

NORTHERN ROCKIES REGIONAL DISTRICT

RURAL LAND USE BYLAW NO. 105, 1998

CONSOLIDATED VERSION CONTAINS

**Bylaw No. 129, 2000 - Trans North Developments Ltd
and Permitted Uses**

Bylaw No. 130, 2000 - RLV Holdings Ltd

Bylaw No. 132, 2001 - Commercial/Industrial Zone

**Bylaw No. 135, 2001 - Pounds, Kennels and
Veterinary Clinics**

**Bylaw No. 139, 2001 - Minimum Parcel Size in
Industrial Zone**

May, 1999

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RECORDS OF AMENDMENTS TO THIS BYLAW

WHEREAS the Regional Board may, by bylaw, pursuant to Section 886 of the Local Government Act, adopt a Rural Land Use Bylaw;

AND WHEREAS the Board now wishes to replace the existing rural land use bylaw, cited as “The Peace-Liard Zoning Bylaw No. 85, 1977;

AND WHEREAS this bylaw has been referred to the Fort Nelson First Nations for their reference;

AND WHEREAS this bylaw has been referred to various provincial agencies and School District No. 81 for their comments;

NOW THEREFORE the Board of the Northern Rockies Regional District in open meeting assembled, hereby enacts as follows:

1. TITLE

- (1) This bylaw may be cited for all purposes as the “Northern Rockies Regional District Rural Land Use Bylaw No. 105, 1998”.

2. REPEAL

- (1) The “Fort Nelson Rural Land Use Bylaw No. 26, 1990” 1st and 2nd reading is hereby rescinded and the “Peace-Liard Regional District Zoning Bylaw” and all amendment bylaws thereto are hereby repealed.

3. BACKGROUND INFORMATION

As outlined on Map No. A, attached to and forming part of this bylaw, and based upon the British Columbia Ecoregion Classification System, the Northern Rockies Rural Land Use Plan area is within the Taiga Plains Ecoprovince and the Hay River Land Ecosystem. With this type of classification this area is characterized as containing the following land forms and surface expressions:

- ~ Gentle, moderate and steep sloping terrain with extensive bogs
- ~ Muskegs, black spruce bogs and meandering streams
- ~ The area is underlain by flat or gently dipping shale and sandstones and has a low surface relief
- ~ The elevation of the area ranges from a low of 305 M (1000 ft) to a high of 670 M (2200 ft)

3.1 Current and Projected Demographic Information

Year	Population
1996 (Base year)	1465
2001 (Projected)	1707

3.2 Employment by Sector

Sector	Number of Workers	% of Total
Primary	60	11
Manufacturing	110	20
Construction	40	7.5
Utilities	0	0
Transportation	45	8
Communications	10	2
Wholesale and Retail Trade	80	15
Finance, Insurance and Real Estate	10	2
Accommodations and Food Services	55	10
Health and Education Services	75	14
Federal Government	10	2
Provincial Government	10	2
Local Government	0	0
Other	30	5.5

3.3 Current Land Uses and Tenure Types

The majority of the area contained within the plan boundary is unsurveyed Crown Land with some dispersed farming/grazing operations located near the Town's boundaries. A significant portion of land adjacent to the Town boundaries and within the plan area has been designated as a part of Agricultural Land Reserve (ALR).

The area west of Town contains the majority of the residential development, which is located between Mile 301 and 308 of the Old Alaska Highway. There are three active oil and gas fields located within the rural land use plan boundaries.

The BC Rail site situated south of Fort Nelson serves as the heavy industrial site of the region. Industry located on this site includes the closed Canadian Chopstick Manufacturing plant, Tackama Forest Products, Slocan Oriented Strandboard Plant and oil and gas field related business activities.

The tenure type of the land within the study area ranges from fee simple, privately held land to crown land.

3.4 Current Land Use Statistics

A. Residential Lands (See Map No. A for the approximate location of the Residential Lands)

The current amount of land designated for residential use is 850 Ha (2100 AC) or approximately 5.4% of the plan area.

B. Agricultural Lands (See Map No. A for the approximate location of the Agricultural Lands)

The current amount of land designated for agricultural use is 11,897 Ha (29,397 AC) or approximately 75% of the plan area.

- (B.129/130) C. **Industrial Lands (See Map No. A for the approximate location of the Industrial Lands)**

The current amount of land designated for industrial use is 1012 Ha (??? AC) or approximately 6.4% of the plan area.

- (B. 129/130) D. **Highway Commercial (See Map No. A for the approximate location of the Highway Commercial Lands)**

The current amount of land designated for highway commercial use is 1839 Ha (???? AC) or approximately 12.% of the plan area.

- E. **Landfill (See Map No. A for the approximate location of the Landfill Lands)**

The current amount of land designated for landfill use is 94 Ha (232 AC) or approximately 0.6% of the plan area.

- F. **Airport (See Map No. A for the approximate location of the Airport Lands)**

The current amount of land designated for airport use is 51 Ha (??? AC) or approximately 0.4% of the plan area.

- (B. 132) G. **Commercial/Industrial (See Map No. A for the approximate location of the Commercial/Industrial Lands)**

The current amount of land designated for commercial/industrial use is 31 Ha (??? AC) or approximately 0.2% of the plan area.

4. DEFINITIONS

- (1) In this bylaw, the following definitions apply:

“ACCESSORY BUILDING” means a building or structure separate and subordinate to the principal building, the use or intended use of which, which is incidental, subordinate to or customarily associated with that of the principal building, it is not used for human habitation and is located on the same lot as the building to which it is accessory;

“ACCESSORY USE” means a use customarily incidental and subordinate to the principal use and which is located on the same lot with such principal use to which is accessory;

“AGRICULTURE” means the use of land for a farm operation;

“AGRICULTURE WASTE” means manure, used mushroom medium and agricultural vegetation waste;

“CAMPGROUND” means the use of a lot occupied and maintained or intended to be occupied and maintained for the temporary accommodation of travelers in travel trailers, tent trailers, tents and other similar transportable accommodation. The use of the lot is for a commercial enterprise and it does not include a manufactured home park, motel or hotel;

“COMMUNAL FARM OR COOPERATIVE FARM” means an agricultural enterprise as a principal use in respect of which there are two or more principal dwellings and auxiliary community facilities which supports the primary communal farm use;

“COMMERCIAL GREENHOUSE” means a building or structure covered with a translucent material and used for the purposes of growing plants;

“COMMERCIAL RECREATION USE” means golf course, driving range, racquet sports complex, mini-golf facility, theme park, pool hall, amusement arcade, bowling alley and curling rink or any other similar use where such fees are offered on a fee or charge basis;

“DEVELOPMENT” means a change in the use of the land or in the nature of the use of the land, including but not limited to the subdivision of land, the installation of works and services to serve a new subdivision or the building or placement of structures on land;

“DWELLING” means a building or part of a building in which a person or persons live. This means one or more rooms are to be used as or designated as a residence, which contains sleeping, cooking and sanitary facilities. The dwelling has an independent entrance either directly from outside a building or from a common hallway inside a building. Without restricting the generality of the above, this includes but is not limited to the following classifications:

- (a) Single family detached dwelling, generally designed and occupied by one family
- (b) Duplex dwelling, a building divided horizontally into two (2) separate dwelling units
- (c) Semi-detached dwelling, generally attached by a common wall

“FARM OPERATION” - as defined under the Farm Practices Protection (Right to Farm) Act means any of the following activities involved in carrying on a farm business:

- (a) Growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
- (b) Clearing, draining, irrigating or cultivating land;
- (c) Using farm machinery, equipment, devices, materials and structures;
- (d) Applying fertilizers, manure, pesticides and biological control agents, including ground and aerial spraying;
- (e) Conducting any other agricultural activity on, in or over agricultural land; and includes
- (f) Intensively cultivating in plantations, any
 - (i) speciality wood crops
 - (ii) speciality fibre crops prescribed by the minister;
- (g) conducting turf production in an agricultural land reserve with the approval under the Agricultural Land Commission Act of the Provincial Agricultural Land Commission;
- (h) Aquiculture as defined in the Fisheries Act when carried on by a person licensed, under Part 3, to carry on the business of aquiculture;
- (i) Raising or keeping game, within the meaning of the Game Farm Act, by a person licensed to do so under the Act;
- (j) Raising or keeping fur bearing animals, within the meaning of the Fur Farm Act, by a person licensed to do so under that Act;
- (k) Processing or direct marketing by a farmer of one or both of
 - (i) the products of a farm owned and operated by the farmer, and
 - (ii) within the limits prescribed by the minister, of products not of that farm

to the extent that the processing or marketing of those products is conducted on the farmer's farm; But does not include;

- (l) An activity, other than grazing or hay cutting, if the activity constitutes a forest practice as defined in the Forest Practices Code of British Columbia Act;
- (m) Breeding pets or operating a kennel;
- (n) Growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the minister.

“FORESTRY” - means the growing, harvesting, and storage of primary forest products and the management and protection of forest resources;

“HOBBY FARM OPERATION” - means a tract of land that is under management for the growing and production of crops and/or the rearing of animals. The farming activities are not intended to be the main occupation of the landowner and may provide the landowner a secondary source of income;

“HOME INDUSTRY” - See Section 22 of this by-law;

“HOME OCCUPATION” - See Section 21 of this by-law;

“INSTITUTIONAL USE” - means a non-profit, religious or community operated facility or any of the following; church, library, public or private school, hospital or government owned/operated/contacted building structure or auditorium;

“KENNEL” - means a commercial establishment for the keeping, training, breeding or boarding of domestic animals;

“LOT” - means the smallest unit as shown on the records of the Land Title Office in which land is held, or into which land can be subdivided and includes a strata lot created pursuant to The Condominium Act;

“LOT LINE, FRONT” - means the lot line separating the lot from a highway. In the case of a through lot, the lot lines abutting two parallel or approximately parallel highways shall be considered as front lot lines;

“LOT LINE, REAR” - means the lot line opposite and most distant from the front lot line, or where the rear portion of the lot is bounded by intersecting side lot lines, shall be deemed to be the point of intersecting lines;

“LOT LINE, SIDE” - means a lot line other than a front or rear lot line and consists of either an interior or exterior lot line;

“MANUFACTURED HOME” - means a single-family dwelling built in a factory environment in one or more sections and it is intended to be occupied in a place other than of its manufacture. In British Columbia, manufactured homes include mobile and modular homes that are either completely self-contained dwellings or are incomplete dwellings, which are put together and completed on site. This does not include campers, travel trailers or other vehicles which are exempt from the provisions of the Manufactured Home Act;

“MANUFACTURED HOME PARK” - means a lot under single ownership containing two or more manufactured homes used or intended to be used for residential purposes. This may include a single family dwelling for the operator of the manufactured home park and related accessory uses including laundry, storage and playground facilities and may include a convenience store;

“OFF-STREET LOADING SPACE” - means a space or berth used for the loading or un-loading of cargo or material from vehicles;

“OFF STREET PARKING” - means an area of the lot, other than a highway or road which is used for the parking of motor vehicles of clients, customers, employees residents or tenants

“ON-SITE SEWAGE DISPOSAL SYSTEM” - means sewage generated by an activity located on a parcel of land, is treated and discharged onto the same parcel of land, by an on-site sewer system. The on-site sewage disposal system has to be approved by the provincial agency having such jurisdiction;

“OUTDOOR RECREATION” - means recreational activities normally conducted in an outdoor setting which include, but are not limited to, fishing, hiking, hunting, boating, nature observation, photography and trail riding;

“PAD” - means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a manufactured home, or a concrete pad for supporting a Habitable Area;

(B. 135) **“POUND”** means an approved facility or enclosure, as per Industry Standards, for the care, containment and/or euthanasia of domestic animals and livestock.

“PRINCIPAL BUILDING” - means an existing or proposed building, which contains the principal use of the lot on which it is located;

“PRINCIPAL USE” - means the primary and chief purpose for which land, buildings and structures are used;

“PUBLIC INSTITUTIONAL USE” - means land, buildings, structures or facilities provided by any level of government or agency of any level of government for public park and recreation purposes, education, health, welfare, administration, safety, communications or public works;

“PUBLIC UTILITY” - means a system, work, building, plant, equipment or resource owned by a municipality, a regional district, the Province of British Columbia, the Federal Government, an improvement district, any government agency, a public /private corporation or a registered Society or Association which provides services and facilities at regulated rates, including but not limited to the provision of water, sewer, drainage, natural gas, electricity or communications services;

“REGIONAL BOARD” - means the Board of Directors of the Northern Rockies Regional District;

“REGIONAL DISTRICT” - means the Northern Rockies Regional District;

“SECONDARY SUITES” - means a room or suite of rooms added to and wholly contained within a single –family detached dwelling unit. A secondary suite is an accessory use to the main dwelling unit.

“SETBACK” - means the required minimum distance between a building or use and each of the respective lot lines;

“SURVEILLANCE SUITE” - means a single family dwelling, without a basement used solely to accommodate an employee or persons related to the employee. The sole purpose of this employee is to provide surveillance, maintenance and or security related services for a development located on the same parcel;

“TOURIST ACCOMMODATION” - means buildings or facilities that provide temporary accommodations for tourists. As part of the temporary accommodations, the buildings and facilities may also provide entertainment, restaurant and recreation services. Tourist accommodations include, but are not limited to, a hotel, motel, recreational vehicle park, campground, resort or guest house;

“USE” - means the purpose for which a building or structure or land is used designed, arranged or intended for or for which it is occupied or maintained;

“WATERBODY” - means any of the following:

- (a) the bed and shore of a lake, lagoon, swamp, marsh or other natural body of water; or
- (b) a reservoir or other man-made surface features whether or not it contains water continuously or intermittently.

“WATERCOURSE” - means any of the following:

- (a) the bed and shore of a river, stream, creek or other natural body of water; or
- (b) a canal, ditch or other man-made surface features whether or not it contains water continuously or intermittently.

5. ORGANIZATION

- (1) As required under Section 887 of the Local Government Act, a Rural Land Use Bylaw contains two parts:

Part I is a general statement of the broad objectives and policies of the Regional Board respecting present and future land use and development within the Fort Nelson Rural Area and has the same effect as an Official Community Plan;

Part II implements the Part I policies and may contain provisions, regulations and maps respecting land use.

6. APPLICATION

- (1) This rural land use bylaw applies to the Northern Rockies Rural Land Use Plan area as shown on Map No. A, which is attached to and forms part of this bylaw. Provincial legislation supersedes the policies, objectives and regulations of this Fort Nelson Rural Land Use Plan in all matters within their jurisdiction. In particular, where the provisions of this Plan provide for the development of land located within the Agricultural Land Reserve and these provisions are not consistent with the Agricultural Land Commission Act Regulations or Orders made thereunder, the approval of the Provincial Agricultural Land Commission is recognized as being a precondition for development.

PART 1 GOALS, OBJECTIVES AND POLICIES

7. GOALS AND OBJECTIVES

The policies in this section apply to the areas designated in Map No. 4 and referenced in Section 8 of this bylaw.

(1) Goals of this Plan

The primary goal of this Rural Land Use Bylaw is to promote and enhance the lifestyle choices of the residents. This also includes ensuring that various land use parcel sizes, which complements the lifestyle choice, are available to the residents. The secondary aspect of this plan is to ensure that there is minimal encroachment of man made developments onto the economic resource land base surrounding and within the plan area. The third goal is to protect the sensitive environmental features of the plan area. The Regional District supports the goals of provincial policy with respect to the Agricultural Land Reserve and the protection and encouragement of farming.

(2) Objectives of this Plan

- A. To promote a development pattern that is cost effective to service by encouraging infilling, as much as possible and promoting sensible development.**
- B. To promote a settlement and land use pattern that is compatible with the physical and man made environment.**
- C. To conserve the various and sensitive parts of the natural environment.**

8. DEVELOPMENT POLICIES

The policies in this section apply to the areas designated in Map No. A and referenced in Section 35 to 40 of this bylaw.

(1) Residential (R) Policies

Preamble - The Residential designation signifies that the predominant land use is for residential purposes. The primary focus of this policy is to ensure that the housing stock available in the plan area meets the needs and requirements of the market place for at least five (5) years. This includes but is not limited to private ownership, special needs housing and affordable housing. The housing stock may or may not be occupied on a full time basis. Home occupations or industries, and hobby farms may be considered as a venue for additional economic development activities for the individuals situated in an area with the residential designation.

Development Policies

- (a) The development of any residential lots in a District Lot in an agricultural area may be supported, if they are outside of the Agricultural Land Reserve, and:
 - (i) the land has a poor capability for agriculture, and
 - (ii) the site will have minimal impacts to existing farming operations in the area, and
 - (iii) the site offers an attractive residential setting, and
 - (iv) the development of the site supports clustered or infilling development.
- (b) The preferred development pattern is low density clustered growth.
- (c) The development must respond to the site's physical constraints.
- (d) The proposed development must reflect current market realities.
- (e) The proposed site should be artfully integrated with the other residential clusters to create a unified land use plan.

- (f) **When a rural residential subdivision is contemplated adjacent to the Agriculture Zone, road endings will not be designed to abut the ALR boundary. Setbacks and buffering shall be considered as local planning tools that can be utilized to remedy this issue.**

- (g) **Activities that serve to complement or enhance the rural residential lifestyle may be considered.**

2. Agricultural (AGR) Policies

Preamble - The dominant land use in the Northern Rockies Regional District Rural Land Use plan area is some form of natural resource extraction activity. This includes but is not limited to agricultural pursuits, oil and gas extraction activities and forestry activities.

Development (AGR) Policies

- (a) The Board shall discourage the development of multi residential dwellings in areas designated as agricultural.**
- (b) Any type of farming operation, which includes but is not limited to hobby farms, shall have priority on all fee simple lands with the agricultural designation.**
- (c) With regards to any residential developments, the development of any roads shall consume the least amount of agricultural land as possible.**
- (d) Economic development activities that serve to complement or enhance the agricultural lifestyle are encouraged. Activities such as, but not limited to the following may be allowed:**
 - (i) Eco-tourism activities**
 - (ii) Farm bed and breakfast sites**
 - (iii) Farm vacation sites**
 - (iv) Guest cabins**
 - (v) Outfitting operations**

3. Industrial (IND) Policies

Preamble - Land designated for industrial purposes are intended for industrial, manufacturing or storage purposes. This includes but is not limited to:

- (a) agri-businesses**
- (b) manufacturing and storage**
- (c) natural resource processing activities**

Development (IND) Policies

- (a) Access to a primary or secondary highway system is essential OR access to a railway system is required.**
- (b) On site parking spaces are available.**
- (c) On site loading and unloading space is required.**
- (d) The development should be on land with grades in the 0 to 5 degree range.**
- (e) The proposed site must be able to carry heavy loads and be located in areas that are well drained. The preferred soil type of the site is well graded, well compacted clay-sands or gravel.**
- (f) Buffering by the use of berms, screens, fences or trees shall be required where any development is adjacent to any primary or secondary highways, residential areas or agricultural areas.**

4. Highway Commercial (HC) Policies

Preamble - Due to its unique geographical location, the highway commercial areas provide a wide range of services to the traveling public and the local residents. The focus of the highway commercial designation is upon a mix of low order commercial activities, providing services to the traveling public and the local residents, residential and agricultural activities. This includes but is not limited to the following:

- (a) bed and breakfast operations**
- (b) vacation attractions**
- (c) gasoline stations and convenience stores**
- (d) recreational vehicle parks**
- (e) guest cabins**
- (f) outfitting/guiding operations**
- (g) related activities to any of the above**

Development (HC) Policies

- (a) Mixed residential/commercial development may be considered.**
- (b) A service road may be required for any activity that is located adjacent to a primary highway.**
- (c) Each commercial activity shall ensure that on site parking is available.**
- (d) The proposed development must respond to the site's physical environment and characteristics.**
- (e) The preferred development pattern is clustered growth and the development must be artfully integrated with the existing surrounding land uses.**

NOTE: All lands within the Agricultural Land Reserve will require the approval of the Land Commission before the development of any non-farm land use activity commences.

5. Commercial/Industrial (CI) Policies
(B. 132)

Preamble - Due to its unique geographic location, the commercial industrial areas provide a wide range of services to the travelling public and the local residents. The focus of the commercial industrial designation is a mix of low order commercial/industrial activities and includes but is not limited to the following:

- (a) bed and breakfast operations
- (b) vacation attractions
- (c) gasoline stations and convenience stores
- (d) recreation vehicle parks
- (e) guest cabins
- (f) storage facilities
- (g) agri-business

Development (CI) Policies

- (a) Access to a primary or secondary highway system is essential OR access to a railway system is required;
- (b) On-site loading and unloading space is required;
- (c) The development should be on land with grades in the 0 to 5 degree range;
- (d) Mixed residential/commercial development may be considered;
- (e) A service road may be required for any activity that is located adjacent to a primary highway;
- (f) Each commercial/industrial activity shall ensure that on site parking is available;
- (g) The proposed development must respond to the site's physical environment and characteristics;
- (h) The preferred development pattern is clustered growth and the development must be artfully integrated with the existing surrounding land uses.

6. Landfill (LF) Policies

Preamble - Landfills have been utilized for years as a method of disposing of the waste byproducts, both industrial and residential, that humans generate. As with any other Canadian community, the Fort Nelson Rural Land Use planning area requires a solid waste disposal site that is easily accessible for its residents, that is cost effective to operate and maintain and responds to the physical constraints of the site.

Development (LF) Policies

- (a) The proposed site should give regards to any potential land use conflicts with the adjacent land uses.**
- (b) The proposed site should be located in an area with a grade of 0 to 5 degrees range.**
- (c) The development must respond to the site's physical constraints.**
- (d) The development of any proposed sites must adhere to the requirements of the Solid Waste Management Plan of the Northern Rockies Regional District.**

7. **Airport (AP) Policies**

Preamble - It is the desire of the Northern Rockies Regional Board to cluster any activities that serves to complement or enhance the airport, at or adjacent to the airport. This includes but is not limited to the following land use activities:

Development (AP) Policies

- (a) **Access to Airport Drive is essential.**
- (b) **On site parking is required.**
- (c) **Consideration shall be given to ensure that the development does not interfere with the airplane flight paths nor disrupt any electronic systems of the airplane.**
- (d) **The proposed development should be located on lands with grades in the 0 to 5 degrees range.**

8. Temporary Commercial and Industrial Uses

The Regional Board hereby designates the entire Rural Planning Area for the issuance of temporary commercial and industrial use permits. Permits are issued by a resolution of the Regional Board pursuant to the Local Government Act. On Agricultural Land Reserve (ALR) designated lands, temporary commercial and industrial uses will require an application to the Agricultural Land Commission.

(1) Temporary Commercial Use Permits

The Regional Board may issue a temporary commercial use permit if the following conditions have been met:

- (a) The site is adjacent to a major road, a railway track or the airport.
- (b) The impacts to any of the existing land uses are kept to a minimum.

(2) Temporary Industrial Use Permits

The Regional Board may issue a temporary industrial permit if the following conditions are met:

- (a) The site is adjacent to a major road, a railway track or the airport.
- (b) The impacts to the existing land uses are kept to a minimum.
- (c) All the other development policies for the industrial land use designation have been met as outlined in Section 8.3 of this bylaw. For any permit applications located adjacent to the airport, then the policies as outlined in Section 8.6 shall be followed.

9. Agricultural Land Reserve Policies

- (1) Notwithstanding any of the above mentioned development policies or any land use regulations contained in this bylaw, land located within the Provincial Agricultural Land Reserve, pursuant to the Agricultural Land Commission Act or Regulations thereunder, shall be subject to the orders or approval of the Provincial Agricultural Land Commission.

- (2) For land located within the Agricultural Land Reserve, the Northern Rockies Rural Land Use bylaw goals, objectives and development policies are binding insofar as they are not contrary to the Agricultural Land Commission Act Regulations or Orders of the Provincial Agricultural Land Commission.

10. General Policies

- (1) The Regional Board encourages developers and property owners to take appropriate measures to ensure public safety will not be compromised by potential or existing interface fire hazards.

PART II LAND USE REGULATIONS

9. APPLICATION

- (1) This bylaw applies to all of the land within the boundary of the Fort Nelson Rural Land Use Planning area as outlined on Map No. A.

10. METRIC DIMENSIONS

- (1) Metric dimensions are used for all measurements in this bylaw. Imperial equivalents provided in parenthesis are approximate and for convenience only and do not form part of this bylaw.

11. GENERAL COMPLIANCE

- (1) No land or building or structure on a lot shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved, altered or enlarged unless in conformity with this bylaw.
- (2) With regards to the development of Mobile Home Parks, the regulations as outlined in the Northern Rockies Regional District Manufactured Home Park Bylaw No. 67, 1995 shall be followed.
- (3) Nothing contained in this bylaw shall relieve any person from the responsibility to seek out and comply with other legislation that may be applicable to the undertaking of their development.

12. SEVERABILITY

- (1) If any section, subsection, clause, sentence, phrase or map of this bylaw is for any reason found invalid by the decision of the court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

13. ENFORCEMENT

- (1) The Administrator or such other persons appointed by resolution of the Regional Board shall administer this bylaw.
- (2) Persons appointed under Section 13(1) may enter any parcel, building or premises at a reasonable time for the purpose of ascertaining whether or not the regulations contained in this bylaw are being observed.

14. VIOLATIONS

- (1) It shall be unlawful for any person to cause, suffer or permit land to be used or any building or structure to be constructed, reconstructed, altered, moved, extended or used in contravention of this bylaw or otherwise to contravene or fail to comply with this bylaw.
- (2) It shall be unlawful for any person to prevent or obstruct any official appointed under Section 13(1) from carrying out the duties of this bylaw.

15. PENALTY

- (1) Any person who violates the regulations of this bylaw may be liable on summary conviction to a penalty of \$100.00 to a maximum of \$5,000.00 plus the costs of prosecution.

16. DAILY VIOLATION

- (1) Each day during which an offence takes place shall be deemed to constitute a new and separate offence.

17. AMENDMENT PROCEDURES

- (1) An application for rezoning shall be treated as an application to amend this bylaw.

- (2) Any person applying to have this bylaw amended shall apply in writing to the Northern Rockies Regional District, describing the proposed change and providing reasons for the required changes.
- (3) Where an application for amendment to this bylaw has been refused, no reapplication for the same amendment shall be considered within six (6) months of the previous application.

18. NON-CONFORMING USES

- (1) Non-conforming uses of land, buildings and structures, as well as the siting, size or dimensions of buildings and structures are governed by the requirements of the Local Government Act.

GENERAL REGULATIONS

19. APPLICATION OF GENERAL REGULATIONS

- (1) Except as otherwise stated in this bylaw, Sections 20 to 32 apply to all zones established under this bylaw.

20. PERMITTED USES IN ALL LAND USE ZONES

- (1) Notwithstanding Part II of this bylaw, the following uses are permitted in all land use zones, except the Landfill zone:
 - (a) utility and road right of ways
 - (b) public uses
 - (c) ecological reserves
 - (d) fish and wildlife habitat operations
 - (e) solid waste transfer stations
 - (f) archaeological and heritage sites

On all Agricultural Land Reserve designated lands, all non-farm uses must comply with the Agricultural Land Commission Act, Regulations or Orders of the Land Commission.

21. HOME OCCUPATIONS

- (1) Home occupations are defined to include an operation or profession, which may include retail sales carried out in a dwelling or accessory building, by the residents of the dwelling. This occupation or profession is incidental or secondary to the residential use of the subject property.

Home occupations shall comply with the following regulations:

- (a) No home occupation shall involve noxious uses or utilize materials or products that produce inflammable or explosive vapours or gases; and
 - (b) No outdoor storage of materials, containers or finished products shall be permitted; and
 - (c) A home occupation shall be fully enclosed within the interior of a principal building or within a permitted accessory building; and
 - (d) A home occupation shall not create a nuisance by reason of sight, sound, smell, parking or traffic; and
 - (e) On Agricultural Land Reserve lands, home occupations shall comply with the Agricultural Land Commission Act, Regulations or Orders.
- (2) For the purposes of this bylaw, a home occupation is limited to any of the following:
- ~ Professional services, such as accounting, consulting and legal services
 - ~ Beauty and Barber shops
 - ~ Arts and Crafts operations
 - ~ Daycare facilities
 - ~ Retail activities
 - ~ Bed and Breakfast operations

22. HOME INDUSTRY

- (1) Home industries are defined as an occupation which may include retail sales, carried out in a dwelling or accessory building and it may include outdoor storage, by the residents of the dwelling. The occupation is incidental or secondary to the residential use of the subject property.

Home industries shall comply with the following regulations:

- (a) No home industry shall involve noxious uses or utilize materials or products that produce inflammable or explosive vapours or gases; and
 - (b) Limited outdoor storage of materials, containers or finished products shall be permitted. For the purposes of this bylaw, this means that the outdoor storage area shall be 10 percent (10%) or less of the total parcel area and it shall not exceed a maximum of 1 hectare; and
 - (c) The operations shall be screened so as not to be visible from any roadway or adjacent properties; and
 - (d) On Agricultural Land Reserve lands, home industries shall comply with the Agricultural Land Commission Act, Regulations or Orders.
- (2) For the purposes of this bylaw, a home industry is limited to any of the following:
- ~ Logging truck operations
 - ~ Welding shop
 - ~ Small portable sawmill operations
 - ~ Truck contractors
 - ~ Oil and gas field service operations
 - ~ Small scale manufacturing and fabricating operations
 - ~ Related retail functions for any of the above noted activities

23. BED AND BREAKFAST OPERATIONS

- (1) In addition to other home occupations regulations as outlined in Section 21, bed and breakfast establishments shall comply with the following conditions:
- (a) A bed and breakfast operation shall be allowed in all land districts, except the Industrial designated areas and shall be contained entirely within the principal building.
 - (b) Bed and breakfast operations shall be limited to not more than three (3) rental bedrooms and accommodate not more than twelve (12) persons at any one time.
 - (c) Subject to any agreement between the user and the owner/operator, this may or may not include the provision of foodstuffs.
 - (d) All parking of vehicles must be accommodated on the lot containing the bed and breakfast operation.

24. NUMBER OF DWELLING UNITS PER PARCEL

- (1) Except as otherwise stated in this bylaw, a maximum of one dwelling per lot is permitted.
- (2) The Regional Board may consider the addition of an ancillary temporary dwelling for the accommodation of an elderly relative or disabled family member.
- (3) Notwithstanding the regulations set out in Part II of this bylaw, a secondary suite is permitted on every parcel of land where a single family dwelling is permitted.
- (4) If the parcel of land is within the Agricultural Land Reserve and the second dwelling is not intended to accommodate farm help, approval from the Provincial Agricultural Land Commission is required.

25. ACCESSORY BUILDINGS

- (1) Where an accessory building or structure is attached to a principle building, it shall be considered to be a part of the principal building.
- (2) No accessory building or structure shall be located closer than 4.5 m (15.0') from any principal building.
- (3) An accessory building or structure shall not be used as a dwelling unless otherwise permitted in this bylaw.
- (4) No accessory building shall be situated on a lot unless the principal building has been erected or will be erected simultaneously with the accessory building on the same lot.

26. MINIMUM LOT SETBACK REQUIREMENT EXCEPTIONS

- (1) Notwithstanding the minimum lot setback requirements of Sections 35 to 40 of this bylaw, if the Ministry of Transportation and Highway requirements exceed the Northern Rockies Regional District requirements, then the Ministry's requirements will apply.

27. SETBACK AREA EXCEPTIONS

- (1) Notwithstanding Sections 35 to 40 of this bylaw, no building, structure or structural feature shall be located in a setback area except as follows:
- (a) eaves, cornices, sills, bay windows, steps, stairs, chimneys and other similar features, provided that such constructions do not extend more than one (1) metre into the setback area;
 - (b) signs;
 - (c) interior side lot line setbacks required by this bylaw shall not apply to mobile homes located inside a mobile home park. The project shall meet the other minimum setback requirements of each zone that it is located within;
 - (d) interior side lot line setbacks required by this bylaw shall not apply to any registered strata developments;
 - (e) open porches or canopies over entrances to buildings, provided such projections do not exceed more than one and one/half (1.5) metres into the setback area;
 - (f) communication towers and antennas for the reception of radio and television;
 - (g) a patio or terrace without a roof, provided that the patio or terrace does not extend more than one (1) metre into the setback area;
 - (h) a fire escape, provided that the fire escape does not extend more than one (1) metre into the setback area;
 - (i) a display yard, storage yard, parking spaces or loading spaces provided that the display yard, storage yard, parking spaces or loading spaces does not extend more than one (1) metre into the setback area;
 - (j) fences;
 - (k) a fuel service pump or pump island; or
 - (l) an arbour, trellis, fish pond ornament, monument, silo or flag pole.

28. TEMPORARY CONSTRUCTION BUILDINGS OR STRUCTURES

- (1) A temporary building or structure may be erected for construction purposes on a lot being developed for a period not to exceed the duration of such construction or one (1) year, whichever is less.

29. HIGHWAYS AND ROADS

- (1) The Ministry of Transportation and Highways maintains jurisdiction to highways and roads under their authority. Persons wishing to develop adjacent to a highway should contact the Ministry directly.

30. SEWAGE DISPOSAL

- (1) Where a site is not serviced by a community sewer system, the lot shall be of sufficient size so as to dispose of sewage on site in accordance with the regulations of the authority having jurisdiction.
- (2) The developer is strongly encouraged to review the requirements of the Local Services Act and the Health Act, Sewage Disposal Regulation 411/85 and any amendments. Both of these acts and regulations are hereby incorporated by reference as requirements under this bylaw.

31. MINIMUM PARCEL SIZE EXCEPTIONS

- (1) Subject to the Local Services Act, there shall be no minimum parcel size requirements for any of the following:
 - (a) public uses and utilities;
 - (b) ecological reserves;
 - (c) fish and wildlife habitat areas;
 - (d) watershed and protection control areas;
 - (e) solid waste transfer stations;
 - (f) archaeological and heritage sites;
 - (g) a parcel used for oil and gas drilling activities;
 - (h) parcels divided by a railway or highway right of way, or watercourse, if the parcel is subdivided along such railway or highway right of way or watercourse.

32. HEIGHT OF BUILDINGS AND STRUCTURES

- (1) No building or structure located within the residential designated (R) areas shall be more than twelve (12) metres in height.

(2) Notwithstanding any other requirements of each land use zone the following structures are exempt from the height requirements:

- ~ telecommunication antenna's or structures;
- ~ church spires, steeples or domes;
- ~ monuments;
- ~ chimneys;
- ~ flag poles or lightning poles or other similar structures;
- ~ fire halls;
- ~ oil drilling rigs;
- ~ barns;
- ~ silos;
- ~ windmills;
- ~ product storage and handling structures; and
- ~ industrial cranes.

CREATION OF LAND USE ZONES

33. LAND USE ZONES

- (1) Land within the Fort Nelson Rural Land Use Planning area is divided into the following land use zones. The name of each zone created by this bylaw is identified in the zone column, while the description in the name column is for convenience purposes only.

(B. 132)

<u>ZONE</u>	<u>NAME (for convenience only)</u>
AGR	Agriculture
AP	Airport
IND	Industrial
HC	Highway Commercial
CI	Commercial Industrial
LF	Landfill
R	Residential

34. LOCATION OF THE ZONES

- (1) The location and extent of each zone is defined on “Map No. A” of this bylaw, Land Use Zone Maps, which are attached to and forms part of this bylaw.
- (2) Where the zone boundary follows a road allowance, railway right of way or watercourse, the centreline of such road allowance, railway right of way or watercourse shall be the zone boundary.
- (3) Where the designation boundary does not follow a legally defined line, road allowance, railway right of way or watercourse, the Regional Board shall determine the boundary.
- (4) The dashed lines used on any maps in Schedule A, shall be interpreted as if they were solid lines.

ZONES

35. Agriculture (AGR)

(1) Permitted Uses

B. 129 Subject to Section 20 of this bylaw, the following uses are permitted in the AGR zone:

- (a) Agriculture uses
- (b) Oil and Gas activities
- (c) Commercial greenhouses
- (d) Kennels, animal hospitals and stables
- (e) Commercial/Industrial storage facilities
- (f) Communal/cooperative facilities
- (g) Ecological reserves
- (h) Forestry activities
- (i) Gymkhana grounds and equestrian centres
- (j) Agricultural activities
- (k) Mineral and aggregate extraction
- (l) Natural resource extraction, processing, storage and transmission
- (m) Park and recreation reserves
- (n) Public institutional use or public utilities
- (o) Landfill
- (p) Dwelling units
- (q) Trapping, hunting guide or outfitting operations
- (r) Temporary work camps
- (B. 132) (s) Pound

Permitted accessory use and buildings on any lot include the following:

- (t) Home occupations and/or Home Industries
- (u) Bed and Breakfast operations
- (v) Guest ranches
- (w) Recreational uses

Regulations for any lots located in the AGR Zone

(2) Number and Type of Dwelling Units

On ALR designated lands additional dwellings may be approved, if necessary for farm help or temporary ancillary dwellings. With the exception of communal/cooperative farms there shall be no more than two single family dwellings, or one semi-detached or duplex dwelling, but not all three, on any lot.

(3) Minimum Parcel Size

The minimum parcel size is 4.0 hectares (approximately 10 acres) on non-ALR designated lands. For land within the ALR designated areas the minimum parcel size is 4.0 hectares (approximately 10 acres).

(4) Minimum Lot Setbacks

Except as otherwise permitted in this bylaw, no building or structure shall be located within:

Area	Principle Bldg	Accessory Bldg or Structure
Front Lot Line	7.6 metres (25')	7.6 metres (25')
Front Lot Line on Flanking Street	7.6 metres (25')	7.6 metres (25')
Side Lot Line	4.5 metres (15')	4.5 metres (15')
Rear Line	7.6 metres (25')	7.6 metres (25')

(5) Other Regulations

See Section 20 to 32 of this bylaw.

36. Airport (AP)

(1) Permitted Uses

B. 129 Subject to Section 20 of this bylaw, the following uses are permitted in the AP Zone:

- (a) Aircraft maintenance and repair facilities plus aircraft charter operations;
 - (b) Oil and Gas activities;
 - (c) Commercial greenhouses;
 - (d) Kennels, animal hospitals and stables;
 - (e) Commercial/Industrial storage facilities;
 - (f) Communal/cooperative farms;
 - (g) Bulk aviation gas operations;
 - (h) Gymkhana grounds and equestrian centres;
 - (i) Agricultural activities;
 - (j) Park and recreation reserves;
 - (k) Machine shops
 - (l) Manufacturing, fabricating and processing facilities.
- (B. 132)** (m) Pound

Permitted accessory uses and buildings on any lot include the following:

- (n) Any accessory building for the above;
- (o) Dwelling unit;
- (p) Surveillance suites.

Regulations for any lots located in the AP Zone

(2) Number and Type of Dwelling Units

There shall be no more than one single family dwelling, on any lot, for security purposes.

(3) Minimum Parcel Size

The minimum parcel size is 1.8 hectares (approximately 5.0 acres).

(4) Minimum Lot Setbacks

Except as otherwise permitted in this bylaw, no building or structure shall be located within:

Area	Principle Bldg	Accessory Bldg or Structure
Front Lot Line	7.6 metres (25')	7.6 metres (25')
Front Lot Line on Flanking Street	7.6 metres (25')	7.6 metres (25')
Side Lot Line	4.5 metres (15')	4.5 metres (15')
Rear Line	7.6 metres (25')	7.6 metres (25')

Setbacks from any runway are governed by the Federal Government's Aeronautics Act.

(5) Other Regulations

See Sections 20 to 32 of this bylaw.

37. INDUSTRIAL (IND)

(1) Permitted Uses

B. 129 Subject to Section 20 of this bylaw, the following uses are permitted in the IND Zone:

- (a) Manufacturing, fabricating and processing facilities;
- (b) Auction markets
- (c) Storage, warehousing, cartage, express and freight facilities;
- (d) Machine shop, welding shop, woodworking shop;
- (e) Autowrecking and salvage yards;
- (f) Commercial/Industrial storage facilities
- (g) Petroleum distribution, storage and transmission facilities
- (h) Natural resource processing or semi-processing facilities
- (i) Gravel extraction activities

Permitted accessory uses and buildings on any lot include the following:

- (j) Any accessory buildings for the above
- (k) Dwelling unit
- (l) Surveillance suites

Regulations for any lots located in the IND zone

2. Number and Type of Dwelling Units

There shall be no more than one single family dwelling on any lot for security purposes.

3. Minimum Parcel Size

(B. 139) The minimum parcel size shall be as per the Local Services Act, Subdivision Regulations.

4. Minimum Lot Setbacks

Except as otherwise permitted in this bylaw, no building or structure shall be located within:

Area	Principle Bldg	Accessory Bldg or Structure
Front Lot Line	7.6 metres (25')	7.6 metres (25')
Front Lot Line on Flanking Street	7.6 metres (25')	7.6 metres (25')
Side Lot Line	4.5 metres (15')	4.5 metres (15')
Rear Line	7.6 metres (25')	7.6 metres (25')

5. Other Regulations

See Sections 20 to 32 of this bylaw.

38. HIGHWAY COMMERCIAL (HC)

(1) Permitted Uses

B. 129 Subject to Section 20 of this bylaw, the following uses are permitted in the HC zone:

- (a) Tourist Accommodations
- (b) Agriculture
- (c) Gas stations
- (d) Restaurants
- (e) Convenience stores
- (f) Car wash operations
- (g) Liquor agency store
- (h) Golf course

Permitted accessory uses and buildings on any lot include the following:

- (i) Any accessory buildings for the above
- (j) Dwelling unit
- (k) Home occupation or home industry
- (l) Guest ranches
- (m) Bed and breakfast operations

Regulations for any lots located in the HC zone

(2) Number and Type of Dwelling Units

There shall be no more than one single family dwelling on any lot.

(3) Minimum Parcel Size

The minimum parcel size is 1.8 hectares (approximately 5 acres) for all non-ALR designated lands. For all ALR designated lands, the minimum parcel size is 4 hectares (approximately 10 acres).

(4) Minimum Lot Setbacks

Except as otherwise permitted in this bylaw, no building or structure shall be located within:

Area	Principle Bldg	Accessory Bldg or Structure
Front Lot Line	7.6 metres (25')	7.6 metres (25')
Front Lot Line on Flanking Street	7.6 metres (25')	7.6 metres (25')
Side Lot Line	4.5 metres (15')	4.5 metres (15')
Rear Line	7.6 metres (25')	7.6 metres (25')

(5) Other Regulations

See Sections 20 to 32 of this bylaw.

39. Commercial Industrial (CI)

(B. 132)

1. Subject to Section 20 of this bylaw, the following uses in the Commercial Industrial Zone are included but not limited to:

- (a) Tourist Accommodation**
- (b) Agriculture on ALR Land**
- (c) Gas Stations/Card Locks**
- (d) Restaurants**
- (e) Convenience stores**
- (f) Car wash operations**
- (g) Liquor agency stores**
- (h) Auction markets**
- (i) Storage, warehousing, cartage, express and freight facilities**
- (j) Machine shop, welding shop, woodworking shop, tire shop, repair shop, general trade shops**
- (k) Commercial/Industrial storage facilities**
- (l) retail/wholesale facilities**
- (m) Agricultural businesses**
- (n) Recreation vehicle parks**
- (o) Guest cabins**
- (p) Single family dwelling**
- (q) Pounds, kennels and veterinary clinic**
- (r) Related activities to any of the above**

Permitted accessory uses and buildings on any lot include but are not limited to:

- (r) Any accessory buildings for the above**
- (s) Dwelling unit**
- (t) Home occupation or home industry**
- (u) Bed and breakfast operations**
- (v) Surveillance suite**

Regulations for any lots located in the CI zone

2. Number and Type of Dwelling Units

There shall be no more than one single family dwelling on any lot.

3. Minimum Parcel Size

As per Ministry of Health requirements and where soils are permeable, the minimum unserviced lot size for residential is 18,000 to 20,000 square feet (approximately 1/2 acre) for all non-ALR designated lands. As per Ministry of Health requirements and where soils are impermeable, the minimum lot size is 1.8 hectares (approximately 5 Acres) for all non-ALR designated lands. For all ALR designated lands the minimum parcel size is 4 hectares (approximately 10 Acres)

4. Minimum Lot Setbacks

Except as otherwise permitted in this bylaw, no building or structure shall be located within:

Area	Principle Bldg	Accessory Bldg or Structure
Front Lot Line	7.6 metres (25')	7.6 metres (25')
Front Lot Line on Flanking Street	7.6 metres (25')	7.6 metres (25')
Side Lot Line	4.5 metres (15')	4.5 metres (15')
Rear Line	7.6 metres (25')	7.6 metres (25')

5. Other Regulations

See Sections 20 to 32 of this bylaw.

40. LANDFILL (LF)

(1) Permitted Uses

B. 129 Subject to Section 20 of this bylaw, the following uses are permitted in the LF zone:

(a) Landfill

Permitted accessory uses and buildings on any lot include the following:

(b) Any accessory buildings for the above

Regulations for any Lots Located in the LF Zone

(2) Number and Type of Dwelling Units

There shall be no dwelling units on any lot.

(3) Minimum Parcel Size

The minimum parcel size is 4.0 hectares (approximately 10 acres).

(4) Minimum Lot Setbacks

Except as otherwise permitted in this bylaw, no building or structure shall be located within:

Area	Principle Bldg	Accessory Bldg or Structure
Front Lot Line	7.6 metres (25')	7.6 metres (25')
Front Lot Line on Flanking Street	4.5 metres (15')	4.5 metres (15')
Side Lot Line	4.5 metres (15')	4.5 metres (15')
Rear Line	4.5 metres (15')	4.5 metres (15')

5. Other Regulations

See Sections 20 to 32 of this bylaw.

40. RESIDENTIAL (R)

(1) Permitted Uses

B. 129 Subject to Section 20 of this bylaw, the following uses are permitted in the R zone:

(a) Dwelling units

Permitted accessory uses and buildings on any lot include the following:

(b) Any accessory buildings or uses that serve to complement the residential area for the above

(c) Home occupations or home industries

(d) Hobby farms

(B. 135) (e) Pound, kennel and veterinary clinic

Regulations for any Lots Located in the R Zone

(2) Number and Type of Dwelling Units

There shall be no more than two (2) single family dwellings or one (1) duplex or one (1) semi-detached dwelling on any lot, but not all three. Additional dwellings may be approved, if necessary, for ancillary temporary dwelling purposes.

(3) Minimum Parcel Size

The minimum parcel size is 1.8 hectares (approximately 5 acres).

(4) Minimum Lot Setbacks

Except as otherwise permitted in this bylaw, no building or structure shall be located within:

Area	Principle Bldg	Accessory Bldg or Structure
Front Lot Line	7.6 metres (25')	7.6 metres (25')
Front Lot Line on Flanking Street	7.6 metres (25')	7.6 metres (25')
Side Lot Line	4.5 metres (15')	4.5 metres (15')
Rear Line	7.6 metres (25')	7.6 metres (25')

(5) Other Regulations

See Section 20 to 32 of this bylaw.

41. INCORPORATION

(1) Map No. A, B, C, and D attached hereto and forming part of this bylaw.

READ a first time this 10th day of May, 1999.

READ a second time this 10th day of May, 1999.

PUBLIC HEARING held this 30th day of May, 1999.

READ a third time this 28th day of June, 1999.

CERTIFIED a true and correct copy of "The Northern Rockies Regional District Rural Land Use Bylaw No. 105, 1998" as given third reading by the Board of the Northern Rockies Regional District.

Debbie M. Walker
Regional Secretary

APPROVED pursuant to the provisions of the Highways Act this 10th day of August, 1999.

APPROVED by the Agricultural Land Commission this 11th day of August, 1999.

APPROVED by the Minister of Municipal Affairs this 15th day of September, 1999.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 12th day of October, 1999.

CERTIFIED a true and correct copy of “The Northern Rockies Regional District Rural Land Use Bylaw No. 105, 1998 as adopted by the Board of the Northern Rockies Regional District.

Debbie M. Walker
Regional Secretary

THE CORPORATE SEAL of the Regional District was hereto affixed in the presence of:

Harry Clarke
Chair

Debbie M. Walker
Regional Secretary

**RECORD OF AMENDMENTS TO THE NORTHERN ROCKIES REGIONAL DISTRICT
 RURAL LAND USE BYLAW NO. 105, 1998**

Bylaw No.	Date Adopted	Section Amended	Applicant
129, 2000	February 26, 2001	Sections 35 - 40 and Section 3.3.1	
130, 2000	February 26, 2001	Section 3.3.1	
132, 2001	May 28, 2001	Sections 3.3.1, 8, 33, and 40	
135, 2001	May 28, 2001	Sections 4, 35, 36, and 40	
139, 2001	October 09, 2001	Section 37	