

REGIONAL DISTRICT OF FRASER-FORT GEORGE

BY-LAW NO. 704

A BY-LAW TO ZONE CERTAIN LANDS AT PUNCHAW LAKE.

WHEREAS the Regional Board may, by by-law adopted pursuant to Section 716 of the Municipal Act, divide all or part of an area into zones and regulate or prohibit particular uses in specified zones.

AND WHEREAS the Regional Board desires to zone certain lands in the Punchaw Area, having due regard to the requirements of Section 720 of the Municipal Act.

NOW THEREFORE the Board of Directors of the Regional District of Fraser-Fort George, in open meeting assembled, hereby enacts as follows:

1. This By-law shall apply to the lands shown on Appendix 'B', attached to and forming part of this By-law.
2. The lands included in Section 1 are hereby zoned as set out in Appendix 'B', attached to and forming part of this By-law.
3. The regulations contained in Appendix 'A', attached to and forming part of this By-law, shall be the zoning regulations for the area covered by this By-law.
4. Those portions of Regional District of Fraser-Fort George Zoning By-law No. 430 which regulated the use of land as shown on Appendix 'C', attached to and forming part of this By-law, are hereby repealed insofar as they applied to that area.
5. This By-law may be cited for all purposes as Punchaw Lake Area Zoning By-law No. 704, 1984.

READ A FIRST TIME ON THE 18TH DAY OF OCTOBER, 1984.

READ A SECOND TIME OF THE 15TH DAY OF NOVEMBER, 1984.

READ A THIRD TIME ON THE 15TH DAY OF NOVEMBER, 1984.


A PUBLIC HEARING WITH RESPECT TO THIS BY-LAW WAS HELD ON THE 15TH DAY OF NOVEMBER, 1984.

APPROVED BY THE MINISTRY OF MUNICIPAL AFFAIRS ON THE 9TH DAY OF APRIL, 1985.

RECONSIDERED AND ADOPTED ON THE 18TH DAY OF APRIL, 1985.

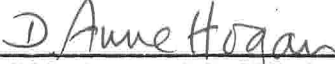


CHAIRMAN

for 

SECRETARY

Certified a true and correct copy of By-law No. 704 as adopted on the 18th day of APRIL, 1985.



ANNE HOGAN, DEPUTY SECRETARY

APPENDIX 'A'

PURPOSE

- 1.0 The principal purpose of this By-law is to guide the natural growth of the Regional District in a systematic and orderly way for the ultimate benefit of the community as a whole and, therefore, to zone a portion of the Regional District of Fraser-Fort George in accordance with Section 716 of the Municipal Act having regard to:
- (1) the promotion of health, safety, convenience and welfare of the public;
 - (2) the prevention of the inappropriate use of land, and the preservation of the amenities peculiar to any zone;
 - (3) the securing of adequate light, air and access;
 - (4) the value of the land and the nature of its present and prospective use and occupancy;

Furthermore, the Board has given due regard to the purpose of the flood conditions. The purpose of these conditions is:

- (5) the reduction of the risk of injury, loss of life, and property damage due to flooding and erosion. However, the Regional District of Fraser-Fort George does not represent to the owner or any other person that any building constructed or mobile home or unit located in accordance with the flood conditions will not be damaged by flooding or erosion.

ADMINISTRATION

- Enforcement 2.01 The Director of Inspection Services or any of his duly appointed representatives are hereby authorized to enter, at all reasonable times, upon any property regulated by this By-law to determine whether the provisions herein are being violated.
- Offence 2.02 Any person who violates a provision of this By-law shall be guilty of an offence and shall be liable, upon summary conviction, to a penalty not exceeding one thousand dollars for each day or part thereof that the violation continues.

INTERPRETATION

- Measurements 3.01 Metric units are used for all measurements in this By-law.
- Severability 3.02 If any portion of this By-law is, for any reason, held to be invalid by the decision of any court of competent jurisdiction such decision shall not affect the remaining portions of this By-law.
- Definitions 3.03 In this By-law, unless the context otherwise requires:

"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 spaces that pierce the storey.

"front lot line" means the lot line common to a parcel and an abutting highway, other than a lane or walkway, or where there is more than one lot line common to such abutting highways the shortest of these lot lines shall be considered the front lot line.

"lot line" means the line or series of lines which form the boundary of a parcel.

"natural boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect of vegetation, as well as in respect of the nature of the soil itself.

"permitted use" means a use which is permitted by this By-law.

"principal use" means a permitted use which is not conditional upon the establishment of another use.

"public utility" means an area used solely for the unattended equipment necessary for the operation of an electrical, telecommunication or other similar facility.

"recreation dwelling" means a dwelling unit used for temporary and seasonal occupancy by persons for whom the recreation dwelling is not a principal residence.

"resource use" means the conservation, management, cutting or extraction of forest, mineral, petroleum or other natural resources and the storage, grading, crushing and preliminary processing of resource products for shipment, and includes residential uses in work camps associated with such operations.

"screening" means a visual barrier formed by a landscaped berm, solid fencing or vegetation or any combination thereof.

"site" means a parcel or part thereof which is occupied or intended to be occupied by a principal use and its accessory uses together with such open spaces, yards and parking areas as are required by this By-law.

"storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it or, if there is no floor above it, that portion between the top of such floor and the ceiling above it.

"watercourse" is any natural or man-made depression with well-defined banks and a bed zero point six (0.6) metres or more below the surrounding land and serving to give direction to a current of water for at least six months of the year, or having a drainage area of two (2) square kilometres or more upstream of the point of consideration, or as required by a designated official of the Ministry of Environment of the Province of British Columbia.

GENERAL PROVISIONS

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| Non-conforming Use | 4.01 | <ol style="list-style-type: none">(1) Lawful use of premises existing or lawfully under construction at the time of adoption of By-law No. 704 or a subsequent Zoning Amendment By-law applicable to the premises, may be continued subject to the provisions of Division (3), Part 21 of the Municipal Act respecting non-conforming uses, although such use does not conform to the provisions of this By-law.
(2) A building existing prior to the date of this By-law which fails to comply with the siting requirements herein shall not by reason thereof, be deemed to be non-conforming. However, any subsequent alterations or additions to such building shall be permitted only in accordance with the siting requirements of this By-law. |
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Flood Conditions

4.02

- (1) Notwithstanding any other provisions of this By-law, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any mobile home or structure be located:
 - (a) (i) within seven point five (7.5) metres of the natural boundary of Punchaw Lake, or as set out in Section 5.03(2);
 - (ii) within fifteen (15) metres of the natural boundary of any nearby watercourse;
 - (b) with the underside of the floor system of any area used for habitation, or storage of goods damageable by floodwaters or, in the case of a mobile home or unit, with the ground level of top of concrete or asphalt pad on which it is located, lower than one point five (1.5) metres above the natural boundary of Punchaw Lake or any other nearby watercourse.
- (2) (a) Section 4.02(1)(a) shall not apply to a boat dock, pumphouse or boat house.
 - (b) Section 4.02(1)(b) shall not apply to:
 - (1) a renovation of an existing building or structure used as a residence that does not involve an addition thereto; or an addition to a building or structure for residential use that would increase the size of the building or structure by less than 25 per cent of the floor area existing at the date of adoption of this By-law;
 - (ii) the portion of a building or structure to be used as a carport or garage;
 - (iii) a boat dock, pumphouse or boat house.

- (3) (a) The required elevation may be achieved by structural elevation of the said habitable, or storage area or be adequately compacted landfill on which any building is to be constructed or mobile home or unit located or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater.
 - (b) Where landfill is used to achieve the required elevations stated in Section 4.02(1)(b) above, no portion of the landfill slope shall be closer to the natural boundary than the distances stated in Section 4.02(1)(a), and the face of the landfill slope shall be adequately protected against erosion from floodwaters.
4. Where a parcel of land is of such size or shape or is so located that because of the requirements of this By-law no usable site exists on the parcel for a building or structure otherwise permitted to be built thereon by all other by-laws, enactments of the Province of British Columbia, and all other rules of law, the building or structure may be built or located on the parcel with such reduced siting provisions from adjacent watercourses as may be specified by a voluntary development permit, issued after application by the owner of the land, and following consultation with the Ministry of Environment as to recommended requirements for protection from flooding and erosion.

SEASONAL RECREATION (SR)

Permitted Uses 5.01 In the Seasonal Recreation zone, the use of land, buildings and structures is restricted to:

PRINCIPAL USES

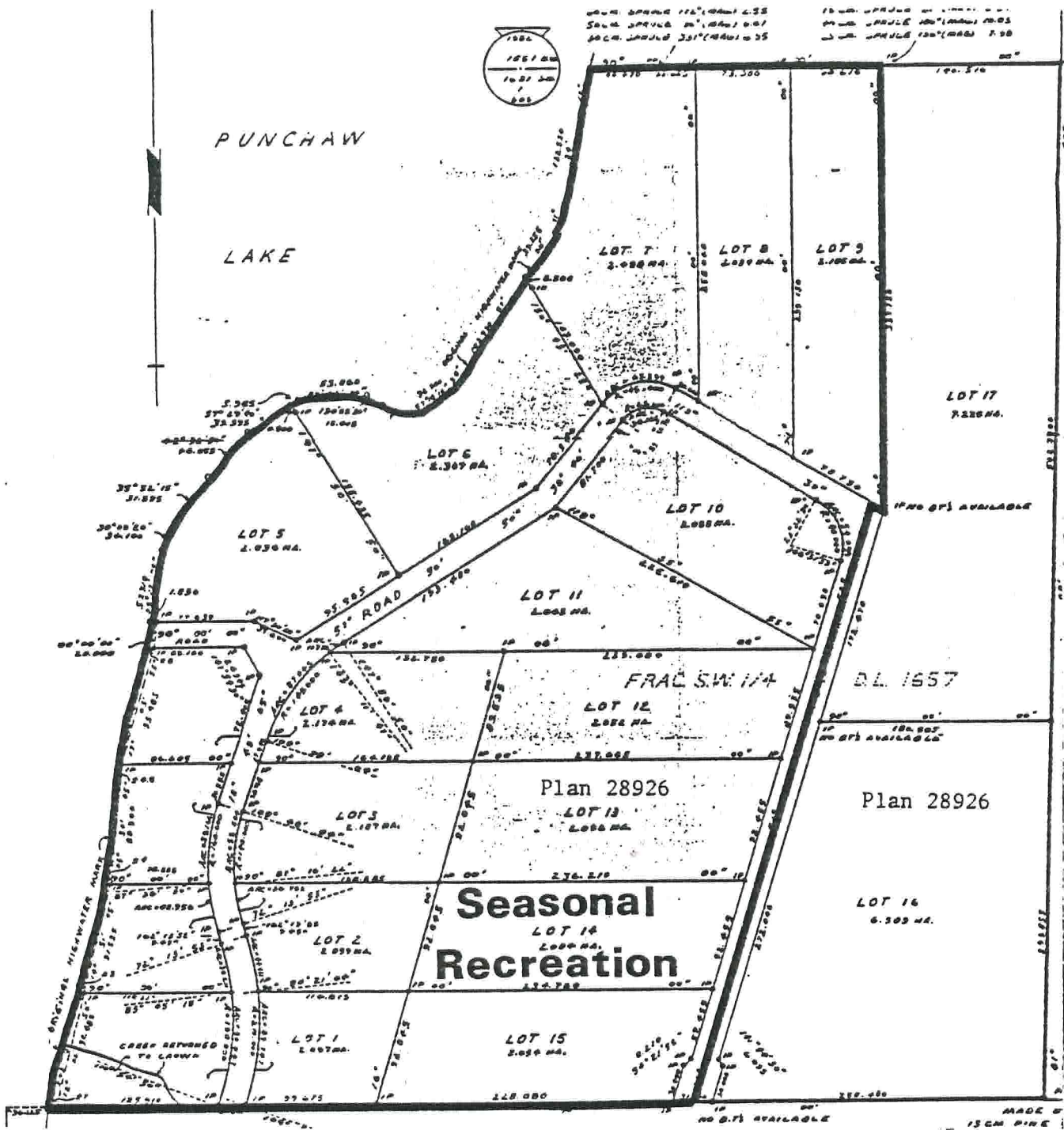
Recreational dwelling, park or playground

Dwelling Size: 5.02 The floor area per recreation dwelling unit shall be a maximum of 83 square metres.

Setbacks 5.03 (1) No building or structure, except a utility structure, may be located less than 7.5 metres from the front lot line or 3 metres from any other lot line.

(2) Notwithstanding Section 5.03(1), a building or structure, except a boat house, boat dock or pump house shall not be less than 15 metres from the natural boundary of Punchaw Lake.

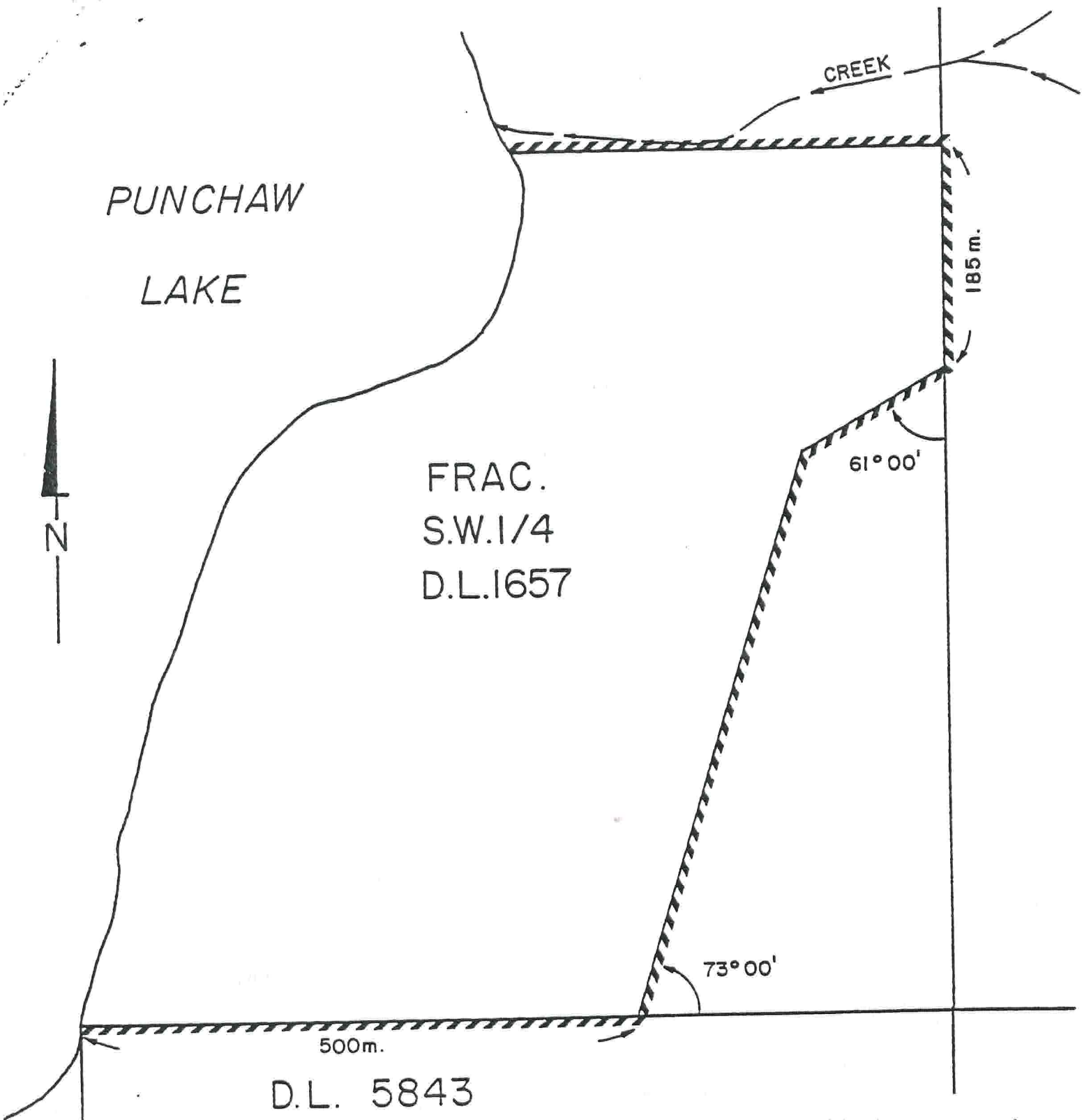
(3) No drainage field, lagoon, drainage pit or other surface or sub-surface disposal of effluent shall be located closer to the natural boundary of a lake than 60 metres.



I hereby certify that this is a true and correct copy of Appendix 'B' to Punchaw Lake Zoning By-law No. 704, 1984 adopted on the 18th day of April, 1985.

A. Shamble
CHAIRMAN

D. Anne Hogan
for SECRETARY



I hereby certify that this is a true and correct copy of Appendix 'C' to Punchaw Lake Zoning By-law No. 704, 1984 adopted on the 18th day of April, 1985.

[Signature] CHAIRMAN
for D. Anne Hogan SECRETARY



Province of
British Columbia

Ministry of
Municipal Affairs

Parliament Buildings
Victoria
British Columbia
V8W 3E1

cc Derek
Ap. 19/85

YOUR FILE.....

OUR FILE RD15 36.03 - 704;
36.04 - 715

April 15, 1985



Ms. Anne Hogan
Deputy Treasurer
Regional District of Fraser-Fort George
987 Fourth Avenue
Prince George, B. C.
V2L 3H7

Dear Ms. Hogan:

Re: Bylaw Nos. 704 and 715

Please find attached one copy of each of the above bylaws approved by the Minister of Municipal Affairs on April 9, 1985, pursuant to Section 814 of the Municipal Act. The approval numbers are 850379 and 850380 respectively.

The bylaws may now be placed before the Board for reconsideration and adoption. We would appreciate receiving a certified true copy of the resolution of the Board adopting the bylaws.

Yours very truly

Elizabeth Cull
Manager
Programs Section
Development Services Branch

Att.
/h

cc: W. J. Tassie