

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2417

A bylaw to amend Bylaw No. 900 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992."

WHEREAS the Board of the Regional District of East Kootenay has determined a need to proceed with the proposed amendment to said Bylaw;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay - Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 277, 2012 (LWMP Implementation/RDEK)".

2. Section 3.02 is amended by adding the following:

Schedule "A-16" - Lake Windermere (South)

Schedule "A-17" - Lake Windermere

Schedule "A-18" - Lake Windermere (North)

3. Section 3.04 (2) is amended by repealing the definitions of **BOATHOUSE**; **DOCK**, **RECREATIONAL**; **LAUNCHING RAMP**; **MOORAGE**; **MOORING BUOY**; **OVERNIGHT MOORAGE**; and **SWIMMING RAFT** and adding the following 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.

BOATHOUSE means an accessory building or structure which is used for storage of boats, personal watercraft, tools and equipment accessory to the residential or commercial use located on the same parcel of land.

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 boats or personal watercraft and pedestrian access to and from boats or personal watercraft.

GROUP MOORAGE FACILITY means one or more docks providing communal overnight moorage and/or day use moorage facilities.

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 or 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 structure.

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.

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.

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.

RESIDENTIAL USE means the activities generally associated with human habitation of a building or structure.

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

WINTER FISHING HUT means a temporary seasonal structure placed or constructed on the frozen surface of the lake.

4. Section 4.03 is repealed and the following added:

PERMITTED USES IN ALL ZONES

4.03 Subject to Part 7, the following uses are allowed in all zones:

- (a) use of a building or part thereof as a polling station for a government election, referendum or census;
- (b) the use of a building or part thereof as campaign headquarters for a political candidate;
- (c) telephone booth;
- (d) highway lighting fixture;
- (e) highway and railroad;
- (f) mailbox;
- (g) public utility use;
- (h) park;
- (i) historical and archaeological display site;
- (j) conservation area, recreation reserve, ecological reserve and wildlife sanctuary;
- (k) aid to navigation;
- (l) recreational water activity;
- (m) recreational buoy; and
- (n) public access.

5. Section 4.04 is repealed and the following added:

- (1) Subject to Section 4.02, intensive agriculture use is prohibited in all zones other than those which contain land that is in the Agricultural Land Reserve, and subject to regulations of the *Agricultural Land Commission Act*, the *Local Government Act* and regulations under those acts.
- (2) The use of boats or other vessels for residential use is prohibited.

6. Section 4.08 is amended by adding the following:

- (4) Accessory buildings or structures used or intended to be used as a boathouse must not:
 - (a) exceed one storey in height nor the permitted height for an accessory building or structure in the applicable zone;
 - (b) have a deck or veranda above or affixed to the building or structure; or
 - (c) contain sleeping or sanitary facilities.

7. Section 7.01 is amended by adding the following:

Lake Windermere Zones

Lake Windermere (Residential)	LW-1
Lake Windermere (Group Moorage)	LW-2
Lake Windermere (Group Moorage)	LW-2(A)
Lake Windermere (Institutional)	LW-3
Lake Windermere (Commercial)	LW-4
Lake Windermere (Recreation)	LW-5

9. Section 7.02 (1) is amended by replacing “A-15” with “A-18” in the first sentence.
10. Section 7.02 (1) is amended by adding the following:
- A-16 Lake Windermere (South)
 A-17 Lake Windermere
 A-18 Lake Windermere (North)
11. Section 7.02 is amended by adding the following:
- (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 the 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 zone boundary.
12. Part 7 is amended by adding the following:

LAKE WINDERMERE (RESIDENTIAL) ZONE: LW-1

7.32 (1) Permitted Uses

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

- (a) Dock;
- (b) Swimming platform;
- (c) Mooring buoy;
- (d) Launch ramp;
- (e) Uses permitted under Section 4.03 (g), (k), (l), (m), and (n).

(2) Accessory Uses

- (a) Boat lift;
- (b) Moorage, including overnight moorage.

(3) Regulations

In the LW-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.

Column 1	Column 2
(a) Density (maximum number of <u>structures</u>)	
(i) <u>Dock</u>	1 per adjoining <u>parcel</u>
(ii) <u>Swimming platform</u>	1 per adjoining <u>parcel</u>
(iii) <u>Mooring buoy</u>	2 per adjoining <u>parcel</u>
(b) Maximum size	
(i) <u>Dock</u> surface area	20 m ² , including all walkways and access ramps
(ii) <u>Dock</u> width	1.5 m (walkway portion) 3.0 m (dock surface)
(iii) <u>Swimming platform</u>	16 m ²

(c) Minimum distance for <u>dock(s)</u> from adjoining property line extension measured perpendicular to the shoreline	5 m, or 6 m if adjoining a <i>highway</i> or LW-3 zone
(d) Minimum distance from <u>dock(s), boathouses, swimming platforms, or other structures</u> fully or partially within the water (i) <u>Dock</u>	10 m

(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.

LAKE WINDERMERE (GROUP MOORAGE) ZONE: LW-27.33 (1) Permitted Uses

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

- (a) Group moorage facility;
- (b) Swimming platform;
- (c) Launch ramp;
- (d) Groyne, breakwater;
- (e) Uses permitted under Section 4.03 (g), (k), (l), (m), and (n).

(2) Accessory Uses

- (a) Boat lift;
- (b) Moorage, including overnight moorage.

(3) Regulations

In the LW-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.

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

(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, launching 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.

LAKE WINDERMERE (GROUP MOORAGE) ZONE: LW-2(A)**7.34 (1) Permitted Uses**

Within the LW-2(A) zone, the following uses and no others are permitted:

- (a) Group moorage facility;
- (b) Swimming platform;
- (c) Mooring buoy;
- (d) Uses permitted under Section 4.03 (g), (k), (l), (m), and (n).

(2) Accessory Uses

- (a) Boat lift;
- (b) Moorage, including overnight moorage;

(3) Regulations

In the LW-2(A) 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.

Column 1	Column 2
(a) Maximum number of boats to be moored in the LW-2(A) zone	45
(b) Minimum distance from <u>dock(s)</u> , <u>swimming platforms</u> , or other <u>structures</u> fully or partially within the water	
(i) <u>Dock</u>	10 m

(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.

LAKE WINDERMERE (INSTITUTIONAL) ZONE: LW-3**7.35 (1) Permitted Uses**

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

- (a) Dock;

- (b) Swimming platform;
 - (c) Launch ramp;
 - (d) Uses permitted under Section 4.03 (g), (h), (i), (j), (k), (l), (m), and (n).
- (2) Accessory Uses
- (a) Moorage.
- (3) Regulations

In the LW-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.

Column 1	Column 2
(a) Minimum distance for <u>dock(s)</u> from adjoining property line extension measured perpendicular to the shoreline	5 m, or 6 m if adjoining a <i>highway</i> or LW-3 zone
(b) Minimum distance from adjacent <u>dock(s)</u> or other <u>structures</u> fully or partially within the water	
(i) <u>Dock</u>	10 m
(c) Maximum size of a <u>swimming platform</u>	16 m ²

- (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.
 - (c) Overnight moorage is not permitted.

LAKE WINDERMERE (COMMERCIAL) ZONE: LW-4

7.36 (1) Permitted Uses

Within the LW-4 zone, the following uses and no others are permitted:

- (a) Marina;
 - (b) Uses permitted under Section 4.03 (g), (k), (l), (m), and (n).
- (2) Accessory Uses
- (a) Boat lift;
 - (b) Moorage, including overnight moorage;
- (3) Regulations
- (a) The placement and use of docks and launch ramps are subject to review and approval under the *Navigable Waters Protection Act*.
 - (b) The placement and use of docks and launch ramps 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.

LAKE WINDERMERE (RECREATION) ZONE: LW-5**7.37 (1) Permitted Uses**

Within the LW-5 zone, the following uses and no others are permitted:

- (a) Groyne, breakwater;
- (b) Winter fishing hut;
- (c) Uses permitted under Section 4.03 (g), (h), (i), (j), (k), (l), (m), and (n).

(2) Size and Dimensions of Buildings and Structures

No person shall site a winter fishing hut in the LW-5 zone that exceeds 4.0 m² (43.1 ft²) in size.

13. The designation of that part of Lake Windermere as outlined on Schedules A16, A17 and A18 which are incorporated in and form part of this Bylaw, is amended from unzoned to LW-1, Lake Windermere (Residential) Zone; LW-2, Lake Windermere (Group Moorage) Zone; LW-2(A), Lake Windermere (Group Moorage) Zone; LW-3, Lake Windermere (Institutional) Zone, LW-4, Lake Windermere (Commercial) Zone; and LW-5, Lake Windermere (Recreation) Zone.
14. The designation of that part of the unsurveyed Crown foreshore being part of the bed of Windermere Lake, Kootenay District, fronting Lot A, District Lot 8, Kootenay District, Plan NEP81644 outlined on the attached Schedule A17 which is incorporated in and forms part of this Bylaw, is amended from P-2, Public Parks and Open Space Zone to LW-4, Lake Windermere (Commercial) Zone.
15. The designation of that part of the unsurveyed Crown foreshore being part of the bed of Windermere Lake together with unsurveyed filled foreshore and that part of the remainder of District Lot 8, Kootenay District outlined on the attached Schedule A17, which is incorporated in and forms part of this Bylaw, is amended from P-2, Public Parks and Open Space Zone to LW-2, Lake Windermere (Group Moorage) Zone.
16. The designation of the Boulevard as shown on Plan 2125, Kootenay District outlined on the attached Schedule A17, which is incorporated in and forms part of this Bylaw, is amended from R-1, Single Family Residential Zone to LW-3, Lake Windermere (Institutional) Zone.

READ A FIRST TIME the 7th day of December, 2012.

READ A SECOND TIME the 7th day of December, 2012.

READ A THIRD TIME the day of 2013.

APPROVED by the Ministry of Transportation and Infrastructure the
day of , 2013.

Signing Officer: _____

ADOPTED the day of , 2013.

CHAIR

CORPORATE OFFICER