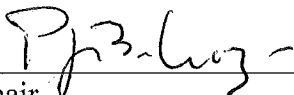
READ A SECOND TIME this 22nd day of **June**, 2017.

PUBLIC HEARING HELD this 12th day of **July**, 2017.

READ A THIRD TIME this 27th day of **July**, 2017.

RECEIVED APPROVAL OF THE MINISTER OF TRANSPORTATION AND
INFRASTRUCTURE this 11th day of **August** , 2017.

ADOPTED this 24th day of August, 2017.




Chair



Corporate Officer

I hereby certify that this is a true and correct copy of "Lund Watershed Zoning Bylaw No. 513, 2017" as ADOPTED by the Board of Directors of the Powell River Regional District the 24th day of August, 2017.



Corporate Officer

Dated at Powell River, B.C. this 25th day of August, 2017

