

POWELL RIVER REGIONAL DISTRICT

MYRTLE POND ZONING BYLAW NO. 426, 2011

**BEING A BYLAW TO ESTABLISH LAND USE REGULATIONS FOR LANDS
WITHIN THE MYRTLE POND WATER SERVICE AREA**

WHEREAS the Regional Board has given due regard to:

1. The need to ensure that the Myrtle Pond Water System users have sufficient, sustained quantities of high-quality water for domestic and COMMERCIAL RECREATION purposes;
2. The importance of protecting the area’s aquifer by restricting the density of residential development and those land uses which generate waste, increase the speed of runoff, and consume large volumes of groundwater; and
3. The need to preserve the rural character and lifestyle of the area.

NOW THEREFORE the Board of the Powell River Regional District in open meeting assembled HEREBY ENACTS PURSUANT TO SECTIONS 903 AND 910 OF THE *LOCAL GOVERNMENT ACT* AS FOLLOWS:

SECTION 1 - TITLE

1.1 This Bylaw may be cited for all purposes as "Myrtle Pond Zoning Bylaw No. 426, 2011".

SECTION 2 – DEFINITIONS

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

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

"ACCESSORY HOME OCCUPATION" means the use of a DWELLING UNIT 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 no outdoor storage is associated with the use.

- "APARTMENT" means a BUILDING which contains three or more DWELLING UNITS.
- "BUILDING" means any STRUCTURE that encloses and shelters a use.
- "CAMPSITE" means any site that provides space for temporary overnight accommodation in a tent, trailer, recreational vehicle or motor vehicle.
- "COMMERCIAL
AUTO RESTORATION
AND REPAIR" means the operation of a commercial auto repair and restoration shop.
- "COMMERCIAL
RECREATION" means a use providing overnight accommodation and recreational opportunities in association with natural amenities and includes the following uses and no other uses:
- a) campgrounds providing temporary overnight accommodation to the recreating public; in tents, motor vehicles and trailers, recreation vehicles;
 - b) an office and food concession outlet, a laundry facility and playground; and
 - c) a swimming pool.
- "COMMUNITY
WATER
SYSTEM" means a use of land for the construction, maintenance and operation of a waterworks system which serves two or more PARCELS and is owned, operated and maintained by an improvement district, municipality or regional district under the *Local Government Act*, *Community Charter* or the *Water Act*, or is regulated under the *Water Utility Act*.
- "DUPLEX" means two DWELLING UNITS placed one above the other or side by side in a principal BUILDING on a single PARCEL.
- "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 not more than one FAMILY and containing not more than one set of cooking facilities.
- "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.
- "GARAGE SUITE" means one or more habitable rooms, used for lodging of a person or persons, that do not contain cooking facilities and are located above a detached garage

or attached to the side or rear of a detached garage that is accessory to the principal DWELLING UNIT.

"LOT COVERAGE" means the ratio of the area of all portions of a PARCEL covered by BUILDINGS and STRUCTURES including concrete and asphalt paving and campsites whether or not occupied by motor vehicles or recreational vehicles, expressed as a percentage.

"MOTEL" means a BUILDING or group of BUILDINGS comprising sleeping or living units for the accommodation of transient guests for compensation.

"ONE-FAMILY RESIDENTIAL" means the use of a PARCEL of land for a RESIDENTIAL DWELLING.

"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.

"PUBLIC PARK" means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the *Park Act* and includes land designated under other provincial statutes for purposes of preservation and habitat protection.

"PUBLIC UTILITY" means the provision of electrical, gas, sewage disposal, water, storm drainage, transportation or any other similar service for the benefit of the community as a whole and includes all works and construction incidental thereto.

"RENTAL DWELLING" means a single FAMILY dwelling or mobile home unit which provides year round rental accommodation.

"RESIDENTIAL DWELLING" means a BUILDING containing not more than one DWELLING UNIT.

"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.

"WATERCOURSE" means:

- a) sea, ocean, salt water marsh or other tidal water, lake, stream, river, creek, spring, pond, ravine, swamp and gulch; and
- b) a place that perennially or intermittently contains surface water; but does not include artificially created bodies of water or drainage ditches.

SECTION 3 - BASIC PROVISIONS

APPLICATION

3.1 All provisions hereof apply to the area described in Schedule A.

GENERAL PROHIBITION

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

ENFORCEMENT AND INSPECTION

3.3 The Regional Planner or a 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.

3.4 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 subdivision or construction on or use of land or use of a BUILDING or other STRUCTURE 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.

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

3.6 A person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding two thousand dollars.

SEVERANCE

3.7 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 4 - GENERAL REGULATIONS APPLICABLE TO ALL ZONES

FLOOD CONSTRUCTION LEVEL AND SET BACK PROVISIONS

- 4.1 The following flood proofing setback and elevation restrictions apply to land adjacent to WATERCOURSES:
- a) No BUILDING or any part thereof shall be constructed, reconstructed, moved, located or extended within fifteen metres of the natural boundary of a WATERCOURSE.
 - b) The underside of the floor system of any BUILDING area used for habitation, business or storage of goods damageable by floodwaters or, in the case of a mobile home or unit, the ground level on which it is located, shall not be located lower than one point five metres above the natural boundary of a WATERCOURSE.

SITING EXCEPTIONS

- 4.2 Except as otherwise provided in particular zones, the setback requirements of this Bylaw do not apply to:
- a) the provision of works required for the operation and maintenance of a PUBLIC UTILITY;
 - b) chimneys, bay windows or ornamental features which project beyond the face of a BUILDING; or
 - c) eaves, stairways, balconies or fences.

ACCESSORY BUILDINGS AND STRUCTURES

- 4.3 ACCESSORY BUILDINGS AND STRUCTURES are permitted in all zones, provided that:
- a) the principal use is being conducted 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.
- 4.4 The maximum combined TOTAL FLOOR AREA of all ACCESSORY BUILDINGS AND STRUCTURES on a PARCEL shall not exceed fifteen percent of the PARCEL area.

PARCEL SIZE AND AREA REGULATIONS

Compliance with Minimum PARCEL Area

- 4.5 No PARCEL shall be created which is less than the minimum PARCEL area specified for the zone in which the land is located.
- 4.6 Where a PARCEL on record in the Land Title Office prior to the enactment of this Bylaw is less than the minimum PARCEL area permitted in the applicable zone, the PARCEL may be used for the uses permitted in the zone, provided that residential density does not exceed one DWELLING UNIT per PARCEL.

PARCEL Area Exceptions

- 4.7 The PARCEL area provisions for each zone do not apply:
 - a) where a PARCEL is created solely for locating unattended equipment necessary for the operation of a PUBLIC UTILITY and where no sewage would be generated;
 - b) to a PARCEL being created for PUBLIC PARK purposes where such PARCEL is shown as “Park” on the plan of subdivision;
 - c) where two or more PARCELS are being combined into a single PARCEL;
 - d) where existing PARCEL boundaries are being adjusted, provided that no PARCEL is enlarged to an area which will permit further subdivision.

PERMITTED USES IN ALL ZONES

- 4.8 The following uses shall be permitted in any zone:
 - a) PUBLIC PARK;
 - b) PUBLIC UTILITY.

SECTION 5 - CREATION AND DEFINITION OF ZONES

ZONES

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

<u>Abbreviations</u>	<u>Zone</u>
LDR	Low Density Residential
SR	Suburban Residential
CARR	COMMERCIAL AUTO RESTORATION AND REPAIR
CR	COMMERCIAL RECREATION
MFR1	Multi-FAMILY Residential One
MFR2	Multi-FAMILY Residential Two
MFR3	Multi-FAMILY Residential Three

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

- 5.2 Schedule A forms part of this Bylaw.
- 5.3 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 6 – LDR ZONE (LOW DENSITY RESIDENTIAL)

INTENT

The intent of the LDR zone is to permit ONE-FAMILY RESIDENTIAL development while maintaining a semi-rural setting and lifestyle for lands that are serviced by a COMMUNITY WATER SYSTEM.

PERMITTED USES

6.1 The following and no other uses are permitted in the LDR zone:

- a) ONE-FAMILY RESIDENTIAL;
- b) GARAGE SUITE;
- c) ACCESSORY HOME OCCUPATION.

PARCEL AREA

6.2 The minimum PARCEL area of PARCELS created by subdivision shall be 1.0 ha (2.47 acres).

DENSITY

6.3 Residential density in the LDR zone shall not exceed:

- a) One DWELLING UNIT on PARCELS 1.0 ha (2.47 acre) in area or smaller; nor
- b) One DWELLING UNIT per 1.0 ha (2.47 acre) on PARCELS 2.0 ha (4.94 acres) or more in area.

SECTION 7 - SR ZONE (SUBURBAN RESIDENTIAL)

INTENT

The intent of the SR zone is to provide for spacious country living in a semi-rural setting being serviced by a COMMUNITY WATER SYSTEM.

PERMITTED USES

7.1 The following and no other uses are permitted in the SR zone:

- a) ONE-FAMILY RESIDENTIAL;
- b) GARAGE SUITE;
- c) ACCESSORY HOME OCCUPATION.

PARCEL AREA

7.2 The average PARCEL area of PARCELS created by subdivision must be at least 0.4 ha (0.99 acres) provided no lot is less than 0.25 ha (.62 acres) in area.

DENSITY

7.3 Residential density in the SR zone shall not exceed:

- a) One DWELLING UNIT on PARCELS 0.4 ha (0.99 acres) in area or smaller; nor
- b) One DWELLING UNIT per 0.4 ha (0.99 acres) on PARCELS 0.8 ha (1.98 acres) or more in area.

SECTION 8 - CARR ZONE (COMMERCIAL AUTO RESTORATION AND REPAIR)

INTENT

The CARR zone recognizes an existing auto restoration and repair shop.

PERMITTED USES

8.1 The following and no other uses are permitted in the CARR zone:

- a) COMMERCIAL AUTO RESTORATION AND REPAIR.

PARCEL AREA

8.2 The average PARCEL area of PARCELS created by subdivision must be at least 1.0 ha (2.47 acres) in area.

DENSITY

8.3 The following density restrictions apply to each PARCEL in the CARR zone:

- a) No residential use is permitted within the CARR zone.

LOT COVERAGE

8.4 The LOT COVERAGE shall not exceed fifty percent.

SECTION 9 - CR ZONE (COMMERCIAL RECREATION)

INTENT

The CR zone recognizes an existing tourist commercial operation.

PERMITTED USES

9.1 The following and no other uses are permitted in the CR zone:

- a) COMMERCIAL RECREATION;
- b) Accessory RESIDENTIAL DWELLING;
- c) MOTEL;
- d) RENTAL DWELLING;
- e) DUPLEX.

PARCEL AREA

9.2 The average PARCEL area of PARCELS created by subdivision must be at least 1.0 ha (2.47 acres) in area.

DENSITY

- 9.3 The following density restrictions apply to each PARCEL in the CR zone:
- a) Two accessory RESIDENTIAL DWELLINGS to the COMMERCIAL RECREATION use shall be permitted;
 - b) One accessory RESIDENTIAL DWELLING to the concession outlet shall be permitted;
 - c) Nineteen MOTEL sleeping or living units shall be permitted;
 - d) Eight RENTAL DWELLINGS shall be permitted;
 - e) Two DUPLEXes shall be permitted;
 - f) Four CAMPSITES shall be permitted.

LOT COVERAGE

9.4 The LOT COVERAGE shall not exceed fifty percent.

SECTION 10 – MFR1 ZONE (MULTI-FAMILY RESIDENTIAL ONE)

INTENT

The intent of the MFR1 zone is to accommodate existing DUPLEXes.

PERMITTED USES

10.1 The following and no other uses are permitted in the MFR1 zone:

- a) DUPLEX;
- b) ACCESSORY HOME OCCUPATION.

PARCEL AREA

10.2 The average PARCEL area of PARCELS created by subdivision must be at least 0.4 ha (1.0 acre) provided no lot is less than 0.25 ha (.6 acres) in area.

DENSITY

10.3 One DUPLEX shall be permitted per PARCEL in the MFR1 zone.

SECTION 11 – MFR2 ZONE (MULTI-FAMILY RESIDENTIAL TWO)

INTENT

The intent of the MFR2 zone is to accommodate an existing APARTMENT.

PERMITTED USES

11.1 The following and no other uses are permitted in the MFR2 zone:

- a) APARTMENT;
- b) ACCESSORY HOME OCCUPATION.

PARCEL AREA

11.2 The average PARCEL area of PARCELS created by subdivision must be at least 0.4 ha (1.0 acre) provided no lot is less than 0.25 ha (.6 acres) in area.

DENSITY

11.3 One APARTMENT with eleven DWELLING UNITS shall be permitted per PARCEL in the MFR2 zone.

SECTION 12 – MFR3 ZONE (MULTI-FAMILY RESIDENTIAL THREE)

INTENT

The intent of the MFR3 zone is to accommodate existing RENTAL DWELLINGS.

PERMITTED USES

12.1 The following and no other uses are permitted in the MFR3 zone:

- a) ONE-FAMILY RESIDENTIAL;
- b) ACCESSORY HOME OCCUPATION;
- c) RENTAL DWELLING.

PARCEL AREA

12.2 The average PARCEL area of PARCELS created by subdivision must be at least 0.4 ha (1.0

acre) provided no lot is less than 0.25 ha (.6 acres) in area.

DENSITY

12.3 One RESIDENTIAL DWELLING shall be permitted per PARCEL plus one or more RENTAL DWELLING(s), provided the total density does not exceed one DWELLING UNIT per 0.123 ha in the MFR3 zone.

READ A FIRST TIME this 24th day of March, 2011.

READ A SECOND TIME this 24th day of March, 2011.

PUBLIC HEARING held the 20th day of April, 2011.

READ A THIRD TIME this ____ day of _____, 2011.

RECONSIDERED AND FINALLY ADOPTED this ____ day of _____, 2011.

Colin S. Palmer, Chair

Mac Fraser, Chief Administrative Officer

