

DISTRICT OF INVERMERE BYLAW NO. 1460

A bylaw to amend the Zoning Bylaw 1145, 2002

WHEREAS pursuant to the *Local Government Act*, the Council may in a zoning bylaw, divide the municipality into zones and regulate within a zone the use of land, buildings and structures;

AND WHEREAS the Council deems it desirable to amend Bylaw No. 1145, cited as "The District of Invermere Zoning Bylaw No. 1145, 2002";

NOW THEREFORE the Council of the District of Invermere, in open meeting assembled, enacts as follows:

1. That this Bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No.1460, 2012**”.
2. That the following Definitions be added to Section 2.1 of Zoning Bylaw 1145, 2002.

DEFINITIONS

Aid to navigation means a buoy, beacon, lighthouse, landmark, radio aid to marine navigation or any other structure or device installed, built or maintained in or on water or on land for the purpose of assisting with navigation.

Boat lift means an uncovered structure which facilitates the removal of a boat from the water and which can allow for a boat to be stored above the surface of the water.

Dock means a platform, either floating or fixed, below the natural boundary of the water body, which is designed to accommodate non-commercial parking and temporary water storage of watercraft and pedestrian access to and from boats or personal watercraft.

Group moorage facility means one or more docks providing communal moorage and/or day use docking facilities operated by a community association, strata council or shared interest development.

Groyne means a protective structure that is used to stop sediment from shifting along the shoreline. Groynes are generally constructed perpendicular to the shoreline.

Launch ramp means an inclined, hardened surface designed and constructed for launching and retrieving of trailered boats other watercraft to and from a water body.

Marina means the buildings, structures, and one or more docks used for the moorage of boats or watercraft and may include launch ramps, water sport instructional services, rental of boats and accessories, storage of boats, sales of marine petroleum products, and accessory retail sales.

Moorage means the tying, fastening or securing of a boat or watercraft to a buoy or dock.

Mooring buoy means a private buoy under the Private Buoy Regulation of the Canada Shipping Act that is used to secure watercraft in a fixed location.

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

Overnight moorage means the tying, fastening or securing of watercraft to a mooring buoy or dock during the dark period between one hour after sunset to one hour before sunrise.

Public access means the privilege or bare licence to use the foreshore and other aquatic land held by the Crown, and includes the right to land boats and to disembark.

Recreational buoy means a private buoy under the Private Buoy Regulation of the Canada Shipping Act that is utilized for recreation purposes, such as denoting a water skiing course or a designated swimming area.

Recreational water activity means activities that are conducted on the surface of a water body and includes, but is not limited to, activities such as boating, swimming, fishing and wind surfing.
Recreational water activity does not include associated facilities or structures.

Swimming platform means a floating platform, which is anchored to the bed of the water body.

3. That the following uses are be added to Section 3.3 of Zoning Bylaw No. 1145, 2002.

Section 3 General Regulations

PERMITTED USES IN ALL ZONES

- 3.3 (k) aid to navigation;
(l) recreational water activity;
(m) recreational buoy;
(n) public access.

4. That the following be added to Section 5.1 of Zoning Bylaw No. 1145, 2002.

Section 5 Zones

Water Zone	-	<i>W-1 Residential</i>
		<i>W-2 Group Moorage</i>
		<i>W-3 Institutional</i>
		<i>W-4 Commercial</i>

5. That the following be added to Section 5.2 of Zoning Bylaw No. 1145, 2002

Section 5 Zones

ZONE BOUNDARIES AND MAPS

5.2 (4) Where a zone boundary is perpendicular to the shoreline of a lake the zone boundary shall be determined to be perpendicular to the general trend of the shoreline from the natural boundary into the lake.

(5) Where a zone boundary is adjoining the shoreline of a lake the zone boundary shall be determined to be the natural boundary of lake. Where the natural boundary of the lake has been displaced by a retaining wall, groyne or breakwater the portion of the structure abutting the water shall be determined to be the zone boundary.

6. That the following water zone be added to Zoning Bylaw No.1145, 2002

Section 5 Zones

5.26 Water Zone (Residential): W-1

- (1) Permitted Uses

Within the W-1 zone, the following uses are permitted accessory to a permitted use on the adjoining upland parcel and no others are permitted:

- (a) Dock;
- (b) Swimming platform;
- (c) Mooring buoy, subject to (4)(a);
- (d) Launch ramp;
- (e) Moorage, including overnight moorage;
- (f) Uses permitted under Section 3.3 (k), (l), (m), and (n).

- (2) Accessory Uses

- (a) Boat lift.

- (3) Regulations

In the W-1 zone, no structure may be constructed or placed which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulation.

<i>Column 1</i>	<i>Column 2</i>
<p>(a) <i>Density (maximum number of structures)</i></p> <ul style="list-style-type: none"> (i) <i>Dock</i> (ii) <i>Swimming platform</i> (iii) <i>Mooring buoy</i> 	<p><i>1 per adjoining parcel, subject to (4)(c)</i> <i>1 per adjoining parcel, subject to (4)(c)</i> <i>1 per adjoining parcel</i></p>

<p><i>(b) Maximum size</i></p> <p><i>(i) Dock surface area (including walkway)</i></p> <p><i>(ii) Dock width</i></p> <p><i>(iii) Swimming platform</i></p>	<p><i>20 m²</i></p> <p><i>1.5 m (walkway portion)</i></p> <p><i>3.0 m (dock surface)</i></p> <p><i>16 m²</i></p>
<p><i>(c) Minimum distance for dock(s) from adjoining property line extension measured perpendicular to the shoreline</i></p>	<p><i>5 m or</i></p> <p><i>6 m if adjoining a highway or W-3 zone</i></p>
<p><i>(d) Minimum distance from dock(s), boathouses, swimming platforms, or other structures fully or partially within the water</i></p> <p><i>(i) Docks</i></p>	<p><i>10 m</i></p>

(4) Other Regulations

- (a) All mooring buoys must be placed in accordance with the Private Buoy Regulation under the Canada Shipping Act and are subject to review and approval under the Navigable Waters Protection Act.
- (b) The placement and use of docks, launch ramps, and swimming platforms are subject to review and approval under the Navigable Waters Protection Act.
- (c) The placement and use of docks, launch ramps and swimming platforms must be in accordance with a licence of occupation or lease issued by the province under the Land Act or the applicable Crown Land Use Operational Policy.

7 That the following water zone be added to Zoning Bylaw No.1145, 2002

Section 5 Zones

5.27 Water Zone (Group Moorage): W-2

(1) Permitted Uses

Within the W-2 zone, the following uses and no others are permitted:

- (a) Group moorage facility;
- (b) Swimming platform;
- (c) Launch ramp;
- (d) Groyne, breakwater;
- (e) Moorage, including overnight moorage;
- (f) Uses permitted under Section 3.3 (k), (l), (m), and (n).

(2) Accessory Uses

- (a) Boat lift.

(3) Regulations

In the W-2 zone, no structure may be constructed or placed which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulation.

<i>Column 1</i>	<i>Column 2</i>
<i>(a) Minimum distance from dock(s), boathouses, swimming platforms, or other structures fully or partially within the water:</i>	
<i>(i) Dock</i>	<i>10 m</i>

(4) Other Regulations

- (a) The placement and use of docks, launch ramps, and swimming platforms are subject to review and approval under the Navigable Waters Protection Act.
- (b) The placement and use of docks, launch ramps and swimming platforms must be in accordance with a licence of occupation or lease issued by the province under the Land Act or the applicable Crown Land Use Operational Policy.

8 That the following water zone be added to Zoning Bylaw No.1145, 2002

Section 5 Zones

5.28 Water Zone (Institutional): W-3

(1) Permitted Uses

Within the W-3 zone, the following uses and no others are permitted:

- (a) Dock;
- (b) Swimming platform;
- (c) Launch ramp;
- (d) Moorage, subject to Section (3)(c);
- (e) Uses permitted under Section 3.3 (k), (l), (m), and (n).

(2) Regulations

In the W-3 zone, no structure may be constructed or placed which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulation.

<i>Column 1</i>	<i>Column 2</i>
<i>(a) Maximum Size of a swimming platform</i>	<i>20 m²</i>
<i>(b) Minimum distance for docks from the zone boundary</i>	<i>5 m 6 m if adjoining a highway or W-3 zone</i>
<i>(c) Minimum distance from adjacent docks</i> <i>(i) Dock</i>	 <i>10 m</i>

(3) Other Regulations

- (a) The placement and use of docks, launch ramps, and swimming platforms are subject to review and approval under the Navigable Waters Protection Act.
- (b) The placement and use of docks, launch ramps and swimming platforms must be in accordance with a licence of occupation or lease issued by the province under the Land Act.
- (c) Overnight moorage is not permitted.

Section 5 Zones**5.29 Water Zone (Commercial): W-4**

(1) Permitted Uses

Within the W-4 zone, the following uses are permitted accessory to a permitted use on the adjoining parcel and no others are permitted:

- (a) Marina;
- (b) Moorage, including overnight moorage;
- (c) Uses permitted under Section 3.3 (k), (l), (m), and (n).

(2) Accessory Uses

- (a) Boat lift.

(3) Regulations

In the W-4 zone, no structure may be constructed or placed which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulation.

<i>Column 1</i>	<i>Column 2</i>
<p><i>(a) Minimum distance from dock(s), boathouses, swimming platforms, or other structures fully or partially within the water:</i></p> <p><i>(i) Dock</i></p>	<p><i>10 m</i></p>

(4) Other Regulations

- (a) The placement and use of docks, launch ramps, and swimming platforms are subject to review and approval under the Navigable Waters Protection Act.
- (b) The placement and use of docks, launch ramps and swimming platforms must be in accordance with a licence of occupation or lease issued by the province under the Land Act or the applicable Crown Land Use Operational Policy.

10 As per the attached Schedule "A", the Official Zoning Map referred to in section 5.2 of Bylaw No. 1145 as Schedule "B" is amended by adding the designation of the following water surface zones W-1 RESIDENTIAL, W-2 GROUP MOORAGE, W-3 INSTITUTIONAL, W-4 COMMERCIAL.

11 That the Mayor and Clerk are hereby empowered to do all things necessary to give effect to this Bylaw.

Read a First Time this 23rd day of October, 2013

Public Hearing was held on this 20th day of November, 2012

Read a Second Time this 8th day of January, 2013

Read a Third Time this 8th day of January, 2013

ADOPTED this day of 12th day of February, 2013

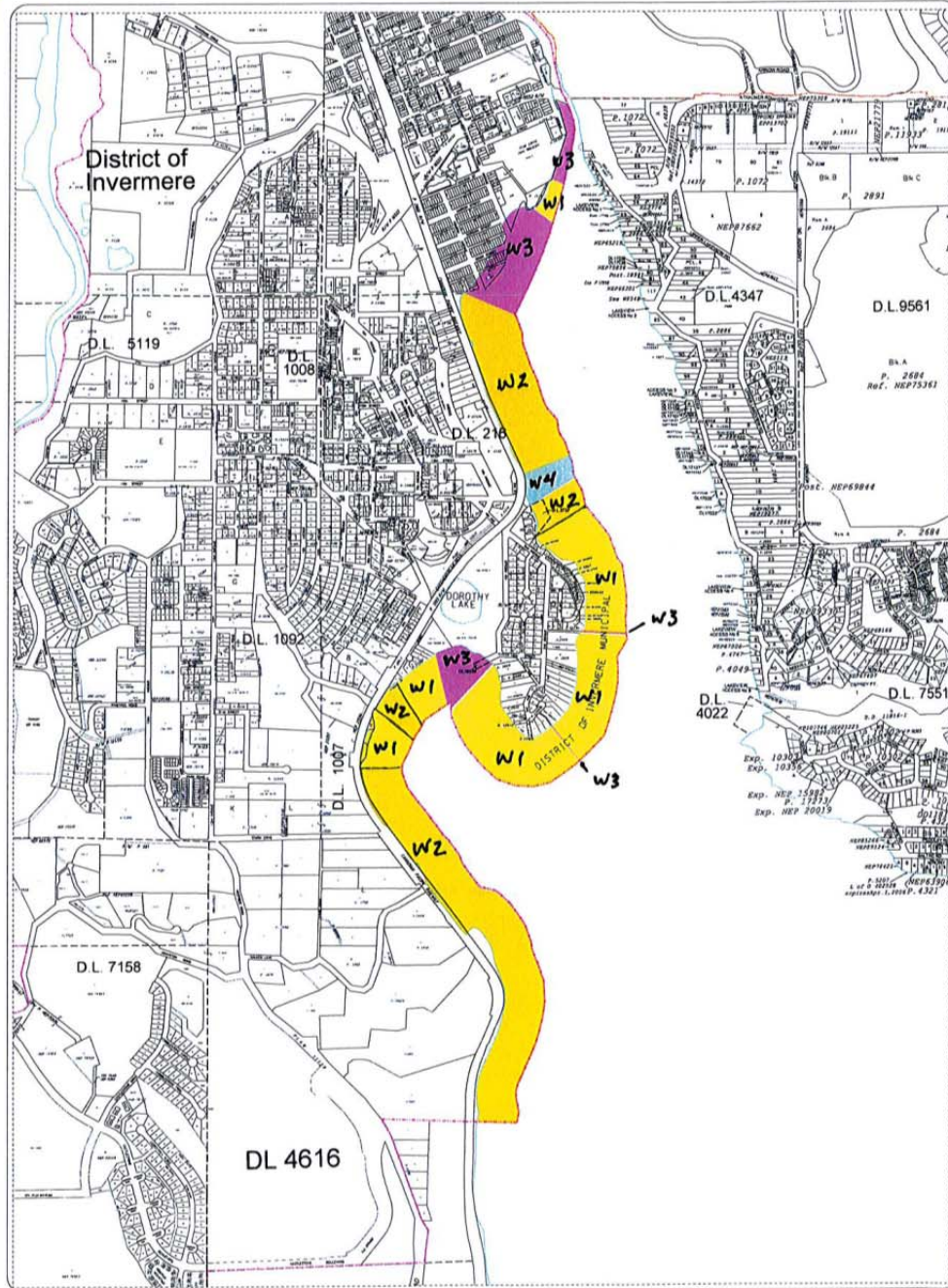
MAYOR

CHIEF ADMINISTRATIVE OFFICER

Certified a true copy of Bylaw No. 1460, 2012
this ____ day of _____, 2013.

Corporate Officer

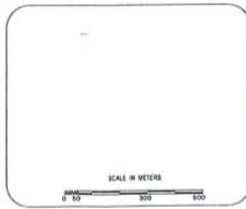
Schedule "A"
Map of Water Zones added to Schedule "B" of Section 5.2 of Bylaw No. 1145, 2002



Legend

Lake Windermere Zones

W-1	Residential
W-2	Group Moorage
W-3	Institutional
W-4	Commercial



This is a consolidation of the Zoning Bylaw map and the adopted map amendments. The map amendment bylaws have been combined with the original Zoning Bylaw map for convenience only. This consolidation is not a legal document.

SCHEDULE
W
Invermere