



**FAIR HARBOUR ZONING BYLAW, 2000 (CONSOLIDATED)**

The following is a consolidated version of the Fair Harbour Zoning Bylaw, 2000 and includes the following amendment bylaws:

| <b>BYLAW No.</b> | <b>BYLAW NAME</b>                                | <b>ADOPTED</b> | <b>PURPOSE</b>  |
|------------------|--|----------------|---|
| SRD 90           | Fair Harbour Zoning Bylaw, 2000, Amendment No. 1 | April 26, 2012 | To amend Part 200 with the addition of terms and Part 400 with the addition of RAR requirements |

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

**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**BYLAW NO. 2256**

**A BYLAW TO ADOPT  
A ZONING BYLAW FOR THE  
FAIR HARBOUR AREA OF ELECTORAL AREA 'G'**

The Board of the Regional District of Comox-Strathcona in open meeting assembled, enacts the following:

**PART A      TITLE**

- 1) This Bylaw may be cited for all purposes as Bylaw No. 2256, being the "Fair Harbour Zoning Bylaw, 2000".

**PART B      APPLICATION**

- 1) This Zoning Bylaw shall be applicable to the Fair Harbour area of Electoral Area 'G' (West Coast – Nootka).
- 2) For the purpose of this Bylaw, Schedule "A", being the text, is attached to and forms an integral part of this Bylaw and bears the words Schedule "A".
- 3) For the purposes of this Bylaw, Schedule "A-1", being the zoning map, is attached to and forms a part of this Bylaw.

**PART C      ENACTMENT AND REPEAL**

- 1) Pursuant to Section 903 of the Local Government Act, the zoning bylaw forming Schedules "A" and "A-1" to this Bylaw is adopted as the zoning bylaw for the Fair Harbour area of Electoral Area 'G' of the Regional District of Comox-Strathcona.
- 2) The following Bylaw is hereby repealed upon adoption of this Bylaw:
  - i) Bylaw No. 685, being the "Fair Harbour Zoning Bylaw, 1983" and all amendments thereto.

|  |                  |        |        |       |
|--|------------------|--------|--------|-------|
| PUBLIC MEETING (ZEBALLOS) HELD THIS        | 12 <sup>TH</sup> | DAY OF | MAY    | 2000. |
| PUBLIC MEETING (KYUQUOT) HELD THIS         | 13 <sup>TH</sup> | DAY OF | MAY    | 2000. |
| READ A FIRST AND SECOND TIME THIS<br>2000. | 26 <sup>TH</sup> | DAY OF | JUNE   |       |
| PUBLIC HEARING HELD THIS                   | 3 <sup>RD</sup>  | DAY OF | AUGUST | 2000. |
| READ A THIRD TIME THIS                     | 28 <sup>TH</sup> | DAY OF | AUGUST | 2000. |

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2256, being the "FAIR HARBOUR ZONING BYLAW, 2000", as read a third time by the Board of the Regional District of Comox-Strathcona on the 28<sup>th</sup> day of August, 2000.

"B. Randall"  
Manager, Corporate Administration

|   |                  |        |           |       |
|---|------------------|--------|-----------|-------|
| APPROVED BY THE<br>MINISTRY OF MUNICIPAL AFFAIRS THIS | 21 <sup>ST</sup> | DAY OF | SEPTEMBER | 2000. |
| ADOPTED THIS  | 30 <sup>TH</sup> | DAY OF | OCTOBER   | 2000. |

"D.M. Andrews"  
Chair

"B. Randall"  
Manager, Corporate Administration

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2256, being the "FAIR HARBOUR ZONING BYLAW, 2000", as adopted by the Board of the Regional District of Comox-Strathcona on the 30<sup>th</sup> day of October, 2000.

"B. Randall"  
Manager, Corporate Administration

**SCHEDULE “A”**

**BYLAW NO. 2256**  
**“FAIR HARBOUR ZONING**  
**BYLAW, 2000”**

## PART 100

## ADMINISTRATION

### 101 Application

- 1) This bylaw shall be applicable to that part of Electoral Area 'G' (West Coast-Nootka) as identified on Schedule A-1 which is attached to and forms part of this bylaw. The extent of each zone is as shown on Schedule A-1.
- 2) It is recognized that the bylaw extends over a portion of the Ka:'yu:'k't'h Che:k:tles7et'h' Traditional Territories. The Fair Harbour Zoning Bylaw, once implemented, will be amended as needed to reflect the outcome of Treaty negotiations between the Senior governments and the Ka:'yu:'k't'h Che:k:tles7et'h' First Nations.
- 3) Where a zone 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 zoning schedule referred to in Section 101(1). Where a legally surveyed plan provides more specific information regarding the location of such a boundary, the surveyed plan shall form the legal basis for interpretation of the zone boundary.
- 4) Where a parcel is divided by a zone boundary, the areas created by such division shall be deemed to be separate lot areas for the purpose of determining the requirements of this bylaw.
- 5) Where a zone boundary has frontage on the sea, such upland zoning discontinues at the natural boundary and the zone identified for the surface of the water commences.
- 6) Where two or more regulations within this bylaw conflict, the more restrictive regulation shall apply.

### 102 Permitted Uses

- 1) No land, surface of water, building, or structure in any zone shall be used for any purpose other than those specified for the zone in which it is located as identified on Schedule A-1.
- 2) Uses not expressly listed as a permitted principal or accessory use within a zone or otherwise noted as being permitted in this bylaw are prohibited.
- 3) Any forestry management activity relating to the production and harvesting of timber on any land that is classified as tree farm pursuant to the Assessment Act, or any land within a license area under the Forest Act, shall not be restricted by any terms or conditions of the bylaw so long as the land continues only to be used for that purpose.
- 4) Land within the Forest Land Reserve (FLR) is subject to the Forest Land Reserve Act and orders of the Provincial Land Reserve Commission. Approval from the Commission may be required to use or subdivide FLR land as permitted in this bylaw.
- 5) Ministry of Energy and Mines has jurisdiction over subsurface mineral and petroleum resources on Crown land and on private land where the subsurface rights remain vested in the Crown, as well as being responsible for the regulation of aggregate resources.

Mining and mineral extraction activities, excluding processing, shall not be restricted by any terms or conditions of the bylaw so long as the land continues only to be used for that purpose.

- 6) The permitted uses in any zone may be subject to the approval of federal and provincial agencies such as, but not limited to, Canadian Coast Guard, Department of Fisheries and Oceans, British Columbia Assets and Land Corporation, Environmental Health, Ministry of Environment Lands and Parks, Ministry of Forests and Ministry of Small Business, Tourism and Culture (Archaeology Branch).

## 103 Enforcement

- 1) The Chief Administrative Officer, Manager-Corporate Administration, Administration Officer, Manager-Development Services, Supervisor Environmental Planning and Parks, Supervisor Land Use Planning, Planner, and the Planning Technician are hereby appointed by the Regional Board pursuant to Sections 794(5) and 268 of the Municipal Act to administer this bylaw.
- 2) Persons appointed under Subsection (1) may enter at all reasonable times onto any parcel that is subject to this bylaw to ascertain whether the requirements and regulations of the bylaw are being obeyed.

## 104 Violation

- 1) It shall be unlawful for any person to cause, suffer or permit any building or structure to be constructed, reconstructed, altered, moved, extended, or used, or land to be occupied or used in contravention of this bylaw or otherwise to contravene or fail to comply with this bylaw except as provided for in the Municipal Act.
- 2) It shall be unlawful for any person to prevent or obstruct any official appointed under Section 103(1) of this bylaw from performing his or her duties under this bylaw.
- 3) Nothing in this bylaw shall exempt any person from complying with the requirements of any other bylaws in force within the Regional District or from obtaining any license, permission, permit authority, or approval required by this or any other bylaw of the Regional District.

## 105 Penalty

- 1) Any person who violates the provisions of this bylaw commits an offense and is liable on conviction to a fine not exceeding \$2,000.00 and not less than \$200.00.
- 2) Each day during which such violation is continued may be deemed to constitute a new and separate offense.
- 3) Upon conviction, the presiding authority may direct that no prosecution under Subsection (2) may be made, with respect to the continuance of the violation, for such period of time as they direct.

## **106 Appeals, Amendments and Permits**

- 1) Site-specific exemptions, variances, permits and amendments may be approved pursuant to the following bylaws of the Regional District:
  - a) Bylaw No. 1931, and amendments thereto, being the "Bylaw Amendment, Permit Procedure and Fee Bylaw, 1997";
  - b) As described and permitted within this bylaw.

## PART 200

## INTERPRETATION

The following definitions shall be used to interpret the regulations of this bylaw. Those definitions borrowed from other statutes or legislation are subject to change and shall be considered amended as changes are adopted by Parliament or the Legislative Assembly.

|                     |   |
|---------------------|---|
| ACCESSORY BUILDING  | see "BUILDING Accessory"  |
| ACCESSORY TO        | means customarily incidental to the permitted use of land, buildings or structures located on the same lot.   |
| ACCOMMODATION UNIT  | means a self-contained unit intended for occupancy with sleeping and sanitary facilities and not more than one set of kitchen and cooking facilities, but specifically excludes recreational vehicles.  |
| BARGE FACILITIES    | means an area on the surface of water together with a ramp, or dock, which allows for the movement of equipment or goods between a floating barge and the upland and which has been approved by the authorities or agencies having jurisdiction.  |
| BUILDING, ACCESSORY | means a building or structure, the use of which is ancillary to the principal permitted use of the lands, buildings or structures located on the same parcel.   |
| BUILDING, PRINCIPAL | means the buildings and structures on a parcel which reflect the principal permitted uses of that parcel.   |
| BULK STORAGE        | means the storage of petroleum products, water, and other materials in above ground or below ground containers for subsequent resale to distributors, retail dealers or outlets.  |
| CAMPGROUND          | means a parcel of land occupied and maintained for temporary accommodation of the travelling public in tents, or trailers and recreation vehicles which are licensed for the current year.  |
| CROWN LAND          | means land, whether or not it is covered by water, or an interest in land, vested in the Crown.   |
| DEVELOPMENT         | means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the <i>Local Government Act</i> ;<br>(a) removal, alteration, disruption or destruction of vegetation;<br>(b) disturbance of soils;<br>(c) construction or erection of buildings and structures;<br>(d) creation of non-structural impervious or semi-impervious surfaces;<br>(e) flood protection works;<br>(f) construction of roads, trails, docks, wharves and bridges;<br>(g) provision and maintenance of sewer and water services;<br>(h) development of drainage systems;<br>(i) development of utility corridors;<br>(j) subdivision as defined in section 872 of the <i>Local Government Act</i> . |

SRD  
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| FISH HABITAT        | means the spawning, nursery and rearing grounds, food supply and adjacent upland riparian corridors and migration areas on which fish depend directly or indirectly to carry out their life processes.   |
| FLOAT HOME          | means a structure built on a floatation system, which can be used for residential use and is not intended for navigation or useable as a navigable craft.  |
| FLOOR AREA          | means the space on all storeys of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the storey.   |
| FORESHORE           | means that land in tidal areas lying between the high tide and the mean low tide.  |
| FOREST LAND RESERVE | means land designated as forest reserve land under the <u>Forest Land Reserve Act</u> .  |
| FOREST SERVICE ROAD | means a road and/or bridge constructed, modified, maintained and/or declared a forest service road in accordance with the <u>Forest Act</u> .  |
| FORESTRY            | means the science, art and practice of managing and using the natural resources that occur on and in association with forest lands including the conservation and management of sustainable forests and forest lands for the continuing use and enjoyment of their forests elements and resources guided by, but not necessarily limited to, the rules, regulations and policies of federal and provincial agencies. |
| HEIGHT OF BUILDING  | unless specified otherwise, means the vertical distance from the average natural grade level, or the surface of the water, over which the building footprint rests to the highest part of the roof surface. See Figure 1.  |
| HIGH WATER MARK     | see "NATURAL BOUNDARY".  |
| HIGHWAY             | includes a public street, road, lane, bridge, viaduct, and any other way open to public use. (See "FOREST SERVICE ROAD")   |
| LAND                | includes any interest in land, including any right, title or estate in it of any tenure, with all buildings and houses, unless there are words to exclude building and houses or to restrict the meaning.  |
| LOG HANDLING        | means the industrial activities of log dumping, storage, sorting, booming, barging and all related industrial activities.  |
| LOT                 | means an area of land or water designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office, or a strata lot, or a legally recognized entity licensed, leased, permitted, reserved, or approved pursuant to the <u>Land Act</u> , or <u>Forest Practices Code of British Columbia Act</u> .   |

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|------------------------------|---|
| LOT AREA                     | means the area of land within the boundaries of the lot but excludes the panhandle area.  |
| LOT COVERAGE                 | means the total horizontal area of structures measured to the outside of the exterior walls of the buildings on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area.  |
| LOT LINE                     | means a line which marks the boundary of a lot and in particular: <ol style="list-style-type: none"><li><i>Front Lot Line</i> - means the lot line which immediately adjoins a highway. Where two or more lot lines adjoin a highway, the shortest lot line along a highway shall be deemed to be the front lot line.</li><li><i>Rear Lot Line</i> - means the lot line opposite to and most distant from the front line.</li><li><i>Side Lot Line</i> - means a lot line other than a front or rear lot line.</li></ol>                                    |
| LOT LINE (CONT'D)            | <ul style="list-style-type: none"><li>In the case of a corner lot, the base of the sight triangle shall not be considered to be, or be part of, the front lot line.</li><li>In the case of "water access only" lots, the lot line adjoining the natural boundary shall be considered the front lot line.</li></ul>  |
| MARINA                       | means a facility for berthing, fueling, launching, mooring, securing, vessels. Marina use excludes permanent or indefinite moorage or berthing of vessels occupied as a residence.  |
| MOORAGE                      | means a place where vessels including all manner of marine vessels, amphibian aircraft, and other such craft can be tied up or otherwise secured, but specifically excludes the permanent or indefinite moorage or berthing of vessels occupied as a dwelling unit or as visitor accommodation.   |
| NATURAL BOUNDARY             | means the visible high watermark 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, in vegetation, as well as in the nature of the soil itself, as defined in Section 1 of the <u>Land Act</u> , and also includes the edge of dormant side channels of any lake, river, stream, or other body of water. |
| NATURAL GRADE LEVEL          | means the average level of the natural ground elevation adjoining each exterior wall of a building.   |
| NATURAL GROUND ELEVATION     | means the undisturbed ground elevation prior to site preparation. Site preparation includes the placement of fill and excavation activities.  |
| NON-CONFORMING SITING OR USE | means any siting or use which does not conform with all the regulations of this bylaw or any amendments thereto, for the zoning designation in which such building or use is located.   |

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| NUISANCE                                   | means a person, thing or circumstance causing trouble or annoyance including anything harmful or offensive to the community, or a member of it, and for which a legal remedy exists.  |
| OUTDOOR STORAGE                            | See "STORAGE, Outdoor".   |
| PANHANDLE                                  | means a strip of land which extends along a side of a lot and which provides access and frontage to a parcel, and which forms part of that parcel.  |
| PARCEL                                     | see "LOT"   |
| PARCEL AREA                                | see "LOT AREA"  |
| PARK                                       | means an area of land or water which is officially designated, or recognized, as an ecological reserve, conservation area, or as an area intended to be used by the public for recreation purposes, all of which are administered by a government agency.   |
| PARKING                                    | means an open area of land used for the parking of vehicles but does not include the use of the area for camping or overnight accommodation.  |
| PERMITTED<br>ACCESSORY USE                 | means a use that is ancillary to the permitted principal use of the land, building or structure located on the same parcel, or on a parcel contiguous to a parcel on which the principal use is situated when both parcels are owned by the same person and both parcels have the same zoning.  |
| PERMITTED<br>PRINCIPAL USE                 | means the principal permitted purpose for which land, buildings or structures may be used.  |
| PUBLIC ROAD<br>RIGHT-OF-WAY                | See "HIGHWAY" and "FOREST SERVICE ROAD".  |
| PUBLIC UTILITY USE                         | means the provision of water, sewer, fire protection, electrical, natural gas, transportation, communications, information, and similar services for public use where such use is established by government, a Crown corporation, or an individual or company regulated by a government commission.   |
| QUALIFIED<br>ENVIRONMENTAL<br>PROFESSIONAL | Means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:<br>(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,<br>(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and<br>(c) the individual is acting within that individual's area of expertise. |

SRD  
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| RECREATION,<br>LOW IMPACT  | means activities of sport or leisure such as recreational shellfish gathering and harvesting, fishing, canoeing, kayaking and windsurfing, which do not require the construction of buildings or structures.  |
| RECREATIONAL SHELLFISH<br>GATHERING AND<br>HARVESTING  | means the harvesting of molluscan shellfish for private and personal use of a non-commercial nature.  |
| REGIONAL DISTRICT  | means the Regional District of Comox-Strathcona incorporated pursuant to Part 24 of the <u>Municipal Act</u> and shall also include the Regional Board as the governing and executive body.   |
| RESIDENTIAL USE  | means the occupancy and use of an accommodation unit.   |
| RESTAURANT   | means an eating establishment providing for the sale of prepared foods and beverages to be consumed on the premises, but specifically excludes neighbourhood pubs.  |
| RETAIL   | means the sale of goods to the general public and the maintenance and repair of goods sold.   |
| RIGHT-OF-WAY   | means a legal right of passage over another's land for a variety of reasons. Rights-of-way may be registered as a charge against a title so as to run with the land.  |
| RIPARIAN AREA  | means a Streamside Protection and Enhancement Area (SPEA).  |
| <div data-bbox="103 974 201 1045" style="border: 1px solid black; padding: 2px; display: inline-block;">SRD<br/>90</div> RIPARIAN<br>ASSESSMENT AREA | means:<br>(a) for a stream, the 30.0 metre strip on both sides of the stream, measured from the high water mark,<br>(b) for a ravine less than 60.0 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30.0 metres beyond the top of the ravine bank, and<br>(c) for a ravine 60.0 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10.0 metres beyond the top of the ravine bank. |
| ROAD ALLOWANCE   | means lands dedicated for use as highways, roads, streets, lanes, squares, thoroughfares and any other public way. See "HIGHWAY" AND "FOREST SERVICE ROAD".   |
| SCREENED OR SCREENING  | means a continuous solid fence, wall, berm, compact evergreen hedge, or other densely planted vegetation of sufficient height to visually shield or obscure one abutting structure, building or lot from another.   |
| SEAFOOD<br>PROCESSING  | means the gutting of finfish, the shucking of molluscs or crustaceans, the freezing, salting, smoking or packaging of aquatic organisms, or the mechanical or chemical transformation of any aquatic organism after it is harvested.  |
| SERVICE<br>ESTABLISHMENT   | means an establishment where professional or personal services are provided and goods, wares, merchandise, articles or things accessory to the provision of such services are sold.   |

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| SETBACK  | means the required minimum horizontal distance measured from the respective lot line or other feature as may be identified to any building or structure or part thereof.   |
| SIGN   | means any object, device, display, structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, service, event or location by any means including words, letters, figures, design, symbols, fixtures, or colours.  |
| SITE AREA  | means the area of land, or water, or water within the boundaries of a lot to be covered by a use.  |
| STORAGE, OUTDOOR   | the keeping, in an unroofed area or a roofed area with unenclosed sides, of any goods, material, merchandise or vehicles associated with a permitted principal use, in the same place for more than twenty four hours.   |
| STREAM<br><div style="border: 1px solid black; padding: 2px; display: inline-block; margin-top: 5px;">SRD<br/>90</div>   | Includes any of the following that provides fish habitat:<br>(a) a watercourse, whether it usually contains water or not;<br>(b) a pond, lake, river, creek or brook;<br>(c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).  |
| STREAMSIDE<br>PROTECTION AND<br>ENHANCEMENT AREA<br>(SPEA)<br><div style="border: 1px solid black; padding: 2px; display: inline-block; margin-top: 5px;">SRD<br/>90</div> | means an area:<br>(a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and<br>(b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal. |
| STRUCTURE  | means anything that is constructed or erected, or supported by or sunk into water, and includes swimming pools, mobile home spaces, camping (tent and recreational vehicle) spaces and major improvements accessory to the principal use of land, but specifically excludes walls and fences under 2.0 metres (6.6 feet) in height, landscaping, paving improvements and signs, unless otherwise noted in this bylaw.                                    |
| SUBDIVISION  | means any change in existing size, shape, number or arrangement of a parcel registered in the Land Title Office so as to require that a new Certificate of Indefeasible Title be issued. Includes a subdivision under the <u>Strata Property Act</u> .   |
| SUBDIVISION<br>APPROVING AUTHORITY   | means the agency or officer appointed as such under the <u>Land Title Act</u> .  |
| TOURIST ACCOMMODATION  | means a building or buildings which contain accommodation unit(s) intended for temporary occupancy by the travelling public.   |

WAREHOUSING means terminal facilities operated for the storage of commercial, and industrial goods and freight and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations.

WETLAND

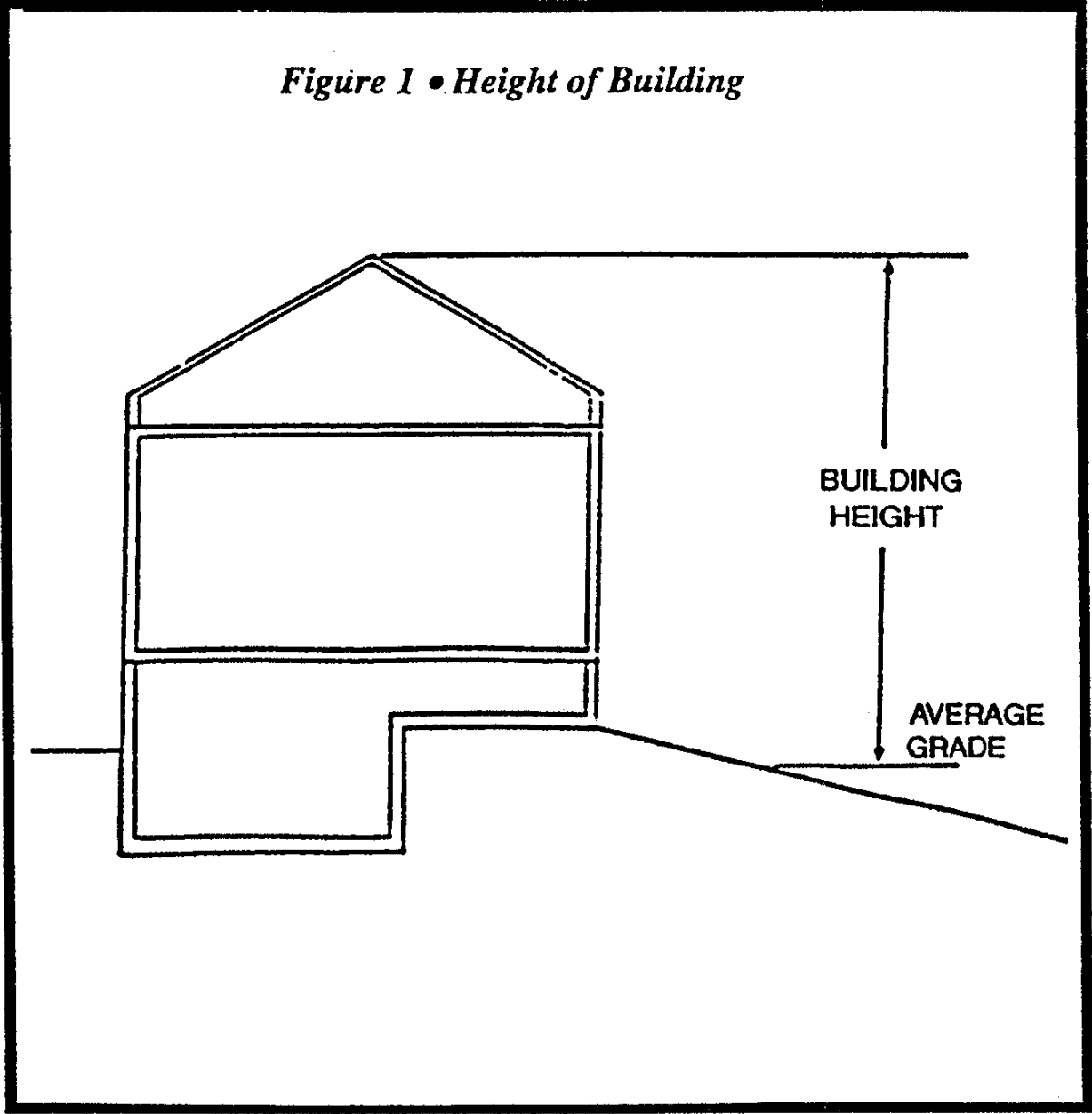
SRD  
90

includes land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.

WHOLESALE

means establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies and includes the maintenance and repair of such goods that are sold.

**Figure 1 • Height of Building**



## **PART 300**

## **GENERAL REGULATIONS**

### **301 Uses Permitted In All Zones**

In addition to the uses specifically permitted in particular zones, the following uses are permitted in all zones:

- 1) Public utility use;
- 2) Parks;
- 3) Parking;
- 4) Navigational aids;

### **302 Uses Prohibited In All Zones**

- 1) Uses not expressly listed as a permitted principal or accessory use within a zone or otherwise noted as being permitted in this bylaw are prohibited.

### **303 Heights of Buildings and Structures**

- 1) Unless otherwise specified, the maximum height of all buildings and structures shall not exceed 10.0 metres (32.8 ft.). Where a zone specifies a lesser height, the more restrictive height shall apply.
- 2) The following shall not be subject to the height requirements of this bylaw: antennas, public utility service buildings, flagpoles, monuments, transmission towers, utility poles, warning devices, navigational aids, water tanks, chimneys, ventilation machinery and elevators.

### **304 Off-Road Parking**

- 1) For every building or structure to be erected or enlarged on a lot which is accessed from a Forest Service Road, adequate off-road parking shall be provided on the subject lot.
- 2) For every building or structure to be erected or enlarged on a lot which is accessed from a public road administered by Ministry of Transportation and Highways, parking shall be provided on the subject lot in accordance with Ministry requirements.

### **305 Signs**

- 1) Signs advertising a business, product or service shall be permitted only on the parcel where the advertised business, product or service is operated or offered.
- 2) Flashing, animated, or internally illuminated signs are not permitted on any building, structure or site.



## **306 Nuisance**

- 1) Nothing shall be permitted in any zone which is or can become a nuisance to any person who believes their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, vibration, smoke, or electrical interference.

## PART 400

## SITING SPECIFICATIONS

### 401 General Considerations

- 1) Notwithstanding the requirements of this section, where the siting requirements of each applicable zone or where federal or provincial agency requirements dictate a larger setback than is provided for in this bylaw, the more restrictive setback shall prevail.
- 2) Prior to development and placement of any structures on the surface of the water, all approvals shall be obtained from provincial and federal agencies as required; in particular Canadian Coast Guard, Department of Fisheries and Oceans and Ministry of Environment, Lands and Parks.
- 3) The development and placement of any structures on the land and surface of the water shall be accordance with the terms of this bylaw and any other applicable bylaw of the Regional District, in particular, Bylaw No. 1836, being the "Floodplain Management Bylaw, 1997".

#### 401.4 Development Adjacent to Streams

SRD  
90

##### Riparian Area Regulation (RAR) Requirements

In accordance with the provincial RAR, where development, as defined by RAR, is proposed to take place within 30.0 metres of a stream connected to fish habitat, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation (RAR) is required. The QEP report must be prepared by the QEP who has carried out the assessment and that:

- i. certifies that the qualified environmental professional is qualified to carry out the assessment,
- ii. certifies that the assessment methods have been followed, and
- iii. provides the professional opinion of the qualified environmental professional that:
  - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
  - (b) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, destruction or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

### 402 Siting of Buildings and Structures Adjacent to Streams

SRD  
90

1. Where the siting of buildings and structures is proposed adjacent to streams and where the Riparian Areas Regulation (RAR) applies, the siting of buildings and structures adjacent to streams shall be determined by the Qualified Environmental Professional's Riparian Area Assessment Report that is filed with and acknowledged by MOE. However, notwithstanding the QEP's assessment report, this bylaw further requires that no building or structure shall be sited closer that 7.5 metres of a stream.

2. Where RAR is not applicable and where the definition of stream pursuant to RAR does not apply, no building or structure shall be sited within 7.5 metres of a water feature.
3. Notwithstanding the above, the regional district floodplain management bylaw also specifies floodplain setback requirements that may further regulate siting of buildings and structures adjacent to streams.

### **403 Road Setbacks**

- 1) No part of any building or structure shall be located within 3.5 metres (11.48 ft.) of a Forest Service Road right-of-way. The Fair Harbour Forest Service Road right-of-way is recognized as being 30 metres wide.
- 2) No part of any building or structure shall be located within 4.5 metres (14.76 feet) of any public road right-of-way which is administered by Ministry of Transportation and Highways.

### **404 Siting Exceptions**

- 1) Where bay windows, chimneys, cornices, gutters, eaves, leaders, ornamental features, or steps project beyond the face of a building, the required setback distance to an abutting lot line as permitted elsewhere in this bylaw may be reduced by 50 % provided that such reduction shall apply only to the projecting feature, except for a zero lot line in which case no feature shall project over the lot line.
- 2) Antennas, boat ramps, docks, flagpoles, fish hatcheries and enhancement facilities, freestanding lighting poles, pools, retaining walls less than 2.0 metres (6.6 feet) in height, signs, shoreline protection devices, utility poles, warning devices, wharves and wires may be sited on any portion of a lot.
- 3) Where a British Columbia Land Surveyor (B.C.L.S.) determines a completed foundation for a building or structure does not meet the required setback from a line lot by no more than 25.0 cm (9.8 inches), the non-conforming siting shall be considered conforming though any subsequent additions to the subject building or structure must comply with the setbacks required in the applicable zone.

## **PART 500**

## **SUBDIVISION REGULATIONS**

### **501 Administration**

#### **1) Authority — Approving Officer**

- a) No land within the area described in Part 100, "Application", of this bylaw shall be subdivided unless and until the subdivision has first received the approval of the Approving Officer.
- b) The subdivision application, approval procedure and all other subdivision requirements shall be those as enforced by the Ministry of Transportation and Highways unless otherwise stated in this bylaw, or other bylaws of the Regional District.

### **502 Subdivision Standards**

#### **1) Lot size for subdivision purposes:**

- a) For the purpose of this bylaw the Regional District has chosen to specify that no minimum lot size shall be set for subdivision purposes. The limited land base combined with the variety of land uses which may be established in the Fair Harbour area warrants that subdivisions be viewed on a case-by-case basis with each application for subdivision identifying the desired land base, or parcel size requirements. It is recognized that all subdivisions shall be subject to the approval of regional, provincial and federal agencies as required; in particular, Environmental Health Unit, Waste Management Branch, and Ministry of Forests. The Regional District shall provide comment on the proposed subdivision of land in the context of the land uses carried out on the property and their compliance, or non-compliance, with Regional District bylaws.

## PART 600

## ZONES

### 601

### MARINE ACCESS ONE (MA-1)

#### 1) Permitted Uses

- a) Low impact recreation;
- b) Moorage, floats, docks, ramps and wharves accessory to and associated with the operation of an adjacent upland Forest Recreation Site established pursuant to the Forest Practices Code of British Columbia Act;
- c) Fish habitat conservation, restoration and development.

#### 2) Lot Area

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction

#### 3) Setbacks

No minimum shall apply.

*End • MA-1*

### 602 MARINE ACCESS TWO (MA-2)

#### 1) PERMITTED USES

- a) Moorage, floats, docks, ramps and wharves,
- b) Low impact recreation;
- c) Fish habitat conservation, restoration and development;
- d) Accessory uses, buildings and structures.

#### 2) CONDITIONS OF USE

No buildings, or enclosed structures, shall be allowed other than for two floating enclosed structures not exceeding in combined total 110 square metres (1184.1 square feet) in floor area and not exceeding one storey, 4.6 metres (15.0 feet), in height above the surface of the water.

#### 3) LOT AREA

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

#### 4) SETBACKS

No minimum shall apply.

*End • MA-2*

**603**

**MARINE RESOURCE ONE (MR-1)**

**1) PERMITTED USES**

- a) Moorage, floats, docks, ramps and wharves,
- b) Log dumping, booming and storage;
- c) Low impact recreation;
- d) Fish habitat conservation, restoration and development;
- e) Accessory uses, buildings and structures.

**2) LOT AREA**

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

**3) SETBACKS**

No minimum shall apply.

*End • MR-1*

**604**

**MARINE MIXED USE ONE (MMU-1)**

**1) PERMITTED USES**

- a) Moorage, floats, docks, ramps and wharves;
- b) Barge loading and off-loading;
- c) Marina operation; including fuel sales;
- d) Seafood processing, packaging and sales;
- e) Accessory uses buildings and structures.

**2) CONDITIONS OF USE**

No buildings, or enclosed structures, shall be permitted except as outlined below:

- a) One building associated with the marina operation, located on the surface of the dock or foreshore, limited in size to 20.9 square metres (225 square feet) and 4.6 metres (15.0 feet) in height.
- b) One floating enclosed structure associated with the seafood processing, packaging and sales not exceeding 140.0 square metres (1507.0 square feet) in floor area and not exceeding one storey in height, 4.6 metres (15.0 feet), above the surface of the water, or alternatively the allowance for the siting of one building on the upland associated with the seafood processing, packaging and sales, not exceeding 140 square metres (1507 square feet) in floor area, and not exceeding one storey, 4.6 metres (15.0 feet) in height.

**3) LOT AREA**

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

**4) SETBACKS**

No minimum shall apply.

*End • MMU-1*

**605**

**ACCESS ONE (A-1)**

**1) PERMITTED USES**

- a) Public Access;
- b) Uses as permitted pursuant to the Provincial Forest Act, Forest Land Reserve Act, Forest Practices Code of British Columbia Act and all associated regulations and orders.

*End • A-1*

**606**

**INDUSTRIAL ONE (I-1)**

**1) PERMITTED USES**

- a) Uses as permitted pursuant to the Provincial Forest Act, Forest Land Reserve Act, Forest Practices Code of British Columbia Act and all associated regulations and orders.
- b) Log dumping, booming and storage;
- c) Accessory uses buildings and structures.

**2) LOT AREA**

Shall be in accordance with the site license of occupation, reserve or lease issued by the authority having jurisdiction.

**3) SETBACKS**

No minimum shall apply.

*End • I-1*

**607**

**FORESTRY ONE (F-1)**

**1) PERMITTED USES**

- a) Uses as permitted pursuant to the Provincial Forest Act, Forest Land Reserve Act, Forest Practices Code of British Columbia Act and all associated regulations and orders.
- b) Accessory uses buildings and structures.

**2) LOT AREA**

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

**3) SETBACKS**

No minimum shall apply.

*End • F-1*

**608**

**RECREATION ONE (R-1)**

**1) PERMITTED USES**

- a) Recreational use associate with a Provincial Forest Service Recreational Site established pursuant to the Forest Practices Code of British Columbia Act.
- b) Accessory uses, buildings and structures.

**2) LOT AREA**

Shall be in accordance with the site license of occupation, permit, reserve or lease issued by the authority having jurisdiction.

**3) SETBACKS**

No minimum shall apply.

*End • R-1*



**1) PERMITTED USES**

- a) Seafood processing, packaging and sales;
- b) Bulk fuel storage, distribution and sales;
- c) Warehousing and storage;
- d) Service and retail establishments,
- e) Business and professional offices;
- f) Restaurant;
- g) Tourist Accommodation;
- h) Campground;
- i) Residential use;
- j) Accessory uses, buildings and structures.

**2) CONDITIONS OF USE**

- a) Residential use, staff housing and tourist accommodation use shall be limited to a maximum number of 10 accommodation units in combined total per lot. Notwithstanding the above, final approval of the maximum number of units to be built and the site area requirements for each unit shall be further defined and approved by Environmental Health Unit and/or the Waste Management Branch. In any case the final approved number shall not exceed the density allowed under this bylaw.
- b) Campground use shall not exceed more than 6 camping spaces.
- c) All outdoor storage shall be screened.

**3) LOT AREA**

Shall be in accordance with the site license of occupation or lease issued by the authority having jurisdiction.

**4) SETBACKS**

No minimum shall apply.

*End • C/IMU-1*

FAIR HARBOUR



- Forestry One (F-1)
- Recreation One (R-1)
- Commercial / Industrial Mixed Use One (C/IMU-1)
- Access One (A-1)



- Marine Access One (MA-1)
- Marine Access Two (MA-2)
- Marine Resource One (MR-1)
- Marine Mixed Use One (MMU-1)
- Industrial One (I-1)



**FAIR HARBOUR**  
**ZONING MAP**  
 Bylaw No. 2256  
 Schedule A-1

