

DISTRICT OF HIGHLANDS

BYLAW NO. 237

A BYLAW TO AMEND BYLAW NO. 100, Highlands ZONING BYLAW, 1998"

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

(1) **Highlands Zoning Bylaw No. 100, 1998** is amended:

(a) In **Section 1 "Definitions"**, by adding the following in appropriate alphabetical order:

BUILDING ENVELOPE means the portion of a lot on which this Bylaw permits the location of a building or structure

CARETAKER'S DWELLING UNIT means a dwelling unit that is attached to and located above or behind a commercial or industrial use or provided in connection with a golf course use

FLOOR SPACE RATIO means the number derived by dividing the floor area of all buildings and structures on a lot by its area

GOLF CLUBHOUSE means a building wherein services accessory to a golf course use are provided, including a retail pro shop, office, restaurant, or licensed establishment, and may also include a patio seating area.

GOLF COURSE MAINTENANCE FACILITY means an area within a golf course, which may include an enclosed building, where materials, vehicles, equipment or machinery used exclusively in the operation of the golf course are stored, maintained and repaired.

HOTEL means a building with a lobby for the reception and registration of guests, wherein tourist accommodation is provided on a daily rental basis, and where:

- The primary access to the tourist accommodation units is through the lobby of the building,
- Each tourist accommodation unit may include its own kitchenette;
- A guest register is required to be kept pursuant to the *Hotel Guest Registration Act*; and
- Facilities may be provided for the use and enjoyment of the guests occupying the tourist accommodation units, including restaurants, licensed establishments, swimming pools, gymnasiums, indoor or outdoor racquet courts, saunas, health spas, fitness and dance studios, aerobic studios, weight rooms, and the like.

LICENSED ESTABLISHMENT means premises licensed pursuant to the *Liquor Control and Licensing Act*.

LIGHT MANUFACTURING means enclosed activities associated with the assembly, manufacturing, repairing, selling or servicing of goods, emitting no noxious noise or pollutants.

LODGE means a building containing tourist accommodation units each of which provides sleeping accommodation and may have its own water closet and washbasin, but no kitchenette or other cooking facilities:

- (a) Which may also contain a licensed establishment and recreation facilities for the common use and enjoyment of the guests; and
- (b) Wherein meals may be prepared and provided in a common dining area to registered guests

MEDICAL CLINIC means a building wherein professional health services are provided, including but not limited to medical, optometry and dental laboratory services, outpatient care, licensed massage therapy and physiotherapy, and which may also include a pharmacy as an accessory use.

PANHANDLE LOT means a lot whose frontage on a highway or access route on a bare land strata plan comprises a relatively narrow strip of land.

RESORT means the use of land for tourist accommodation in a hotel, lodge, or cabins each containing not more than two tourist accommodation units, where:

- (a) Each tourist accommodation unit has its own water closet and washbasin and may have a kitchenette; and
- (b) All units are available at all times for temporary occupancy by the travelling public.

SITE COVERAGE means the portion of a lot that is covered by buildings and structures, expressed as a percentage of the lot area, and for this purpose buildings and structures are deemed to cover the portion of a lot that is within the drip line of the roof of the building or structure.

TOURIST ACCOMMODATION means accommodation for the temporary lodging of the traveling public, not used as a dwelling unit or for any residential use, and for this purpose “temporary” means the accommodation of any particular person for not more than 180 days in any calendar year, not more than 29 of which may be consecutive, such that the occupier would not become a resident elector of the Municipality by virtue of their occupancy.

TOWNHOUSE means a building not more than five attached dwelling units each of which has its own entrance from ground level.

- (b) In **Section 1 “Definitions”** by replacing the definition of “Golf Course” with the following:

GOLF COURSE means an area of land developed for the purpose of playing golf and accessory uses such as office, retail pro shop, golf clubhouse, restaurant, banquet facilities, golf driving range, golf course maintenance facility, caretaker’s dwelling unit, accessory motor vehicle parking facilities and licensed establishments.

- (c) In **Section 3.8 (6)(a), “Number of Parking Spaces”**, by adding the following parking requirements:

(v) Retail	1 space per 20 m ² gross floor area
(vi) Office	1.5 space per 40 m ² gross floor area
(vii) Storage Area	1.5 space per 200 m ² gross floor area
(viii) Restaurant	1 space per 3 seats
(ix) Clubhouse	1 space per 25 m ² gross floor area
(x) Golf Course	4 spaces per golf hole
(xi) Resort	1 space per tourist accommodation unit
(xii) Hotels	0.75 space per tourist accommodation unit

- (d) In **Section 3.8 (6) “Number of Parking Spaces”**, by adding a new **Subsection (c) and (d)**:

- (c) Motor vehicle parking areas within the Golf Course and Resort Areas shown on Schedule E shall include facilities to park and store bicycles in a location that is accessible to guests, employees and the general public. These shall contain at least 1 bicycle storage space for every 20 required off-street parking spaces.

In addition to the parking spaces required for each use, motor vehicle parking areas within the Golf Course, Resort, and Commercial Areas shown on Schedule E shall include additional parking spaces for persons with disabilities, having a width of 3.7 m and clearly marked as spaces for persons with disabilities, calculated as follows:

1 additional space for the first 20 required parking spaces; and

1 additional space for every 40 required parking spaces thereafter.

- (d) Motor vehicle parking areas containing more than 20 spaces in a row shall incorporate surface drainage infiltration galleries, and landscaped planting areas not less than 1.5 m in width and 6.0 m in length every 20 spaces.

- (e) In **Section 5 “Establishment and Designation of Zones”**:
- (i) Under the column labelled "Short Form," by **Deleting** “GC1” and **Replacing** this with "BMCD1;" and
 - (ii) Under the column labelled “Zone” by **Deleting** “Golf Course 1” and **Replacing** this with the words "Bear Mountain Comprehensive Development 1;" and
- (2) **Highlands Zoning Bylaw No. 100, 1998** is further amended by **Deleting Section 15.1 and substituting the following**:

“Section 15.1 – Comprehensive Development 1 – Bear Mountain (BMCD1) Zone”

Zone Intent

This zone is intended to provide for a destination resort, consisting of an 18-hole golf course and driving range; tourist accommodation facilities consisting of a hotel, a resort including cabins and lodges; and residential and townhouse units and a small free-standing commercial area.

Areas

The BMCD1 Zone is divided into five Areas that contain the lands described for each Area, as shown in Schedule E to this Bylaw, and references in this Section 15 to “Areas” are references to the areas shown in that Schedule.

15.1.01 Permitted Uses

In addition to the uses permitted in **Section 3.7 of this Bylaw**, the following uses and no others shall be permitted in the respective Areas BMCD1 Zone:

- (1) Within the “Residential” Area:
 - (a) Single Family Residential
 - (b) Townhouse Residential, on lots having an area of at least 900 m²
 - (c) Accessory Buildings and Uses
- (2) Within the “Resort” Area:
 - (a) Hotel
 - (b) Resort
 - (c) Medical Clinics
 - (d) Retail Stores
 - (e) Offices
 - (f) Accessory buildings and uses, which may include, laundromats, licensed establishments, storage and supply facilities associated with the above principal uses

- (3) Within the “Golf Course” Area:
 - (a) Golf Clubhouse
 - (b) Office
 - (c) Driving Range
 - (d) Golf Course
 - (e) Golf Course Maintenance Facility
 - (f) Caretaker’s Dwelling Unit

- (4) Within the “Commercial” Area:
 - (a) Offices
 - (b) Retail Stores including premises licensed pursuant to the *Liquor Control and Licensing Act*;
 - (c) Storage
 - (d) Restaurants, including licensed establishments; excluding drive-in and drive-through
 - (e) Caretaker’s Dwelling Unit
 - (f) Public Utility Use
 - (g) Light Manufacturing
 - (h) Medical Clinic

- (5) Within the “Park” Area:
 - (a) Outdoor recreation limited to nature appreciation, hiking, cycling and horseback riding

15.1.02 Subdivision Lot Requirements

- (1) No panhandle lot may be created unless the lot area is greater than 1,115 m²;
- (2) No lot having an area less than 400 m² may be created;
- (3) No lot having a lot width less than 14 m may be created,
- (4) No lot for a residential use may be created having a building envelope width less than 7 m nor a building envelope area less than 150 m²
- (5) No lot shall be created in the BMCD1 Zone unless the owner grants to the District a covenant in terms satisfactory to the District, restricting the further subdivision of land in the Zone and the construction of buildings and structures in the Zone, such that the density of development permitted in the Zone by this Bylaw, including the density to which the Owner is entitled under **Section 15.1.04(2)** and the associated obligation to make payments to the District, is distributed among the lots being created by the subdivision and the maximum density of development permitted by the provisions of this Bylaw, as applied to the lots so created, does not exceed the total density that was permitted prior to the subdivision.

15.1.03 Density of Development on Individual Lots

- (1) There may not be more than one residential building on a lot.
- (2) No lot in the Residential Area may exceed a floor space ratio of 1:1.
- (3) Maximum site coverage of all buildings on a lot is 35%.
- (4) Despite **Subsection 15.1.3(1)**, there may be more than one residential building on a lot if all of the residential buildings on the lot are in the same strata plan.
- (5) The density of townhouse residential uses may not exceed one dwelling per 285 m² of lot area.
- (6) The floor space ratio of a building for a commercial use may not exceed 0.5:1, unless all required parking is provided underground in which case the floor space ratio may not exceed 1:1.

15.1.04 Density of Development in the BMCD1 Zone

- (1) (a) There may not be more than 13 residential dwelling units in the BMCD1 Zone.

(b) Notwithstanding **Subsection 15.1.04(1)(a)**, the number of residential dwelling units in the BMCD1 Zone may be increased from 13 to 62, if the owner provides payment to the District of \$16,666.66 per dwelling unit in the BMCD1 Zone in respect of which the District issues a building permit. These monies are to be placed in reserve funds established for the provision of community amenities and expended for that purpose.
- (2) Notwithstanding **Subsection 15.1.04(1)**, the number of residential dwelling units in the BMCD1 Zone may be increased from 62 to 150, if the Capital Region District has amended its regional growth strategy and specifically Map 4 to include the BMCD1 Zone within the urban containment boundary and accepted from the District a regional context statement that designates the BMCD1 Zone for development and for servicing by regional water and sewer, or, if the Owner provides non-aquifer water and sewer service to the dwelling units without the use of Capital Regional District water or sewer service, and the owner provides:
 - (a) A covenant in favour of the District charging the land in the BMCD1 Zone, ensuring that the lands are serviced with piped water supplied by a non-aquifer source, and governing the form and character of buildings and structures constructed in the BMCD1 Zone and landscaping installed in the Zone, all in terms satisfactory to the District; and
 - (b) Payment to the District of \$2,500,000 to be placed in reserve funds established for the provision of community amenities and expended for that purpose, such payment to be made as follows:
 - i. \$16,666.66 per dwelling unit in the BMCD1 Zone in respect of which the District issues a building permit; and

- ii. In the event that the total payments to the District at the rate of \$16,666.66 per dwelling unit in excess of 62 dwelling units during any calendar year do not equal at least \$250,000 by the end of the calendar year, the difference between the amount that has been paid during that calendar year and \$250,000, such difference to be paid on or before December 31 in that calendar year.
- (3) Within the “Residential” Area
 - (a) The number of townhouse dwelling units must not exceed 30.
 - (b) The total floor area of all accessory buildings on a lot shall not exceed 100 m², and no single accessory building shall exceed 60 m² in floor area.
 - (c) No accessory building or structure may be used as a dwelling unit and no dwelling unit may contain a secondary suite.
 - (4) Within the “Resort” Area:
 - (a) The total floor area of a lodge use shall not exceed 3,000 m².
 - (b) The total floor area of a tourist accommodation unit in a resort cabin shall not exceed 80 m².
 - (c) The total floor area of all accessory buildings within the “Resort” Area shall not exceed 465 m² and no single accessory building shall exceed 300 m² in floor area.
 - (d) The total number of tourist accommodation units within the “Resort” Area shall not exceed 250.
 - (e) Notwithstanding Subsection 15.1.04(4)(d), 100 of the tourist accommodation units must be contained in a hotel.
 - (5) Within the “Golf Course” Area:
 - (a) The total floor area occupied by retail stores, golf clubhouse, and accessory uses within the “Golf Course” Area shall not exceed 5,000 m².
 - (b) The total area occupied by a golf maintenance facility and accessory maintenance uses within the “Golf Course” Area shall not exceed 20,000 m².
 - (c) The total floor area occupied by a caretaker’s dwelling unit shall not exceed 100 m², and not more than one caretaker’s dwelling unit shall be permitted within the “Golf Course” Area.
 - (6) Within the “Commercial” Area
 - (a) No lot shall be created having an area of less than 0.216 Ha
 - (b) The combined total floor area of all buildings shall not exceed 1,100 m².

15.1.05 Regulations for Accessory Buildings

- (1) Notwithstanding any other regulations in this Bylaw, accessory buildings on lots immediately adjacent to a golf course must not be located closer to the lot line abutting the golf course than the setback distance required from the front lot line for the principal building.

15.1.06 General Regulations for Use

- (1) In addition to the requirements of Section 3.8 of this Bylaw, at least one fully enclosed parking space, provided either within a principal building or within an accessory building, is required in conjunction with any one-family residential dwelling.
- (2) No building, structure or use in the Commercial area shall have any motor vehicle access directly to or from Millstream Road.

15.1.07 Height and Size of Principal Use Buildings

- (1) No residential dwelling may exceed a height of 9 m.
- (2) No commercial building may exceed a height of 13 m or two (2) storeys whichever is less.
- (3) No building containing a tourist accommodation unit shall exceed a height of 13 m.
- (4) Despite **Section 15.1.07.3**, the maximum building height may be increased to 15 m or four (4) habitable storeys, whichever is less, where sufficient fire flows and ladder heights and suitable architectural design for fire-fighting purposes are confirmed in writing by the District Fire Chief.

15.1.08 Setbacks for Buildings and Structures

- (1) Within the “Residential” Area
 - (a) On lots with areas greater than or equal to 400 m² and less than 550 m², no building or structure may be located:
 - (i) Within 6 m of any front lot line when the lot fronts on and has access from a highway or access route in a bare land strata plan, nor within 6 m of the front lot line in the case of a detached garage, or portion of a building comprising an attached garage, connected to the highway or access route by a driveway.
 - (ii) Within 6 m of any rear lot line;
 - (iii) Within 3 m of any exterior side lot line; or
 - (iv) Within 1.2 m of any interior side lot line.

- (b) On residential lots with areas greater than or equal to 550 m² and less than 1,100 m², no single family dwelling may be located:
 - (i) Within 6 m of any front lot line;
 - (ii) Within 6 m of any rear lot line;
 - (iii) Within 1.5 m of any interior side lot line; or
 - (iv) Within 4.5 m of any exterior side lot line.
 - (c) Notwithstanding **Section 15.1.08 (a) and (b)**, on lots directly adjacent to a golf course, or lots larger than 1,100 m², no principal building or structure may be located:
 - (i) Within 7.5 m from any front lot line;
 - (ii) Within 10 m from any rear lot line;
 - (iii) Within 4.5 m from any exterior side lot line; or
 - (iv) Within 3 m of any interior side lot line not adjoining a golf course;
 - (d) No townhouse building may be located:
 - (i) Within 6 m from any front lot line;
 - (ii) Within 10 m from any rear lot line;
 - (iii) Within 6 m of any exterior side lot line; or
 - (iv) Within 3 m of any interior side lot line.
- (2) Within the “Resort” Area
- (a) No building may be located:
 - (i) Within 10 m from any Crown Land or Park Land.
 - (ii) Within 10 m from the boundary of the BMCD1 Zone.
- (3) Within the “Golf Course” Area
- (a) No building shall be located:
 - (i) Within 10 m from any Crown Land or Park Land; or
 - (ii) Within 10 m from the boundary of the BMCD1 Zone.

(4) Within the “Commercial” Area

(a) No building for a commercial use may be located:

- (i) Within 4.5 m of any interior side lot line.
- (ii) Within 7.5 m of a front lot line or a rear lot line, provided that where the area between a building front line and a front lot line is landscaped and not used for off-street parking, the minimum setback may be reduced to 4.5 m .
- (iii) Within 5 m of an exterior side lot line.
- (iv) Within 10 m of Millstream Road.

15.1.09 Landscape Screening

- (1) The relevant regulations of **Section 3.21** this Bylaw apply.
- (2) Parking areas shall be screened from any abutting residential, commercial or golf course uses by a landscape screen not less than 3 m in width and 1.8 m in height, measured at the time of planting.
- (3) Landscaping in the form of grass, shrubs, ground cover, native plant communities, plants, trees, or flowers or a combination of them shall be installed and maintained in a total of not less than 10% of the site area.

15.1.10 General

The relevant regulations of **Part 3** this Bylaw apply.

- (1) Highlands Zoning Bylaw No.100, 1998 is further amended by altering Schedule A, Zoning Map, to designate the lands shown in heavy outline in Appendix A to this Bylaw as the “Bear Mountain Comprehensive Development 1” Zone.
- (2) Highlands Zoning Bylaw No.100, 1998 is further amended by adding as Schedule E the map attached to this Bylaw as Appendix B
- (3) If any section, subsection, sentence, paragraph, schedule or map forming part of this Bylaw, is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, paragraph, schedule or map may be severed from the Bylaw without affecting the validity of the Bylaw or any portion of the Bylaw remaining, the remaining schedules or maps.
- (4) This Bylaw may be cited as "District of Highlands Zoning Bylaw Amendment Bylaw No. 237 (Bear Mountain) 2004."

READ A FIRST TIME this 15th day of November, 2004.

READ A SECOND TIME this 20th day of December , 2004.

PUBLIC HEARING held this day of , 2004.

READ A THIRD TIME this day of , 2004.

ADOPTED this day of , 2004.

MAYOR

MUNICIPAL CLERK