



qathet
REGIONAL DISTRICT

MYRTLE POND ZONING BYLAW NO. 426, 2011

Adopted June 28, 2012
Consolidated for Convenience Only February 25, 2022

This bylaw may not be current due to pending updates or revisions and SHOULD NOT BE RELIED UPON FOR LEGAL PURPOSES. Please contact the Manager of Administrative Services at the qathet Regional District for the most current version.

The following is a consolidated version of the Myrtle Pond Zoning Bylaw, 2006, and includes the following amendment bylaws:

| Amendment Bylaw No. | Adoption Date | Type | Purpose |
|----------------------------|----------------------|-------------------------|--|
| 426.1, 2014 | June 26, 2014 | Schedule A (Map + Text) | To ensure consistency between the <i>Myrtle Pond Bylaw No. 426</i> and <i>Electoral Area B Bylaw No. 465, 2012</i> , as per Part 26, Division 2, Section 884 (2) of the <i>Local Government Act</i> ; and, to establish another zone referred to as <i>Agriculture</i> to account for the addition of a new property into the zoning boundary. |
| 426.2, 2017 | April 26, 2018 | Schedule A (Map + Text) | To rezone 3130 Butler Road, legally described as Lot 3, District Lot 1499, Group 1, New Westminster District, Plan BCP41088 from Suburban Residential (SR) to Multi-Family Residential One (MFR1); and To amend text to clarify regulations regarding habitation in accessory garages. |
| 426.3, 2019 | October 24, 2019 | Text | To insert a new definition for ‘Cannabis Production and Sales’; and To add new regulation under Section 5 – General Regulations Applicable to All Zones. |
| 426.4, 2021 | February 24, 2022 | Schedule A (Map) | To rezone 3135 Bradford Road, legally described as Lot 21, Block 5, District Lot 1499, Plan 19726 from Suburban Residential (SR) to Multi-Family Residential One (MFR1). |

MYRTLE POND ZONING BYLAW NO. 426 - CONSOLIDATED

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

WHEREAS the Regional Board has given due regard to:

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

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

SECTION 1 - TITLE

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

SECTION 2 – APPLICATION

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

SECTION 3 – DEFINITIONS

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

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| <p>"ACCESSORY BUILDINGS AND STRUCTURES"</p> | <p>means a BUILDING or STRUCTURE which is customarily incidental or subordinate to the principal use of the land, BUILDINGS or STRUCTURES located on the same lot, provided that such BUILDINGS or STRUCTURES are permitted under the provisions of this Bylaw.</p> |
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| "ACCESSORY HOME OCCUPATION" | means the use of a DWELLING UNIT or ACCESSORY BUILDINGS AND STRUCTURES for the administrative, clerical or professional operation of a business or personal service use, or for the studio of an artist, music teacher, musician or craftsman, as long as no outdoor storage is associated with the use. |
| "APARTMENT" | means a BUILDING which contains three or more DWELLING UNITS. |
| "BUILDING" | means any STRUCTURE that encloses and shelters a use. |
| "CAMPGROUND" | means a use providing temporary overnight accommodation to the recreating public in tents, motor vehicles and trailers, or recreation vehicles. |
| "CAMPSITE" | means any site that provides space for temporary overnight accommodation in a tent, trailer, recreational vehicle or motor vehicle. |
| "CANNABIS PRODUCTION AND SALES" | means a business that uses land, buildings or structures to cultivate, process, package, store, distribute, or sell cannabis or cannabis related substances. (BL 426.3, 2019) |
| "COMMERCIAL AUTO RESTORATION AND REPAIR" | means the operation of a commercial auto repair and restoration shop. |
| "COMMERCIAL ACCOMMODATION" | means the short term (non-permanent) accommodation for paying guests which may be self-contained (with full kitchen bathroom and laundry services) or serviced (laundry service and meals are provided) which includes one or more of the following: cabins, motel, campground, hostel or rental dwellings. |
| "COMMERCIAL RECREATION" | means a use providing outdoor or indoor recreational opportunities in association with natural amenities and the rural lifestyle of the area and may also include facilities for overnight accommodation. |
| " <i>DUPLEX</i> " | <i>deleted BL 426.2, 2017</i> |
| "DWELLING UNIT" | means a self-contained unit used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas. |

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|--------------------------|--|
| "FAMILY" | means one or more persons related by blood, marriage, adoption, foster parenthood, or a common-law couple sharing one DWELLING UNIT; or not more than seven unrelated persons sharing one DWELLING UNIT. |
| "GARAGE SUITE" | <i>deleted BL 426.2, 2017</i> |
| "LOT COVERAGE" | means the ratio of the area of all portions of a PARCEL covered by BUILDINGS and STRUCTURES including concrete and asphalt paving and campsites whether or not occupied by motor vehicles or recreational vehicles, expressed as a percentage. |
| "MOTEL" | means a BUILDING or group of BUILDINGS comprising sleeping or living units for the accommodation of transient guests for compensation. |
| "ONE-FAMILY RESIDENTIAL" | means the use of a PARCEL of land for a RESIDENTIAL DWELLING. |
| "PARCEL" | means the smallest unit into which an area of land is held or divided, whether that unit be a lot, block or other division of land, but does not include a highway. |
| "PUBLIC PARK" | means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the <i>Park Act</i> and includes land designated under other provincial statutes for purposes of preservation and habitat protection. |
| "PUBLIC UTILITY" | means the provision of electrical, gas, sewage disposal, water, storm drainage, transportation or any other similar service for the benefit of the community as a whole and includes all works and construction incidental thereto. |
| "RENTAL DWELLING" | means a single FAMILY dwelling or mobile home unit which provides year round rental accommodation. |
| "RESIDENTIAL DWELLING" | means a BUILDING containing not more than one DWELLING UNIT. |
| "STRUCTURE" | means anything constructed or erected, whether fixed to, supported by or sunk into land or water, but does not include concrete or asphalt paving or similar surfacing of a PARCEL. |
| "TOTAL FLOOR AREA" | means the total area of all floors of all stories contained within the exterior walls of a BUILDING. |

- "TWO-FAMILY DWELLING" means a building which contains two DWELLING UNITS each of which has its own entrance from the exterior. (*BL 426.2, 2017*)
- "WATER SUPPLY SYSTEM" means a domestic water system, other than a domestic water system that serves only one single-family residence.

SECTION 4 - BASIC PROVISIONS

GENERAL PROHIBITION

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

NON-CONFORMING BUILDING AND USES

- 4.2 If a building or land use is not permitted in this bylaw, but was legally in existence at the date of adoption of this bylaw, it may continue legally as a non-conforming use and be maintained pursuant to Section 911 of the *Local Government Act*.

ENFORCEMENT AND INSPECTION

- 4.3 The Manager of Planning, their designate, or another person designated by the Regional Board is authorized to enter at all reasonable times on any property subject to this Bylaw to ascertain whether the regulations, prohibitions and requirements of this Bylaw are being observed.
- 4.4 Every person who:
- a) violates any of the provisions of this Bylaw;
 - b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
 - c) neglects or omits to do anything required under this Bylaw;
 - d) carries out, causes or permits to be carried out any subdivision or construction on or use of land or use of a BUILDING or other STRUCTURE in a manner prohibited by or contrary to any of the provisions of this Bylaw; or
 - e) fails to comply with an order, direction or notice given under this Bylaw;
- is guilty of an offence under this Bylaw.
- 4.5 Each day that an offence exists or is permitted to exist shall constitute a separate offence.
- 4.6 A person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding two thousand dollars.

SEVERANCE

- 4.7 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

SECTION 5 - GENERAL REGULATIONS APPLICABLE TO ALL ZONES

ACCESSORY BUILDINGS AND STRUCTURES

- 5.1 ACCESSORY BUILDINGS AND STRUCTURES are permitted in all zones, provided that:
- a) the principal use is being conducted on the same PARCEL; or
 - b) a BUILDING for the purpose of the principal use has been or is being constructed on the same PARCEL.
- 5.2 The maximum combined TOTAL FLOOR AREA of all ACCESSORY BUILDINGS AND STRUCTURES on a PARCEL shall not exceed fifteen percent of the PARCEL area.
- 5.3 An accessory building or structure may not be used for human occupation, except that a detached garage may contain habitable rooms for the use of occupants of the principal building on the same parcel, provided that the rooms are above-grade and do not contain facilities for food preparation or eating, and that the garage also contains a parking space for at least one motor vehicle. *(BL 426.2, 2017)*

PARCEL SIZE AND AREA REGULATIONS

Compliance with Minimum PARCEL Area

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

PARCEL Area Exceptions

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

PROHIBITED USES IN ALL ZONES

5.7 The following uses shall be prohibited in all zones except for the Agricultural Zone:

- a) “CANNABIS PRODUCTION AND SALES” (BL 426.3, 2019)

PERMITTED USES IN ALL ZONES

5.8 The following uses shall be permitted in any zone:

- a) PUBLIC PARK;
- b) PUBLIC UTILITY.

SECTION 6 - CREATION AND DEFINITION OF ZONES

ZONES

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

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

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

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

SECTION 7 – LDR ZONE (LOW DENSITY RESIDENTIAL)

INTENT

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

PERMITTED USES

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

- a) ONE-FAMILY RESIDENTIAL;
- b) *deleted BL 426.2, 2017*
- c) ACCESSORY HOME OCCUPATION.

PARCEL AREA

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

DENSITY

7.3 Residential density in the LDR zone shall not exceed:

- a) One DWELLING UNIT on PARCELS 1.0 ha (2.47 acre) in area or smaller; nor
- b) One DWELLING UNIT per PARCEL up to 1.0 ha in area plus one DWELLING UNIT for each additional 1.0 ha of land.

SECTION 8 - SR ZONE (SUBURBAN RESIDENTIAL)

INTENT

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

PERMITTED USES

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

- a) ONE-FAMILY RESIDENTIAL;
- b) *deleted BL 426.2, 2017*
- c) ACCESSORY HOME OCCUPATION.

PARCEL AREA

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

DENSITY

8.3 Residential density in the SR zone shall not exceed:

- a) One DWELLING UNIT on PARCELS 0.4 ha (0.99 acres) in area or smaller; nor
- b) One DWELLING UNIT per PARCEL up to 0.4 ha in area plus one DWELLING UNIT for each additional 0.4 ha of land.

SECTION 9 - CARR ZONE (COMMERCIAL AUTO RESTORATION AND REPAIR)

INTENT

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

PERMITTED USES

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

- a) COMMERCIAL AUTO RESTORATION AND REPAIR.

PARCEL AREA

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

DENSITY

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

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

LOT COVERAGE

9.4 The LOT COVERAGE shall not exceed fifty percent.

SECTION 10 - CR ZONE (COMMERCIAL RECREATION)

INTENT

The CR zone recognizes the tourist commercial operation and the existing residential uses.

PERMITTED USES

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

- a) COMMERCIAL ACCOMMODATION
- b) FOOD CONCESSION/RESTAURANT
- c) LAUNDRY FACILITY
- d) PLAYGROUND
- e) SWIMMING POOL
- f) RESIDENTIAL DWELLINGS;
- g) STORAGE UNIT
- h) ACCESSORY WORKSHOP
- i) COMMERCIAL RECREATION

PARCEL AREA

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

HEIGHT RESTRICTION

10.3 The height of all buildings and structures in the CR zone shall not exceed 9.5 m above the average natural grade.

LOT COVERAGE

10.4 The LOT COVERAGE shall not exceed fifty percent for all buildings and structures in the CR zone.

SECTION 11 – MFR1 ZONE (MULTI-FAMILY RESIDENTIAL ONE)

INTENT

The intent of the MFR1 zone is to accommodate existing TWO-FAMILY DWELLINGS.

PERMITTED USES

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

- a) TWO-FAMILY DWELLING (*BL 426.2, 2017*)
- b) ACCESSORY HOME OCCUPATION.

PARCEL AREA

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

DENSITY

11.3 One TWO-FAMILY DWELLING shall be permitted per PARCEL in the MFR1 zone.
(*BL 426.2, 2017*)

SECTION 12 – MFR2 ZONE (MULTI-FAMILY RESIDENTIAL TWO)

INTENT

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

PERMITTED USES

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

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

PARCEL AREA

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

DENSITY

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

SECTION 13 – MFR3 ZONE (MULTI-FAMILY RESIDENTIAL THREE)

INTENT

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

PERMITTED USES

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

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

PARCEL AREA

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

DENSITY

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

SECTION 14 – AG (AGRICULTURAL)

INTENT

The intent of the AG zone is to encourage protection of lands within the Agricultural Land Reserve for agricultural production.

PERMITTED USES

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

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

READ A SECOND TIME this 26th day of April, 2012.

PUBLIC HEARING HELD this 15th day of May, 2012.

READ A THIRD TIME this 24th day of May, 2012.

RECEIVED THE APPROVAL OF THE MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE this 11th day of June, 2012.

RECONSIDERED AND FINALLY ADOPTED this 28th day of June, 2012.



Chair



Corporate Administrator

I hereby certify that this is a true and correct copy of the “Myrtle Pond Zoning Bylaw No. 426, 2011 as RECONSIDERED and FINALLY ADOPTED by the Board of Directors of the Powell River Regional District the 28th day of June, 2012.



Corporate Administrator

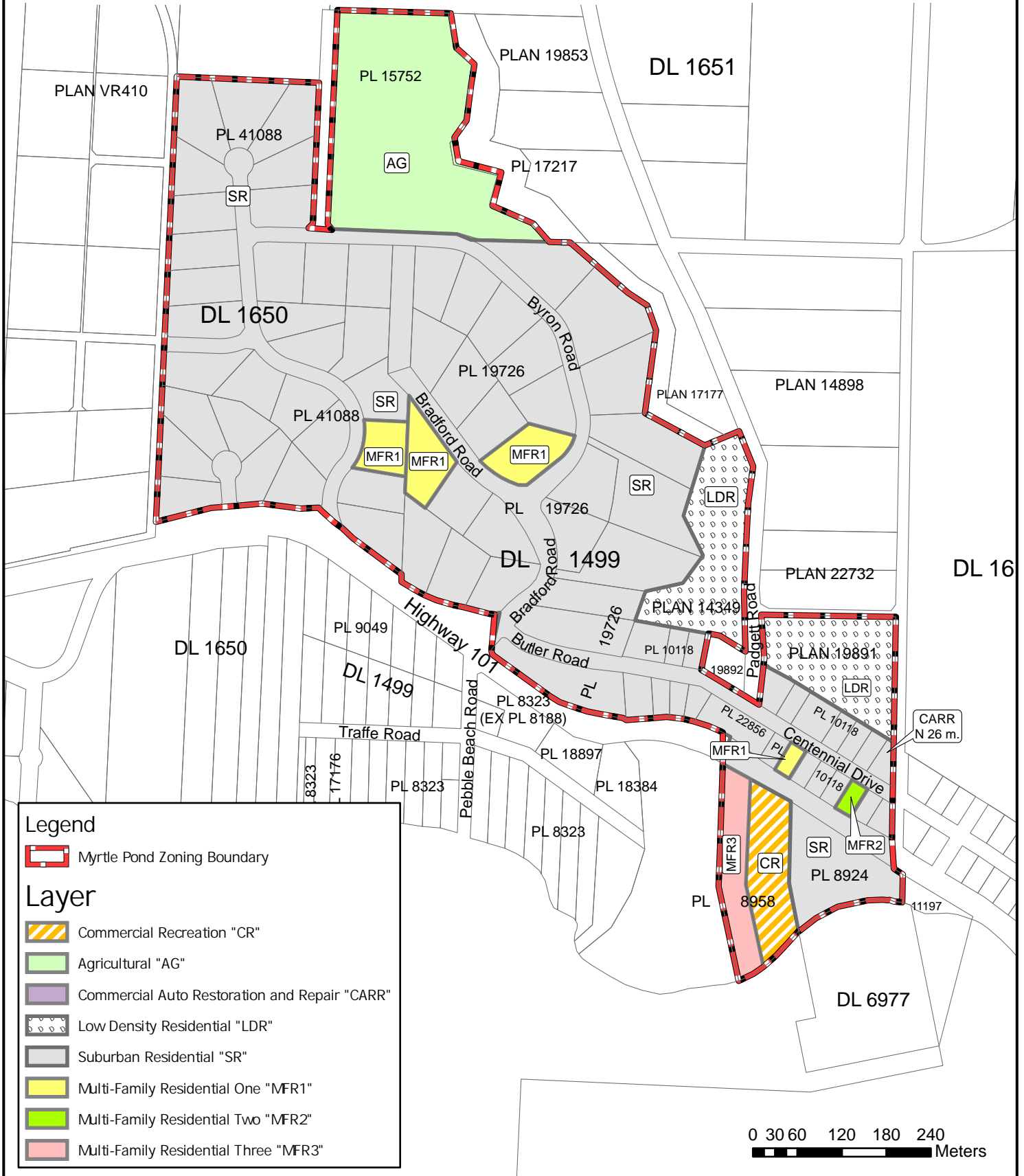
Dated at Powell River, B.C. this 29th day of June, 2012.



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Myrtle Pond Zoning Bylaw No. 426 2011 Schedule A

Revisions:
426.1, 2014
426.2, 2017
426.4, 2021



Legend

Myrtle Pond Zoning Boundary

Layer

Commercial Recreation "CR"

Agricultural "AG"

Commercial Auto Restoration and Repair "CARR"

Low Density Residential "LDR"

Suburban Residential "SR"

Multi-Family Residential One "MFR1"

Multi-Family Residential Two "MFR2"

Multi-Family Residential Three "MFR3"

0 30 60 120 180 240
Meters