DISTRICT OF NEW HAZELTON

Bylaw No. 392, 2026

A bylaw amendment to regulate the use of land, buildings and structures and the provisions of parking, screening and landscaping

The Council for the District of New Hazelton, in open meeting assembled, enacts as follows:

TITLE

This Bylaw may be cited as District of New Hazelton Zoning Amendment Bylaw 392, 2026.

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1.0 PART A - INTRODUCTION

1.1 Title

This Bylaw may be cited as the "District of New Hazelton Zoning Bylaw No. 389, 2025."

1.2 Purpose

In this Bylaw the District of New Hazelton regulates the use of land and structures to guide sustainable and resilient development and to preserve the amenities of the District of New Hazelton for the benefit of the community as a whole.

1.3 Measurements

All dimensions and other measurements in this Bylaw are expressed in the standard International Units (Metric) System.

1.4 Application

No land, water surface, building or structure shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, moved, altered or enlarged, unless in conformity with this Bylaw, except as otherwise provided for in this Bylaw or in the *Local Government Act*.

2.0 PART B - DEFINITIONS

2.1 Definitions

"Abattoir" means the use of land, buildings, or other structures for one or more of the following: Slaughter of animals; processing of animal carcasses including cutting, preserving, packing, and storing; the wholesaling and retailing of products slaughtered or processed on the parcel.

"Accessory Building" in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan and specifically excluding heat pumps and other mechanical equipment, gas meters and propane tanks that are permanently affixed to a building or structure by way of plumbing or other duct work.

"Accessory Residential Dwelling Unit" means a dwelling unit, which is ancillary to the principal use being made of the parcel upon which the accessory dwelling unit is located.

"Affordable Housing" means a continuum of multi-unit residential housing that provide the District of New Hazelton with a diverse housing stock, including supportive needs housing, and a baseline of housing costs that does not exceed 30% of the gross household's income.

"Agriculture" means a use providing for growing, rearing, producing and harvesting of agricultural products; includes the storage and sale on an individual farm of the products harvested, reared, or produced on that farm and the storage of farm machinery and implements used on that farm; specifically excludes Intensive Agriculture and all manufacturing, processing, storage and repairs not specifically included in this definition.

"Agriculture, Intensive" means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms.

"Amenity Space" means an outdoor and indoor space provided in a development and specifically designed for use for cultural, social, and recreation activities and, except as specifically permitted in the zone, not used for commercial purposes. Such spaces may include community meeting space, day cares, urban plazas, sports, and fitness facilities, cultural facilities, artist studios, workshops, tennis courts, outdoor swimming pool, garden patches, and children's play structures.

"Animal Breeding and Boarding" means keeping, breeding or boarding four or more pets over the age of four months, and may include accessory pet grooming and training services.

"Animal Hospital" means those premises where domestic pets, animals and birds are treated inside a building and kept for medical or surgical purposes and are directly or indirectly under the care of a veterinarian. This use also includes animal grooming, training and daycare, but does not include an animal shelter. Animals are to be kept overnight only when required for medical supervision.

"Apartment Housing" means any physical arrangement of attached dwelling units for all types of occupants (including special needs care) intended to be occupied by separate households for full time residential occupancy, which does not conform to the definition of any other residential use class.

“Automotive and Recreation Vehicle Services” means the retail sale, rental and/or servicing and repairing of new or used automobiles, bicycles, motorcycles, snowmobiles, tent trailers, boats and marine products, travel trailers or similar light recreational vehicles, together with the sales of parts and outdoor storage. It includes automobile dealerships for new and used vehicles.

“Auto Wrecking” means an area where motor vehicles are wholly or partially disassembled, dismantled, or junked, or where vehicles not in operable condition or used parts of motor vehicles are stored.

“Bed and Breakfast” means the accessory use of up to a maximum of three bedrooms in a single family dwelling for tourist accommodation on a nightly basis.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy, but excludes tents and recreational vehicles.

"Building Envelope" means the portion of a lot on which a residential building can be sited according to the setback requirements of this Bylaw; and for the purposes of calculating the area of a building envelope, any area used or required to be used for a septic field (including backup fields) must be excluded.

“Building Footprint” means the horizontal area within the vertical projection of the outermost walls of a building or structure.

"Building Official" means the Building Official for the District of New Hazelton.

“Building and Supplies” means the retail sale or wholesale of building materials, fixtures or hardware, garden furniture, construction and home improvement equipment or supplies, animal feed, farm supplies and includes a lumber yard, building supply outlet, home improvement centre and may include accessory rental of home construction, maintenance or repair equipment.

“Bulk Fueling Station” means any building or land used or intended to be used for the sale or storage of vehicle fuels or lubricants, either through the use of keys, cards or service attendants, but does not include a gas station. A bulk fueling station may include accessory retail sales of other motor vehicle related products, a convenience store, and a restaurant.

“Business Support Services” means development providing support services to businesses that are characterized by one or more of the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, secretarial services, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair, or servicing of office equipment, furniture and machines. Typical uses include, but are not limited to, printing establishments, testing, laboratories, film processing establishments, janitorial firms and office equipment sales, repair establishments and sign shops.

"Campground" means land that has been planned, improved, or occupied for the seasonal short term use of tents and recreational vehicles and is not used as year round storage or accommodation for residential use. Typical uses include recreational vehicle sites, campsites and tenting grounds. This use may include accessory facilities for eating and assembly purposes, washrooms and bathing facilities, entrance kiosk, spectator and convenience retail with a maximum gross floor area of 100 m^2.

“Cannabis Retail Sales" means a business specific to the retail sale of cannabis or cannabis accessories as lawfully permitted and authorized under the Cannabis Control and Licensing Act.

“Car Wash” means a facility designed, maintained or intended for the washing of vehicles or trailers on an automated, semi-automated or manual basis.

“Coffee Shop or Café” means a building or establishment used to prepare and serve beverages, snacks and light meals.

“Commercial Use” means an occupation, employment or enterprise that is carried on for gain or monetary profit by any person.

"Community Care Facility" means a facility licensed pursuant to the *Community Care and Assisted Living Act* and may include assisted living and supported care.

“Community Garden” is a piece of land gardened by a group of people for the purpose of providing a garden experience/education to residents of the District of New Hazelton. Often they are offered for the purpose of food production and may be developed to support food security. They are offered in partnership between parks and community-based organizations and are subject to all policies and bylaws governing public lands.

“Contractor Service” means providing heavy building, utility and highway construction services including road, bridge, pipeline, communication, site preparation, landscaping, concrete, logging, excavation, drilling, carpentry or similar services of a construction nature which require outdoor storage. This use may include accessory retail and wholesale, display, office, technical support, manufacturing, fabricating and assembly activities and fleet storage for any number of vehicles. This use also includes minor contractor services that require accessory outdoor storage and/or fleet storage for more than 4 fleet vehicles. The combined floor area devoted to accessory office, technical, administrative support or retail sale operations shall not exceed 25% of the gross floor area of the building(s) devoted to the major contractor service use on the same site.

“Convenience Store” means a retail commercial store supplying groceries and other daily household necessities to the immediate surrounding area but does not include cannabis retail stores.

"Corner Lot" means a lot at the intersection or junction of two or more highways which has both a front lot line and an exterior side lot line.

“Craft Brewery or Distillery” means the use of a building for the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume, where the use may involve the milling of grain, rice or malt, in a limited capacity.

"Daycare" means a facility that provides personal care, supervision, social or educational training or physical or mental rehabilitative therapy, with or without charge, to no more than eight children (or as per licensing requirements), which may or may not be licensed pursuant to the *Community Care and Assisted Living Act*.

“Density” means a measure of the intensity of development to the area of the site, including the number of units on a site measured in units/area or floor area ratio, as the case may be.

"Duplex" means a fee simple or strata residential use in a building which is divided into two dwelling units which are either placed one above the other or side by side sharing a common wall dividing habitable space, each unit of which may be occupied by one household.

"Dwelling Unit" means a suite or rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities, but excluding all accommodations for the travelling public other than bed and breakfast operations.

"Educational Services" means development that involves public assembly for education, training or instruction, which is publicly supported and includes the administration offices required for the provision of such services on the same site. Typical uses include, but are not limited to, public schools, community colleges, universities and technical and vocational schools and their administrative offices and student housing.

"Emergency and Protective Services" means a public facility used by fire protection, police, ambulance or other such rescue services as a base of operations.

"Entertainment Facility and Theatre" mean a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

"Extended Medical Treatment Services" means a facility providing room, board and surgical or other medical treatment for the sick, injured or infirm including out-patient services and secondary staff residences. Typical uses include, but are not limited to, hospitals, nursing homes with health care for dependent residents, mental care asylums, sanatoria and detoxification centres.

"Feed/Seed Storage" means a land use involving the storage, handling, and distribution of agricultural feed and seed products intended for commercial sale or farm use.

"Financial Institutions" means a bank, trust company, savings and loans, credit unions, cheque cashing service, income tax service, bookkeeping and similar uses providing financial services to the public.

"Floor Area" means the sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of basement areas used exclusively for storage or service to the building, attics, attached garages, carports, breezeways, porches, balconies, exit stairways, corridors and terraces. In the case of multiple dwelling housing, public corridors, common amenity spaces and building mechanical systems are also excluded. In the case of congregate housing, communal dining and kitchen facilities are excluded.

"Floor Area Ratio" (FAR) means the figure obtained when the Gross Floor Area of all the buildings on a lot is divided by the area of the lot, except that the following are not included as floor area for the purpose of computing floor area ratio:

(a) Any portion of a storey used for parking purposes, unless such parking is a principal use;
(b) Any portion of a basement or cellar containing heating, laundry, recreational or storage facilities;
(c) Swimming pools and open sundecks; and
(d) Any portion of a penthouse containing elevator or ventilating machinery.

"Food Services" means a business that, in return for consideration, serves prepared food to the public for consumption on or off the premises, including a coffee shop, delicatessen, restaurant or drive-through restaurant, specifically excluding a liquor establishment.

"Front Building Line" means the line parallel to the front lot line, passing through the point of the building nearest the front lot line, and in the case of a panhandle lot means the lot line or lines nearest the abutting highway, but not forming a boundary of the access strip.

"Garage or Carport" means a detached accessory building or a portion of a principal building whose principal use is for vehicle parking.

"Garden Suite" means an accessory detached dwelling unit in addition to the principal Single Family Residential Use unit/guesthouse. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the subject property.

"Gas Bar" means a development used for the sale of motor fuel, lubricating oils, automotive fluids and associated convenience store products. The gas bar may be a self-service, full service, key lock, card lock or other similar operation and may include Car Wash facilities as a secondary use. This does not include minor and major service stations.

"Gas Station" means a place of business where flammable automotive fuels, oil and automotive accessories are supplied to the travelling public at retail.

"Golf Course" means the premise designed and laid out for the purposes of playing golf and may include buildings and/or structures. This use includes, but is not limited to, clubhouses, recreation facilities, banquet facilities, golf driving range, mini golf, golf course maintenance facility, caretaker's dwelling unit, food primary establishments, liquor primary establishments and other buildings and or structures secondary to the primary use.

"Greenhouses and Plant Nursery" means a development used primarily for the raising, storage and sale of produce and related materials, which includes, but are not limited to, bulbs, seed, tools, soil, fertilizers, flowers, plants and seedlings.

"Gross Floor Area" means the total area of all floors enclosed by the inside edge of the exterior walls of a building including without limitation, stairways, elevator shafts, storage and mechanical rooms.

"Guest House" means a dwelling in which no more than six but not less than three guest rooms are rented, dependent on lot size, with or without meals being provided, to a maximum of fifteen persons, other than members of the immediate family, tenant or owner.

"Guest Room" means not more than one habitable room that is used for temporary accommodation of paying guests which may include a bathroom.

"Guide and Tour Services" means a business primarily arranging and operating custom wilderness adventure and recreational tours and associated guide services, but does not include travel agencies or retail commercial.

"Health and Wellness Services" means a development used for the provision of physical or mental health services on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical uses include, but are not limited to, medical and dental offices, chiropractors, spa facilities, massage therapists and acupuncture clinics, health clinics, and counseling services.

"Height" means the vertical distance from the average finished ground level at the perimeter of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof and, in the case of a structure without a roof, to the highest point of the structure.

"Highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right of way on private property.

"High Technology Research and Product Design" means the research and/or design, but not manufacturing or distribution, of products used in the fields of computer software and programming, electronics, telecommunications, aeronautics, precision engineering, robotics, biochemistry, health care and related industries.

"Hobby Farm" means land on which an accessory barn, stable or animal shelter may be erected to house domestic animals kept for recreational purposes or for home consumption by the occupants of the dwelling.

"Home Occupation" means an occupation, profession or craft conducted by an occupant for consideration which is clearly incidental and accessory to the use of the dwelling unit for residential purposes.

"Home Based Business" means an activity consisting of the use of the primary dwelling unit and/or secondary building/structure for a business by a resident who resides for more than 240 days of a year at that dwelling unit. The business must be secondary to the residential use of the building and no aspects of business operations shall be detectable from outside the property and shall not change the residential character of the dwelling, secondary building or accessory building

"Hostel" means a building used as a temporary place of lodging containing one or more dormitories and includes common areas for washing, cooking, bathroom, kitchen, dining and social facilities.

"Hotel" means providing rooms or suites for temporary sleeping accommodation where the rooms have access to an enclosed common interior corridor and may be equipped with individual kitchen facilities. This use may include accessory food and beverage services, conference facilities, spectator entertainment, patron participation, spa facilities, minor indoor and outdoor recreation and personal services for the convenience of guests.

"Industry, Heavy" means the processing, manufacturing, fabricating or assembling of semi-finished or finished goods, products or equipment from raw materials, the storage, cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or business use. This use typically has area, intensity, and land use impacts with greater magnitude and significance than light industry. This use includes a sawmill, planing mill, veneer and plywood plant, wood preserving, brewing or distilling, the manufacturing of prefabricated, log, or manufactured homes, carpet mill, vehicle, heavy equipment, tank, boiler, or shipping container manufacturing. This use may include an accessory office, technical and administrative support, the retail sale of goods processed, manufactured, fabricated, or assembled on same site, major vehicle repair or washing, warehousing, wholesale and commercial education. The combined floor area devoted to accessory office, technical, administrative support or retail sale operations shall not exceed 25% of the gross floor area of the building(s) devoted to the heavy industrial use on the same site.

“Industry, Light” means the processing, manufacturing, fabricating or assembling of semi-finished or finished goods, products or equipment, the storage, cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial, business or household use. This use typically has area, intensity, and land use impacts with lesser magnitude and significance than heavy industry. This use includes manufacturing of packaged food (not including an abattoir) and beverage products, clothing, leather, electronics, and furniture manufacturing, metal or hardware fabrication and machine shop. This use may include an accessory office, technical and administrative support, the retail sale of goods processed, manufactured, fabricated or assembled on same site, minor vehicle repair or washing, warehousing, wholesale and commercial education. The combined floor area devoted to accessory office, technical, administrative support or retail sale operations shall not exceed 25% of the gross floor area of the building(s) devoted to the light industrial use on the same site. This use does not include other uses that are defined separately. This use includes only those developments where activities and uses are primarily carried on within an enclosed building and no significant nuisance factor is created or apparent outside an enclosed building.

“Industrial High Technology” means the research and/or design, including the manufacture and/or distribution, of products used in the fields of computer software and programming, electronics, telecommunications, aeronautics, precision engineering, robotics, biochemistry, health care and related industries. Related industries may include business services such as data storage, provision of server space and servicing of computer equipment. This use may include up to 25% of the space to be used for an office component.

"Landscape Architect" means a person who holds the designation of Landscape Architect as per the *Architects (Landscape) Act.*

"Landscaping" means the planting and maintenance of lawns, shrubs and trees and the addition of fences, benches, walks, drives or other structures and materials used in landscape architecture and includes the retention of existing trees and plants where appropriate, for the purpose of enhancing the natural environment.

“Liquor Store” means premises licensed pursuant to the Liquor Control and Licensing Act where the principal use is the retail sale of bottled or canned alcoholic beverages.

"Lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Bare Land Strata Regulations* under the *Condominium Act*.

“Lot Area” means the total area of land comprising the lot, but excluding any panhandle area.

"Lot Coverage" means the sum of the areas of the building footprints of every building or structure on the lot, expressed as a percentage of the lot area, and in the case of a building or structure with no walls the building footprint shall be the horizontal area within the drip line of the roof.

"Lot Frontage" means the length of that lot boundary which abuts a highway, or access route in a bare land strata, and for this purpose “highway” does not include a walkway or emergency access route.

"Lot Line" means the boundary of a lot:

(a) **"Front Lot Line"** means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest is deemed the front lot line, and in the case of a panhandle lot means the lot line or lines nearest the abutting highway, but not forming a boundary of the access strip;
(b) **"Rear Lot Line"** means the lot line that is opposite the front lot line in the case of a lot having four sides and, where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line;
(c) **"Exterior Side Lot Line"** means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan; and
(d) **"Interior Side Lot Line"** means a lot line that is not a front, rear or exterior side lot line.

"Lot Width" means the horizontal distance between the two side parcel lines measured at a right angle to the parcel depth at a distance of 7.5 metres from the front parcel line; for panhandle lots, the calculation of lot width excludes the narrow strip of land that forms the panhandle portion.

"Manufactured Home" means a transportable, single, or multi-sectional dwelling unit conforming to the CAN/CSA Z240 standard intended to be occupied in a place other than its manufacture.

"Mini Storage" means a building or group of buildings containing lockers or storage units available for rent or lease for the storage of household goods, commercial goods, vehicles, or personal property.

"Mixed Use" means a building that has commercial uses located on the ground floor and residential uses located on the upper floors of the building or to the rear of the commercial use.

"Manufactured Home Residential Neighbourhood" means a development for manufactured homes not having a registered plan of individual lots. Spaces, or spaces with individual manufactured homes already sited on them, may be rented for residential occupation. This does not include the situation where an additional agricultural dwelling is located on a lot where the principal dwelling is a manufactured home.

"Modular Dwelling Unit" means a factory-built dwelling unit built to CSA specification A-277 under the Manufactured Home Act (SBC 2003) suitable for year-round, long term occupancy that is transportable in one or more sections and is designed for use with a poured foundation when attached to the required utilities.

"Motel" means a building or buildings providing accommodation for the travelling public only, each unit of which has its own sanitary facilities including water closet, wash basin and kitchen, in respect of which a guest register is required to be kept pursuant to the *Hotel Guest Registration Act.*

"Multi-Unit Residential" means a building or buildings containing three or more dwelling units on a parcel and includes row housing, cluster housing and apartment uses.

"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 body of the lake, river, stream, or body of water a character distinct from that of the banks thereof and in the case of a lot having a surveyed high water mark, means the high water mark.

“Natural Resource Extraction” means the quarrying, processing, removal, and off-site sale of sand, gravel, earth, mineralized rock, or other natural resources found on or under the site, including timber and forest products. Typical uses include, but are not limited to, quarries, gravel pits, stripping of topsoil, and forestry operations such as logging, timber harvesting, and removal of forest products. This does not include processing of raw materials transported to the site.

"Non-conforming Use" means any lawful use existing at the time of the adoption of this Bylaw which does not conform to all the provisions of this Bylaw for the zone in which such building or use is located.

"Office" means the operation of governmental and Crown Corporation offices, business, medical and professional offices, not for profit organization offices, neighbourhood police stations without prisoner holding facilities, libraries and health centres.

"Panhandle Lot" means any lot, with any of the building envelope situated directly behind another lot so that it gains frontage through the use of a relatively narrow strip of land which is an integral part of the lot.

“Park” means land for public use or intended for outdoor recreational purposes, and includes archeological, historical or natural sites.

“Personal Services Establishment” means uses that provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include, but are not limited to, barber shops, hairdressers, estheticians, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries, but do not include health services.

"Principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

“Public Amenity Use” means a building and associated facilities used by the public upon payment of an admission fee or free of charge for cultural, social or recreational activities.

“Public Exhibit” means the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films or a development for the collection, preservation and exhibition of works or objects of historical, scientific, natural, archival or artistic value. Typical uses include libraries, museums, art galleries, botanical gardens, arboreta and archaeological and cultural exhibits. This use may include accessory retail, spectator entertainment and patron participation entertainment.

"Public Utility" means a use providing for public utility facilities for water, sewer, electrical, telephone, gas, municipal energy systems and similar services where such use is established by one of the levels of government, a Crown Corporation or by a company regulated by a government commission.

“Public Use” means any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts, municipal, provincial, First Nation or federal governments.

"Recycling Facilities" means facilities for the recovery, composting, storage and shipping of discarded consumer materials excluding vehicles.

“Recreational Vehicle” means a vehicle intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motor homes, slide-in campers, chassis-mounted campers, and tent trailers.

“Recreational Vehicle Storage” means an area or facility intended for the long-term parking and storage of Recreational Vehicles.

“Recreation Services” means facilities within an enclosed building for sports, active recreation and performing and cultural arts. Typical uses include athletic clubs, health and fitness clubs, swimming pools, bowling alleys, karate club, dance studios and racquet clubs.

“Recycling Centre” means unattended bins and containers for the collection and temporary storage of recyclable materials; including cardboard, plastics, glass, paper, cans and similar household goods. Recyclable material left at the drop-off shall be periodically removed and taken to larger, permanent recycling operations for final recycling. This use does not include waste management or wrecking yard. Minor recycling centres are permitted as an accessory use with any multiple dwelling residential, commercial, industrial or institutional use subject to the landscaping and screening provisions of this Bylaw.

“Religious Assembly” means the assembly of persons for religious worship, services, or rites and may include accessory food and beverage service, administration, educational, social, recreational, charitable or philanthropic activities, spectator entertainment, patron participation entertainment and a residence for a caretaker or head of congregation. Typical uses include chapel, church, convent, monastery, mosque, parish hall, rectory, seminary, synagogue and temple.

"Residential Building" means a single family dwelling, multi-family dwelling, attached housing or apartment.

"Residential Use" means a use which pertains clearly to the accommodation and home life of a person or household.

“Resort Condominium” means a development, which provides resort and seasonal accommodation for transient motorist, tourists and/or vacationers.

"Restaurant" means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises, but excludes drive-in and drive-through restaurants and fast food outlets.

"Retail Commercial " means a building where goods, wares, merchandise, substances, articles, tourism-related services and products are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities sufficient only to service such stores.

“Riparian Area” are areas adjacent to streams, lakes, oceans and wetlands. These areas support a unique mixture of vegetation and habitat. Riparian areas are involved in the following actions:

- Filter contaminants from surface runoff and prevent erosion;
- Sedimentation control;
- Shade surface waters and maintain cool water temperatures;
- Flood protection;
- Provide fish and animal habitat and corridors; and

- An important food source for fish, invertebrates and animals.

"Secondary Suite" means a self-contained accessory dwelling unit that is completely located within, and forms part of, a single family residential dwelling.

"Service Station" means development used for the servicing, washing and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories.

"Service, Business Support" means development providing support services to businesses that are characterized by one or more of the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, secretarial services, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair, or servicing of office equipment, furniture and machines. Typical uses include, but are not limited to, printing establishments, testing, laboratories, film processing establishments, janitorial firms and office equipment sales, repair establishments and sign shops.

"Service, Industrial Support" means services to businesses and buildings including locksmiths, armoured car services, laundering uniforms, table cloths or other items for a business, extermination and pest control services, janitorial services, window cleaning service, waste collection, carpet and upholstery cleaning service, duct and chimney cleaning service, septic tank installation, sign shop, pumping and repair services, water-well and other drilling services.

"Setback" means the shortest distance from a lot line to a structure or building.

"Shooting Range" means a facility designed and operated for the purpose of the safe discharging of firearms, including but not limited to rifles, shotguns, and handguns, for recreational, training, or competitive purposes.

"Short-term Rental Accommodations" means the use of a Dwelling Unit or room within a Dwelling Unit intended for temporary overnight accommodation for a period of less than 90 consecutive days, provided the property is the principal residence of the registered property owner.

"Sight Triangle" means the area formed by a triangle in the angle formed by the right-of-way boundaries or boundaries produced on two points in those boundaries, 6 m from the point of intersection, as shown cross-hatched in the drawing in Section 5.4.

"Single Family Residential" means a residential use in a detached building which is limited to only one or more rooms designed, occupied or intended for living, sleeping and food preparation, for use including occupancy by one or more persons as an independent and separate residence in which cooking, sleeping and sanitary facilities are provided for the exclusive use of such person or persons.

"Structure" means anything constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, including any satellite dish antenna, but excluding any fence, retaining wall, underground sewage disposal facility, paved, or concrete surface and any heat pump and other mechanical equipment, gas meter and/or propane tank that is permanently affixed to a building or structure by way of plumbing or other duct work.

"Temporary Construction Camp" means one or more modular buildings or structures established for the purpose of providing residential accommodations and supports to workers, arranged to provide individual

sleeping units (1 person per unit) with or without individual bathrooms, meals in communal dining areas, and communal areas for recreation, laundry and other basic living essentials.

“Townhouse” means a single building comprised of three or more dwelling units separated one from another by party walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade.

“Transportation Depot” means a transportation facility providing for the receiving and discharge of passengers traveling by, rail, water, bus, taxi or other vehicle and may include accessory ticket offices, luggage checking and may include the accessory trans-shipment of goods.

“Unlicensed Vehicle” means a vehicle which is not currently licensed in accordance with the Motor Vehicle Act, R.S.B.C. 1979, C.288, as amended.

"Use" means the purpose or function to which land, the surface of water, buildings or structures are designed, intended to be put or put.

“Vaping Retail Sales” means a business specific to the retail sale of vapour products, including electronic cigarettes, vape pens, e-liquids, and related accessories as lawfully permitted and authorized under the Tabacco and Vapour Products Control Act.

"Veterinarian" means a facility used for care, boarding, training, treatment, or grooming of small animals and includes sales of associated products. Typical accessory uses include pet grooming salons and daytime boarding but does not include the sale of animals.

"Zone" means a zone established in this Bylaw.

3.0 PART C - ADMINISTRATION

3.1 Application

The provisions of this Bylaw apply to the District of New Hazelton shown on Schedule "B" (Zoning Map) which forms part of this Bylaw.

3.2 Requirements for Compliance

Land or the surface of water in the District of New Hazelton may not be used, land may not be subdivided, buildings and structures on land or on the surface of water may not be constructed, altered, located or used and signs may not be erected or located on any land except as specifically permitted by this Bylaw or the District of New Hazelton Sign Bylaw No. 23, 1983. All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building, structure or use in question.

3.3 Interpretation

Any reference to a regulation, statues or bylaw refers to that enactment and as it may be amended or replaced from time to time.

3.4 Violation

Every person commits an offence under this Bylaw, who, being an owner or occupier of land or of the surface of water in the District of New Hazelton:

1) Violates any property that is subject to regulation under this Bylaw, for the purpose of the provisions of this Bylaw;
2) Causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
3) Neglects or omits to do anything required under this Bylaw;
4) Carries out, causes or permits to be carried out any development of land or the surface of water in a manner prohibited by or contrary to any of the provisions of this Bylaw; and
5) Fails to comply with an order, direction or notice given under this Bylaw; or prevents or obstructs or attempts to prevent or obstruct a person authorized from entering on the property.

3.5 Administration and Enforcement

In accordance with Section 16(1) to (6) of the *Community Charter*, the District of New Hazelton CAO or any other person designated by them to administer this bylaw, is authorized to enter, at any reasonable time, upon any property that is subject to regulation under this Bylaw for the purpose of determining whether the regulations are being observed. No person may obstruct the CAO or any other designated person engaged in the administration or enforcement of this Bylaw.

3.6 Penalty

1) Every person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty not exceeding $10,000 and the costs of prosecution;
2) Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence; and
3) The penalties imposed will be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

3.7 Non-compliance with Siting, Size and Shape Requirements

A building existing at the time of adoption of this Bylaw that fails to comply with the requirements relating to siting, size and shape must not be altered or extended unless such alterations or extensions are in accordance in all respects with the requirements of this Bylaw.

3.8 Non-Conforming Uses

The regulations governing non-conforming uses are set forth in the Local Government Act.
The lawful use of any land, building or structure existing at the time of the adoption of this Bylaw may be continued (subject to the provisions of the Local Government Act), although such use does not conform to the provisions of this Bylaw.

3.9 Board of Variance Application

The Board of Variance duly established under a Bylaw of the District of New Hazelton will hear and determine any application permitted by the *Local Government Act*.

3.10 Severability

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

3.11 Effective Date of Bylaw

This Bylaw will come into force and take effect upon the final adoption thereof.

3.12 Land Use Zones

The locations of zones established by this Bylaw are shown on the Official Zoning Map of the District of New Hazelton accompanying and forming part of this Bylaw as Schedule "B". Where boundaries of zones are shown along surveyed lines, the boundaries shall be the lot lines. Where a zone boundary is shown following street, lane, or water bodies, the centre line of such street, lane, or water body shall be the zone boundary. For the purpose of this Bylaw, the District of New Hazelton is hereby divided into the following zones:

NAME OF ZONE	MAP SYMBOL
RESIDENTIAL ZONES	
Single Family Residential	R-1
Medium Residential Density	R-2
Multi-Unit Residential	R-3
Manufactured Home Residential Neighbourhood	R-4
Rural Residential	R-5
Modular Residential Neighbourhood	R-6
COMMERCIAL ZONES	
Commercial Downtown	C-1
Service Commercial	C-2
INDUSTRIAL	
Industrial	I-1
PUBLIC USE	
Community Services	P1
RESOURCE	
Rural Resource and Agriculture	RU

The requirements of each zone as set out in this Bylaw shall be applied to areas designated on the Zoning Map with the corresponding alphanumeric symbols.

4.0 PART D - ZONES

The simple act of stating community goals and objectives never assures their realization. Rather, it is necessary to utilize a variety of methods to confirm that aspirations of the community are consciously being worked towards.

4.1 Single Family Residential (R-1)

This zone is intended for Single Family Residential and Duplex uses with the provision for secondary or garden suites.

.1 Permitted Land Uses

The following uses and no others are permitted in the R-1 Zone:

a) Principal Uses
   i. Single Family Residential
   ii. Duplex
   iii. Modular Dwelling Unit

b) Accessory Uses
   i. Accessory Use
   ii. Garden Suite
   iii. Home Occupation
   iv. Secondary Suite

.2 Subdivision Regulations

Minimum Lot Size	552m^2
Minimum Lot Frontage	15 m

.3 Building, Density and Structure Specifications

	Single Family Residential	Garden Suite	Secondary Suite	Accessory Buildings
Maximum Number of Dwelling Units per lot	1	1 Garden Suite or 1 Secondary Suite		1 (see Section 4.13.5 (c))
Minimum Unit Size	40 m^2	40 m^2		
Maximum Floor Area	N/A	70 m^2		
Maximum Height	10 m	8 m	N/A	8 m
Minimum Building Width	6.5 m	N/A	N/A	N/A
Maximum Lot Coverage (all structures)	60%			

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line	Rear Lot Line	Exterior Lot Line	Interior Lot Line
Principal Building	4 m	6 m	2 m	1.5 m
Accessory Buildings and Structures	N/A	1.5 m	2 m	1.5 m

.5 Conditions of Use

a) A maximum of one garden suite or one secondary suite is permitted on a parcel occupied by a single family dwelling.

b) Garden or secondary suites are not permitted on a lot containing a duplex.

c) A total of three (3) accessory buildings are permitted per lot, only one (1) of which can be an accessory residential dwelling unit.

d) Accessory buildings and structures, excluding garages and carports, shall be located to the rear of the primary Single Family Residential use, except for corner lots that can use exterior side-line.

e) Additional regulations can be found in section 5.0 of this Bylaw.

4.2 Medium Residential Density (R-2)

Intended to provide for medium density residential development including options for infill, mixed housing and affordable residential dwelling units.

.1 Permitted Uses

The following uses and no others are permitted in the R-2 Zone:

a) Principal Uses
   i. Affordable Housing
   ii. Duplex
   iii. Multi-Unit Residential
   iv. Single Family Residential
   v. Modular Dwelling Unit

b) Accessory Uses
   i. Accessory Use
   ii. Garden Suite
   iii. Home Occupation
   iv. Secondary Suite

.2 Subdivision Regulations

Permitted Use	Minimum Lot Size	Minimum Lot Frontage
Affordable Housing	740m^2	20 m
Single Family Residential	552 m^2	15 m
Multi-Unit Residential	1,000 m^2	20 m
Duplex (Strata or Fee Simple)	552 m^2	15 m

.3 Building, Density and Lot Specifications

	Single Family Residential	Duplex	Multi-Unit Residential	Garden Suite	Secondary Suite	Accessory Building
Maximum Number of Dwelling Units per lot	1	2	N/A	1		2
Minimum Unit Size	40 m^2	40 m^2	40 m^2	40 m^2		N/A
Maximum Floor Area	275 m^2	440 m^2	800 m^2	70 m^2		50 m^2
Maximum Height	10 m	10 m	12 m	8 m	N/A	8 m
Maximum Lot Coverage/Area	60%	60%	70%	N/A	N/A	N/A

.4 Minimum Building Setbacks

Uses/Structure	Front Lot Line	Rear Lot Line	Exterior Lot Line	Interior Lot Line	From Principal Building
Principal Residential Dwelling	4 m	3 m	2 m	1.2 m	N/A
Garden Suite	N/A	1.5 m	1.5 m	1.2 m	4 m
Duplex	4 m	5 m	3 m	1.5 m	N/A
Accessory Buildings and Structures	5 m	1.5 m	1.5 m	3.2 m	N/A

.5 Conditions of Use

a) Garden suites and secondary suites are only permitted accessory uses on parcels containing a single family residential dwelling.

b) A maximum of one garden suite or one secondary suite is permitted on a parcel occupied by a single family dwelling.

c) A total of three (3) accessory buildings are permitted per lot, only one (1) of which can be an accessory residential dwelling unit.

d) Accessory buildings and structures, excluding garages and carports, shall be located to the rear of the primary Single Family Residential use, except for corner lots that can use exterior side-line.

e) Home occupations are only permitted accessory uses within single family residential and duplex dwellings.

f) Additional regulations can be found in section 5.0 of this Bylaw.

4.3 Multi-Unit Residential (R-3)

This zone is to provide for Multi-Unit Residential accommodations located near community amenities and services.

.1 Permitted Land Uses

The following uses and no others are permitted in the R-3 Zone:

a) Principal Uses
   i. Affordable Housing
   ii. Multi-unit Residential

b) Accessory Uses
   i. Accessory Building
   ii. Commercial use, subject to Section 4.15.5(a)

.2 Subdivision Regulations

Minimum Lot Size	2000 m^2
Minimum Lot Frontage	18 m

.3 Building, Density and Structure Specifications

Multi-Unit Residential Maximum Density	50 units per Ha.
Total Number of Accessory Buildings per parcel	2
Maximum Height and Storeys of Principal Building	12 m (3.5 storeys)
Maximum Height of Accessory Buildings and Structures	10 m
Maximum Lot Coverage	70%

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line Setback	Rear Lot Line Setback	Exterior Lot Line Setback	Interior Lot Line Setback
Multi-Unit Residential	6 m	6 m	6 m	6 m
Accessory Buildings and Structures	7.5 m	1.5 m	5 m	1.5 m

.5 Conditions of Use

a) Commercial uses shall be permitted in the R-3 zone provided that the Commercial Use:
   i. occurs in conjunction with a Multi-unit Residential Use;
   ii. is located at ground level; and
   iii. is limited to a Coffee Shop or Café, Convenience Store, Personal Services Establishment, Office, or Retail Commercial.

b) Accessory buildings and structures shall be located to the rear of the front face of the building, not less than 3 meters from any portion of the principal building.

c) Where 70% or more of the required off street parking spaces are provided underground or concealed within the building, the density of multiple family residential units may be increased by 10 units per Ha.

d) Additional regulations can be found in section 5.0 of this Bylaw.

4.4 Manufactured Home Residential Neighbourhood (R-4)

This zone is intended to provide for land for the continued use for manufactured homes.

.1 Permitted Land Uses

The following uses and no others are permitted in the R-4 Zone:

a) Principal Uses
   i. Manufactured Home

b) Accessory Uses
   i. Accessory Building

.2 Subdivision Regulations

Minimum Lot Size	8000 m^2
Minimum Size Per Manufactured Home Pad	368 m^2
Minimum Lot Frontage of Manufactured Home Pad	10 m

.3 Building and Structure Specifications

Maximum Number of Units per ha	27
Dwelling Unit	1/ manufactured home space
Maximum Height	principal building: 7 m
	accessory building: 5 m
Maximum Accessory Building Floor Area	12 m^2
Maximum Parcel Coverage	40%

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line	Rear Lot Lines	Interior Lot Line	Exterior Lot Line
Principal Building	3 m	3 m	1.5 m	1.5 m
Accessory Buildings and Structures	5 m	1.5 m	1.5 m	3 m

.5 Conditions of Use

a) Accessory buildings and structures shall be located to the rear of the front face of the building, not less than 3 meters from any portion of the principal building.

b) Additional regulations can be found in section 5.0 of this Bylaw.

4.5 Rural Residential (R-5)

This zone is intended for Single Family Residential use with the provision for large lots and protected open-space.

.1 Permitted Land Uses

The following uses and no others are permitted in the R-5 Zone:

a) Principal Uses
   i. Hobby Farm
   ii. Recreational Vehicle Storage
   iii. Single Family Residential Use

b) Accessory Uses
   i. Accessory Building
   ii. Animal Breeding and Boarding
   iii. Garden Suite
   iv. Secondary Suite

.2 Subdivision Regulations

Permitted Use	Minimum Lot Size	Minimum Lot Width	Minimum Lot Frontage
Hobby Farm	10,000 m^2	30 m	36 m
Recreational Vehicle Storage	4,000 m^2	30 m	36 m
Single Family Residential	1840 m^2	30 m	36 m

.3 Building, Density and Structure Specifications

	Hobby Farm	Single Family Residential	Garden Suite	Accessory Buildings
Maximum Number of Single Family Dwelling Units	1	1	1	N/A
Minimum Unit Size	40m^2	40 m^2	40 m^2 **	N/A
Maximum Height	10 m	10 m	8 m	8 m ***
Maximum Lot Coverage	40%			

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line	Rear Lot Line	Exterior Lot Line	Interior Lot Line
Principal Building	7.5 m	7.5 m	5 m	5 m
Accessory Buildings and Structures	8 m	2 m	3 m	3 m

.5 Conditions of Use

a) Accessory buildings and structures, excluding garages and carports, shall be located to the rear of the front face of the building, not less than 3 meters from any portion of the principal building.

b) The maximum unit size for a Garden Suites is 70 m^2.

c) The maximum accessory building height of 8 m excludes barns.

d) Additional regulations can be found in section 5.0 of this Bylaw.

4.6 Modular Home Residential (R-6)

This zone is intended for modular home residential use on fee simple lots.

.1 Permitted Land Uses

The following uses and no others are permitted in the R-6 Zone:

a) Principal Uses
   i. Manufactured Home, subject to requirements outlined Section 4.18.5 (b).
   ii. Modular Dwelling Unit

b) Accessory Uses
   i. Accessory Building
   ii. Home Occupation

.2 Subdivision Regulations

Minimum Lot Size	552 m^2
Minimum Lot Frontage	15 m

.3 Building, Density and Structure Specifications

	Single Family Residential	Accessory Buildings
Maximum Number of modular dwelling units per lot	1	2
Minimum Unit Size	40 m^2	
Maximum Floor Area	N/A	
Maximum Height	8 m	6 m
Minimum Building Width	3.65 m	N/A
Maximum Lot Coverage (all structures)	60%	

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line	Rear Lot Line	Exterior Lot Line	Interior Lot Line
Principal Building	4 m	6 m	2 m	1.5 m
Accessory Buildings and Structures	7.5 m	1.5 m	2 m	1.5 m

.5 Conditions of Use

a) Accessory buildings and structures, excluding garages and carports, shall be located to the rear of the Modular Dwelling Units (with the exception of corner lots which may locate an accessory building on the exterior side of the principal dwelling).

b) Manufactured homes are permitted provided they are de-registered and placed on an approved foundation.

c) Additional regulations can be found in section 5.0 of this Bylaw.

4.7 Commercial Downtown (C-1)

To provide land for a mixture of business services, personal services and residential uses. This zone provides for a central oriented commercial core for the District of New Hazelton.

.1 Permitted Land Uses

The following uses and no others are permitted in the C-1 Zone:

a) Principal Uses
   i. Animal Hospital
   ii. Automotive and Recreation Vehicle Services
   iii. Bakery
   iv. Building Supplies
   v. Bulk Fueling Station
   vi. Business Support Services
   vii. Cannabis Retail Sales
   viii. Car Wash
   ix. Convenience Store
   x. Craft Brewery/Distillery
   xi. Entertainment Facility and Theatre
   xii. Financial Institution
   xiii. Food Services
   xiv. Gas Station
   xv. Greenhouses and Plant Nursery
   xvi. Grocery Store
   xvii. Guide and Tour Services
   xviii. Health and Wellness Services
   xix. High Technology Research and Product Design
   xx. Hostel
   xxi. Hotel/Motel
   xxii. Laundromat/Drycleaner
   xxiii. Liquor Store
   xxiv. Mini Storage
   xxv. Mixed Use
   xxvi. Multi-Unit Residential
   xxvii. Office
   xxviii. Personal Services Establishment
   xxix. Postal and Courier Services
   xxx. Recreation Services
   xxxi. Recycling Facilities
   xxxii. Retail Commercial
   xxxiii. Service Station
   xxxiv. Transportation Depot
   xxxv. Vaping Retail Sales
b) Accessory Uses
   i. Accessory Building

.2 Subdivision Regulations

Minimum Lot Size	1000 m^2
Minimum Lot Frontage	8 m

.3 Building, Density and Structure Specifications

	Accessory Residential	Secondary Suite	Multi-unit Residential	Hotel/Motel/ Resort	Other
Maximum Number of Dwellings Per Lot	1	1	20 units per ha.	N/A	
Minimum Unit Size	40 m^2	40 m^2	40 m^2 *	N/A	N/A
Maximum Unit Size	70 m^2	70 m^2	120 m^2	N/A	N/A
Maximum Height	10 m	N/A	12 m	12 m	10 m
Maximum Lot Coverage	85%	N/A	85%	85%	85%

* Bachelor: 28 m^2. – (Maximum 20% of total number of units)
One Bedroom: 51 m^2.
Two Bedroom: 65m^2.

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line	Rear Lot Lines	Interior Lot Line	Exterior Lot Line
Principal Commercial-Based Building	0 m *	3 m	0 m	0 m
Principal Residential-Based Building	5 m	3 m	1.5 m	1.5 m
Accessory Buildings	N/A	N/A	N/A	N/A

* 5.15 m Service Station Only

.5 Conditions of Use

a) Where residential use is in place prior to this bylaw coming into effect, the residential use shall be considered a permitted use for the purpose of this bylaw.

b) Additional regulations can be found in section 5.0 of this Bylaw.

4.8 Service Commercial (C-2)

This zone is intended to provide for commercial and mixed commercial/residential uses, primarily servicing vehicular traffic along Highway 16, as well as the day-to-day needs of residents.

.1 Permitted Land Uses

The following uses and no others are permitted in the C-2 Zone:

a) Principal Uses

i. Animal Hospital
ii. Art Gallery
iii. Automotive and Recreation Vehicle Services
iv. Bakery
v. Building Supplies
vi. Bulk Fueling Station
vii. Business Support Services
viii. Campground
ix. Cannabis Retail Sales
x. Car Wash
xi. Convenience Store
xii. Craft Brewery/Distillery
xiii. Entertainment Facility and Theatre
xiv. Financial Institution
xv. Food Services
xvi. Gas Station
xvii. Greenhouses and Plant Nursery
xviii. Grocery Store
xix. Guide and Tour Services
xx. Health and Wellness Services
xxi. High Technology Research and Product Design
xxii. Hobby Farm
xxiii. Hostel
xxiv. Hotel/Motel
xxv. Laundromat/Drycleaner
xxvi. Liquor Store
xxvii. Mini Storage
xxviii. Mixed Use
xxix. Multi-Unit Residential
xxx. Office
xxxi. Park
xxxii. Personal Services Establishment
xxxiii. Private & Public Institution
xxxiv. Recreation Services
xxxv. Recycling Facilities
xxxvi. Retail Commercial
xxxvii. Recreational Vehicle Storage
xxxviii. Service Station

xxxix. Transportation Depot
xl. Vaping Retail Sales

b) Accessory Uses
i. Accessory Building
ii. Secondary Suite

.2 Subdivision Regulations

Permitted Use	Minimum Lot Size	Minimum Lot Width	Minimum Lot Frontage
Hobby Farm	10,000 m^2	30 m	36 m
All other Principal Uses	1,000 m^2	20 m	20 m

.3 Building, Density and Structure Specifications

Maximum Height	13 m (2.5 storeys)
Maximum Lot Coverage	70%

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line	Rear Lot Lines	Interior Lot Line	Exterior Lot Line
Principal Building	3 m	3 m	2 m	3 m
Accessory Buildings and Structures	5 m	3 m	2 m	3 m

.5 Conditions of Use

a) Where residential use is in place prior to this bylaw coming into effect, the residential use shall be considered a permitted use for the purpose of this bylaw.

b) Additional regulations can be found in section 5.0 of this Bylaw.

4.9 Industrial (I-1)

This zone is intended to provide for a mix of intensive industrial land uses.

.1 Permitted Land Uses

The following uses and no others are permitted in the I-1 Zone:

a) Principal Uses
   i. Animal Hospital
   ii. Automotive and Recreation Vehicle Services
   iii. Auto Wrecking
   iv. Building Supplies
   v. Bulk Fueling Station
   vi. Car Wash
   vii. Contractor Service
   viii. Feed/Seed Storage
   ix. Food Services
   x. Gas Station
   xi. Greenhouses and Plant Nursery
   xii. High Technology Research and Product Design
   xiii. Industrial High Technology
   xiv. Industry, Heavy
   xv. Industry, Light
   xvi. Mini Storage
   xvii. Recycling Facilities
   xviii. Services Business Support
   xix. Service Industrial Support
   xx. Service Station
   xxi. Temporary Construction Camp
   xxii. Transportation Depot

b) Accessory Uses
   i. Accessory Building

.2 Subdivision Regulations

Minimum Lot Size	2000 m^2
Minimum Lot Width	18 m
Minimum Lot Frontage	10 m

.3 Building, Density & Structure Specifications

Maximum Height (primary and accessory)	12 m
Maximum Lot Coverage	70%
Minimum Lot Width	18 m
Minimum Accessory Residential Dwelling	65 m^2

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line	Rear Lot Lines	Interior Lot Line	Exterior Lot Line
Principal Building	7 m	10 m	6 m	6 m
Accessory Buildings and Structures	3 m			

.5 Conditions of Use

a) Landscape Screening shall be required as follows:

i. A continuous landscape and screening area not less than 2 m wide will be provided along the developed portion of each side of the lot which abuts a road. This landscaping strip may be interrupted at boulevard crossings, or to provide necessary pedestrian access for entering a building. This landscape and screening area must contain a hedge, shrubs or decorative fence of not less than 2.5 m in height and not more than 3.6 m high;

ii. Except in those portions where a building abuts a lot line a continuous landscape and screening area not less than 2.5 m in width containing a decorative fence not less than 2.5 m in height together with decorative planting must be provided along all lot lines which do not adjoin a lot in a Business Park or Industrial Zone; and

iii. The maximum height of screening structures shall be no more than 3.6 m.

b) Additional regulations can be found in section 5.0 of this Bylaw.

4.10 Community Services (P-1)

This zone is intended to provide for the integration of public open space, schools, parks, trails, infrastructure and recreational facilities.

.1 Permitted Land Uses

The following uses and no others are permitted in the P-1 Zone:

a) Principal Uses
   i. Campground
   ii. Cemetery
   iii. Community Care Facility
   iv. Daycare
   v. Educational Services
   vi. Emergency and Protective Services
   vii. Extended Medical Treatment Services
   viii. Recreation Services
   ix. Park
   x. Public Amenity Use
   xi. Public Exhibit
   xii. Public Use
   xiii. Religious Assembly
   xiv. School/Learning Centre
   xv. Tourist Information Centre

b) Accessory Uses
   i. Accessory Building
   ii. Bed & Breakfast

.2 Subdivision Regulations

Minimum Lot Size	1000 m^2
Minimum Lot Width	15 m
Minimum Lot Frontage	10 m

.3 Building & Structure Specifications

Maximum Height (primary and accessory)	15 m
Maximum Lot Coverage	70%

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line	Rear Lot Lines	Interior Lot Line	Exterior Lot Line
Principal Building	6 m			
Accessory Buildings and Structures	1.5 m			

.5 Conditions of Use

a) Additional regulations can be found in section 5.0 of this Bylaw.

.6 Site Specific Regulations

a) Retail Commercial and Health and Wellness Services shall be permitted as a principal use only on Lot 1, District Lot 882, Cassiar District Plan EPP110596.

4.11 Rural Resource and Agriculture (RU)

This zone is intended for rural land uses on larger lots in the hinterland regions of the community.

.1 Permitted Land Uses

The following uses and no others are permitted in the RU Zone:

a) Principal Uses
   i. Abattoir
   ii. Agriculture Intensive
   iii. Agriculture Residential
   iv. Modular Dwelling Unit
   v. Natural Resource Extraction
   vi. Single Family Residential

b) Accessory Uses
   i. Accessory Buildings and Structures
   ii. Animal Breeding and Boarding
   iii. Bed & Breakfast
   iv. Garden Suite
   v. Guest House
   vi. Home Occupation
   vii. Secondary Suite

c) Additional Uses Permitted Outside the ALR Only (unless approved by the Agricultural Land Commission)
   i. Campground
   ii. Golf Course
   iii. Recreation Facility
   iv. Resort Condominium
   v. Shooting Range

.2 Subdivision Regulations

Minimum Lot Size	10,000 m^2
Minimum Lot Width	25 m
Minimum Lot Frontage	25 m

.3 Building and Structure Specifications

	Single Family Residential	Guest House	Accessory Buildings
Maximum Number of Single Family Dwelling Units	1	1	N/A
Minimum Unit Size	80 m^2	50 m^2	N/A
Maximum Height	13 m	10 m	15 m
Maximum Lot Coverage	40%		

.4 Minimum Building Setbacks

Use/Structure	Front Lot Line	Rear Lot Line	Exterior Lot Line	Interior Lot Line
Principal Building	7.5 m	7.5 m	5 m	5 m
Accessory Buildings and Structures	8 m	2 m	3 m	3 m

.5 Conditions of Use

a) All lands designated as Agricultural Land Reserve pursuant to the *Agricultural Land Commission Act* are subject to the provisions of the *Agricultural Land Commission Act,* and all conditions, orders and regulations thereto.

b) Abattoirs within the ALR may be subject to ALC approval, depending on the percentage of product originating on the farm versus off-site.

c) Additional regulations can be found in section 5.0 of this Bylaw.

5.0 PART E – GENERAL REGULATIONS

5.1 **Parking Requirements**

1) Off-Street Parking

Subject to the standards and requirements outlined in this section, every owner of land, upon the subject property, shall provide and maintain off-street motor vehicle parking spaces.

As a requirement of this Bylaw, the following parking standards shall be adhered to within the District of New Hazelton:

Land Use	Parking Spaces Required
Single Family Residential Dwelling	1
Duplex Dwelling	1 per unit
Multi-Unit Residential/Townhouse/Apartment	1.5 per dwelling unit, plus 1 visitor parking space per 5 dwelling units
Residential - Above Commercial	1 per dwelling unit
Secondary Suite	1
Garden Suite	1
Modular Residential Neighbourhood	1
Hotel/Motel/Resort Condominium	1 per room or dwelling unit, plus 1 Per 40 m² gross floor area of office space
Hostel	1 per 15 m² of gross floor area used for sleeping accommodation
Bed & Breakfast/Guest House	1 per each room rented
Financial Institutions	1 per 30 m²
Coffee Shop/Restaurant/Fast Food Outlet/Delicatessen/Pub/Lounge or similar Licensed Establishment	1 per 6 Seats
Shopping Centre/Plaza/Supermarket	1 per 30 m² of gross floor area
Community Care and/or Social Care Facility	1 per 3 units or bed spaces, whichever is the lessor plus 1 per 3 employees and attending physicians
Public or Private Assembly/Church/Auditorium/Community Centre/Theatre	1 per 10 Seats
Library/Art Gallery/Museum/Recreation Facility	1 per 40 m² of gross floor area
Schools Kindergarten/Elementary Secondary	 2 per classroom 3 per classroom
Bowling Alley	2 per bowling lane
Billiard/Pool Hall	2 per table
Auto Repair Shop/Service Station	1 per 40 m² of gross floor area
Manufacturing or Industrial Building or Use/Servicing and Repair Establishment	1 per 70 m² of gross floor area
Retail Commercial /Convenience Stores/Personal Service Establishments	1 per 30 m² gross floor area
Convenience Store	1 per 40 m² gross floor area
Golf Courses 9 Hole Course 18 Hole Course	 40 Spaces 75 Spaces
Home Occupation/Home Based Business	1 space per non resident
Greenhouses and Plant Nursery	1 per 15 m² covered retail area

2) Provision of Off-Street Loading

Subject to the standards and requirements outlined in this section, every owner of land, upon the subject property, shall provide and maintain off-street loading spaces.

3) Existing Building and Structures

a) For new buildings, structures and uses, off-street loading spaces shall be required in accordance with the regulations of this Bylaw; and

b) Off-Street loading shall be provided and maintained in accordance with this section for any addition to an existing building or structure, or any change or addition to an existing use.

4) Voluntary Establishment of Loading Facilities

Where off-street loading spaces in excess of Bylaw requirements are provided, their location, design and operation shall comply with the requirements of this Bylaw.

5) Development and Maintenance Standards for Off-Street Parking

a) Adequate provision shall be made for individual access and egress by vehicles to all parking spaces at all times by means of unobstructed maneuvering aisles. Maneuvering aisles of not less than the following widths shall be provided:

Parking Angle in Degrees	Minimum Width of Aisle
90°	7.5 m
60°	5.5 m
45°	4.5 m

b) Each off-street parking space shall contain a rectangle measuring a minimum length of 6 m by a minimum width of 3 m and a vertical clearance of 4.3 m;

c) All parking areas shall be surfaced with asphalt, concrete or similar finish so as to provide a surface which is durable and shall be properly graded and drained as to properly dispose of all surface water;

d) The location of egress points from a loading area must be approved by the District of New Hazelton;

e) All lighting used in a loading area must be arranged to direct light upon the loading area and not on adjacent premises;

f) Where any parking space adjoins a wall or structure over 0.3 m in height, the width of the parking space shall be increased by 0.3 m on each such adjoining side;

g) Concrete barrier curb shall be located in such a manner as to prevent vehicular damage to landscaping or vehicle valances, where applicable. Where parking areas abut a building, fence, wall, hedge or landscaped area, curbs shall not be less than 1 m from the end of the parking stall;

h) Off-street parking spaces shall have a clear minimum dimension as follows;

Type of Space	Length	Width
Standard	6 m	3 m
Small	4.6 m	2.4 m
Handicapped	6 m	3.7 m

i) A minimum of 70% of the parking shall be standard spaces;

j) When ten or more parking spaces are required, a minimum of 1% of the spaces provided, rounded upward to the nearest whole number shall be located close to the building entrance of the use or structure and shall be reserved and designated for disabled persons and clearly marked as being for the use by disabled persons only; and

k) Off-street parking spaces provided on property shall not be located closer than 3 m to a property line which abuts a public road, and no closer than 1.5 m to any other property line.

6) Units of Measurement

a) An off-street loading space shall not be considered as an off-street parking space for the purpose of calculating the parking spaces required; and

b) Where a use is not specifically mentioned under Section 5.1.1, the parking requirement shall be calculated on the basis of a similar use, which is listed.

7) Off-Street Loading

A building or structure which contains an industrial, commercial, public institutional, or other similar uses involving truck transport of materials or goods shall provide one off-street loading space for each 1900 m² of gross floor area.

8) Use of Parking Facilities

a) All required off-street parking spaces shall be used only for the purpose of accommodating the vehicles of clients, customers, employees, members, residents, tenants or visitors who make use of the principal building or use for which the parking area is provided, and such parking area shall not be used for off-street loading, driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind, except approved plant sales and other uses approved in this Bylaw; and

b) Except in the case of dwellings located in residential zones, off-street parking spaces may be provided and used collectively by two or more buildings or uses, provided that the total number of parking spaces when used in conjunction is not less than the sum of the required parking spaces for each individual use. In the same instance off-street parking spaces may be provided on a lot other than the lot that contains the principal building and that such parking be designated for that use by means of a covenant under Section 219 of the *Land Title Act*, registered against the property on which it is located.

5.2 Uses Permitted in any Zone

Except where specifically excluded the following uses, buildings and structures are permitted in every zone:

1) Uses, buildings and structures which are accessory to a principal permitted use, building or structure on the same lot;
2) Underground electrical and telephone lines, fibre optics and telephone exchange buildings for the distribution of service to the District of New Hazelton;
3) Pipelines, radio, television and transmission towers (except that transmission towers are not allowed within 150 m of any residential zones or school sites) and wires, traffic control devices, clock towers and underground or submarine utility systems, the installations of which may be sited on any portion of a lot;
4) Public Works Yard;
5) Water supply facilities including reservoirs, treatment plants, pumping stations intake structures and supply lines;
6) Sewage treatment and collection facilities including treatment plants, sewage pumping stations, and sewer service lines;
7) Transportation rights-of-way established by one of the levels of government or a Crown Corporation;
8) Parking;
9) Parks, playgrounds and playing fields, community gardens, hiking and bicycling paths, horse riding trails and ecological reserves; and
10) Public Use, including:
    a) Public Utility;
    b) Renewable energy production;
    c) District energy utility;
    d) Wastewater treatment;
    e) Solid waste transfer;
    f) Water reservoir;
    g) Storm water retention pond;
    h) Communications structure;
    i) Non-fossil fuel storage;
    j) Park;
    k) Trail;
    l) Bus stop; and
    m) Parking.

5.3 Size, Shape and Siting of Buildings and Structures

1) No building or structure other than a fence is permitted in any required setback area, except as otherwise specified in this Bylaw;

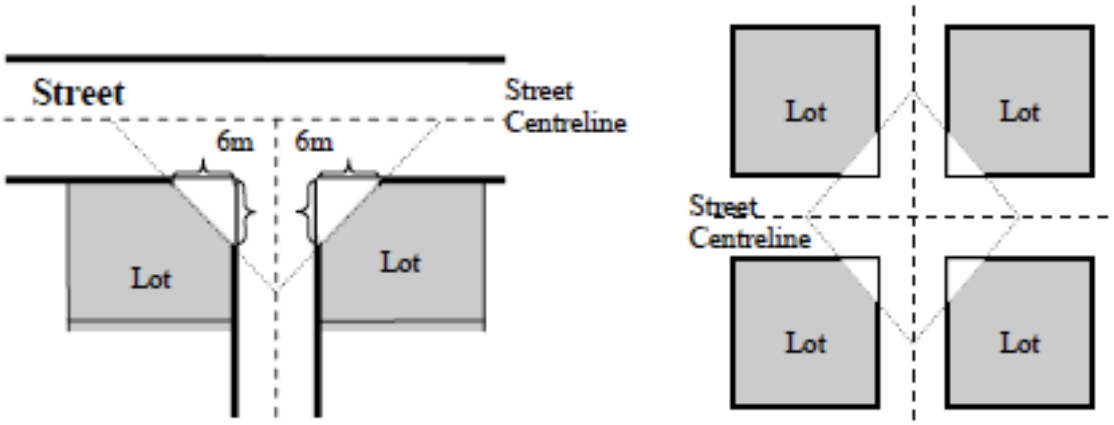
2) No more than one principal building shall be sited on one lot, except as otherwise specified in this Bylaw; and

3) Notwithstanding any other provision in this Bylaw, no building or structure shall be constructed:

    a. Within 7.5 m of the natural boundary of a riparian area;

    b. All buildings shall meet provincial riparian area regulations; or

    c. For the purposes of vision clearance, no fence, wall or structure, other than a permitted principal building shall be erected to a height greater than 1.2 m and no hedge, bush, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance in the area. The boundary for this area shall be bounded triangularly by extending a minimum 6 m boundary along the parcel lines from the point of the exterior corner intersection of the parcel lines and a line connecting these two points as illustrated below:



5.4 Visibility at Intersections

In regard to visibility at intersections, no person, may place or permit to be placed or grow, or permit to be grown, any tree, shrub, plant, fence, or other structure within the sight triangle above an elevation such that an eye 1 m above the surface elevation of one highway cannot see an object 1 m above the surface elevation of the other highway.

5.5 Height Exceptions

The height regulations specified elsewhere in this Bylaw do not apply to church spires, belfries, church domes, religious buildings, fire and hose towers, public observation towers, stadiums, transmission towers, public utility poles, chimneys, flag poles bearing government flags, radio towers, drive-in theatre projection screens, elevator and ventilating machinery penthouses, provided that no such structure covers more than

20% of the lot or, if located on a building, not more than 10% of the roof area of the principal building on that lot.

5.6 Landscaping and Screening

1) All Zones

The regulations in this subsection apply to the provision and maintenance of screening and landscaping to mask or separate uses, or to enhance the natural environment, in every zone except as otherwise expressly required or permitted in this Bylaw:

a) The minimum width for landscape and screening areas is 1 m;

b) Wherever possible, landscape and screening areas will retain existing trees and natural vegetation and add planting that enhances the natural environment;

c) Landscape and screening areas must not be located on septic fields, and a septic field must not be located in a landscape and screening area, unless approved in writing by the Ministry of Health;

d) Where a landscape plan is required to be submitted as part of a development permit application, the provisions of this Bylaw will apply;

e) Existing healthy woody plants (trees, shrubs) shall be preserved and protected unless removal is demonstrated to be necessary to efficiently accommodate the proposed development, or if the vegetation poses a safety hazard. Trees and shrubs preserved on the site may, at the discretion of the Public Works Superintendent, be credited to the total landscaping requirement. In considering this credit, the Superintendent may consider the location, size, health, and appearance of trees and shrubs;

f) If a credit towards the new landscape planting is permitted, one existing tree will equal one tree credited toward the total landscape requirement. The same applies for existing shrubs;

g) New landscape planting shall consist of herbaceous and/or woody plant species known to be hardy in the District of New Hazelton area. Where possible, evergreen shrubs and trees and/or deciduous shrubs and trees that have interesting bark, fruit or form shall be used to provide winter interest. A Landscape Planting Area may be interrupted by driveways, walkways, parking spaces, and utility service boxes;

h) Vegetative Buffers may be required in specific commercial, recreation/education and industrial zoning where these uses are adjacent residential zones. Developments may be exempt from providing a Vegetative Buffer if the setback is required for a fire lane access. Side Yard Vegetative Buffer Areas are measured from the rear property line to the Landscape Planting Area. Rear Yard Vegetative Buffers are to be measured from one Side Yard Buffer to the other along the length of the rear property;

i) Fence and wall materials shall be consistent with the character of the zone in which they are to be located. The height of a fence or wall shall be measured from grade. Where the fence or wall is adjacent a property line, the height shall be measured with reference to the grade of the abutting property. Where a fence is located on top of a retaining wall, berm or similar structure, the height of the fence shall include the height of the supporting structure;

j) All storage of goods and materials in a commercial zone, recreation/education, industrial zone or multi-housing zone shall be screened from view from any street and from

adjacent sites in a residential zone by fences, berms, landscape materials or a combination of these to the satisfaction of the District of New Hazelton;

k) All refuse, recycling and compost bins in a commercial zone, recreation/education zone, industrial zone or multi-housing zone shall be screened from view from any street, and from adjacent sites in a residential zone by fences, berms, landscape materials or a combination of these to the satisfaction of the District of New Hazelton. Ensure that containers are sealed to contain odours and to prevent disturbance by animals;

l) The proposed site grading shall respect the natural contour of the land to the extent possible, minimize the necessity to use retaining walls, and ensure drainage away from buildings and abutting properties. Erosion control measures shall be used during construction to prevent the pollution, degradation or siltation of natural areas, watercourses and roads;

m) Winter design principles shall be incorporated into the landscape plan in commercial, recreation/education and multiple-housing zones, and are to be encouraged in other residential zones. Means may include but are not limited to the use of coniferous trees to provide shelter from prevailing winter winds, the use of additional exterior lighting, the use of overhangs and screens to provide shelter and drifting control, adequate sizing of vehicular areas to accommodate accumulated snow, minimizing required outdoor travel distances and consideration of sun angles and southern exposures in the design of outdoor amenity spaces; and

n) Strategies to promote safe places shall be incorporated into the landscape plan in commercial, industrial, recreation/education and multi-unit housing zones, and are to be encouraged in other residential zones. Means may include but are not limited to the provision of adequate outdoor lighting for entrances, building perimeters and walkways, clear directional and safety signage, the use of vandalism resistant materials, adequate provisions for waste collection, maintaining good sightlines and restricting vehicular access where appropriate.

2) Landscape Plan

A Landscape Plan shall be included in rezoning applications where applicable and as determined by the District of New Hazelton.

Where a detailed Landscape Plan is required pursuant to this Bylaw, the plan shall contain, as a minimum, the following information:

a) Property address and legal description, north arrow, drawing scale, name of property owner/developer and name of design consultant where applicable;

b) Property lines, easements, rights-of-way, dimensions of the site, total area of the site and total area of landscaping;

c) Approximate location and type of adjacent land uses;

d) Location of existing and proposed overhead and underground utilities, lighting and irrigation systems and corner sight triangles where applicable;

e) Location of all existing and proposed physical features including turf areas, trees, shrubs, planting beds, walls, fences, signage, site furnishings and hard surfaces;

f) Existing and final grading including direction of site surface drainage;

g) Planting plan with species list indicating the quantity, size, common and botanical names of the plant material to be used;

h) A list of the type and quantity of site furnishings (benches, bicycle racks etc.) to be used;

i) The location and manner in which waste containers, fuel tanks, postal kiosks, utility structures, exterior storage and parking areas will be screened including the height and materials to be used for fencing, screens and walls; and

j) Description of means of maintaining new landscaping during the establishment period (Maintenance Program).

3) Fences

a) The height of a fence shall be measured as the vertical distance from the average finished ground level at the base of the fence to the highest point of the fence;

b) Fences may be constructed within any required setback, with the exception of the required setback to a watercourse (unless authorized by a Development Permit) and with exception to that portion of a lot that is within the Sight Triangle;

c) Fences along interior side and rear lot lines (where not adjacent to a highway) in Residential Zones shall not exceed a height of 1.8 m;

d) Fences adjacent to a highway in all zones shall not exceed a height of 1.2 m; and

e) Fences adjacent to a highway shall be constructed with a permeable style (i.e., wrought iron or picket).

4) Projections

The following features may project into a required front, side or rear yards:

a) Steps;

b) Eaves and gutters, cornices, sills, bay windows, chimneys or other similar features, provided that such projections do not exceed 0.6 m into the minimum setback requirement as required elsewhere in this Bylaw;

c) Open porches, marquees, canopies, balconies, and sun shades provided that such projections do not exceed 1.2 m into a required setback requirement;

d) An uncovered patio or terrace, which may be open or enclosed, in any yard in a Residential Zone, subject to the fence and height limitations as specified in Section 5.6.3 of this Bylaw;

e) Arbors and trellises, fishponds, ornaments, flagpoles or similar landscape features; and

f) Patios within 61 cm of the ground (any structure exceeding 61 cm in height and is supported by columns or posts becomes part of the footprint of the building).

5) Compliance with Lot Area Regulations

Lots created by subdivision must comply with the minimum and average lot area regulations set out in this Bylaw. A park to be dedicated upon deposit of the subdivision plan need not comply with these regulations.

6) Enforcement of Siting Regulations

Every application for a building permit must show a recent BC Land Survey, location on the lot and all existing and proposed buildings, and structures unless the Building Official determines that the provision of such plan is not reasonably necessary to establish whether proposed buildings and structures comply with the siting requirements of this Bylaw.

7) Conversion of Building Use

Buildings may be converted, altered, or remodelled for another use, provided that the converted building conforms to all the provisions and regulations prescribed for the zone in which it is located, as well as any applicable provisions and regulations of the BC Building Code and the District of New Hazelton Bylaws.

8) Installation and Maintenance

All efforts should be made to protect existing vegetation and new landscape materials from damage during construction.

a. Maintenance operations shall be undertaken in accordance with the District of New Hazelton Landscape Plan and the approved Maintenance Program;

b. A Maintenance Program shall be developed in conjunction with the Landscape Plan for commercial, industrial, recreation/education, and multiple-residential zones. The Maintenance Program shall be approved by the District of New Hazelton prior to issuing the Development Permit; and

c. The District of New Hazelton may require the preparation of maintenance records for landscape materials in commercial, industrial, recreation/education or multiple-residential zones in order to verify that warranty requirements have been satisfied in accordance with this Bylaw.

9) Guaranteed Landscaping Security

a. The District will require, as a condition of Development Permit approval, that the Owner provide a guaranteed security to ensure the landscaping is installed and maintained for two growing seasons. Only the following forms of security are acceptable:

i. Cash to a value equal to 100% of the established landscape installation; or

ii. An irrevocable Letter of Credit having a value equivalent to 100% of the established landscape installation.

b. The projected cost of the landscaping shall be calculated by the Owner or the Owner's Representative and shall be based on the information provided on the Landscape Plan. If, in the opinion of the District, these projected costs are inadequate, the District may establish an appropriate landscaping cost figure for the purposes of determining the value of the landscaping security;

c. If cash is offered as the landscaping security, it shall be held by the District, without interest payable, until, by confirmation through inspection by the District of New Hazelton, the required landscaping has been installed. Ten percent (10%) of the landscaping security will be held until, by confirmation through inspection by the Public Works Superintendent, the landscaping has been successfully maintained for two growing seasons;

d. If a Letter of Credit is offered as the landscaping security, it shall be in a form satisfactory to the District of New Hazelton. The initial term of the Letter of Credit shall be two years. The Letter of Credit shall be held by the District until, by confirmation through inspection by the District of New Hazelton, the required landscaping has been installed. Ten percent (10%) of the landscaping security will be held until, by confirmation through inspection by the District of New Hazelton, the landscaping has been successfully maintained for two growing seasons;

e. Any Letter of Credit shall allow for partial draws by the District if the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development; or the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping. The District may draw on a cash security or a Letter of Credit and the amount thereof shall be paid to the District for its use absolutely; and

f. In the event that the Owner does not complete the required landscaping, or fails to maintain the landscaping in a healthy condition for the specified periods of time, and the cash or the proceeds from the Letter of Credit are insufficient for the District to complete the required work, should it elect to do so, then the Owner shall pay such deficiency to the District immediately upon being invoiced. The District shall provide an accounting to the Owner indicating how the proceeds of the Letter of Credit were applied, within 60 days of completing or maintaining the landscaping.

10) Inspections

Upon receipt of a written request from the parties involved in the development, including, but not limited to, the Owner, Condominium Association, or the issuer of the Letter of Credit, an inspection of the finished landscaping shall be completed by the District of New Hazelton. Inspections shall be made during the normal growing season, between May 1st and September 30th. The District of New Hazelton will perform the inspection within 20 working days of receipt of the inspection request.

Inspections by the District of New Hazelton shall, as a minimum, consist of an inspection following installation (Installation Inspection) and a final inspection at the end of the warranty period (Warranty Inspection). These inspections will include the following:

a) Determining whether the variety, size, quantity, location and condition of plant materials and other landscape features and requirements correspond to those shown on the approved Landscape Plan(s);

b) Determining whether adequate means of watering plant material exists and that there is evidence that this has been done consistently; and

c) Determining whether the correct conditions for plant establishment and continued health are maintained for the warranty period outlined in this Bylaw.

Following the Installation Inspection, the District of New Hazelton shall either issue a certificate certifying that the installation has been completed in accordance with the approved plans or notify the applicant in writing of the deficiencies. Following the Warranty Inspection, the District of New Hazelton shall issue a certificate certifying that the warranty requirements have been fulfilled. If all conditions have been fulfilled to the satisfaction of the District of New Hazelton, the Guaranteed Landscaping Security shall be released subject to the provisions of this Bylaw.

5.7 Prohibited Uses

Any use not expressly permitted in this Bylaw is prohibited in every zone and where a particular use is expressly permitted in one zone, such use is prohibited in every zone where it is not also expressly permitted.

The following uses are prohibited in every zone:

1) Cannabis Retail Sales or Vape Retail Sales within 200m of a school or daycare centre;
2) Commercial growth of cannabis for the purpose of resale;
3) The disposal or storage of hazardous or toxic waste;
4) The occupancy of any trailer, recreational vehicle, camper or other vehicle as a residence; and
5) The storing of unlicensed vehicles or detached parts of such on a vacant lot.

5.8 Vehicle Storage

Except where specifically permitted, no lot may be used for:

1) The keeping of more than one motor vehicle, other than a farm vehicle or seasonal recreational vehicle which is not completely enclosed in a building or structure and which does not have attached or affixed in the manner prescribed by the *Motor Vehicle Act* Regulations:
    a) Motor vehicle number plates for the current license year issued in respect of that vehicle; or
    b) An interim vehicle license issued in respect of that vehicle pursuant to the *Motor Vehicle Act* Regulations; or
2) The keeping of detached parts of motor vehicles, unless the parts are completely enclosed in a permanent building;
3) No unlicensed vehicle of any type may be stored on a lot in a location in front of the front building line; and
4) No vacant lot in any zone may be used for the keeping of unlicensed motor vehicles or vehicle parts unless specified elsewhere in this Bylaw.

5.9 Accessory Buildings and Structures

The following regulations apply to accessory buildings and structures located in every zone:

1) An accessory building or structure may not be used for human habitation, except as otherwise provided for in this bylaw; and

2) Metal containers designed and constructed for shipping may not be placed on residential properties, and may not be used as an accessory building on residential property.

5.10 Temporary Buildings

Temporary buildings or structures may only be erected for offices for construction or marketing purposes for a period not to exceed the duration of such construction.

5.11 Secondary Suites

Secondary suites are permitted in single detached dwellings and are subject to the following conditions:

1) Secondary Suites must have no more than two (2) bedrooms;
2) Secondary Suites cannot co-exist on the same lot as a Garden Suite;
3) In no case shall the gross floor area of the Secondary Suite exceed 60% of the gross floor area of the detached dwelling, or 70 m^2, whichever is less; and
4) A Secondary Suite shall comply to all relevant requirements and standards of the British Columbia Building Code.

5.12 Home-Based Businesses

1) Regulations
    a) The Home-Based Business must be conducted entirely within a dwelling or permitted accessory building except as otherwise specifically permitted in this Bylaw;
    b) The operator of every Home-Based Business must obtain a Business License issued by the District of New Hazelton;
    c) The operator of every Home-Based Business must comply with all licensing, health and other applicable regulations of British Columbia and the District of New Hazelton; and
    d) In addition to the off-street parking spaces required for the dwelling, a Home-Based Business must provide at least one off-street parking space for patrons plus one space for a non-resident employee.

Home-Based Businesses may not alter the residential character of the properties on which the commercial activity takes place, and more specifically may not:

    e) Cause or result in any variation or alteration in the external residential appearance of the land and premises in which it is carried on;
    f) Emit excess emanation of noise, dust, odours, noxious fumes or vibrations from the dwelling as well as no visible or audible interference in radio or television receivers and no fluctuations in voltage on the premises;
    g) Incur deliveries requiring commercial trailers;
    h) Create or cause any fire hazard or electrical interference; or

i) Cause an increase in traffic congestion or demand for on street parking beyond what would normally be associated with two visitors per hour to a residential premise during daytime hours and one visitor per hour during evening hours.

2) Prohibited Uses

The following uses are prohibited for Home-Based Businesses:

a) Restaurant;

b) Manufacturing, welding or any other light industrial use;

c) The salvage or repair, or both, of motor vehicles;

d) Storage of motor vehicles;

e) Parking of Commercial Vehicles;

f) Adult entertainment or escort agency;

g) Business that requires the marshalling of vehicles such as taxi or limousine operation or courier service; and

h) Retail or wholesale sale of goods, including cannabis or vape products, except for goods manufactured or produced as part of a Home-Based Business.

5.13 Bed & Breakfasts (B&B)

The following additional regulations apply to B&B businesses:

1) Not more than six guests may be accommodated at any one time;

2) Not more than three bedrooms may be used to accommodate guests;

3) One additional off-street parking space must be provided for each bedroom used for Bed and Breakfast accommodation;

4) No rental of equipment or material is permitted except to registered guests; and

5) A Bed and Breakfast home business must be conducted solely within a single family dwelling.

5.14 Waste Management Requirements

Notwithstanding the requirements of this Bylaw, waste management practices for all zones must meet the following conditions:

1) All garbage and waste material not stored and located within the principal building shall be kept in an accessory building or animal proof enclosure;

2) All garbage and waste storage for multi-family residential, tourist accommodation, commercial, industrial and institutional uses must include an animal proof enclosure, attached garage and/or accessory building for the purpose of storage for garbage and/or garbage receptacles;

3) All garbage and waste enclosures are viewed as accessory structures and must adhere to applicable specifications for each zone; and

4) All animal proof enclosures for storage of garbage and waste must adhere to designated setbacks in respective land-use zones.

5.15 Animal Control

Outside the Agricultural Land Reserve, no person keeping animals, domestic or otherwise shall allow the animals to create a nuisance by means of sound or smell.

5.16 Subdivision Parcel Requirements

Applications for subdivision shall satisfy the following general requirements:

1) All lots created by subdivision shall comply with the minimum lot size standards established in Part C of this Bylaw;

2) Notwithstanding any other section in this Bylaw, no lot shall be created having a frontage less than minimum frontage standards established in Part D of this Bylaw. On curved streets or cul-de-sacs the minimum width of frontage shall be measured at a point 7.5 m back from the front lot line radial from the street centre of curvature;

3) For panhandle lots which may be subdivided further through zoning, the panhandle shall have a minimum width of 20 m. If further subdivision is not possible, then the panhandle shall have a minimum width of 6 m, unless back to back panhandles are created, in which case each panhandle shall have a minimum width of 3.5 m.

5.17 Floodplain Requirements

1) Setback Requirements

Notwithstanding any other provisions of this Bylaw, no building, manufactured home or unit, modular dwelling unit or structure shall be constructed, reconstructed, moved, extended or located:

a) within 7.5 m of the natural boundary of a lake, swamp or pond (or any structure for flood protection or seepage control or of any dyke right-of-way);

b) within 60 m of the natural boundary of the Bulkley River; or

c) within 15 m of the natural boundary of Station Creek, Waterfall Creek or any other lake or watercourse.

2) Elevation Requirements

Notwithstanding any other provisions of this Bylaw, no building, manufactured home or unit, modular dwelling unit or structure shall be constructed, reconstructed, moved, extended or located with the underside of a wooden floor system or top of a concrete slab of any habitable area, business or storage of goods damageable by floodwaters, or in the case of a manufactured home or unit the ground level or top of the concrete or asphalt pad on which it is located:

a) lower than the Flood Construction Level for any watercourse where it has been determined to the satisfaction of the Ministry of Environment;

b) lower than 4.5 m above the natural boundary of the Bulkley River; or

c) lower than 1.5 m above the natural boundary of Station Creek, Waterfall Creek and any other lake or watercourse.

The required elevation may be achieved by increasing the structural elevation of the habitable unit, business or storage area by using structurally sound fill under which any building is to be constructed or manufactured home or unit located.

No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater.

Where landfill is used to achieve the required elevation stated in above, no portion of the landfill slope shall be closer than the allowed distances from the natural boundary, or the inboard toe of any structure for flood protection or seepage control, or the inboard side of any dyke right-of-way. The face of the landfill slope shall be adequately protected against erosion.

Elevation requirements shall not apply to:

a) a renovation of an existing building or structure that does not involve an addition;

b) that portion of the building or structure to be used as a carport or garage; or

c) farm-buildings other than dwelling units and closed-sided livestock housing. Farm dwelling units on parcel sizes 8.1 hectares or greater and within the Agricultural Land Reserve (ALR) but if in a floodable area shall be elevated one metre above the natural ground elevation. Closed-sided livestock housing shall be elevated 1 m above the natural ground elevation.

5.18 Cannabis and Vape Retail Sales

1) Unless expressly written elsewhere in this bylaw, all Cannabis Retail Sales and Vape Retail Sales must abide by the Provincial and Federal regulations.

5.19 Short-Term Rental Accommodations

1) Short-term rental accommodations are permitted in the R-1, R-2, R-5 and R-6 Zones.

2) All short-term rental accommodations must abide by the applicable Provincial regulations.

3) Short-term rental accommodations require a business licence issued by the District of New Hazelton.

Adoption of Regulations
The document entitled “District of New Hazelton Zoning Amendment Bylaw”, annexed hereto and marked as Schedule A as per the *Local Government Act*.

Citation This Bylaw may be cited for all purposes as “District of New Hazelton Zoning Amendment Bylaw 392, 2026".

READ A FIRST TIME this 10th day of August, 2026.

READ A SECOND TIME this 10th day of August, 2026.

PUBLIC HEARING held this 8th day of September, 2026.

READ A THIRD TIME this 8th day of September, 2026.

DISTRICT OF NEW HAZELTON MAYOR & COUNCIL APPROVAL this 8th day of September, 2026.

ADOPTED this 8th day of September, 2026.

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Mayor Corporate Officer