

**DISTRICT OF STEWART**

**BYLAW NO. 651**

A BYLAW OF THE DISTRICT OF STEWART TO PROVIDE FOR REGULATIONS GOVERNING THE USE OF LAND, BUILDINGS AND STRUCTURES WITHIN THE DISTRICT OF STEWART

WHEREAS Division 4 of Part 29 of the "Municipal Act" provides that Council may by Bylaw divide the whole or a portion of the area of the Municipality into zones and define each zone:

AND WHEREAS said division further provides that Council may by Bylaw regulate the use of land, buildings and structures, including the surface of water, within such zones:

AND WHEREAS Council has passed Bylaw No. 504 cited as the "Zoning Bylaw of the District of Stewart, 1984" as amended:

AND WHEREAS Council now deems it expedient to re-establish such zones and regulations in accord with the Municipal Act:

NOW THEREFORE the Council of the District of Stewart in open meeting assembled hereby enacts as follows:

## PART 1 - TITLE AND APPLICATION

### 1.1 TITLE

This Bylaw may be cited for all purposes as the "DISTRICT OF STEWART ZONING BYLAW 651, 1996."

### 1.2 APPLICATION

1.2.1 This Bylaw shall be applicable to all of the area within the boundaries of the District of Stewart.

1.2.2 The location of the zones established by this Bylaw are shown on Schedule "A" which is attached to and forms part of this Bylaw.

### 1.3 SEVERABILITY

If any section, subsection, sentence or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, it shall not affect the validity of the remaining parts of this Bylaw or the validity of this Bylaw as a whole.

### 1.4 REPEAL OF PREVIOUS BYLAWS

The "District of Stewart Zoning Bylaw No. 504" and amendments thereto are hereby repealed.

## PART 2 - DEFINITIONS

2.1 In this Bylaw, the following words, terms, phrases or expressions shall have the respective meaning hereinafter assigned to them unless the context otherwise required:

"ACCESSORY USE" - means a use which is secondary and ordinarily incidental to that of a permitted principal use of the land, building or structure situated on the same lot.

"ASSEMBLY HALL" - means a use of a building or structure for the assembly, gathering, or meeting of persons for religious, charitable, philanthropic, cultural, educational or any other purpose not otherwise specifically defined in the Bylaw.

"AUTO BODY SHOP" - means the use of a building or structure for the purpose of the structural repair of vehicles, including painting or metal plating. This use specifically excludes the wrecking and/or storage of derelict vehicles.

"AUTOMOTIVE REPAIR SHOP" - means a building, structure, or premises used or intended to be used for major repairs to motor vehicles and parts thereof, but shall not include motor vehicle manufacture or assembly.

"AUTOMOBILE SALVAGE OR WRECKING YARD" - means an area outside of an enclosed building where motor vehicles are wholly or partially disassembled, dismantled, or junked, or where vehicles not in operable condition or used parts of motor vehicles are stored.

"AUTO COURT OR MOTEL" - means a building or group of buildings providing at least 6 separate sleeping or dwelling units intended to be occupied primarily by the travelling public.

"BED AND BREAKFAST" - means the partial use of a single family dwelling for transient tourist accommodation in which sleeping units are rented on a short term basis, and may include the provision of breakfast served on the premises.

"BUFFER AREA" - means a landscaped area; the purpose of which is to provide visual and physical separation in each zone along designated highways, for screening from adjacent zones, and to mask or separate outdoor storage, refuse sites and utility kiosks.

"BUILDING" - means a structure, located on the ground, which is designed, erected or intended for the support, enclosure, or protection of persons or property.

"BYLAW ENFORCEMENT OFFICER" - means the person or his/her delegate appointed by the District of Stewart to enforce regulatory bylaws of the Municipality.

"BUILDING ACCESSORY" - means a building, the use of which is ancillary to that of the principal building on the same lot.

"CARWASH" - means a building or structure containing facilities for washing motor vehicles, including tunnel car washers, coin operated automatic car washers, and coin operated self service car washers.

"COMMERCIAL CARDLOCK FACILITY" - means an establishment where petroleum products are dispensed from fuel pumps utilizing a cardlock or keylock system, but does not include gasoline stations or fuel bars.

"COMMERCIAL VEHICLE" - means a motor vehicle:

- (1) upon which there is displayed a valid and subsisting commercial license plate issued pursuant to the Commercial Transport Act; and

- (a) upon which there is or ought to be displayed a valid and subsisting license plate issued pursuant to Division 2 of Part II of the Municipal Act; or
- (b) which has a height greater than 2.4 metres (7.87 feet).

"COMMUNITY CARE FACILITY" - means a facility eligible to be licensed under Section 5(iii) of the Community Care Facility Act. (See also "PERSONAL CARE FACILITY.")

"CONVENIENCE STORE" - means a building or premises used for the sale, primarily of food products, but which may include the sale of a variety of common household items, and which specifically excludes the sale of common specialty products as a principle use and may also include a banking machine.

"COUNCIL" - means the Municipal Council of the District of Stewart.

"COVERAGE" - means the combined area covered by all buildings or structures on the lot, including carports and enclosed walkways.

"DAY CARE FACILITY" - means a facility providing group day care, family day care, nursing school, child minding, out of school care, or specialized day care in accordance with the provisions of the Provincial Child Care Facilities Regulations of the Community Care Facility Act.

"DERELICT VEHICLE" - means any vehicle or part thereof which:

- (1) is not capable of operating under its own power;
- (2) does not have attached number plates for the current year pursuant to the regulation of the Motor Vehicle Act of the Province of British Columbia, but shall not include recreational vehicles or a vehicle deemed to be a collector item outlined in the list of cars recognized by the Vintage Car Club of Canada.

"DUPLEX" - same as "DWELLING, TWO FAMILY."

"DWELLING" - means a building, occupied exclusively as a home, residence, or sleeping place, but shall not include motels, hotels, or similar transient accommodation.

"DWELLING UNIT" - means one or more habitable rooms, constituting a self contained unit with a separate entrance.

"DWELLING, SINGLE FAMILY" - means any building consisting of one dwelling unit which is occupied or intended to be occupied as a permanent home or residence of one family.

"DWELLING, TWO FAMILY" - means any building on a single lot divided into no more than two dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one family.

"DWELLING, TOWNHOUSE OR ROW HOUSE" - means a block of at least three side by side family dwelling units, where each family dwelling unit is separated from each other by a party wall.

"DWELLING, APARTMENT" - means any building divided into not less than three dwelling units each of which is occupied as a permanent home or residence of one family as distinct from a hotel, motel, autocourt or similar transient accommodation.

"FAMILY" - means an individual or two or more persons related by blood, marriage or adoption, or a group of not more than 5 unrelated non-transient persons, living together as a single non-profit group, and includes servants employed on the premises.

"FINANCIAL INSTITUTION" - means a bank, credit union, acceptance corporation, trust company, finance company or similar establishments, but does not include a building or premises containing a single bank machine.

"FLOOD CONSTRUCTION LEVEL" - means a Designated Flood Level plus Freeboard, or where a Designated Flood Level cannot be determined, a specified height above a Natural Boundary, or any obstruction that could cause ponding.

"FLOOD, DESIGNATED" - 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 stream flow 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.

"FLOOD LEVEL, DESIGNATED" - means the observed or calculated elevation for the Designated Flood, which is used in the calculation of the Flood Construction Level.

"FLOODPLAIN SET-BACK" - 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 Level, so as to maintain a floodway and allow for potential land erosion.

"FLOOR AREA" - means the total area of all the floors, measured to the extreme outer limits of the buildings.

"GRADE" - means the finished ground level at the centre of the exposed wall of a building.

"GRADE NATURAL" - means the elevation of the undisturbed natural ground at the outermost corner of the footprint of the foundation wall. Surveys shall be done by a B.C. Land Surveyor.

"GROCERY STORE" - means a building used for the sale of food products.

"HABITABLE ROOM" - means a room designed for living, sleeping, eating or food preparation, including a living room, dining room, bedroom or kitchen.

"HEDGE" - means a row of low bushes, trees, or shrubs planted closely together to form a border.

"HEIGHT OF BUILDINGS" - means the vertical distance from the mean grade level to the highest point of the roof surface if a flat roof, the deck of a mansard roof; and the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

"HIGHWAY" - includes a street, road, lane, bridge, viaduct or any other public right-of-way. Highway includes common access within a strata plan which has been subdivided pursuant to the Condominium Act, but does not include other private rights-of-way on private property.

"HOME OCCUPATION" - means an occupation or profession which is clearly incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling, and which generates little or no traffic.

"HOTEL" - means a building which contains sleeping units used or intended to be used for the temporary accommodation of transient lodgers. A hotel may include ancillary facilities such as a restaurant, meeting rooms, convention facilities, gift shop, recreational facilities and/or pub. For the purpose of the Bylaw, "HOTEL" includes motels and motor hotels.

"IMPERIAL VALUES" - in parenthesis are included to facilitate the application of the Bylaw during the period of transition. All values governed by this Bylaw will be metric.

"LAUNDROMAT" - means a building used for the purpose of receiving articles or goods of fabric or leather to be subjected to the process of dry cleaning, dry dyeing, or cleaning, processing and for the distribution of any such articles or goods which have been subjected to any such processes. Also means a building or portion thereof where machines for the washing and drying of articles or goods of fabric are provided to be operated by customers.

"LIGHT INDUSTRIAL USE" - means a use providing for the processing, sale fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, or repairing of goods, materials or things and the selling of industrial equipment.

"LOT" - means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Registry Office.

"LOT AREA" - means the total horizontal area within the lot lines of a lot and includes both land and water surfaces, but excludes any rights-of-way.

"LOT CORNER" - means a lot whose front or rear lot line and at least one side lot line abut, or will abut, a highway.

"LOT COVERAGE" - means the footprint of the building(s), on the lot, expressed as a percentage of the lot area, but excludes permitted projections into required yards as otherwise provided for in this Bylaw.

"LOT DEPTH" - means the shortest distance between the centre of the front lot line and the centre of the rear lot line or, in the case of a pie shaped lot, an irregular lot with more than four sides, the shortest distance between the centre of the front lot line and the point at which the two side lot lines intersect, or in the case of a through lot, the line joining the centre points of the two front lot lines.

"LOT LINE, FRONT" - means the boundary of the lot and the street on which the lot abuts, and:

- (1) in the case of a corner lot, either lot line which abuts the highway may be considered the front lot line; however, the rear lot line must be opposite to the front line, and
- (2) in the case of a corner lot, only one front lot line need be provided in which case the other lot line abutting a highway becomes a flanking-side lot line, and
- (3) in the case of a through lot, the lines abutting the highway shall be considered front lot lines.

"LOT LINE, REAR" - means the lot line furthest from and opposite to the front lot line.

"LOT LINE, SIDE" - means a lot line marking the boundary between two lots, or between a lot and a lane, or between a lot and a public street in the case of a corner lot; of which at least one end intersects a front lot line.

"MARINA" - means a facility which provides moorage space for watercraft and may also include, as accessory uses, administrative offices, recreational lounges, restaurants, the retail sale of marine supplies and equipment, laundromat, shower facilities, dock-side boat repair, marine fueling installations, and water taxi docks, but does not include a marine public house.

"MOBILE HOME" - means a transportable, single, or multiple-section single family housing unit that conforms to the CSA Z240 Series of Standards at time of manufacture. It shall be ready for occupancy upon completion of set-up in accordance with required factory recommended installation instructions.

"MOBILE HOME PARK" - means a site used or intended to be used for the purpose of providing pads for the accommodation of two (2) or more mobile homes, upon which a rental charge is imposed for the use of such pads.

"MOBILE HOME LOT - INDIVIDUAL" - means an area of land within a Mobile Home Park or Residential Zone designated for the location of one mobile home and its permissible additions, and includes yard areas and parking areas for the one mobile home.

"MODULAR HOME" - means a factory built single family dwelling that conforms to the CSA A277 Series of Standards at time of manufacture.

"MOTEL" same as "AUTOCOURT."

"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.

"OFFICE" - means a place of business where the principle function is intellectual activity and skill usage other than assembly, manufacturing, repairing or servicing of goods. I includes file areas, storage of office supplies, record keeping, financial records, client and account records, space for interviewing clients and similar space use.

"PARCEL" same as "LOT."

"PARKING SPACE" - means a space within a building or a parking area, for the parking of one vehicle, excluding driveways, ramps, columns, office and work areas.

"PERMITTED USE" - means the principle, permissible purpose for which land, buildings or structures may be used, and for the purpose of the Bylaw all uses not listed as permitted shall be deemed to be a prohibited use in that zone.

"PERSONAL CARE" - means assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for him or herself due to age, infirmity, physical or mental defect, or other disability.

"PERSONAL CARE FACILITY" - means a use or facility in which food, lodging and care or supervision are provided, with or without charge, to persons unrelated to the operator of the facility, who on account of age, infirmity, physical or mental disability, require special care. This definition specifically excludes residential facilities which are licensed under Park 5 of the Community Care Facility Act.

"PRINCIPAL USE" - means the main purpose for which land, buildings, or structures are ordinarily used.

"PRINCIPAL BUILDING" - means the main building or structure on a parcel of land and includes customary appurtenances.

"PUBLIC TRANSPORTATION" - means any vehicles licensed for the purpose of conveying the travelling public.

"RECREATIONAL FACILITY" - means the use of land, buildings or structures for gymnasiums, indoor or outdoor racquet courts, curling rinks, skating rinks, swimming pools, aerobic studios or weight rooms, billiard halls, bowling alley and the like, and specifically excludes amusement arcades.

"RECREATIONAL VEHICLE" - means any camper, travel trailer, fifth wheel, motor home, or the like which can be used to provide sleeping accommodation; but specifically excludes mobile home and tents.

"RESTAURANT" - means an eating establishment where food is sold to the public for consumption within the premises and includes facilities that include take-out as an accessory or principle use.

"RETAIL STORE" - means a store in which any type of goods or wares are sold or rented to the final consumer, provided that the product may be stored and sold from within a building. This definition includes without limitation such uses as appliance stores, art galleries, bakery shops, banks, barbers, billiard halls, book shops, bowling alleys, business offices, cafes, clothing stores, credit unions, delicatessens, department stores, dressmakers, drugstores, dry cleaners, finance offices, fraternal clubs, grocery stores, hairdressers, hardware stores, health clubs, home furnishing stores, laundromats, printers, professional and semi-professional offices, restaurants, supermarkets, tailors, theatres, variety stores, and veterinary hospitals.

"RIGHT-OF-WAY" - means to grant in perpetuity to the District of Stewart the full, free and uninterrupted right to lay down, install, construct, entrench, operate, maintain, inspect, alter, remove, replace, bury and otherwise establish one or more systems of Works.

"SCREENING" - means a continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.

"SERVICE STATION" - means any building or land the use of which is the retail sale of motor fuels and lubricants and may include diagnostic centres, the servicing and minor repairing of motor vehicles, the sale of accessories and seasonal convenience items provided such items are displayed primarily within a building.

"SETBACK" - means the required minimum distance between a building or use and each of the respective property lines.

"SITE" - means an area of land or surface of water consisting of 1 or more lots used as a unit devoted to a certain use or occupied by a building or structure or group of buildings or structures united by a common interest, use or development.

"SITE AREA" - means the same as lot area, where only one lot is involved, and means the total horizontal area within the lot lines of all the lot to be covered by a use where more than one lot is involved.

"STOREY" - means a habitable space between two floors, or between any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above.

"STRUCTURE" - means anything constructed, placed or erected on land.

"SUBDIVISION" - means a division of land as defined in the Land Title Act and a "BARE LAND SUBDIVISION" as defined in the Condominium Act.

"TOWNHOUSE" - SAME AS "DWELLING, TOWNHOUSE."

"TRANSPORTATION DEPOT" - means a transportation facility providing for the receiving and discharge of passengers travelling by air, rail, water, bus, taxi or other motor-vehicle, and includes as an accessory use the trans-shipment of goods and the maintenance and repair of public transportation equipment.

"TRAVEL TRAILER" - means any recreational structure or vehicle designed to used for temporary living or sleeping purpose.

"USE" - means the purpose for which any lot, site, building, or structure is designed, arranged or intended.

"WATERCOURSE" - means any natural or man made depression with well defined banks and a bed 60 centimetres (two feet) 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 2.5 square kilometres (1 square mile) or more as required by a designated Official of the Ministry of Environment of the Province of British Columbia.

"YARD, FRONT" - means that portion of the lot, extending from one side lot line to the other, between the front line of the lot and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the lot and the parallel line. In the case of a through lot there shall be two such front yards. In the case of a lot with a panhandle access the front yard is defined as the narrowest or panhandle portion of the lot with road frontage.

"YARD, REAR" - means that portion of the lot, extending from one side lot line to the other, between the rear line of the lot and a line drawn parallel thereto. The depth of such yard means the perpendicular distance between the rear line of the lot and parallel line.

"YARD SIDE" - means that portion of the lot, extending from the front yard to the rear yard, between the side line of the lot and a line drawn parallel thereto. The width of such yard shall mean the perpendicular distance between the side line of the lot and the parallel line.

## PART 3 - ADMINISTRATION

### 3.1 GENERAL COMPLIANCE

- 3.1.1 No person shall use or occupy or suffer or permit any person to use or occupy any land or building in contravention of the provisions of this Bylaw.
- 3.1.2 Nothing contained in this Bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to their undertaking.
- 3.1.3 Every use of land, building and structure permitted in each zone shall conform with all of the regulations of the applicable zone and all other regulations in the Bylaw.

### 3.2 INSPECTION

The Bylaw Enforcement Officer and his/her delegates are hereby authorized to enter at all reasonable times upon any property, subject to the regulations of this Bylaw, to ascertain whether the regulations of this Bylaw are being or have been observed.

### 3.3. VIOLATION

Any person who violates any of the provisions of this Bylaw or who suffers or permits any act in contravention of this Bylaw or who neglects to do so or refrains from doing any act or thing to be done or thing which is required to be done by any of the provisions of this Bylaw, commits an offence against this Bylaw and is liable to the penalties hereby imposed. Each day that a violation is permitted to exist shall constitute a separate offence.

### 3.4 PENALTY

A person who contravenes a provision of this Bylaw is guilty of an offence and is liable upon conviction for a first offence to a penalty of not less than \$100.00 and not more than \$2,000.00, and for a second or subsequent offence, to a penalty of not less than \$100.00.

### 3.5 BYLAW AMENDMENTS

Any person applying to have any provision of this Bylaw amended shall apply in writing to the Clerk.

### 3.6 BYLAW APPEAL

The Board of Variance, established pursuant to the "BOARD OF VARIANCE BYLAW NO. 362" and amendments thereto, shall hear and determine any appeal pursuant to the regulations of Section 961 of the Municipal Act.

### 3.7 APPLICATION

Within the District of Stewart no land, buildings and structures, including the surface of water, shall hereafter be used or occupied, and no buildings or structures or parts thereof shall be erected, moved, altered or enlarged, unless in conformity with this Bylaw, and the contrary shall be unlawful.

3.8

NON-CONFORMING USES

- (1) The lawful use of any land, building or structure existing at the time of the adoption of this Bylaw may be continued (subject to the provisions of Section 970 of the Municipal Act), although such use does not conform with the provisions of the Bylaw.
- (2) Any building or structure conforming as to use, but non-conforming as to size, shape, or siting at the time of the effective date of this Bylaw, may be altered, or extended provided that any alteration, or extension shall comply with the regulations specified for the zone in which it is located.
- (3) Any existing residential building or structure conforming as to use but non-conforming as to minimum lot size in Zones R-1, C-1 and I-1 at the time of the effective date of this Bylaw may alter, extend, or replace such existing residential building or structure provided such alteration, extension, or replacement shall comply with all other regulations specified for the zone in which it is located.

3.9

DESIGNATION OF ZONES

The whole of the area within the boundaries of the Municipality is hereby divided into zones with the following zone designations and their short form equivalents:

Zone	
Residential	R-1
	R-2
	R-3
	R-4
	R-5
Commercial	C-1
	C-2
Industrial	I-1
	I-2
Rural	RU-1
Public Use Areas	P-1
Rural Resource	RR

- 3.9.1 The area extent of the said zones is as shown on the attached official District of Stewart Zoning Map which is attached to and hereby declared to be a part of this Bylaw.
- 3.9.2 Where the boundary lines of said zones follow a road allowance, or creek, or right-of-way, the centre line of such road allowance, creek, or right-of-way, shall be the zoning district boundary.
- 3.9.3 Where a zoning district boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the official zoning map.

**3.10**      **ENFORCEMENT**

3.10.1      **Inspection**

The Building Inspector or any employee of the Municipality appointed to administer or enforce this Bylaw, is hereby authorized to enter at all reasonable times upon any property to ascertain whether the regulations and provisions of this Bylaw are being or have been complied with.

3.10.2      **Violation**

- (a)      It is unlawful for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied, or used, or any land to be occupied or used, in contravention of this Bylaw or otherwise to contravene or fail to comply with this Bylaw.
- (b)      It is unlawful for any person to prevent or obstruct, or attempt to prevent or obstruct, the authorized entry of the building inspector or other appointed employee, authorized under this Section of this Bylaw.

3.10.3      **Remedial Powers**

The Council may, in accordance with the provisions of the Municipal Act, authorize the demolition, the removal, or the bringing up to standard of any building, structure, or thing, in whole or in part, that is in contravention of this Bylaw.

**3.11**      **BOARD OF VARIANCE**

- (1)      An appeal may be made to the Board of Variance Limited to the matters specified in Section 961 of the Municipal Act.
- (2)      Any person exercising the right of appeal shall deliver or cause to be delivered to the Secretary of the Board of Variance a written communication setting out in general terms the grounds upon which the appeal is made. The appellant shall give an address to which such notices shall be mailed.
- (3)      The Secretary of the Board of Variance shall notify the Chairman of the Board of Variance who shall forthwith set a date for the hearing of the appeal. Notice of the hearing shall be mailed by the Secretary to:
  - (a)      The members of the Board of Variance.
  - (b)      The appellant to the address given by him.
  - (c)      The owners and occupiers of all real properties listed on the tax assessment rolls which are located within a 150 metre (492 foot) radius from the property with respect to which the appeal is made.
- (4)      The Chairman may require the Secretary to publish a notice of the hearing in a newspaper, published or circulating in the area if the requirements of the applicant are deemed by the Chairman to constitute a major departure from these regulations.

## PART 4 - GENERAL REGULATIONS

### 4.1 USES IN ALL ZONES

4.1.1 Notwithstanding any other provision of this Bylaw the following uses may be located in any zone:

- (a) Public parks and playgrounds.
- (b) Streets, utility poles, wire, underground utilities, traffic control signs.

### 4.2 PRINCIPAL BUILDINGS AND SITING OF BUILDINGS

4.2.1 No residential use building shall be located on the same lot as any non-residential use building, except as otherwise provided for in this Bylaw.

4.2.2 No principal building shall be located in any required yard.

4.2.3 No accessory building shall be located in any required front yard or side yard, except as otherwise provided for in this Bylaw.

### 4.3 ACCESSORY BUILDINGS AND STRUCTURES

4.3.1 Unless otherwise specified, buildings and structures accessory to the permitted use of a parcel of land are permitted in each zone, unless otherwise specified, provided that:

- (a) The principal use is being performed on the parcel; or
- (b) A building for the purpose of the principal use has been constructed on the parcel; or
- (c) A building for the purpose of the principal use is in the process of being constructed on the parcel and the construction is being diligently carried out.

4.3.2 Accessory buildings are subject to the yard requirements set out in the zone, except that the minimum rear yard required is 3 metres (9.84 feet) unless otherwise specified.

4.3.3 The maximum height of an accessory building shall be 4.5 metres (14.76 feet) unless otherwise specified.

4.3.4 Accessory buildings shall not be closer than 1.2 metres (3.94 feet) to a residential use building as measured between the foundation of each.

4.3.5 The sum total of all accessory buildings on an urban residential lot shall not exceed a floor area of 70 square metres (753.5 square feet).

### 4.4 HOME OCCUPATIONS

A professional practice or home occupation is permitted in any residential and multiple family residential family zone provided that:

- (1) The occupation shall involve no internal or external structural alterations to the principal building or dwelling unit.

- (2) No external indication exists that the building is utilized for any purpose other than the dwelling except for a single wall mounted sign not exceeding 0.36 square metres (4 square feet).
- (3) Such occupation shall be carried out by persons residing in the dwelling and shall not involve the use of mechanical equipment, other than health related equipment, save as is ordinarily employed in purely private domestic and household use or for recreational hobbies.
- (4) Such occupation or business shall not require the storage of combustible or dangerous material.
- (5) Such occupation or business shall not require parking or loading area in excess of what is normally required for the residential use and zone in which the residence is located.
- (6) Retail stores save and except professional and semi-professional offices are specifically excluded as a home based business.

#### 4.5

#### TEMPORARY STRUCTURES

Notwithstanding any other provision of this Bylaw, structures of a temporary nature shall be permitted in any zone subject to the following requirements:

- (1) Application shall be made in writing to the Administrator, or other such person as may be appointed, for a permit to erect a temporary building or structure.
- (2) The Administrator, or other appointed official, is satisfied that the proposed temporary building or structure would not constitute or cause a public hazard or public nuisance, nor obstruct unnecessarily any public right-of-way. A permit may be granted for a period of not more than 30 days provided, however, that such permit may be renewed, upon written application for a further period not to exceed thirty days.

#### 4.5.1

The following uses, buildings or structures are permitted to the extent specifically stated:

##### 4.5.1.1 Temporary structures or buildings erected for the purpose of:

- (a) Temporary office space in a zone permitting the use subject to other requirements of this Bylaw; or
- (b) Shelter for construction or maintenance crews; or
- (c) Temporary buildings or structures for the housing of a security guard or night watchman; or
- (d) Sales office for subdivision, provided the office does not exceed a floor area of 70 square metres (753.5 square feet); or
- (e) The storage of materials for the construction or maintenance of any private or public utility, or a building or structure for which a required building permit has been obtained; provided the temporary structure or building is removed within 30 days of completion of the permanent utility, building or structure or 12 months after the temporary building is erected or installed, whichever is the lesser period.

4.5.1.2 Seasonal vending on properties zoned for commercial use, provided that:

- (a) The use is permitted in the zone.
- (b) The temporary building or structure meets the requirements of "DISTRICT OF STEWART BUILDING BYLAW," and amendments thereto.
- (c) The temporary building or structure is connected to the District of Stewart water and sewer systems if required.
- (d) The use meets the parking requirements of this Bylaw.
- (e) The temporary building is not located on space required for parking setback, or open space within the site.

**4.6 DWELLING UNITS, MINIMUM FLOOR AREA**

- (1) No dwelling unit, situated in any residential zone shall contain less than 70 square metres (752 square feet) for each dwelling unit, or 60 square metres (645 square feet) for each mobile home, except as provided for in subsection (2).
- (2) In the case of the multiple family residential zones the minimum dwelling unit floor areas shall be as follows:
  - (a) Bachelor Suite (or studio) 37 square metres (398 square feet).
  - (b) One Bedroom Suite 55 square metres (591 square feet).
  - (c) Two Bedroom Suite 70 square metres (752 square feet).
  - (d) Three or more bedrooms per suite 80 square metres (860 square feet).
- (3) Mobile homes certified by Canadian Standards Association prior to placing on-site as complying with or exceeding the Canadian Standards Association Standard Z240 shall be permitted in the R-1, R-2, R-3, R4 and R-5 zones provided the on-site preparations (foundations, basement, services and installation of appliances) comply with this Bylaw.

**4.7 PARKING REQUIREMENTS AND RESTRICTIONS**

(1) Off street parking shall be provided in accordance with the following schedule:

<u>Building Class, Use or Type</u>	<u>Required Number of Spaces</u>
(a) Single family, two family or duplex dwellings, and dwellings above commercial uses.	1 for each dwelling unit.
(b) Multiple family dwelling.	(i) 1.25 for each dwelling unit. (ii) Off-street parking for recreation vehicles, boats, etc., shall be provided on the basis of 25 square metres (269 square feet) of area, for each 10 dwelling units or fraction thereof that

the projection exceeds 10 dwelling units. This applies to all zones, and is limited to a maximum required 450 square metres (4,839 square feet) of special parking area.

- (c) Senior citizens' housing. 1 for each 2 units.
  - (d) Boarding or lodging houses. 1 for each 2 sleeping units.
  - (e) Hotels, motels, autocourts. 1 per sleeping unit plus 1 space per 5 seats provided as part of restaurant facilities.
- (2) Buildings conforming as to use but non-conforming as to required off-street parking spaces or off-street loading spaces may be occupied, but shall not be extended unless the required off-street parking and off-street loading spaces are provided.
- (3) Off-street parking may be provided collectively on a single piece of land by two or more buildings or uses, provided that the total number of parking spaces when used together is not less than the sum of the requirements for the various individual uses.
- (4) All off-street parking spaces shall have a clear length of not less than 5 metres (16 feet), a clear width of not less than 2.5 metres (8 feet), and a clear height of not less than 2.14 metres (7 feet). When a parking space adjoins a fence or structure over 25 centimetres (10 inches) in height, the width of the parking space shall be increased by 15 centimetres (6 inches) on the side or sides which abuts such fence or structure to enable the opening of vehicular doors.
- (5) All parking areas shall be provided with adequate curbs in order to retain all vehicles within such permitted parking area, and to ensure that fences, walls, hedges or landscape areas, as well as any buildings will be protected from parked vehicles.
- (6) All parking areas shall be provided with adequate driveways to facilitate vehicular movement.
- (7) Unloaded commercial vehicles, equipment, or trucks meeting the following criteria may be parked or stored in any Residential zone:
- (a) An unloaded commercial vehicle not exceeding 23,000 kilograms (50,000 pounds) with a maximum length of 12.2 metres (40 feet).
  - (b) Any unloaded trucks, commercial vehicles or equipment required for the construction, repair, servicing, or maintenance of the premises.

#### 4.8

#### SPECIAL RESTRICTIONS

- (1) Notwithstanding any other provisions of this Bylaw, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any mobile home or unit, modular home or structure be located:

- (a) On, over, or under any portion of the Perpetual Right-of-Way so that it in any way interferes with or damages or prevents access to, or is likely to cause harm to Works authorized hereby to be installed in or upon the Perpetual Right-of-Way.
  - (b) Within 7.5 metres (24.5 feet) of the natural boundary of the Portland Canal or any lake;  
 nor within 30 metres (98.4 feet) of the inside toe of the dyke;  
 nor within 30 metres (98.4 feet) of the natural boundary of the Bear River or any other watercourse.
  - (c) With the underside of the floor system of any area used for habitation, business, or storage of goods damageable by flood waters, or in the case of a mobile home or unit the ground level on which it is located;  
 lower than the top of dyke elevation as required by the designated official of the Ministry of Environment of the Province of British Columbia;  
 or where no dyke exists lower than 1.5 metres (4.9 feet) above the natural boundary of the Portland Canal or any lake, nor;  
 lower than 3 metres (9.8 feet) above the natural boundary of Bear River or any other watercourse, whichever elevation is the higher.
- (2) Clause (1)(c) shall not apply to:
- (a) A renovation of an existing building or structure used as a residence that does not involve an addition thereto.
  - (b) That portion of a building or structure to be used as a carport or garage.
- (3) The required elevation may be achieved by structural elevation of the said habitable, business or storage area or by adequately compacted landfill on which any building is to be constructed or mobile home located, or by a combination of both structural elevation and landfill.

Where landfill is used to achieve the required elevations stated in Clause (1)(c) above, no portion of the landfill slope shall be closer than the distances in Clause (1)(b) from the natural boundary, and the face of the landfill slope shall be adequately protected against erosion from floodwaters.

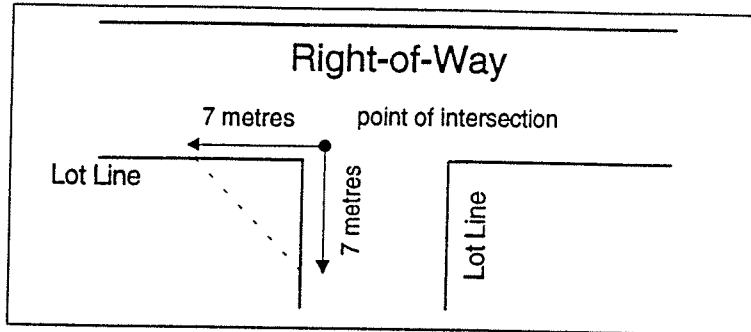
4.9

**VISIBILITY AT INTERSECTIONS**

4.9.1

Where two highways intersect, there shall be no obstruction to the line of vision between 1.0 metre (3.28 feet) and 3 metres (9.84 feet) within an area bounded by the centre line of intersecting lot lines, and a line joining each of the lot lines 7 metres (22.96 feet) from their point of intersection.

DIAGRAM:



4.10

**VEHICLE RESTRICTIONS**

4.10.1

No lot in any zone shall be used for the wrecking or storage of derelict vehicles or more than two (2) unlicensed motor vehicles except where specifically permitted in that zone.

4.10.2

No lot zoned Residential shall be used for the parking, storage or repair of commercial vehicles containing hazardous goods.

4.10.3

Land in any zone may be used for temporary seasonal guest accommodation. Temporary or seasonal guest accommodation is the accommodation of non-paying guests of the owner or occupier of the land in recreational vehicles where such use does not exceed forty-two (42) days within a calendar year.

4.10.4

Temporary or seasonal guest accommodation does not include the renting or letting of recreational vehicles.

4.11

**BED AND BREAKFAST**

4.11.1

Bed and breakfast facilities may be established in any detached single family dwelling in any Residential Zone, subject to the following requirements:

- (a) The operator of the bed and breakfast establishment is resident within the dwelling unit; and
- (b) The density of use for a bed and breakfast where carried out in a detached single family dwelling in a Rural or Residential Zone shall not exceed two (2) bedrooms accommodating a maximum of four (4) guests in addition to children under the age of sixteen (16) under the care and supervision of such guests.

4.11.2

Notwithstanding the requirements of Subsection 4.11.1., bed and breakfast may be established in any detached single family dwelling where multiple family residential is a permitted use subject to the following:

- (a) The density of use of a bed and breakfast where carried out in a detached single family dwelling in a Multiple Family Residential Zone shall not exceed four (4) bedrooms

accommodating a maximum of nine (9) guests in addition to children under the age of sixteen (16) under the care and supervision of such guests.

4.11.3 Off-street parking shall be provided and maintained in accordance with the Off-street Parking Regulations as contained in Part 13 of this Bylaw.

4.12 COMMUNITY CARE FACILITIES

4.12.1 Community care facilities, including day care and nursery school, are permitted in any zone provided that:

- (a) It provides day care for no more than 5 preschool and 2 school aged children.
- (b) It is eligible to be licensed under Section 5(iii) of the Community Care Facility Act.
- (c) Off-street parking for community care facilities, except day care facilities in residential zones, shall be provided and maintained in accordance with the requirements under Section 4.7 of this Bylaw.
- (d) Where a day care facility is located in a residential zone, the parking requirements under Section 4.7 of this Bylaw for a single family dwelling must be provided plus one additional on-site parking space for each employee of the facility.
- (e) A day care facility may be contained in either a principal, an accessory building, or a combination of principal and accessory buildings.

## PART 5 - SINGLE FAMILY RESIDENTIAL ZONES

### 5.1 RESIDENTIAL ZONE R-1

#### 5.1.1 Uses Permitted

- (a) Single family dwellings including mobile homes permitted subject to Section 4.6.3.
- (b) Duplex or two family dwellings.
- (c) Accessory buildings and structures.
- (d) Bed and Breakfast.
- (e) Boarding houses restricted to not more than four boarders or lodgers.
- (f) Day Care facility.
- (g) Home occupation pursuant to Section 4.4.

#### 5.1.2 Minimum Lot Size

The minimum lot size permitted shall be governed by the following schedule:

- (a) Single family dwelling 664 square metres (7,140 square feet) except in the case of a corner lot when the minimum lot size shall be 445 square metres (4800 square feet).
- (b) Duplex or two family dwelling 669 square metres (7,194 square feet).

#### 5.1.3 Accessory Buildings

- (a) Shall not exceed 4 metres (13 feet) in height from existing adjacent road grade.
- (b) Shall have a combined floor area not exceeding 10% of the lot area.
- (c) Shall not occupy more than 2/3 of the width of the rear yard.
- (d) Shall be permitted in the side yard and rear yard, but shall be a minimum of 1.5 metres (4.9 feet) from the rear property line.

#### 5.1.4 Yards

- (a) Front yard minimum 6 metres (19.7 feet) except in the case of a carport or garage ancillary to a single family dwelling, duplex or two family dwelling, the front yard minimum will be 1 metre (3.28 feet).
- (b) Rear yard minimum 6 metres (19.7 feet).
- (c) Side yard minimum 1.5 metres (4.9 feet).
- (d) In the case of a corner lot, if the flanking yard becomes the front, the minimum set-back from the front street shall be 4.6 metres (15 feet).

5.1.5 Lot Coverage

The maximum lot coverage of all buildings and structures shall be governed by the following schedule:

- (a) Single family dwelling shall not exceed 35%.
- (b) Duplex or two family dwelling shall not exceed 35%.

5.1.6 Building Height

The height of principal buildings shall not exceed 10 metres (32.8 feet).

5.2 RESIDENTIAL ZONE R-2

5.2.1 Uses Permitted

- (a) Townhouses.
- (b) Apartment buildings.
- (c) Accessory buildings and structures.
- (d) Boarding houses restricted to not more than four boarders or lodgers.

5.2.2 Minimum Lot Size

- (a) The minimum lot size permitted shall be governed by Sections 5.5.4 and 5.4.7.

5.2.3 Accessory Buildings

- (a) Shall not exceed 4 metres (13 feet) in height from existing adjacent road grade.
- (b) Shall have a combined floor area not exceeding 10% of the lot area.
- (c) Shall not occupy more than 2/3 of the width of the rear yard.
- (d) Shall be permitted in the side yard and rear yard, but shall be a minimum of 1.5 metres (4.9 feet) from the rear property line.

5.2.4 Yards

- (a) Front yard minimum 6 metres (19.7 feet) except in the case of a carport or garage ancillary to a townhouse complex, the front yard minimum will be 1 metre (3.28 feet).
- (b) Rear yard minimum 6 metres (19.7 feet).
- (c) Side yard minimum 1.5 metres (4.9 feet) except where the side yard flanks a street in which case the minimum yard distance shall be 6 metres (19.7 feet).

5.2.5 Lot Coverage

- (a) The maximum lot coverage of a townhouse complex including buildings, driveways and parking areas shall not exceed 50%.
- (b) The maximum lot coverage of apartments including driveway and parking areas shall not exceed 70%.

5.2.6 Building Height

The height of principal buildings shall not exceed 10 metres (32.8 feet).

5.2.7 Maximum Unit Density

- (a) The maximum number of units permitted in a townhouse complex on the site shall be governed by the following schedule:

<u>Number of Bedrooms Per Unit</u>	<u>Site Area Required Per Dwelling Unit</u>
1 bedroom or less	250 square metres (2,688 square feet)
2 bedrooms	285 square metres (3,065 square feet)
3 bedrooms or more	325 square metres (3,495 square feet)

- (b) The maximum number of units permitted in an apartment on the site shall be:

<u>Number of Bedrooms Per Unit</u>	<u>Site Area Required per Dwelling Unit</u>
1 bedroom or less	115 square metres (1,237 square feet)
2 bedrooms	155 square metres (1,667 square feet)
3 bedrooms or more	225 square metres (2,419 square feet)

NOTE: For purposes of calculating the maximum permitted density on a site, fractions of 0.50 or greater shall be rounded off to the next highest whole number.

5.2.8 Off-street Parking

Off-street parking shall be provided in accordance with Part 4.7 of the Bylaw.

5.3 RESIDENTIAL ZONE R-3

5.3.1 Uses Permitted

- (a) Residential Mobile Home Parks as set forth in the District of Stewart Residential Mobile Home Park Bylaw No. 453-1979.
- (b) Parking of recreational vehicles.
- (c) Ancillary Uses such as administration offices, maintenance sheds and washrooms.

5.4 **RESIDENTIAL ZONE R-4**

5.4.1 **Uses Permitted**

- (a) All uses permitted in R-1 Zone.

5.4.2 **Minimum Lot Size**

The minimum lot size shall be 465 square metres (5,000 square feet).

5.4.3 **Accessory Buildings**

- (a) Shall not exceed 4 metres (13 feet) in height from existing adjacent road grade.
- (b) Shall have a combined floor area not exceeding 10% of the lot area.
- (c) Shall be permitted in the side yard and rear yard, but shall be a minimum of 1.5 metres (4.9 feet) from the rear property line.

5.4.4 **Yards**

- (a) Front yard minimum 3.28 metres (10 feet).
- (b) Rear yard minimum 3.28 metres (10 feet).
- (c) Side yard minimum 1.5 metres (5 feet).

5.4.5 **Lot Coverage**

The maximum lot coverage of all buildings and structures shall be governed by the following schedule (a) Single family dwelling including mobile homes shall not exceed 35%.

5.5 **RESIDENTIAL ZONE R-5**

5.5.1 **Uses Permitted**

- (a) All uses permitted in R-1 zone.

5.5.2 **Minimum Lot Size**

The minimum lot size shall be 465 square metres (5,000 square feet).

5.5.3 **Accessory Buildings**

- (a) Shall not exceed 4 metres (13 feet) in height from existing adjacent road grade.
- (b) Shall have a combined floor area not exceeding 10% of the lot area.
- (c) Shall not occupy more than 2/3 of the width of the rear yard.

5.5.4 **Yards**

- (a) Front yard minimum 6 metres (19.7 feet).

(b) Rear yard minimum 6 metres (19.7 feet).

(c) Side yard minimum 1.5 metres (5 feet).

5.5.5 Lot Coverage

The maximum lot coverage of all buildings and structures shall be governed by the following schedule (a) Single family dwelling including mobile homes shall not exceed 35%.

## PART 6 - COMMERCIAL ZONES

### 6.1 COMMERCIAL ZONE C-1

#### 6.1.1 Uses Permitted

- (a) Retail stores including convenience stores, grocery stores.
- (b) Offices.
- (c) Banks and similar establishments.
- (d) Theatres and entertainment centres, such as pool and billiard halls, bowling alleys and similar establishments.
- (e) Personal service establishments such as barbers, bakeries, dry cleaners, financial institutions, appliance repair shops, beauty parlours, photo studios, service stations, dry cleaners, laundromats, carwash.
- (f) Shopping centres, shopping markets.
- (g) Hotels, autocourt motels, restaurants.
- (h) Meeting halls.
- (i) Apartment dwellings as an accessory use.

#### 6.1.2 Minimum Lot Size

A lot shall have a minimum site area of not less than 334 square metres (3,600 square feet), except those uses indicated in the following schedule.

- (a) Single family dwelling 669 square metres (7,194 square feet).
- (b) Duplex or two family dwelling 669 square metres (7,194 square feet).

#### 6.1.3 Conditions of Use

- (a) Every business shall be conducted within a completely enclosed building except for parking and loading facilities, garden shops, and outdoor markets. Uses ancillary to a principal use such as fuel pumps and related equipment are excepted.
- (b) All principal uses shall be oriented to pedestrian needs by way of sidewalk access to each such use and be located to avoid vehicular interference with pedestrian movement.

#### 6.1.4 Lot Coverage

The maximum lot coverage of all buildings and structures shall be governed by the following schedule:

- (a) Retail stores, offices, banks and similar establishments, theatres and entertainment centres such as pool and billiard halls, bowling alleys and similar establishments, personal service

establishments such as barbers, bakeries, dry cleaners, appliance repair shops, beauty parlours, photo studios, etc., shall not exceed 75%.

- (b) Shopping centres and shopping markets, hotels, motels and restaurants shall not exceed 50%.

#### 6.1.5 Yards

Except as otherwise provided for in this zone and in this Bylaw, no front, side or rear yard is required:

- (a) Notwithstanding the foregoing, there shall be no obstruction to the line of vision between the established curb level and the first storey of a building within an area bounded by:
  - (i) The intersecting lot lines at a street corner and a line joining points along said lot lines 2.5 metres (8.20 feet) from their point of intersection;
  - (ii) The intersecting lot lines at a lane intersection and a line joining points along said lot lines 2.5 metres (9.20 feet) from their point of intersection. A lane intersection shall include the intersection of a lane with any other lane or with a street.

#### 6.1.6 Building Height

The height of buildings shall not exceed 10 metres (32.8 feet).

#### 6.1.7 Off-street Parking

Off-street parking shall be provided and maintained in accordance with Part 4.7 of the Bylaw.

### 6.2 COMMERCIAL ZONE C-2

#### 6.2.1 Uses Permitted

- a) Any uses permitted in C-1.
- b) Warehouses.
- c) Contractors' offices.
- d) Transportation depot.
- e) Travel agency.
- f) Public Transportation equipment and repair

#### 6.2.2 Minimum Lot Size

A lot shall have a minimum site area of not less than 334 square metres (3,600 square feet).

#### 6.2.3 Conditions of Use

- (a) Every business shall be conducted within a completely enclosed building except for parking and loading facilities.

6.2.4 Yards

The minimum yards required for a use in the C-2 zone shall be as follows:

- (a) Front yard minimum 6 metres (19.7 feet) except in the case of a carport or garage ancillary to a single family dwelling, duplex or two family dwelling, the front yard minimum will be 1 metre (3.28 feet).
- (b) Rear yard minimum 6 metres (19.7 feet).
- (c) Side yard minimum 1.5 metres (4.9 feet) except where a side yard flanks a street, in which case the minimum side yard distance shall be 6 metres (19.7 feet).

6.2.5 Lot Coverage

The maximum lot coverage of all buildings and structures shall not exceed 50% of the site area.

6.2.6 Building Height

The height of buildings shall not exceed 10 metres (32.8 feet).

6.2.7 Off-street Parking

Off-street parking shall be provided and maintained in accordance with Part 4.7 of the Bylaw.

## SECTION 7 - INDUSTRIAL ZONES

### 7.1 LIGHT INDUSTRIAL ZONE I-1

#### 7.1.1 Uses Permitted

- (a) Light industrial uses including fabrication.
- (b) Lumber and building supply yards including carpentry shops.
- (c) Industrial and agricultural equipment sales, rentals and storage yards.
- (d) Service stations, commercial cardlock facilities.
- (e) Automobile sales, repair and body shops, carwash.
- (f) Warehouses.
- (g) Wholesale establishments.
- (h) Aircraft hangers, airport terminals and weather stations.
- (i) Single family dwellings including a mobile home and a duplex or two family dwelling.
- (j) A residential unit located above an industrial premise shall be a permitted accessory use.

#### 7.1.2 Minimum Lot Size

A lot shall have a minimum site area of not less than 334 square metres (3,600 square feet) except those uses indicated below:

- (a) Single family dwelling 669 square metres (7,194 square feet).
- (b) Duplex or two family dwelling 669 square metres (7,194 square feet).

#### 7.1.3 Conditions of Use

- (a) All permitted uses, except for uses 7.1.1 (2) and 7.1.1 (3) shall be housed completely within an enclosed building. Uses ancillary to a principal use such as fuel pumps and related equipment are excepted.
- (b) Nothing shall be permitted which is, or can become, an annoyance or nuisance to surrounding areas by reason of unsightliness, odour, emission, liquid effluents, dust, noise, fumes, smoke or glare. Uses which are considered offensive under the "Health Act" are strictly prohibited.

#### 7.1.4 Lot Coverage

The maximum lot coverage of all buildings and structures shall be governed by the following schedule:

- (a) All uses permitted except for single family dwellings and duplex or two family dwellings, shall not exceed 60%.

- (b) Single family dwellings, duplex or two family dwellings shall not exceed 35%.

7.1.5 Yards

The minimum yards required for a single family dwelling, duplex or two family dwelling in Zone I-1 shall be governed by the following schedule:

- (a) Front yard minimum 6 metres (19.7 feet) except in the case of a carport or garage ancillary to a single family dwelling, duplex or two family dwelling, the front yard minimum will be 1 metre (3.28 feet).
- (b) Rear yard minimum 6 metres (19.7 feet).
- (c) Side yard minimum 1.5 metres (4.9 feet) except where a side yard flanks a street, in which case the minimum side yard distance shall be 6 metres (19.7 feet).

7.1.6 Building Height

The height of buildings shall not exceed 10 metres (32.8 feet).

7.1.7 Off-street Parking

Off-street parking shall be provided and maintained in accordance with Part 4.7 of the Bylaw.

7.2 HEAVY INDUSTRIAL ZONE I-2

7.2.1 Uses Permitted

- (a) Sawmills, planer mills.
- (b) Log storage and shipping.
- (c) Processing, fabricating, testing mills.
- (d) Marinas.
- (e) Manufacturing, processing, mixing or bulk storage and shipping of petroleum, aggregate produces, mineral ores and concentrates, bituminous coal or tar products.
- (f) Auto wrecking and junk yards.
- (g) Uses permitted in Light Industrial Zone I-1 with the exception of single family dwelling, mobile homes, duplex or two family dwellings.
- (h) One single family dwelling for a caretaker, where such accommodation is essential to the operation of the industry.

7.2.2 Minimum Lot Size

A lot shall have a minimum area of not less than 334 square metres (3,591 square feet).

7.2.3 Lot Coverage

The maximum lot coverage of all buildings and structures shall not exceed 60%.

7.2.4 Building Height

The height of buildings shall not exceed 10 metres (32.8 feet).

7.2.5 Other Provisions

Industrial uses shall not omit or discharge across lot lines:

- (a) Odourous, toxic or noxious matters and vapours.
- (b) Heat, glare, noise or radiation.
- (c) Recurrently generated ground vibrations.

## PART 8 - RURAL RESOURCE ZONE RR

### 8.1 RURAL RESOURCE ZONE RR

Notwithstanding anything contained in this Bylaw, the areas indicated on the zoning map attached hereto and forming part of this Bylaw, are hereby designated as "Rural Zone" RR.

#### 8.1.1 Uses Permitted

The following uses are permitted in the RR zone:

- (a) Forestry, agriculture and mineral extraction subject to the regulatory requirements of the authorities having jurisdiction.
- (b) Camps to accommodate a workforce ancillary to the principal resource extraction.

#### 8.1.2 Condition of Use

All resource extraction and ancillary uses shall require a temporary commercial or industrial permit pursuant to Section 975 of the Municipal Act.

#### 8.1.3 Minimum Lot Size

The minimum lot size in the RR zone shall be 40 hectares (100 acres).

PART 9 - OPEN SPACE, RECREATION AND INSTITUTIONAL P-1

9.1 OPEN SPACE, RECREATION AND INSTITUTIONAL P-1

9.1.1 Uses Permitted

- (a) Public parks, campgrounds and playgrounds.
- (b) Recreation complex, ice arenas, curling rinks, swimming pools, marinas, community halls, libraries, etc.
- (c) Educational institutions, schools, and colleges.
- (d) Places of worship and associated assembly halls.
- (e) Building or buildings ancillary to 10.1.1(1) and (2).
- (f) Hospitals, convalescent facilities and nursing homes.
- (g) Municipal, provincial and federal buildings.
- (h) Public and private open space.

9.1.2 Minimum Lot Size

A lot in the P-1 zone should have a site area of not less than 669 cubic metres or 7,194 square feet.

9.1.3 Minimum Lot Width

The minimum lot width in the P-1 zone shall be not less than 20 metres (60 feet).

9.1.4 Minimum Lot Depth

The minimum lot depth in the P-1 zone shall be not less than 30 metres (100 feet).

9.1.5 Minimum Yard Requirement

- (a) A front yard minimum of 6 metres (20 feet).
- (b) A side yard minimum on each side of the building of 1.5 metres (5 feet) shall be provided.
- (c) A rear yard minimum of 6 metres (20 feet) shall be provided.

9.1.6 Maximum Lot Coverage

Buildings and structures shall not occupy more than 50% of the lot area and shall not together with parking spaces and driveways occupy more than 60% of the lot area.

9.1.7 Off-street Parking

Off-street parking shall be provided and maintained in accordance with Part 4.7 of the Bylaw.

**PART 10 - REPEALMENT**

Bylaws No. 504 - 1980  
532 - 1987  
555 - 1990  
565 - 1991  
620 - 1994 are hereby repealed.

**PART 11 - ADOPTION**

READ a first time this  13  day of  March , 1996.

READ a second time this  8  day of  July , 1996.

with a public meeting held  March 13, May 13, and July 8 , 1996.

READ a third time this  10  day of  July , 1996.

RECONSIDERED AND ADOPTED this  11  day of  July , 1996.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I hereby certify that the above is a true copy of Bylaw 651 of the District of Stewart.

\_\_\_\_\_  
Clerk

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