

DISTRICT OF HIGHLANDS

BYLAW NO. 217

RZ03-97 – Highwest Waste Recyclers Ltd. – 1943 Millstream Road

A BYLAW TO AMEND HIGHLANDS ZONING BYLAW NO. 100, 1998

The Council of the District of Highlands in open meeting assembled enacts as follows:

1. "Highlands Zoning Bylaw, No. 100, 1998" is amended by:

(a) Adding the following definitions, in the appropriate location, to
SECTION 1 – DEFINITIONS:

BUILDING DEMOLITION WASTE means Municipal Solid Waste resulting from or produced by the complete or partial destruction or tearing down of buildings, parking lots, bridges, roads, sidewalks, pipes or other man-made structures. *Building demolition waste* includes fixtures, but does not include other waste or materials that are contained within the structure that is demolished;

CONSTRUCTION WASTE means Municipal Solid Waste resulting from or produced by the construction of buildings, parking lots, bridges, roads, sidewalks, pipes or other man-made structures;

COVERED STORAGE means an area not contained within a *building*, but is enclosed on up to three sides and with a roof, where construction materials or construction equipment, lumber, new building materials, monuments or stone products, public service or utility equipment, or other materials, goods, products, equipment or machinery are stored, baled, placed, piled or handled;

FLOOR SPACE RATIO means that figure obtained when the area of the *lot* upon which the *buildings* and *structures* are situated is divided by the *floor area* of all *buildings* and *structures* situated on a *lot*;

INCINERATING means any combustion of material undertaken within a wood residue incinerator, which incinerator is defined and permitted for the destruction of wood residue by the Waste Management Act;

INDUSTRIAL EXTRACTION: means a use providing for the removal, crushing, screening, storage, or mixing of sand, soil, gravel, rock, minerals, and peat.

INERT MUNICIPAL WASTE means solid waste and refuse which originates from residential, commercial, institutional, demolition, land clearing or construction sources, and which contains no Putrescible Waste, that will not leach to any significant extent, that does not constitute a fire hazard and that will not cause pollution.

LAND CLEARING WASTE means Municipal Solid Waste resulting from land clearing such as trees, tree stumps, brush and other vegetative matter;

MUNICIPAL SOLID WASTE shall have the same meaning as defined in the Waste Management Act, ("(a) refuse which originates from residential, commercial, institutional, demolition, land clearing or construction sources, or (b) refuse specified by a manager to be included in a waste management plan"). Clean Soils used for cover material, road, or berm construction shall not be considered *Municipal Solid Waste*;

NATURAL GAS shall have the meaning as defined in the Petroleum and Natural Gas Act (all fluid hydrocarbons, before and after processing, that are not defined as *petroleum*, and includes hydrogen sulphide, carbon dioxide and helium produced from a well);

OFFICE: means the use of a room or groups of rooms within a building to conduct the affairs of a business, profession, service, industry or government, including administrative offices associated with the assembly, manufacturing, repairing or servicing of goods, but specifically excluding the *retail* sale or wholesale of goods.

OUTDOOR STORAGE: means an area outside of an enclosed building where construction materials and equipment, solid fuels, lumber, new building materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether a principal or accessory use. *Outdoor Storage* shall not be construed to include an automobile salvage or wrecking yard, a display yard, a junk yard, or log sorting and storage."

PETROLEUM shall have the meaning as defined in the Petroleum and Natural Gas Act (crude petroleum and all other hydrocarbons, regardless of gravity, that are or can be recovered in liquid form from a pool through a well by ordinary production methods or that are or can be recovered from oil sand or oil shale);

PUTRESCIBLE WASTE means solid waste that has the potential to decompose with the formation of malodorous byproducts, combustible gases, or toxic leachate;

TREATED SOILS means cleaned soil which contains contaminants in concentrations at or below the threshold levels for industrial purposes as given in Schedule 4 or Schedule 5 of the Waste Management Act Contaminated Sites Regulation;

VEHICLE AND EQUIPMENT REPAIRS means the maintenance and repair of *vehicles* and mechanical equipment undertaken with or without a fee, but excludes motor *vehicle* garages, service stations, and paint and body shops.

- (2) Adding a new **SECTION 11.3 HIGHEST INDUSTRIAL (M3) ZONE** attached as Schedule A to this Bylaw.
- (3) Changing the zoning classification of part of Section 15, Highland District except those parts in Plans 7077, 7599 and 16010, located on Millstream Road, as shown on Map "A" attached to and forming part of this bylaw, from Greenbelt 2 (GB2) to the Highest Industrial (M3) Zone.
- (4) This bylaw may be cited as "Highlands Zoning Bylaw, Amendment Bylaw No. 217, 2003"

READ A FIRST TIME THIS	15TH	DECEMBER	2003
READ A SECOND TIME THIS	15TH	DECEMBER	2003
PUBLIC HEARING HELD THIS	30TH	JUNE	2004
READ A THIRD TIME THIS	5TH	JULY	2004
ADOPTED THIS	20TH	DECEMBER	2004

MAYOR

CLERK

SCHEDULE A

"SECTION 11.3 HIGHEST INDUSTRIAL (M3) ZONE"

11.3.1 Permitted Uses

- (1) In addition to the uses permitted in Section 3 of this Bylaw, the following uses shall be permitted in the Highest Industrial (M3) Zone:
 - (a) *Accessory uses, buildings and structures;*
 - (b) *Covered storage and Outdoor Storage, which for this zone may also include the storage of land clearing waste, demolition waste, construction waste or other inert municipal waste;*
 - (c) *Incinerating and subsequent landfilling of the incinerated residue from inert municipal waste, building demolition waste, construction waste or land clearing waste;*
 - (d) *Industrial extraction;*
 - (e) *Offices;*
 - (f) *Outdoor storage of equipment and materials to be used in the business of construction, or for the maintenance of buildings or infrastructure;*
 - (g) *Receiving, and treatment of contaminated soils and subsequent landfilling of treated soils;*
 - (h) *Receiving, dismantling, separation, sorting, landfilling and sales of inert municipal waste, building demolition waste, construction waste or land clearing waste;*
 - (i) *Residential accessory to a principle use, either incorporated within a building containing a principle use, or wholly contained within a building;*
 - (j) *Vehicle and Equipment Repairs ancillary to any principle use undertaken on-site.*

11.3.2 Prohibited Uses

- (1) In addition to the uses prohibited by Section 3 of this Bylaw, the following uses are expressly prohibited in the Highest Industrial (M3) Zone:
 - (a) *Burning or disposal of putrescible waste;*
 - (b) *Storage or dismantling of vehicles or equipment for salvage or landfill;*
 - (c) *Asphalt or cement manufacturing;*
 - (d) *Fertilizer, herbicide or pesticide manufacturing or storage.*

- (e) Bulk *petroleum* or *natural gas* product refineries, manufacturing or storage.

11.3.3 Density

- (1) The maximum allowable *density* of all *buildings* and *structures* constructed to facilitate the *permitted uses* is limited to a *floor space ratio* (FSR) of 5.
- (2) The maximum *floor area* of an *office* use shall be 500 square metres (5,382 ft²).
- (3) Notwithstanding the provisions of subsections (1) and (2) of this section, if the owner has paid the District of Highlands \$75,000.00 to be placed in a Statutory Reserve Fund for Roads:
 - a. The maximum allowable *density* of all *buildings* and *structures* constructed to facilitate the *permitted uses* is limited to a *floor space ratio* (FSR) of 10, and
 - b. the maximum permitted *floor area* of an *office* use shall be increased to 4,500 square metres (48,439 ft²).
- (4) Not more than one *dwelling unit* is permitted on a *lot*.
- (5) The maximum *floor area* of a *residential* use shall be 350 square metres (3,767.5 ft²).

11.3.4 Siting and Dimensions of Buildings, Structures and Uses

- (1) With the exception of *covered storage structures*, which shall not exceed 15 metres (49.2 feet) in *height*, a *principal building* or *accessory building* shall not exceed 10 metres (32.8 feet) in *height*.
- (2) No *building* shall be sited within 15 metres (49.2 feet) of any *lot line*.

11.3.5 Landscape Areas

- (1) *Landscaped areas* shall be provided along every *lot line* with a minimum width of 15 meters (49.2 feet) measured perpendicular to that *lot line*.

11.3.6 Off-street Parking and Loading

- (1) Whenever a use of land, *buildings* or *structures* occurs pursuant to any provision in this Bylaw, off street parking spaces and loading areas shall be continuously provided and maintained.
- (2) The minimum number of off street parking spaces required for any use shall be calculated in accordance with Table 11.1.

Table 11.1

Use of Building	Required Parking Spaces
1.0 Residential	
1.1 Single Family Dwellings	2 spaces per <i>dwelling unit</i>
1.2 Accessory Residential uses in <i>buildings</i> also used for commercial or industrial uses	1.5 spaces per <i>dwelling unit</i>
2.0 Commercial	
2.1 <i>Offices</i>	1 space per 30 square meters (322.9 square feet) of <i>floor area</i>
3.0 Industrial	
3.1 <i>Vehicle and Equipment Repairs</i>	1 space per 175 square meters (1883.7 square feet) of <i>floor area</i>

- (3) The off street loading areas required for any use in this *zone*, except for residential use and uses accessory thereto, shall:
- (a) be calculated and provided in accordance with Table 11.2.

Table 11.2

Floor Area	Required Loading Spaces
0 to 2,000 m ² (21,528.5 ft ²) or portion thereof	1
2,001 m ² (21,539.3 ft ²) to 4,000 m ² (43,057 ft ²) or portion thereof	2
4,001 m ² (43,067.8 ft ²) to 6,000 m ² (64,585.6 ft ²) or portion thereof	3
For each additional 2,000 m ² (21,528.5 ft ²) or portion thereof	1

- (b) have dimensions of not less than 3 meters (9.84 feet) in width, 7.5 meters (24.6 feet) in length, and a minimum 4.25 meters (13.9 feet) of clearance between the surface of the loading area and any *structure* above,
- (c) be clearly designated as a loading area
- (4) Handicapped parking spaces shall:
- (a) be provided as specified in Table 11.3:

Table 11.3

Total Required Parking Spaces	Required Handicapped Parking Spaces
1 to 24	1
25 to 149	1
150 to 299	2
For each 150 over 300	1

- (b) be a minimum of 3.6 meters (11.8 feet) in width,
 - (c) occupy the nearest parking space to a *building* entrance that accommodates wheelchair access,
 - (d) be clearly designated as a handicapped parking space.
- (5) Drop curbs shall be provided on any curb between a handicapped parking space and the building entrance to accommodate wheelchair access.

11.3.7 Subdivision Density and Lot Area Requirements

- (1) No subdivision plan may be approved unless *lots* created by the subdivision have a minimum area of at least 10 hectares (22 acres) and a minimum *frontage* the greater of 20 metres or 1/10th the perimeter of the *lot*.