

SCHEDULE A - ZONE REGULATIONS

RURAL ZONE (A-1)

A.1.0 PERMITTED USES

In a Rural Zone (A-1) the use of land, buildings and structures is restricted to:

- i) Single detached or duplex dwelling
- ii) Agriculture
- iii) Recreation
- iv) Cemeteries
- v) Public and quasi-public buildings and uses
- vi) Garbage dumps, provided that the location of the site in respect of water courses and air pollution has the approval in writing by the Medical Health Officer, or other such person designated by him, or the Director, Pollution Control Board, whichever has jurisdiction in the case.
- vii) Public utility structures and uses
- viii) Hydro Electric Energy Generation System (HEG) and related buildings and structures and accessory uses.
(Added by Bylaw No. 700)
- ix) Wind Energy Generation System (WEG) and related buildings, structures and accessory uses.
(Added by Bylaw No. 700)
- x) Secondary Suite Dwelling *(Deleted by Bylaw No. 894 and Added by Bylaw No. 920)*
- xi) Forestry *(Added by Bylaw No. 832)*
- xii) Home Occupation *(Added by Bylaw No. 832)*
- xiii) Accessory buildings, structures and uses *(Added by Bylaw No. 832 and Amended by Bylaw No. 910)*
- xiv) Aggregate and mineral resource extraction *(Added by Bylaw No. 910)*
- xv) Bed and breakfast *(Added by Bylaw No. 910)*
- xvi) Cabin Dwelling *(Added by Bylaw No. 920)*

A.1.1 MINIMUM LOT AREA

The minimum lot area shall be 4 hectares (9.88 acres) except that the minimum lot area for a commercial hydro electric generation system (HEG) shall be one (1) hectare and there shall be no minimum lot area requirement for public uses. *(Replaced by Bylaw No. 832)*

A.1.2 DWELLING UNITS PER LOT

There shall be no more than one single detached or one duplex dwelling per lot. One cabin dwelling or one secondary suite dwelling is permitted as an accessory use to an existing single detached dwelling.
(Amended by Bylaw No. 920)

A.1.3 UNSIGHTLY STORAGE

No parcel shall be used for the wrecking or storage of derelict vehicles or equipment or as a junkyard and no person shall permit such vehicles, equipment or junk to remain on any parcel.

A.1.4 HEG AND WEG SYSTEMS

(Added by Bylaw No. 700)

This section is only applicable to commercial hydro electric energy generating systems (HEGs) and/or commercial wind energy generating systems (WEGs):

- i) Referral Considerations:

In compiling its comments to be submitted to the Province regarding referrals from the Province with respect to applications for HEG and WEG developments, the RDMW will consider:

- a) Information provided with the referral and submitted to the Province as part of the application by the proponent;

- b) Proximity to other land uses in the area;
- c) The potential for economic, environmental and social impacts;
- d) The potential cumulative impacts associated with multiple HEG and WEG developments in the area; and,
- e) Any other information associated with or relevant to the application(s). (**Amended by Bylaw No. 894**)

ii) Information Requirements:

A proponent of a HEG or WEG development shall provide to the RDMW, copies of all reports and information submitted to the provincial and federal governments in support of its application(s) for same, as well as any approvals issued by the provincial or federal governments in relation to the HEG or WEG development. (**Amended by Bylaw No. 894**)

iii) Setbacks for HEGs:

- a) No building or structure, except a fence, shall be located within 7.5 meters of a parcel or lease boundary line;
- b) No building or structure, except those that collect water from or return water to the watercourse, shall be located within 15 meters of the natural boundary of a watercourse;
- c) An HEG shall comply with all the setbacks required by the relevant authority related to roadways in the area in which it is located;
- d) An HEG shall be located not less than 100 meters from any general commercial or industrial use, or area zoned for general commercial or industrial use on land not belonging to the owner of the land on which the HEG is located;
- e) An HEG shall be located not less than 200 meters from any residential, or commercial or public tourism or recreational use not belonging to the owner of the land on which the HEG is located;

iv) Setbacks for WEGs:

- a) A WEG shall comply with all the setbacks required by the relevant authority related to roadways in the area in which it is located.
- b) A WEG shall be located not less than four times the height of the WEG, as measured from the ground to the highest point of the rotor's arc, from any general commercial or industrial use in the area of RDMW jurisdiction not belonging to the owner of the land on which the WEG is located.
- c) A WEG shall be located not less than 10 times the height of the WEG, as measured from the ground to the highest point of the rotor's arc, from any residential, or commercial or public tourism or recreational use in the area of RDMW jurisdiction not belonging to the owner of the land on which the WEG is located.
- d) A WEG shall be located not less than 1 kilometer from any area designated for residential use in any local area plan, municipal plan, or First Nations Reserve plan, or from the boundary of any regional, or provincial park.
- e) A WEG shall be located so that the horizontal distance measured at grade from the outside of the rotor arc to any property or lease area boundary, other than roadways, is at least 7.5 m (24.6 ft)

v) Lot Coverage for HEGs and WEGs:

Buildings and structures shall not cover more than 60 percent of the lot area.

vi) Distribution lines for HEGs and WEGs:

Power lines to the substation or grid will be considered to be public utilities for the purposes of zoning. All power lines on the site to the substation or grid will have a minimum ground clearance of 7.5m (24.6ft.).

vii) Colour and Finish for WEGs:

A WEG System shall be finished in a non-reflective matte and in a colour that minimizes the obtrusive impact of a WEG System. No lettering or advertising shall appear on the towers or blades other than the manufacturer's and/or owner's identification.

viii) Parking and Loading for HEG:

Every HEG shall provide with one space for parking and one space for loading, unloading and manoeuvring of tridem axle trucks as defined in the Commercial Transport Regulations under the Commercial Transport Act.

ix) Decommissioning HEGs and WEGs:

If an HEG or WEG discontinues producing power for a minimum of two years, the system operator shall be required to provide a status report. A review of the status report by the RDMW may result in a request for the HEG/WEG to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the designated officer in accordance with the provisions of the Local Government Act.

A.1.5 SUBDIVISION

(Added by Bylaw No. 832 and Amended by Bylaw No. 894)

Notwithstanding section A.1.1, the following options related to the calculation of the minimum lot size associated with subdivisions for residential purposes may be applied:

- i) The Regional District of Mount Waddington (RDMW) encourages subdivisions for residential purposes to be undertaken by bare land strata plan where shared services, including but not limited to, access routes, driveways and moorage facilities are proposed. In such cases, the total area of the land in the bare land strata plan, exclusive of those portions intended to provide access routes and driveways, divided by the number of strata lots must equal a minimum of four (4) hectares. In such circumstances, any common property areas that have been included in the aforementioned calculation to maintain the minimum four (4) hectare requirement shall be subject to a restrictive covenant which does not permit further subdivision, and depending on the purpose of such common area, the RDMW may require a restrictive covenant be applied that prevents further disturbance and/or development
- ii) In the case of a fee simple subdivision for residential purposes, where a portion of the property in the subdivision plan is to be returned to Crown and/or dedicated as park and the RDMW is in agreement with the proposed return to Crown or park dedication, the total area of the land in the subdivision inclusive of any area to be returned to Crown or dedicated as park, but exclusive of those portions intended to be dedicated as road, divided by the number of lots, must equal a minimum of 4 hectares. In such circumstances, the RDMW may require that any land or lot that has been included in the aforementioned calculation to maintain the minimum four (4) hectare requirement, be subject to a restrictive covenant which does not permit further subdivision, and/or prohibits building or development, and/or protection of the natural environment.

A.1.6 FRONTAGE REQUIREMENTS

(Added by Bylaw No. 832)

Where a lot is adjacent to a public road in a fee simple subdivision or common access route/road in a bare land strata plan subdivision, it shall have a front lot line that is equivalent to a minimum of 10% of the perimeter of the lot. With respect to a subdivision that requires relief from section 75(1)(a) of the Land Title Act (water access), each lot shall have a lot line adjacent to the natural boundary of the water body that provides access to the subdivision equivalent to a minimum of 10% of the perimeter of the lot.

A Development Application may be made to the RDMW to request that the minimum frontage requirement for a lot or lots be reduced: 1) In the case of a fee simple subdivision, as per section 944(2) of the Local Government Act; and, 2) In the case of a bare land strata plan subdivision or a subdivision that requires relief from section 75(1)(a) of the *Land Title Act (water access)*, as per section 922(1)(b) of the *Local Government Act*.

A.1.7 LOT LINE SETBACKS

(Added by Bylaw No. 832)

The minimum setback for buildings and structures, except fences and retaining walls, shall be 7.5 meters from the front and rear lot lines and 5 meters from the side lot lines.