



***DISTRICT OF FORT ST. JAMES***  
***ZONING BYLAW***  
***BYLAW NO. 738, 2001***

*Prepared by:*

***L&M ENGINEERING LIMITED***

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**APPENDIX "A" - SUMMARY OF ZONING REQUIREMENTS**

**APPENDIX "B" - FLOODPLAIN PROVISIONS - "GENERAL EXEMPTIONS"**

**DISTRICT OF FORT ST. JAMES**  
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**WHEREAS** the Council of the District of Fort St. James wishes to adopt a Zoning Bylaw pursuant to Part 26 of the *Local Government Act*;

**AND WHEREAS** the Council of the District of Fort St. James may, by bylaw:

- a) divide the whole or part of the municipality into zones, name each zone and establish the boundaries of the zones,
- b) limit the vertical extent of a zone and provide other zones above or below it,
- c) regulate within a zone
  - i) the use of land, buildings and structures,
  - ii) the density of the use of land, buildings and structures,
  - iii) the siting, size and dimensions of
    - A. buildings and structures, and
    - B. uses that are permitted on the land, and
  - iv) the location of uses on the land and within buildings and structures, and
- d) regulate the shape, dimensions and area, including the establishment of minimum and maximum sizes, of all parcels of land that may be created by subdivision, and
  - i) the regulations may be different for different areas, and
  - ii) the boundaries of those areas need not be the same as the boundaries of zones created under paragraph (a);

**AND WHEREAS** these regulations may be given authority by incorporating in the bylaw maps, plans, tables or other graphic material;

**AND WHEREAS** these regulations may be different for one or more of the following as specified in the bylaw:

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- a) different zones,
- b) different uses within a zone,
- c) different locations within a zone,
- d) different standards of works and services provided,
- e) different siting circumstances; and
- f) different protected heritage properties.

**AND WHEREAS** the power to regulate by zoning includes the power to prohibit any use or uses in any zone or zones;

**AND WHEREAS** the zoning bylaw may:

- a) establish different density regulations for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions under paragraph (b) are met, and
- b) establish conditions that will entitle an owner to a higher density under paragraph (a) in accordance with the following:
  - i) conditions relating to the conservation or provision of amenities, including the number, kind and extent of amenities;
  - ii) conditions relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind and extent of the housing;

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- iii) a condition that the owner enter into a housing agreement under Section 905 of the *Local Government Act*, before a building permit is issued in relation to property to which the condition applies;

**AND WHEREAS** the zoning bylaw may designate an area within a zone for affordable or special needs housing, as such housing is defined in the bylaw, if the owners of the property covered by the designation consent to the designation;

**AND WHEREAS** the zoning bylaw may require owners or occupiers of any land, building or structure to provide off-street parking and loading spaces for the use, building or structure, including spaces for use by disabled persons, and may

- a) classify uses, buildings and structures and differentiate and discriminate between classes with respect to the amount of space provided,
- b) exempt
  - i) a class of use, building or structure, or
  - ii) a use, building or structure existing at the time of the adoption of a bylaw under this subsectionfrom any requirement of a bylaw made under this subsection,
- c) may impose different requirements for different areas and zones or different uses within a zone, and
- d) establish design standards, including the size, surfacing, lighting and numbering of the spaces;

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**AND WHEREAS** the zoning bylaw may permit off-street parking spaces to be provided, other than on the site of the use, building or structure, under conditions that are specified in the bylaw;

**AND WHEREAS** the zoning bylaw may require and regulate the provision of screening or landscaping to mask or separate

- a) outdoor storage,
- b) industrial uses from commercial and residential uses,
- c) commercial uses from residential uses,
- d) residential, commercial and industrial uses from highways designated in the bylaw, and
- e) waste disposal and treatment sites from commercial and residential uses and from highways designated in the bylaw,

and the bylaw may impose different regulations for different areas and zones or for different uses within a zone;

**AND WHEREAS** a local government or the Ministry of Environment, Land and Parks, pursuant to Section 910 of the Local Government Act:

- a) consider that flooding may occur on land
  - i) the local government may, by bylaw, or
  - ii) the Ministry of Environment, Lands and Parks may, by order, designate the land as a floodplain,

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- b) and where the land is designated a floodplain
  - i) the local government may, by bylaw, or
  - ii) the Ministry of Environment, Lands and Parks may, by orderspecify
  - iii) the flood level or levels for the floodplain, and
  - iv) the setback from a watercourse or body of water of any landfill or structural support required to elevate a floor system or pad above the flood level,
- c) a floodplain bylaw has no effect until it has been approved by the Ministry of Environment, Lands and Parks,
- d) an order of the Ministry of Environment, Lands and Parks prevails over a bylaw of local government in the event of a conflict,
- e) after a bylaw or the Ministry of Environment, Lands and Parks has specified the level or levels or setback
  - i) the underside of any floor system, or the top of any pad supporting any space or room, including a manufactured home, that is used for dwelling purposes, business or the storage of goods which are susceptible to damage by floodwater, shall be above that specified level, and
  - ii) any landfill required to support a floor system or pad shall not extend within any setback from a watercourse or body of water specified by the bylaw or the Ministry of Environment, Lands and Parks;

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- f) the Minister of Environment, Lands and Parks may exempt a development or type of development from requirements of this section subject to conditions he may impose;
- g) the specifications of the Ministry of Environment, Lands and Parks may be enforced by a local government as though they were bylaws of the local government;

**AND WHEREAS** the District of Fort St. James represents to any person that any building or structure, including a mobile home, used, constructed, or located in accordance with the following provisions will not be damaged by flooding;

**AND WHEREAS** the zoning bylaw may establish a minimum frontage on a highway required for a parcel of land to be created by a subdivision and may exempt a parcel from the statutory or bylaw minimum frontage provided for in the Local Government Act;

**AND WHEREAS** the Local Government Act provides regulations whereby a Council of a municipality may, by bylaw, regulate the construction and layout of trailer courts, manufactured home parks and camping grounds and require that those courts, parks and grounds provide facilities specified in the bylaw;

**AND WHEREAS** the Council has held a public hearing in accordance with the provisions of Sections 890, 891, 892 and 893 of the Local Government Act;

**NOW THEREFORE** the Council of the District of Fort St. James in open meeting assembled enact as follows:

- a) This bylaw may be cited as the "District of Fort St. James Zoning Bylaw No. 738, 2001;

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- b) That the "Village of Fort St. James Zoning Bylaw No. 598, 1995" and all amendments thereto, is hereby repealed;
- c) Where regulations contained in this bylaw are at variance with regulations contained in other bylaws of the District of Fort St. James, the regulations of this bylaw shall govern;
- d) If any section, subsection, sentence, clause, phrase, map or plan of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this bylaw;
- e) That the District of Fort St. James Zoning Maps denoted as Schedule "A-1" and Schedule "A-2" be attached to and form part of this bylaw.

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**DIVISION ONE - PREAMBLE**

**1.0 TITLE**

This bylaw may be cited as the "District of Fort St. James Bylaw No. 738, 2001".

**1.1 PURPOSE**

The Zoning Bylaw regulates within the boundaries of the District of Fort St. James the use of land including the surface of water, buildings and structures and the siting, size and shape of buildings and structures erected thereon, thereover, and therein and the requirements and regulations of off-street parking and loading.

**1.2 BASIC PROVISIONS**

- a) Subject to the provisions of the Local Government Act no person shall erect, construct, locate, alter, reconstruct or maintain any buildings or locate or carry on any industry, business, trade or calling or other use of any land, building or structure or surface of water contrary to the provisions of this bylaw;
  
- b) subject to the provisions of the Local Government Act no land, the surface of water, buildings or structures in any zone shall be used for any purpose except to the extent specifically permitted in the zone in which the land, water, building or structure is located as set out in Division Four to Division Eight inclusive of this bylaw;

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**1.3 METRIC DIMENSIONS**

Metric dimensions are used in this bylaw.

**1.4 OFFICIAL ZONING MAPS**

- a) The location of the zones established by this bylaw are as shown on the Official Zoning Maps of the District of Fort St. James, which with all explanatory matter thereon, is hereby made and declared to be an integral part of this bylaw and is annexed hereto as Schedule "A-1" and Schedule "A-2" hereof;
  
- b) in the event of any uncertainty regarding the precise boundaries of any zone of the Official Zoning Maps the location shall be determined by the application of the following rules:
  - i) when the zone boundary is designated on the Official Zoning Maps as following a road allowance, creek or railway right-of-way, the centre line of such a road allowance, creek or railway right-of-way shall be the zone boundary;
  
  - ii) when a zone boundary is designated on the Official Zoning Maps as following the District boundaries of the District, the District boundary shall be the zone boundary;
  
  - iii) when a zone boundary is designated on the Official Zoning Maps as following the boundary of a lot, the lot boundary shall be the zone boundary;

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- iv) when a zone boundary is designated on the Official Zoning Maps as following the shore line of a lake, pond or similar standing body of water, the controlled high water mark of that lake, pond or similar body of water, shall be the zone boundary;
  
- v) where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the zone boundary shall be determined by the scale of the Official Zoning Maps.

**1.5 OTHER REGULATIONS**

Nothing contained in these regulations shall relieve anyone of the responsibility to seek out and comply with any legislation applicable to their undertaking.

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**DIVISION TWO - DEFINITIONS**

For the purposes of this bylaw, the following definitions apply:

**2.0 ACCESSORY BUILDING**

"Accessory building" means a building, the use or intended use of which is ancillary and necessarily incidental to that of a principal building situated on the same lot, and otherwise permitted under the provisions of this bylaw.

**2.1 ACCESSORY USE**

"Accessory use" means a use which is ancillary to a principal use being made of the lot upon which such accessory use is located, provided that such principal use is permitted under the provisions of this bylaw.

**2.2 AGRICULTURAL USE**

"Agricultural use" means a use providing for the growing, rearing, producing and harvesting of agricultural products, including the storing and processing on an individual farm of the primary agricultural products harvested, reared or produced on that farm and the storage of farm machinery and implements used on the farm; and specifically includes game farming and the keeping of dogs, horses, cattle, sheep, foxes, pigs, buffalo, reindeer, poultry, pigeons, ducks, geese or other livestock; and includes dwellings for the accommodation of persons employed in the agricultural enterprise located on or operated from the lot containing the dwellings.

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**2.3     AISLE**

"Aisle" means the area of a lot which provides space for motor vehicle access and manoeuvring but does not include required parking spaces.

**2.4     ANIMAL HOSPITAL**

"Animal hospital" means any building, structure or premise in which animals are cared for, treated or hospitalized.

**2.5     APARTMENT BUILDING**

"Apartment building" means a building designed and constructed to contain three or more separate dwelling units, each of which has an independent entrance either directly from outside the building or through a common vestibule. (This definition includes buildings referred to as three-plexes, four-plexes, six-plexes, and the like.)

**2.6     AUCTION HOUSE**

"Auction house" means a building in which goods are sold by auction and the use is entirely enclosed within the walls, floor and ceiling of the building.

**2.7     AUTOMOBILE DEALERSHIP**

"Automobile dealership" means a place of business engaged in retailing new cars and trucks, which may have as accessory uses gasoline pumps provided that the gasoline is not sold by retail to the public, body and fender work provided that it is enclosed in the

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principal building and occupies less than 20% of the gross floor area, and used car and truck sales.

**2.8 AUTOMOBILE OR TRAILER; SALES OR RENTAL LOT**

"Automobile or trailer; sales or rental lot" means an open area used for the display, sale or rental of new or used passenger motor vehicles or trucks or trailers in operable condition and where no repair work is done.

**2.9 AUTOMOBILE REPAIR SHOP**

"Automobile repair shop" means a building used or intended to be used for repairs to motor vehicles, trailers and parts thereof.

**2.10 BASEMENT**

"Basement" means that portion of a building between two floor levels which is partly underground and which has at least half of its height below the average finished grade level adjoining its exterior walls.

**2.11 BACHELOR UNIT**

"Bachelor unit" means a dwelling unit having no room used or intended to be used solely as a bedroom.

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**2.12 BALCONY**

"Balcony" means an extension of a floor projecting from a wall of a building enclosed by a parapet or a railing.

**2.13 BED AND BREAKFAST ACCOMMODATION**

"Bed and breakfast accommodation" means the accessory use of a single family dwelling for the commercial provision of temporary accommodation of visitors, and that bed and breakfast accommodations shall be permitted in R-1, R-2, R-3, RU-1, RU-2 and RU-3 zones and are subject to the following requirements:

- a) the principal use of the dwelling shall be for occupation by a single family;
- b) the activity shall be confined to the dwelling unit;
- c) the dwelling unit shall be occupied by the operator of the bed and breakfast accommodation;
- d) no more than three bedrooms to accommodate a maximum of six bed and breakfast guests shall be permitted in a dwelling unit;
- e) no alterations may be made to the external appearance of the property which indicates a bed and breakfast accommodation is being conducted on the premises, a sign not exceeding 1.0 square metres may be permitted on the lot;
- f) no meals shall be provided to customers of the operator other than one meal daily, before noon;

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- g) one off-street parking space for each room available as a bed and breakfast accommodation must be provided.

**2.14 BOARDING, LODGING, OR ROOMING HOUSE**

"Boarding, lodging, or rooming house" means a dwelling in which sleeping units are rented with or without meals being provided, to other than members of the family of the lessee, tenant or owner and excluding the preparation of meals within the rented sleeping rooms.

**2.15 BUILDING**

"Building" means a structure located on the ground which is designed, erected or intended for the support, enclosure or protection of persons or property. When a structure is supported by party walls located on lot lines, then each portion of such structure shall be deemed a separate building.

**2.16 BUILDING INSPECTOR**

"Building inspector" means the Building Inspector for the District of Fort St. James, or such other person appointed by resolution or bylaw of Council.

**2.17 BUILDING, FRONT LINE OF**

"Building, front line of" means the extended line of the wall or the building (or of any projecting portion of the building except canopies or eaves) which faces the front line of the lot.

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**2.18 BUILDING, REAR LINE OF**

"Building, rear line of" means the extended line of the wall of the building (or of any projecting portion of the building except canopies or eaves) which faces the rear line of the lot.

**2.19 BUILDING MATERIAL SUPPLY**

"Building material supply" means the supply of materials that are incorporated into the structure of a building including hardware, lumber, wall panelling, and carpet; but excluding furniture, and appliances that are normally removed by the owner upon the sale of a building; and also excluding concrete mix plants and other manufacturing and processing plants.

**2.20 CAR OR TRUCK WASH**

"Car or truck wash" means a facility providing for the washing of motor vehicles of any size or weight on an automated, semi-automated or manual basis.

**2.21 CARPORT**

"Carport" means a detached exterior building or portion of a principal building used solely for the parking or temporary storage of private motor vehicles, open on at least three sides, and in which there are no facilities for repairing or servicing such vehicles.

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**2.22 CELLAR**

"Cellar" means that portion of a building between two floor levels which is completely underground or which has more than half of its height below the average elevation of the average finished grade level adjoining its exterior walls.

**2.23 CHURCH OR CHURCH HALLS**

"Church or church halls" means a building set apart and used for public worship or the holding of religious services, as well as for church and community sponsored programs, or both.

**2.24 CHURCH MANSE**

"Church manse" means a place of residence for the clergy of the associated church.

**2.25 CIVIC USE**

"Civic use" means a use providing for public function, including Federal, Provincial, and Municipal offices, schools, colleges, public hospitals, firehalls, community centres, libraries, museums, parks, playgrounds and courts of law.

**2.26 CLUB OR LODGE**

"Club or lodge" means a building or establishment used by an association or organization for nonprofit fraternal, social or recreational purposes which may include limited private sleeping unit accommodation with cooking facilities and which shall be operated for the use of the club members and their guests only.

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**2.27 COMMERCIAL OFFICE**

"Commercial office" means a building used to provide any financial, insurance, or real estate service, or services of a clerical, business or professional nature.

**2.28 COMMERCIAL PARKING FACILITY**

"Commercial parking facility" means premises which provide on a rental basis, space for the parking of motor vehicles.

**2.29 COMMERCIAL RECREATION**

"Commercial recreation" means a recreational facility operated for gain and without restricting the generality of the foregoing includes golf clubs, driving ranges, stadiums, arenas, rinks, courts, fields, ranges and race tracks.

**2.30 COMMERCIAL SERVICE**

"Commercial service" means the provision of services to persons and property except as otherwise provided herein, and includes barber shops, beauty salons, dry cleaning, small appliance repair, skate and shoe repair, laundromats, photographic studios, pet grooming, and the repair of radio, television, and sound reproducing equipment.

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**2.31 COMMERCIAL VEHICLE**

"Commercial vehicle" means a vehicle engaged in carrying or which is designed to carry goods, wares or merchandise and which is licensed as a commercial vehicle under the applicable Municipal or Provincial enactments.

**2.32 CONTROLLED ACCESS HIGHWAY**

"Controlled access highway" means a highway designated as a controlled access highway under the *Highway Act*.

**2.33 CONVENIENCE STORE**

"Convenience store" means a store retailing groceries, meats, fruit and vegetable products, confectioneries and small hardware items for the convenient shopping of persons residing in the adjacent residential area.

**2.34 COUNCIL**

"Council" means the Municipal Council of the District of Fort St. James.

**2.35 COURT**

"Court" means an open space unoccupied from the ground upwards or from an intermediate floor upwards located on the same lot as the building which it serves, enclosed on three or more sides by the exterior walls of such buildings.

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**2.36 CURBS**

"Curbs" means a raised margin designed for the delineation of parking stalls, lot lines and other traffic control.

**2.37 DAY CARE CENTRE**

"Day care centre" means a day care centre licensed as such under Provincial enactments.

**2.38 DESIGNATED FLOOD**

"Designated flood" means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available.

**2.39 DESIGNATED FLOOD LEVEL**

"Designated flood level" means an observed or calculated water level attained by a designated flood, which is used in the calculation of the flood construction level.

**2.40 DEVELOPMENT PERMITS**

"Development Permits" means permits as defined by the *Local Government Act*.

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**2.41 DIESEL FUEL INSTALLATION**

"Diesel fuel installation" means any building or land used or intended to be used for the sale of diesel fuel or lubricants to commercial vehicles and industrial equipment, but shall not include a gasoline service station.

**2.42 DISPLAY YARD**

"Display yard" means an open area used for the display of new or used passenger automobiles, recreational motor vehicles, trailers, trucks, truck trailers, equipment, machines or boats in operable condition which are continually available for sale or rental and where no repair work is done.

**2.43 DORMITORY UNIT**

"Dormitory unit" means a building in which sleeping units are provided or rented for accommodation by students or staff members in conjunction with a college, hospital, private school, religious order, rest home, university or similar institution, and which is regulated by such institutions. A dormitory unit may contain communal dining facilities but shall exclude the preparation of meals within the sleeping units which are provided.

**2.44 DRAINAGE PROVISIONS**

"Drainage provisions" means a system for the collection and removal of surface water from any site or parking lot in such a manner as to comply and conform with the climactic data listed in the supplement schedule of the National Building Code of Canada, for the applicable area, which includes the connection of drain pipe or pipes to

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the Municipal Storm Sewer or to a rock pit in accordance with other Municipal regulations.

**2.45 DRIVE-IN BUSINESS**

"Drive-in business" means an arrangement with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven onto the site where such business is carried on and where normally the customer remains in the vehicle for service.

**2.46 DUPLEX**

"Duplex" means a building divided into two dwelling units, each of which has a separate entrance and which is occupied or intended to be occupied as a permanent home or residence of not more than one family.

**2.47 DWELLING**

"Dwelling" means a building, occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, motels, auto courts, motor hotels or institutions.

**2.48 DWELLING, SINGLE FAMILY**

"Dwelling, single family" means a building consisting of not more than one dwelling unit which is occupied or intended to be occupied as a permanent home or residence of one family.

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**2.49 DWELLING, TWO FAMILY**

"Dwelling, two family" means a building divided into not more than two dwelling units, each of which has a separate entrance and which is occupied or intended to be occupied as a permanent home or residence of not more than one family.

**2.50 DWELLING UNIT**

"Dwelling unit" means one or more habitable rooms constituting a self-contained unit with separate entrance and used or intended to be used for living and sleeping purposes for not more than one family, and containing not more than one set of cooking facilities.

**2.51 FAMILY**

"Family" means one person, or two or more persons who are interrelated by bonds of consanguinity, marriage or legal adoption, or a group of not more than five unrelated persons occupying a dwelling unit.

**2.52 FAST FOOD PICK-UP**

"Fast food pick-up" means the carrying on of the business of a drive-in café where food stuffs and beverages are sold for the consumption either on the premises or within a vehicle.

**2.53 FENCE**

"Fence" means a continuous barrier made of wood, brick, stone, cement or metal and includes a gate.

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**2.54 FLOOD CONSTRUCTION LEVEL**

"Flood construction level" or "flood level" means a designated flood level plus freeboard, or where a designated flood level cannot be determined, a specified height above a natural boundary, natural ground elevation, or any obstruction that could cause ponding.

**2.55 FLOODPLAIN**

"Floodplain" means an area which is susceptible to flooding from a watercourse, lake, or other body of water and that which is designated in Section 11 of this bylaw;

**2.56 FLOODPLAIN SETBACK**

"Floodplain setback" means the required minimum distance from the natural boundary of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the flood construction level, so as to maintain a floodway and allow for potential land erosion.

**2.57 FLOOR SPACE RATIO**

"Floor space ratio" means the figure obtained when the gross area of all the floors of the buildings on a lot, except mechanical rooms, parking, uninhabitable areas, and cellars, is divided by the area of the lot.

**2.58 FREEBOARD**

"Freeboard" means a vertical distance added to a designated flood level, used to establish a flood construction level.

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**2.59 G.S.C.**

"G.S.C." means Geodetic Survey of Canada datum.

**2.60 GARAGE, PRIVATE**

"Garage, private" means an accessory use to a residential use which is a detached exterior building or portion of a principal building used solely for the parking or temporary storage of private motor vehicles and in which there are no commercial facilities for repairing or servicing such vehicles.

**2.61 GASOLINE SERVICE STATION**

"Gasoline service station" means a place of business engaged exclusively in supplying goods, fuels (including diesel, propane and natural gas) and services essential to the operation of automobiles and excluding body and fender work and repair.

**2.62 GRADE OR GRADE LEVEL**

"Grade or grade level" means the average finished ground level measured in respect of an exposed wall of a building.

**2.63 GREENHOUSE, NURSERY**

"Greenhouse, nursery" means the growing, producing, keeping, or harvesting of plants, flowers, tree seedlings, or vegetables for sale.

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**2.64 GROSS FLOOR AREA**

"Gross floor area" means the total area of all the floors, measured to the extreme outer limits of the buildings, including all suites or dwelling units and all areas giving access thereto such as corridors, hallways, landings, foyers, staircases and stairwells and mezzanines, enclosed porches or verandas and elevator shafts.

**2.65 GROUP HOUSING**

"Group housing" means a block of three (3) or more attached one family dwelling units located on a single lot in the form of rows, clusters of groups, with each dwelling unit having its own exterior access at ground level, sharing one or more party walls and having its own separate patio, garden and/or sharing a common courtyard, and may include adult housing and strata title developments.

**2.66 HABITABLE AREA**

"Habitable area" means any space or room, including a mobile home, that is used for dwelling purposes, business, or the storage of goods.

**2.67 HABITABLE ROOM**

"Habitable room" means a room designed for living, sleeping, eating or food preparation, including a living room, dining room, bedroom kitchen and bathroom.

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**2.68 HEIGHT OF BUILDINGS OR STRUCTURES**

"Height of buildings or structures" means the vertical distance from the grade to the highest point of the roof surface if a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge of a gable, hip gambrel roof, or other sloping roof and in the case of a structure without a roof, to the highest point of the structure.

**2.69 HIGHWAY**

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

**2.70 HOME OCCUPATION USE**

"Home occupation use" means an accessory use of a service character which:

- a) is carried on by a member of the family residing in the dwelling unit; and
- b) is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
- c) which conforms to the following conditions:
  - i) no variation from the residential character and appearance of land or buildings shall be permitted and no external structural change to any

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principal building or structure for the purpose of accommodating a home occupation use shall be permitted;

- ii) any home occupation use must be carried out within the dwelling unit or in an accessory building (where permitted in the particular zone), with no exterior operation of the business or external storage of materials, containers or finished products. All homes or accessory buildings must be finished with painted siding products or painted stucco products;
- iii) a home occupation is not permitted to have any commercial vehicle, exceeding 1 tonne in vehicle weight, to be located on the residential property;
- iv) a home occupation must not generate traffic congestion or parking problems within the zone and must not produce a public offence or nuisance of any kind (e.g. noise, smoke, dust, toxic or noxious matter, odour, electrical or radio interference, vibration, heat or glare). At all times the privacy and enjoyment of adjacent dwellings shall be preserved and the home occupation use shall not adversely affect the amenities of the neighbourhood.
- v) the home occupation must not use material or products that produce flammable or explosive vapours or gasses;
- vi) no more than 55 m<sup>2</sup> of the floor area of the principal dwelling and accessory building combined must be used in connection with the home occupation.

d) Home occupation use includes:

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- i) licensed or unlicensed family daycare;
  - ii) activity of home crafters;
  - iii) artists and artisans;
  - iv) barber or beauty shops, not exceeding one operator;
  - v) storage of goods within a building for retailing off the premises;
  - vi) includes small-scale processing of food, the assembly or repair of wood, repair of small engines, electronic devices, electrical components, home craft or hobby and similar products; and small-scale fabrication of home business related products.
- e) Home occupation use excludes:
- i) storage of goods outside a building;
  - ii) operation of a kennel;
  - iii) operation of a restaurant;
  - iv) dry cleaning facility;
  - v) laundromat;
  - iv) auto repair or truck repair of any kind.

Any disputes over home occupation exclusions shall be settled by the Council of the District of Fort St. James.

**2.71 HOTEL OR MOTOR HOTEL**

"Hotel or motor hotel" means a building in which there are more than six (6) sleeping units wherein accommodation with or without private cooking facilities is provided, occupied or intended to be occupied temporarily by transients, registered under the Innkeepers' Act and which may have a public dining room or café. Each sleeping unit

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may be self-contained with its own bathroom with a water closet, wash basin and bath or shower.

**2.72 KENNEL**

"Kennel" means any building, structure, compound, group of pens or cages or property, excluding animal hospitals, where four or more dogs or cats are, or are intended to be, cared for, bred, boarded or kept for any purposes whatsoever.

**2.73 KEY-LOCK FUEL INSTALLATION**

"Key-lock fuel installation" means a private facility without an attendant not available to the general public for the dispensing of gasoline or diesel fuel which is accessed by a key or card-key.

**2.74 LANDSCAPING**

"Landscaping" means the planting of lawns, shrubs and trees and the addition of fencing, walks, drives or other structures or materials used in landscape architecture.

**2.75 LAUNDROMAT**

"Laundromat" means a coin operated laundry, drying and dry cleaning facility.

**2.76 LANE**

"Lane" means a public thoroughfare or way which affords only secondary means of access to a lot at the side or rear.

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**2.77 LICENCE INSPECTOR**

"Licence inspector" means the Licence Inspector as appointed from time to time by the District Council.

**2.78 LOT**

"Lot" means an area of land designated as a separate distinct lot on a legally recorded subdivision plan or description filed in the Land Title Office.

**2.79 LOT AREA**

"Lot area" means the total horizontal area within the boundary lines of a lot.

**2.80 LOT DEPTH**

"Lot depth" means the average horizontal distance between the front and rear lot lines.

**2.81 LOT WIDTH**

"Lot width" means the average horizontal distance between the side lot lines measured at right angles to the lot depth.

**2.82 LOT, CORNER**

"Lot, corner" means the lot at the intersection or junction of two or more streets; for the purpose of this definition the highway shall not mean a lane.

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**2.83 LOT, INTERIOR**

"Lot, interior" means a lot other than a corner lot.

**2.84 LOT LINE, FRONT**

"Lot line, front" means the boundary line of a lot abutting a highway on which the lot abuts. In the case of a corner lot, the shortest lot line abutting a highway shall be deemed to be the front lot line, except that only one front lot line need be provided.

**2.85 LOT LINE, REAR**

"Lot line, rear" means the boundary line of the lot furthest from the front lot line, except that there shall be not more than one rear lot line.

**2.86 LOT LINE, SIDE**

"Lot line, side" means a lot line marking the boundary between two lots, or between a lot and a lane, or between a lot and a highway in the case of a corner lot, of which one or both ends intersect a front lot line.

**2.87 MANUFACTURED HOME**

"Manufactured home" means a factory-built, single family dwelling unit, suitable for year-round occupancy. The manufactured home shall be transported from the place of manufacture to the site in parts, assembled on site, and placed on a permanent foundation.

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**2.88 MARINA**

"Marina" means the moorage of boats and includes the sale of boats, accessories and fuel.

**2.89 MEDICAL OR DENTAL CLINIC**

"Medical or dental clinic" means a building used for the diagnosis, treatment, or care of persons by a doctor, dentist, dental mechanic, chiropractor, or optometrist in the practitioner's office and includes related diagnostic and pharmaceutical facilities.

**2.90 MINIMUM LOT FRONTAGE**

"Minimum lot frontage" means the minimum frontage on a highway required for a lot of land to be created by a subdivision.

**2.91 MOBILE HOME (SINGLE WIDE AND DOUBLE WIDE)**

"Mobile home" (single wide and double wide) means a factory-built single-family dwelling unit, excluding recreation vehicles, suitable for year-round, long-term occupancy, designated and manufactured as a habitable area and designed to be transported from the factory to its ultimate site on an integral chassis with integral or detachable wheels and arriving at the site ready for occupancy apart from incidental operations such as location on a foundation and connection to services.

**2.92 MOBILE HOME SPACE**

"Mobile home space" means an area of land intended for the use of one mobile home and situated within a mobile home park.

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**2.93 MOBILE HOME PARK**

"Mobile home park" means the residential use of a lot on which there are located two or more mobile homes.

**2.94 MOTEL OR AUTO COURT**

"Motel or auto court" means a building in which there are two or more separate dwelling units, occupied or intended to be occupied primarily by transient motorists, and each unit having its own parking space conveniently located on the lot on which the dwelling unit is located, and each unit being self-contained and having its own bathroom with a water closet, wash basin and shower or bath.

**2.95 MOTOR VEHICLE**

"Motor vehicle" means a motor vehicle as defined in the *Motor Vehicle Act* of the Province of British Columbia.

**2.96 NATURAL BOUNDARY**

"Natural boundary" means the visible high watermark 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 bed of the lake, river, 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, as defined in Section 1 of the *Land Act*, and also includes the edge of dormant side channels of any lake, river stream or other body of water.

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**2.97 NATURAL GROUND ELEVATION**

"Natural ground elevation" means the undisturbed ground elevation prior to site preparation.

**2.98 NEIGHBOURHOOD PUBLIC HOUSE (NEIGHBOURHOOD PUB)**

"Neighbourhood public house (neighbourhood pub)" means a neighbourhood public house or neighbourhood pub as defined in the regulations of the Provincial Act regulating a neighbourhood public house within the Province of British Columbia.

**2.99 OFF-STREET PARKING**

"Off-street parking" means a use providing for the parking of vehicles on the same lot as the principal building and shall not include a boulevard, street or highway.

**2.100 OUTDOOR GARDEN SHOP**

"Outdoor garden shop" means an open area used for the display and retail sale of bedding plants, flowers and nursery stock.

**2.101 PAD**

"Pad" means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a mobile home or unit, or a concrete pad for supporting a habitable area.

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**2.102 PARKING SPACE**

"Parking space" means a space within a building or a parking area for the parking of one vehicle, excluding driveways, ramps, columns, office and work area.

**2.103 PERSONAL SERVICES**

"Personal services" includes barber shops, beauty parlours, dry cleaning establishments, florist shops, laundromats, photographic and artists' studios, shoe repair shops, tailor shops and dressmaking shops.

**2.104 PET GROOMING**

"Pet grooming" means the washing and clipping of pets and other incidental care but excludes a kennel.

**2.105 PRINCIPAL BUILDING**

"Principal building" means an existing or proposed building which contains the principal use on the site and shall include attached garages and carports.

**2.106 PRINCIPAL USE**

"Principal use" means the main purpose for which the lot, building or structure is used.

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**2.107 PUBLIC GARAGE**

"Public garage" means a building, or part of a building, used or intended to be used for the repair, storage and servicing of motor vehicles but does not include a gasoline service station.

**2.108 PUBLIC GOVERNMENT**

"Public government" means a building accommodating any administrative, business, or public service office provided by an agency or government, and includes a cemetery, police station, fire hall, court facility, library, post office, public health and welfare office, municipal facilities including public works yard and assembly hall.

**2.109 PUBLIC HOUSE**

"Public house" means a Public House as defined in the regulations of the Provincial Act regulating a Public House within the Province of British Columbia.

**2.110 PUBLIC RECREATION FACILITY**

"Public recreation facility" means any building or area outside a building provided by an agency or government for public recreation purposes.

**2.111 RECREATION VEHICLE**

"Recreation vehicle" means any structure, trailer, or vehicle used or designed to be used for living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled.

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**2.112 RESIDENCE**

"Residence" means the occupancy or use of a building or part thereof as a dwelling unit.

**2.113 REST HOME**

"Rest home" means a boarding home or other institution, excluding hospitals, where food or lodging, together with care or attention are furnished with or without charge, for two or more persons, who, on account of age, infirmity, physical or mental disability, require attention or care, except in a home maintained by a person to whom the inhabitants are related by blood or marriage.

**2.114 RESTAURANT**

"Restaurant" means an eating and drinking establishment where food and beverage are sold to the public for immediate consumption within the premises, but where no provision is made for the consumption of food or beverage in motor vehicles which are parked on the site.

**2.115 RETAILING**

"Retailing" means the sale of goods to the ultimate consumer.

**2.116 RETAIL STORE**

"Retail store" means premises used for the sale of goods to the general public for personal or household consumption.

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**2.117 RIDING ACADEMY**

"Riding academy" means a stable for the housing of horses for hire or for a private riding group, and includes riding schools.

**2.118 ROW HOUSING**

"Row housing" means a block of at least three and not more than six side-by-side one family dwelling units, with each dwelling unit on a separate lot attached to its neighbour at its side, and in which each family dwelling unit shall be separated from each other by a party wall.

**2.119 SCHOOL, COMMERCIAL**

"School, commercial" means a school conducted for hire or gain other than a private academic, religious or philanthropic school, and includes a studio of a dancing teacher, a boarding school, a school of calisthenics, business school and any other such specialized school conducted for hire or gain.

**2.120 SCHOOL, PUBLIC**

"School, public" means a place of instruction other than a commercial school.

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**2.121 SCREENING**

"Screening" means a continuous fence, wall, compact evergreen hedge or continuation thereof, supplemented with landscape planting that would screen the property which it encloses and is broken only by access drives and lanes.

**2.122 SERVICE ROAD**

"Service road" means a length of highway designed for vehicular use, of which one side adjoins a highway designated as a controlled access highway, and from which access is permitted to lots on the other side.

**2.123 SETBACK**

"Setback" means minimum distance required under this bylaw between a building or structure and the respective lot lines surrounding it, or from the natural boundary.

**2.124 SITE COVERAGE**

"Site coverage" means that percentage of the total area of the lot that will be covered by all buildings or structures built thereon.

**2.125 SLEEPING UNIT**

"Sleeping unit" means one or more rooms used or intended to be used for sleeping, or sleeping and living purposes, but not including a sink or cooking facilities. A bathroom containing a water closet, wash basin and a bath or shower may be shared.

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**2.126 STANDARD DYKE**

"Standard dyke" means a dyke built to a minimum crest elevation equal to the flood construction level and meeting standards of design and construction approved by the Ministry of Environment, Lands and Parks and maintained by an ongoing authority such as a local government body.

**2.127 STORAGE YARD**

"Storage yard" means an area outside of an enclosed building where construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment or other goods, materials, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed.

**2.128 STORE, RETAIL**

"Store, retail" means a building where chattels are sold to the consumer of the chattels, and does not include any retail outlet otherwise classified or defined in this bylaw.

**2.129 STOREY**

"Storey" means habitable space between two floors, or between any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. A basement which contains habitable accommodation shall be considered as a storey.

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**2.130 STRUCTURE**

"Structure" means any construction fixed to, supported by or sunk into, land or water but does not include concrete or asphalt paving, or similar surfacing of a lot.

**2.131 TOP OF BANK**

"Top of bank" means the point at which the upward ground level becomes less than on (1.0) vertical to four (4.0) horizontal, and refers to the crest of the bank or bluff where the lakeshore slope clearly changes into the natural upland bench; or as designated by the Minister of Environment, Lands and Parks, or his Designated Official.

**2.132 TOURIST ACCOMMODATION**

"Tourist accommodation" means a building which contains a dwelling or dwellings intended for the accommodation of the travelling public and may contain accessory assembly, a commerce, entertainment, recreation, or restaurant uses and premises licensed for onsite consumption of alcoholic beverages.

**2.133 TRAILER**

"Trailer" means any structure or vehicle used or designed to be used for working, living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self propelled.

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**2.134 TRUCK TERMINAL**

"Truck terminal" means a building or property used as an origin or destination point for the loading, unloading, assembling or transferring of goods transported by truck, or which provides containerized freight handling facilities or rail truck services, and where the local pick-up, delivery and transitory storage of goods incidental to the primary function of the motor freight shipment occurs.

**2.135 USABLE OPEN SPACE**

"Usable open space" means a compact, unobstructed area or areas available for safe and convenient use by all the building occupants, having no dimensions of less than 6 metres and no slope greater than ten (10) percent, provided for greenery, recreational space and other leisure activities normally carried on outdoors. Usable open space shall exclude areas used for off-street parking, off-street loading and service driveways.

**2.136 USE**

"Use" means a purpose for which any lot, tract of land, building or structure or the surface of water or airspace is occupied or maintained.

**2.137 UTILITY**

"Utility" means a system, works, buildings, plant, equipment or resource owned by the District of Fort St. James, the Bulkley-Nechako Regional District, the Province of British Columbia, an Improvement District or by a corporation under agreement with or under

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franchise with the District, Regional District, Improvement District, the Province, or federal government to provide services and facilities at approved rates.

**2.138 WALKWAY**

"Walkway" means a highway used or intended to be used solely for pedestrian traffic.

**2.139 WAREHOUSING**

"Warehousing" means a building used for the receiving and storage of goods and personal property for compensation and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations but excludes retail sales from the site.

**2.140 WATERCOURSE**

"Watercourse" means any natural or man made depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration, or as designated by the Ministry of Environment, Lands and Parks.

**2.141 WHOLESALE**

"Wholesale" means the carrying on of a business of dealing in any commodity by selling such commodity to retail dealers or to other wholesale dealers or to contractors or to manufacturers for resale of for use in their business.

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**2.142 YARD, FRONT**

"Yard, front" means that portion of the lot extending from one side lot line to the other between the front lot line of the lot and line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the lot and the parallel line. The parallel line shall be drawn through the nearest point of the building erected or to be erected on the site.

**2.143 YARD, REAR**

"Yard, rear" means that portion of a lot extending from one side lot line to the other, between the rear line on the lot and line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the rear line of the lot and the parallel line. The parallel line shall be drawn through the nearest point of the building erected or to be erected on the site.

**2.144 YARD, SIDE**

"Yard, side" means that portion of the lot extending from the front yard to the rear yard, between the side line of the lot and a line drawn parallel thereto. The width of such yard shall mean the perpendicular distance between the side line of the lot and the parallel line. The parallel line shall be drawn through the nearest point of the building erected or to be erected on the site.

**2.145 ZONING DISTRICT**

"Zoning district" means the zone into which the total area of the District is divided under the provisions of this bylaw and the Zoning Map appended hereto as Schedule "A".

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**2.146 TERMS NOT DEFINED**

Any term not defined in Division 2 of this bylaw shall be as set out in the current edition of the Webster's New Collegiate Dictionary.

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**DIVISION THREE - REGULATIONS**

**3.1 NUMBER OF PRINCIPAL BUILDINGS ON A LOT**

- a) No residential use building shall be located on the same lot as any other residential use building except as otherwise provided in this bylaw;
- b) no residential use building shall be located on the same lot as any non-residential building or use, except as otherwise provided in this bylaw.

**3.2 LOCATION AND SITING OF BUILDINGS**

- a) No principal building shall be located in any required front, side or rear yard;
- b) no accessory building shall be located in any required front, side or rear yard, except as otherwise provided in this bylaw;
- c) the interior side lot line requirements of this bylaw shall not apply to strata lots other than bare land strata lots, but shall apply to the lot containing the strata plan;
- d) on corner lots in all zones, a side yard of not less than 5 metres shall be provided adjacent to the highway.

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**3.3 HEIGHT EXCEPTIONS**

Notwithstanding any other height provision of this bylaw, the following structures shall not be subject to the height requirements of this bylaw:

cooling units, floodlights, warning devices, water towers, radio and television antennas, masts and aerials, church spires, flagpoles, cranes, satellite signal receiving dish and chimneys.

**3.4 UTILITY STRUCTURES**

Navigational aids, radio and television antennas and other utility structures may be located in any zone except:

- a) in Residential and Rural Residential districts:
  - i) no exterior storage of any kind shall be permitted;
  - ii) no facilities for the repair and maintenance of equipment shall be permitted;
- b) in all districts there shall be no minimum site area for a site to be used solely for the unattended equipment necessary for the operation of a public utility, a community radio or television antennae, an air or marine navigational aid.

**3.5 PARK AND GREENBELT LOCATIONS**

Parks and greenbelt areas may be located in any zone.

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**3.6 PARKING AND STORAGE IN RESIDENTIAL DISTRICTS**

No commercial vehicles, truck, bus, contractor's equipment, dismantled or wrecked automobiles, boat, trailer or any other similar vehicles, craft or equipment shall be parked or stored in the open in any residential district, except the following:

- a) one truck or commercial vehicle;
- b) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises when parked during normal working hours;
- c) one boat or vessel;
- d) one trailer or motor home.

3.6.1 Trucks, commercial vehicles, trailers, motor homes, boats, vessels and equipment permitted in section 3.6 may only be parked or stored on lots which have a finished principal building intended for residential use. These vehicles must not be used as residences. [Bylaw No. 807, 2004]

3.6.2 Notwithstanding section 3.6.1, one trailer or motor home is permitted to be parked on a residential lot and resided in for up to six months during construction of a principal building intended for residential use. Such trailer or motor home must not be located within the minimum setback for the lot. [Bylaw 807, 2004]

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**3.7 ACCESSORY BUILDINGS**

Notwithstanding the other provisions of this bylaw, in all residential zones (R-1, R-2, R-3, R-4, R-5, RU-1 and RU-2), accessory buildings are permitted provided that they are:

- a) except for attached carports or garages, placed no nearer than the front wall of the principal building to the front lot line in the R-1, R-2, R-3, R-4 and R-5 zoning districts;
- b) placed at least 1.2 metres from any rear or side lot line;
- c) placed at least 7.5 metres from any front lot line;
- d) in the case of carports or garages opening onto a lane, at least 2 metres from any such lane;
- e) located so as to have the same sideyard setback from any adjacent highway as the principal building, provided that the principal building conforms to the minimum setback requirements as set out in this bylaw;
- f) of such size that they do not have a gross floor area in excess of 10% of the lot size in the R-1, R-2, R-3, R-4 and R-5 zoning districts;
- g) in RU-1 zoning districts, limited to the following:
  - i) less than 10% of the lot size, for lots up to 0.2 hectares;
  - ii) the lesser of 10% of the lot size, or 230 square metres for lots greater than 0.2 hectares but less than 2.0 hectares;

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- iii) less than 370 square metres for lots larger than 2.0 hectares.
  
- (h) on a lot that has a finished principal building intended for residential use.  
[Bylaw 807, 2004]

**3.8 PROJECTIONS INTO REQUIRED YARDS**

Eaves and roof overhangs shall not be allowed to project more than 0.6 metres into any required front, side or rear yard.

Notwithstanding the other provisions of this bylaw, in all residential zones the following features may project into a required front, side or rear yard:

- a) steps, chimneys;
  
- b) a balcony or covered porch, provided that such projections do not exceed 2.0 metres into the front yard and are not closer than 1.0 metre to any lot line;
  
- c) an uncovered patio, sundeck, or terrace which may be open or enclosed, provided that such projections do not exceed 2.0 metres into the front yard and are not closer than 1.0 metre to any lot line, subject to the fence height limitations as specified in this bylaw. The provision of an awning or similar temporary covering for such shall be permitted;

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- d) an uncovered swimming pool, provided that such pool shall not be constructed, sited or placed within the required front yard, or nearer than 3 metres to any side or rear lot line;
  
- e) a covered swimming pool, provided that such pool shall not be constructed within the required front yard, or nearer than 3 metres to any side or rear lot line, nor nearer than 3 metres to any principal building, and provided that such covered swimming pool shall be constructed so that the roof or ridge of such covered swimming pool shall not be in excess of 4 metres above average grade level.
  
- f) a sign;
  
- g) a fence.

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**3.9 FENCES**

- a) The height of a fence or wall shall be determined by a measurement from grade;
- b) that portion of a retaining wall which projects above the surface of the ground which it supports shall be considered as a fence and subject to the regulation of this bylaw relating to fences;
- c) notwithstanding clause b), in cases where a retaining wall has been constructed along a property line, the height of a fence, wall or hedge shall be determined by the measurement from the surface of the ground which the retaining wall supports at the average grade level;
- d) subject to the vision clearance provisions of these regulations, the following height limitations shall apply to fences, walls, or hedges:
  - i) in all zoning districts except industrial and highway commercial districts, fences or walls not greater than 2.0 metres in height may be located in a side or rear yard, while fences not greater than one metre may be located in a front yard;
  - ii) in industrial and commercial districts, fences or hedges no greater than 2.4 metres in height may be located on any lot in a side or rear yard;
  - iii) in all residential districts, where the rear line of a lot abuts the side line of an adjoining lot, the height of fences or walls on such rear lot lines shall not be greater than the height permitted on the side line of an adjoining lot at the point of abutment;

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- e) clause d) shall not apply to open mesh or chainlink fences erected on cemetery, public playground, park, playfield, elementary or high school areas, and in industrial and highway commercial districts. In these cases, no such fence shall exceed the height of 4 metres.

**3.10 STRATA LOTS**

- a) The siting and setback regulations of this bylaw apply to all lots, and without limiting the generality of the foregoing, to all strata lots;
- b) The interior and side lot line requirements of this bylaw shall not apply to strata lots created in accordance with the registered plan pursuant to the *Condominium Act* where there is a common wall shared by two or more dwellings within a building.

**3.11 GASOLINE SERVICE STATIONS**

Gasoline service stations shall be constructed to the following standards in all zones permitting gasoline service stations:

- a) the height of any building or structure shall not exceed ten (10) metres;
- b) setbacks:
  - i) building setbacks shall be at least seven (7) metres from any highway and at least three (3) metres from any other property line;
  - ii) pump islands shall be set back at least 4.5 metres from any lot line;

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- c) all repair equipment shall be kept and all repair work shall be done entirely within the building;
- d) on all lot lines separating the lot from a residential lot, a screen shall be provided 1.8 metres in height, consisting of a masonry or uniformly coloured tight board fence of preservative treated materials;
- e) exterior lighting shall cast no glare on adjacent residential properties.

**3.12 NONCONFORMING LOT AREA AND WIDTH**

Notwithstanding the other provisions of this bylaw where a lot existing prior to the adoption of this bylaw, that by the enactment of this bylaw, will not conform to the lot area and width regulations of the zone in which it is located, the lot may be used for any of the uses permitted in the zone in which it is located, subject to the regulations dealing with siting, size and shape of buildings or structures.

**3.13 LOT FRONTAGE**

Notwithstanding the other provisions of this bylaw, irregular or asymmetrical lots shall have a lot frontage of not less than 8 metres in width, provided that the average lot width complies with the required minimum lot width.

**3.14 MINIMUM LOT SIZE**

Notwithstanding any minimum lot size contained in this bylaw, where a community water system or a community sewer system does not serve a proposed lot, the minimum

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area of that lot may be increased in order to assure satisfactory sewage disposal on the lot or to protect any well on that lot.

**3.15 TOOL SHEDS AND GREENHOUSES**

On a lot developed for residential use, a tool storage shed or greenhouse not attached to a principal building and not exceeding 20 square metres in area, or a combination of a tool storage and greenhouse not exceeding 30 square metres in area, may be placed within the required rear yard between the principal building and rear lot line.

**3.16 PRINCIPAL BUILDINGS**

A garage or a carport attached to a principal building is deemed to be a portion of the principal building.

**3.17 DERELICT VEHICLES**

No wrecked, derelict, or abandoned motor vehicles, or part thereof, may be stored, parked or otherwise placed on a lot unless they are completely enclosed within a building.

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**3.18 HIGHWAY ACT REGULATIONS**

a) **Setback and Site Clearance Regulations.**

In accordance with the *Highway Act*, developments fronting on any arterial highway within a municipality shall conform to B.C. Regulation 174/70, Section 4, Setback and Sight Clearance Regulations. Relief from this Regulation must be approved by the Ministry of Transportation & Highways.

b) **Off Street Parking Regulations.**

Where access to a development is required from a Provincial Highway (controlled access, arterial, highway district road or a road allowance under the jurisdiction of the Ministry of Transportation & Highways), parking shall be in accordance with the Ministry of Transportation & Highways standards.

**3.19 MOBILE HOMES AND MANUFACTURED HOMES**

- a) Every mobile home and manufactured home within the District of Fort St. James shall be placed on a permanent foundation;
- b) skirting shall be installed within sixty (60) days from the date which the mobile home or manufactured home is located on the foundation;
- c) the towing hitch shall be removed within thirty (30) days from the date that the mobile home or manufactured home is placed on the foundation.

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- (d) Mobile homes are permitted only in R-4 (Residential – Mobile Homes) R-5 (Residential – Mobile Home Park) and RU-3 (Rural Residential) zones. [Bylaw No. 807, 2004]

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**DIVISION FOUR - RESIDENTIAL DISTRICTS**

**R-1 RESIDENTIAL - SINGLE FAMILY**

**4.1 PERMITTED USES**

The intent of the R-1 zoning district is to accommodate the demand for urban residential development at average densities for exclusive one-family dwelling use, in convenient and attractive neighbourhoods which can be efficiently provided with full urban services.

In the R-1 district, the following uses and no other uses are permitted:

- a) residential use - single family dwelling;
- b) day care centre;
- c) home occupation;
- d) accessory buildings and uses;
- e) bed and breakfast accommodation.

**The regulations in Section 4.2. to 4.12. of this bylaw apply in the R-1 District.**

**4.2 DWELLING DENSITY**

In the R-1 District, no more than one dwelling unit is allowed per lot.

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**4.3 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 10 metres nor two and one-half storeys, whichever is the lesser;
- b) No other building or structure shall exceed 5 metres in height.

**4.4 LOT AREA AND FRONTAGE**

Each single family lot shall have an area of not less than 500 square metres and a frontage of not less than 18 metres.

**4.5 LOT COVERAGE, MINIMUM FLOOR SPACE AND MINIMUM BUILDING WIDTH**

Maximum lot coverage shall be forty percent (40%) of the lot area with a minimum floor space of 60 square metres, and a minimum building width of 6.0 metres.

**4.6 FRONT YARD**

A front yard shall be provided of not less than 7.5 metres in depth.

**4.7 SIDE YARD**

A side yard shall be provided of not less than 1.5 metres on each side of the building.

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**4.8 REAR YARD**

A rear yard shall be provided of not less than 7.5 metres in depth.

**4.9 SIGNS**

The following signs and notices are permitted:

- a) one day care centre, signboard not exceeding one square metre in area on any lot;
- b) one "for rent" or "for sale" sign, not exceeding one square metre in area on any lot;
- c) one home occupancy sign, not exceeding one square metre in any area on any lot.

**4.10 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

**4.11 ACCESSORY BUILDINGS**

- a) Accessory structures shall not exceed two;
- b) accessory structures shall not be located in the required front yard;
- c) accessory buildings shall not exceed 5.0 metres in height.

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**R-2 RESIDENTIAL - DUPLEX**

**4.12 PERMITTED USES**

The intent of the R-2 zoning district is to accommodate the demand for urban residential development at average densities for one-family dwelling use and for two-family dwelling use in scattered locations or small clustered groupings. Full urban services to be provided.

In the R-2 District, the following uses and no other uses are permitted:

- a) residential use - single family dwelling;
- b) residential use - two family dwelling;
- c) day care centre;
- d) home occupation;
- e) accessory buildings and uses;
- f) bed and breakfast accommodation.

**The regulations in Sections 4.13. to 4.22. of this bylaw apply in the R-2 District.**

**4.13 DWELLING DENSITY**

In the R-2 District, no more than two dwelling units are allowed per lot, provided that all dwelling units shall be contained within a single building.

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**4.14 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 10 metres nor two and one-half storeys, whichever is the lesser;
- b) No other accessory building or structure shall exceed 5 metres in height.

**4.15 LOT AREA AND FRONTAGE**

Each single family lot shall have an area of not less than 500 square metres and a frontage of not less than 18 metres.

Each duplex lot shall have an area of not less than 750 square metres and a frontage of not less than 23 metres.

**4.16 LOT COVERAGE, MINIMUM FLOOR SPACE AND MINIMUM BUILDING WIDTH**

Maximum lot coverage shall not exceed forty percent (40%) of the lot area, with a minimum floor space of 60 square metres and a minimum building width of 6.0 metres.

**4.17 FRONT YARD**

A front yard shall be provided of not less than 7.5 metres in depth.

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**4.18 SIDE YARD**

A side yard shall be provided of not less than 1.5 metres on each side of the building.

**4.19 REAR YARD**

A rear yard shall be provided of not less than 7.5 metres in depth.

**4.20 SIGNS**

The following signs and notices are permitted:

- a) one "for rent" or "for sale" sign not exceeding one square metre in area on any lot;
- b) one day care centre signboard not exceeding one square metre in area on any lot;
- c) one home occupancy sign, not exceeding one square metre in area on any lot.

**4.21 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

**4.22 ACCESSORY BUILDINGS**

- a) Accessory structures shall not exceed two.
- b) Accessory structures shall not be located in the required front yard.

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**R-3 RESIDENTIAL - APARTMENT BUILDING**

**4.23 PERMITTED USES**

The intent of the R-3 zoning district is to accommodate the demand for multiple-family dwelling use including group housing, row housing and apartment buildings. Full urban services to be provided.

In the R-3 District, the following uses and no other uses are permitted:

- a) residential use - single family dwelling;
- b) residential use - two family dwelling;
- c) day care centre;
- d) home occupation;
- e) accessory buildings and uses;
- f) residential use - group housing;
- g) residential use - row housing;
- h) residential use - apartment building;
- i) bed and breakfast accommodation.

**The regulations in Sections 4.24. to 4.33. of this bylaw apply in the R-3 District.**

**4.24 DWELLING DENSITY**

In the R-3 District, the maximum density permitted on any lot shall not exceed 40 dwelling units per hectare for row housing or group housing use, nor 80 dwelling units per hectare for apartment buildings.

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**4.25 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 10 metres or two and one-half storeys, whichever is the lesser and for apartment buildings shall not exceed the lesser of 12 metres or three storeys.
  
- b) No other accessory building or structure shall exceed 5 metres in height.

**4.26 LOT AREA AND FRONTAGE**

Each single family lot shall have an area of not less than 500 square metres and a frontage of not less than 18 metres. Each duplex lot shall have an area of not less than 750 square metres and a frontage of not less than 23 metres. Each group housing lot shall have an area of not less than 1,000 square metres and a frontage of not less than 30 metres. Each row housing lot shall have an area of not less than 250 square metres and a frontage of not less than 7 metres. Each apartment building lot shall have an area of not less than 1,000 square metres and a frontage of not less than 30 metres.

**4.27 LOT COVERAGE, MINIMUM FLOOR SPACE AND MINIMUM BUILDING WIDTH**

Maximum lot coverage shall not exceed forty percent (40%) of the lot area, with a minimum floor space of 60 square metres and a minimum building width of 5.0 metres.

**4.28 FRONT YARD**

A front yard shall be provided of not less than 7.5 metres in depth.

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**4.29 SIDE YARD**

A side yard shall be provided of not less than 3.0 metres on each side of the building.

**4.30 REAR YARD**

A rear yard shall be provided of not less than 7.5 metres in depth.

**4.31 SIGNS**

The following signs and notices are permitted:

- a) one "for rent" or "for sale" sign not exceeding one square metre in area on any lot;
- b) one day care centre signboard not exceeding one square metre in area on any lot;
- c) one home occupancy sign, not exceeding one square metre in area on any lot.

**4.32 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

**4.33 ACCESSORY BUILDINGS**

- a) Accessory structures shall not exceed two.
- b) Accessory structures shall not be located in the required front yard.

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**R-4 RESIDENTIAL - MOBILE HOME**

**4.34 PERMITTED USES**

The intent of the R-4 zoning district is to accommodate the demand for urban residential development consisting of small lots, specifically designed for the siting of mobile homes. Full urban services to be provided.

In the R-4 District, the following uses and no other uses are permitted:

- a) residential use - single family dwelling;
- b) home occupation;
- c) accessory buildings and uses.

**The regulations in Sections 4.35. to 4.45 of this bylaw apply in the R-4 District.**

**4.35 DWELLING DENSITY**

In the R-4 District, no more than one dwelling unit is allowed per lot.

**4.36 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 10 metres or two and one-half storeys, whichever is the lesser.
- b) No other accessory building or structure shall exceed 5 metres in height.

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**4.37 LOT AREA AND FRONTAGE**

Each single family lot shall have an area of not less than 450 square metres and a frontage of not less than 15 metres.

**4.38 LOT COVERAGE, MINIMUM FLOOR SPACE AND MINIMUM BUILDING WIDTH**

Maximum lot coverage shall not exceed forty percent (40%) of the lot area, with a minimum floor space of 60 square metres and a minimum building width of 3.5 metres.

**4.39 FRONT YARD**

A front yard shall be provided of not less than 5.0 metres in depth.

**4.40 SIDE YARD**

A side yard shall be provided of not less than 1.5 metres on each side of the building.

**4.41 REAR YARD**

A rear yard shall be provided of not less than 3.0 metres in depth.

**4.42 SIGNS**

The following signs and notices are permitted:

- a) one "for rent" or "for sale" sign not exceeding one square metre in area on any lot;

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- b) one day care centre signboard not exceeding one square metre in area on any lot;
- c) one home occupancy sign, not exceeding one square metre in area on any lot.

**4.43 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

**4.44 ACCESSORY BUILDINGS**

- a) Accessory structures shall not exceed two.
- b) Accessory structures shall not be located in the required front yard.

**4.45 MOBILE HOMES AND MANUFACTURED HOMES**

- a) Every mobile home within this district shall be placed on a permanent foundation;
- b) Skirting shall be installed within sixty (60) days from the date which the mobile home is located on the foundation;
- c) The towing hitch shall be removed within thirty (30) days from the date that the mobile home is placed on the foundation.

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**R-5 RESIDENTIAL - MOBILE HOME PARK**

**4.46 PERMITTED USES**

The intent of the R-5 zoning district is to accommodate mobile home parks in locations that can be efficiently provided with full urban services.

In the R-5 District, the following uses and no other uses are permitted:

- a) residential use -mobile home park;
- b) home occupation;
- c) accessory buildings and uses.

**The regulations in Sections 4.47. to 4.50. of this bylaw apply in the R-5 District.**

**4.47 HEIGHT OF BUILDINGS AND STRUCTURES**

The height of buildings and structures shall not exceed 10 metres or two and one-half storeys, whichever is the lesser.

**4.48 DWELLING DENSITY**

The maximum density for a mobile home park in existence prior to the adoption of this bylaw shall be 27 mobile homes per hectare.

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**4.49 PARCEL SIZE**

In the R-5 zone the minimum parcel size for a mobile home park in existence prior to the adoption of this bylaw shall be 5,000 m<sup>2</sup>.

**4.50 OTHER REGULATIONS**

In the R-5 District, other regulations are as specified in the Fort St. James Mobile Home Parks Bylaw No. 554, 1993.

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**RU-1 RURAL RESIDENTIAL - SMALL HOLDING**

**4.51 PERMITTED USES**

The intent of the RU-1 zoning district is to accommodate the demand for small-lot rural residential development, provided that an adequate water supply system and an adequate sewage disposal system can be constructed in accordance with Provincial regulations.

In RU-I District, the following uses and no other uses are permitted:

- a) residential use - single family dwelling;
- b) animal hospital and veterinary clinic;
- c) day care centre;
- d) church;
- e) home occupation;
- f) greenhouse or nursery;
- g) accessory buildings and uses;
- h) bed and breakfast accommodations.
- i) the keeping of horses provided the lot size is a minimum of one acre with one horse allowed per full acre.

**The regulations in Sections 4.52 to 4.61 of this bylaw apply in the RU-I District.**

**4.52 DWELLING DENSITY**

In the RU-I District, no more than one dwelling unit is allowed per lot.

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**4.53 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of a principal building shall not exceed the lesser of 10 metres or 2 storeys;
- b) No other accessory building or structure shall exceed 7 metres in height.

**4.54 LOT AREA AND FRONTAGE**

The lot shall have an area of not less than 1,300 square metres and a frontage of not less than 18 metres.

**4.55 LOT COVERAGE**

Maximum lot coverage shall be twenty-five percent (25%) of the lot area.

**4.56 FRONT YARD**

A front yard shall be provided of not less than 7.5 metres in depth.

**4.57 SIDE YARD**

A side yard shall be provided of not less than 1.5 metres on each side of the building.

**4.58 REAR YARD**

A rear yard shall be provided of not less than 7.5 metres in depth.

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**4.59 SIGNS**

The following signs and notices are permitted:

- a) one day care centre signboard not exceeding one square metre in area on any lot;
- b) one "for rent" or "for sale" sign, not exceeding one square metre in area on any lot;
- c) one professional practice, home craft or occupation identity sign not exceeding one square metre in area on any lot.

**4.60 ACCESSORY BUILDINGS AND USES**

- a) Accessory structures shall not be located:
  - i) in the required front yard; nor
  - ii) within 1.0 metre of a side or rear lot line.
- b) Accessory uses shall include the keeping of horses provided that:
  - i) the lot size is a minimum of 4,000 square metres; and
  - ii) only one horse allowed per 4,000 square metres of each lot.

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**4.61 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

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**RU-2 RURAL RESIDENTIAL**

**4.62 PERMITTED USES**

The intent of the RU-2 zoning district is to accommodate the demand for large-lot rural residential development, provided that an adequate water supply system and an adequate sewage disposal system can be constructed in accordance with Provincial regulations.

In the RU-2 District, the following uses and no other uses are permitted:

- a) residential use - single family dwelling;
- b) day care centre;
- c) outdoor recreational facilities; excluding general public use by automobiles, motorcycles, all terrain vehicles or snowmobiles;
- d) sale of produce grown on the premises provided the sales area does not exceed 50 square metres;
- e) home occupation;
- f) greenhouse, plant nursery, horticulture;
- g) accessory buildings and uses;
- h) storage of equipment and vehicles used for personal business and accessory shops for repair facilities;

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- i) animal hospital or kennel;
- j) bed and breakfast accommodations.

**The regulations in Section 4.63 to 4.72 of this bylaw apply in the RU-2 District.**

**4.63 DWELLING DENSITY**

In the RU-2 District, no more than one dwelling unit per lot is permitted.

**4.64 HEIGHT OF BUILDINGS AND STRUCTURES**

The height of a principal and accessory buildings shall not exceed; 10 metres or 2 storeys, whichever is the lesser.

**4.65 LOT AREA AND FRONTAGE**

Each lot shall have an area not less than 40,000 square metres (4 Hectares) and a frontage of 90 metres.

**4.66 LOT COVERAGE**

Maximum lot coverage shall be ten percent (10%) of the lot area.

**4.67 FRONT YARD**

A front yard shall be provided of not less than 7.5 metres in depth.

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**4.68 SIDE YARD**

A side yard shall be provided of not less than 7.5 metres in width.

**4.69 REAR YARD**

A rear yard shall be provided of not less than 7.5 metres in depth.

**4.70 SIGNS**

The following signs and notices are permitted:

- a) one day care centre signboard not exceeding one square metre in area on any lot;
- b) one "for rent" or "for sale" sign, not exceeding one square metre in area on any lot;
- c) one professional practice, home craft or home occupancy identity sign not exceeding one square metre in area on any lot.

**4.71 ACCESSORY BUILDINGS**

Accessory structures shall not be located:

- a) in the required front yard; nor
- b) within 1.0 metre of a side or rear lot line.

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**4.72 OFF-STREET PARKING**

Off-street Parking shall be provided in accordance with Division Nine of this bylaw.

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**RU-3 RURAL RESIDENTIAL**

**4.73 PERMITTED USES**

The intent of the RU-3 zoning district is to accommodate the demand for large-lot rural residential development including agricultural use. An adequate water supply system and an adequate sewage disposal system must be constructed in accordance with Provincial regulations.

In the RU-3 District, the following uses and no other uses are permitted:

- a) residential use - single family or two family dwelling;
- b) agricultural use (excluding feed lots and fur farming), provided that all buildings and structures used for such purposes are located not less than 25 metres from any property line and not less than 10 metres from any dwelling;
- c) day care centre;
- d) forestry, logging, prefabrication of log or timber structures, portable sawmill and lumber kiln (providing that the floor of the kiln does not exceed 45 square metres) but no other manufacturing except portable wood manufacturing plants, providing such manufacturing plant is not located within 50 metres of any lot boundary;
- e) extracting of raw material from the land, including the cutting or crushing of material provided that no further processing is permitted on the site, except where the product is regulated by the *Mines Regulation Act* or is to be used solely on the premises;

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- f) outdoor recreational facilities including campground or riding academy; excluding general public use by automobiles, motorcycles, all terrain vehicles or snowmobiles;
- g) peat extraction;
- h) sale of produce grown on the premises provided the sales area does not exceed 50 square metres;
- i) home occupation;
- j) accessory buildings and uses;
- k) storage of equipment and vehicles used for personal business and accessory shops for repair facilities;
- l) animal hospital or kennel;
- m) bed and breakfast accommodations;
- n) boarding, lodging or rooming houses;
- o) civic use;
- p) guest ranch, resort lodge, rural retreat;

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**The regulations in Section 4.74 to 4.83 of this bylaw apply in the RU-3 District.**

**4.74 DWELLING DENSITY**

In the RU-3 District, no more than two dwelling units per lot are permitted.

**4.75 HEIGHT OF BUILDINGS AND STRUCTURES**

The height of a principal and accessory buildings shall not exceed; 15 metres or 3 storeys, whichever is the lesser.

**4.76 LOT AREA AND FRONTAGE**

Each lot shall have an area not less than 40,000 square metres (4 Hectares) and a frontage of 90 metres.

**4.77 LOT COVERAGE**

Maximum lot coverage shall be ten percent (10%) of the lot area.

**4.78 FRONT YARD**

A front yard shall be provided of not less than 7.5 metres in depth.

**4.79 SIDE YARD**

A side yard shall be provided of not less than 7.5 metres in width.

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**4.80 REAR YARD**

A rear yard shall be provided of not less than 7.5 metres in depth.

**4.81 SIGNS**

The following signs and notices are permitted:

- a) one day care centre signboard not exceeding 4.7 square metres in area on any lot;
- b) one "for rent" or "for sale" sign, not exceeding 4.7 square metres in area on any lot;
- c) one professional practice, home craft or home occupancy identity sign not exceeding 4.7 square metres in area on any lot.

**4.82 ACCESSORY BUILDINGS**

Accessory structures shall not be located:

- a) in the required front yard; nor
- b) within 1.0 metre of a side or rear lot line.

**4.83 OFF-STREET PARKING**

Off-street Parking shall be provided in accordance with Division Nine of this bylaw.

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**DIVISION FIVE - COMMERCIAL DISTRICTS**

**C-1 COMMERCIAL - CORE**

**5.1 PERMITTED USES**

The intent of the C-1 zoning district is to identify and delineate the central business district of the municipality, which is intended to accommodate the demand for serviced commercial lots for a full range of commercial activities.

In the C-1 District, the following uses and no other uses are permitted:

- a) auction house excluding livestock;
- b) bake shop or confectionery, whose products are sold by retail on the premises;
- c) bank;
- d) building supply;
- e) business, government and professional offices;
- f) bus terminal for the loading and unloading of passengers;
- g) commercial office;
- h) commercial recreation;
- i) commercial service;
- j) funeral home;
- k) gasoline service station;
- l) hotel or motor hotel;
- m) laundromat and dry cleaner;
- n) medical or dental clinic;
- o) personal service establishment;
- p) post office;

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- q) printing establishment;
- r) public assembly and entertainment uses, including:
  - auditorium;
  - amusement arcade;
  - billiard and pool hall;
  - bowling alley;
  - catering establishment;
  - dance hall;
  - gymnasium;
  - meeting hall;
  - night club;
  - swimming pool;
  - theatre (excluding drive-in theatres);
- s) public government;
- t) real estate sales office;
- u) restaurants (excluding fast-food pick-up);
- v) retail store;
- w) taxi office;
- x) residential use in conjunction with permitted core commercial uses;
- y) accessory buildings and uses.

**The regulations in Section 5.2. to 5.11. of this bylaw apply in the C-1 District.**

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**5.2 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 12 metres;
- b) Residential buildings shall not exceed the lesser of 10 metres or two storeys in height;
- c) No other accessory building or structure shall exceed 5 metres in height.

**5.3 LOT AREA AND FRONTAGE**

Each lot shall have an area of not less than 450 square metres, with a frontage of not less than 10% of the lot perimeter.

**5.4 LOT COVERAGE**

Maximum lot coverage may be one hundred percent (100%) of the site area.

**5.5 FRONT YARD**

No front yard shall be required, except for gasoline service stations as per Section 3.11.

**5.6 SIDE YARD**

No side yard shall be required, except for gasoline service stations as per Section 3.11.

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**5.7 REAR YARD**

No rear yard shall be required, except for gasoline service stations as per Section 3.11.

**5.8 SIGNS AND NOTICES**

The following signs and notices are permitted:

- a) Sign or signs not exceeding 4.7 square metres in total, or one percent (1%) of total floor space, whichever is greater, is permitted on any lot.

**5.9 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

**5.10 OFF-STREET LOADING**

Off-street loading facilities shall be provided in accordance with Division Ten of this bylaw.

**5.11 COMBINED COMMERCIAL AND RESIDENTIAL DWELLING UNITS**

Where a lot is used for combined commercial and residential use, the residential use shall:

- a) be contained in the same building as the commercial use;

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- b) have an entrance from outside separate from the entrance to the commercial use;
- c) not exceed the gross floor area of the commercial use;
- d) be contained in a dwelling unit which shall have a minimum building width of 5 metres.

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**C-2 COMMERCIAL - HIGHWAY**

**5.12 PERMITTED USES**

The intent of the C-2 zoning district is to accommodate the demand for commercial lots which are suitable for the provision of services to highway travellers and tourists.

In the C-2 District, the following uses and no other uses are permitted:

- a) automobile dealership;
- b) automobile or trailer, sale or rental lot;
- c) boats and recreation vehicles, sales and services;
- d) brake and wheel alignment shop;
- e) building material supply;
- f) car or truck wash;
- g) club or lodge;
- h) commercial recreation;
- i) commercial service;
- j) gasoline service station;
- k) hotel and motor motel;
- l) key-lock fuel installation;
- m) laundromat;
- n) light manufacturing and assembly;
- o) medical or dental clinic;
- p) motel and auto court;
- q) restaurants including fast-food pick-up and drive-ins;
- r) rental and repair of tools and small equipment;

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- s) retail sale of new automotive parts and accessories;
- t) retail store;
- u) tire shop, sales and services;
- v) tourist accommodation;
- w) residential use in conjunction with permitted highway commercial uses; and
- x) accessory buildings and uses.

**The regulations in Section 5.13 to 5.23 of this bylaw apply in the C-2 District.**

**5.13 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 10 metres;
- b) Residential buildings shall not exceed the lesser of 10 metres or two storeys in height;
- c) No other accessory building or structure shall exceed 5 metres in height.

**5.14 LOT AREA AND FRONTAGE**

The minimum lot area for each permitted use in the C-2 District shall be 700 square metres with a frontage of not less than 15 metres.

**5.15 LOT COVERAGE**

The maximum lot coverage shall be sixty percent (60%) of the site area.

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**5.16 FRONT YARD**

No front yard shall be required.

**5.17 SIDE YARD**

No side yard shall be required except:

- (i) where a lot abuts a lot in an R-1 or R-2 zone, or a lot is separated by a lane from a lot in an R-1 or R-2 zone along a side lot boundary, a side yard shall be provided of not less than the required side yard of the abutting lot on the same side, but need not exceed 3.0 metres in width;
- (ii) in the case of a corner parcel, a side setback of not less than 1.5 metres in width shall be provided along the abutting street;
- (iii) where there is no rear lane, one side setback of not less than 4.5 metres shall be provided.

**5.18 REAR YARD**

A rear yard shall be provided of not less than 6.0 metres in depth.

**5.19 SIGNS AND NOTICES**

A sign or signs not exceeding 4.7 square metres in total, or one percent (1%) of total floor space, whichever is greater, are permitted on any lot.

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**5.20 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

**5.21 OFF-STREET LOADING**

Off-street loading facilities shall be provided in accordance with Division Ten of this bylaw.

**5.22 HOTEL AND MOTEL UNITS**

The floor area of each hotel or motel unit shall not be less than 24 square metres.

**5.23 COMBINED COMMERCIAL AND RESIDENTIAL DWELLING UNITS**

Where a lot is used for combined commercial and residential use, the residential use shall:

- a) be contained in the same building as the commercial use;
- b) have an entrance from outside separate from the entrance to the commercial use;
- c) not exceed the gross floor area of the commercial use;
- d) be contained in a dwelling unit which shall have a minimum building width of 5 metres.

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**C-3 COMMERCIAL - LAKESHORE**

**5.24 PERMITTED USES**

The intent of the C-3 zoning district is to accommodate lakeshore commercial services for users of Stuart Lake.

In the C-3 District, the following uses and no other uses are permitted:

- a) boats and recreation vehicles, sales and services;
- b) commercial recreation;
- c) commercial service;
- d) marina;
- e) recreation vehicle park;
- f) tourist accommodation;
- g) residential use in conjunction with permitted lakeshore commercial uses; and
- h) accessory buildings and uses.

**The regulations in Section 5.25 to 5.35 of this bylaw apply in the C-3 District.**

**5.25 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 10 metres;
- b) Residential buildings shall not exceed the less of 10 metres or two storeys in height;
- c) No other accessory building or structure shall exceed 5 metres in height.

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**5.26 LOT AREA AND FRONTAGE**

The minimum lot area for each permitted use in the C-3 District shall be 1,400 square metres with a frontage of not less than 30 metres.

**5.27 LOT COVERAGE**

Maximum lot coverage shall be forty-five percent (45%) of the site area.

**5.28 FRONT YARD**

A front yard shall be provided of not less than 5 metres in depth.

**5.29 SIDE YARD**

A side yard shall be provided of not less than 3 metres in width.

**5.30 REAR YARD**

A rear yard shall be provided of not less than 7.5 metres in depth.

**5.31 SIGNS AND NOTICES**

A sign or signs not exceeding 4.7 square metres in total, or one percent (1%) of total floor space, whichever is greater, are permitted on any lot.

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**5.32 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

**5.33 OFF-STREET LOADING**

Off-street loading facilities shall be provided in accordance with Division Ten of this bylaw.

**5.34 HOTEL AND MOTEL UNITS**

The floor area of each hotel or motel unit shall not be less than 24 square metres.

**5.35 COMBINED COMMERCIAL AND RESIDENTIAL DWELLING UNITS**

Where a lot is used for combined commercial and residential use, the residential use shall:

- a) be contained in the same building as the commercial use;
- b) have an entrance from outside separate from the entrance to the commercial use;
- c) not exceed the gross floor area of the commercial use;
- d) be contained in a dwelling unit which shall have a minimum building width of 5 metres.

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**C-RU COMMERCIAL - RURAL**

**5.36 PERMITTED USES**

The intent of the C-RU zoning district is to accommodate local commercial uses in rural residential areas.

In the C-RU District, the following uses and no other uses are permitted:

- a) neighbourhood public house;
- b) residential use in conjunction with permitted rural commercial uses; and
- c) accessory buildings and uses.

**The regulations in Section 5.37 to 5.46 of this bylaw apply in the C-RU District.**

**5.37 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 10 metres;
- b) Residential buildings shall not exceed the lesser of 10 metres or two storeys in height;
- c) No other accessory building or structure shall exceed 5 metres in height.

**5.38 LOT AREA AND FRONTAGE**

The minimum lot area for each permitted use in the C-RU District shall be 3,700 square metres with a frontage of not less than 30 metres.

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**5.39 LOT COVERAGE**

Maximum lot coverage shall be forty-five percent (45%) of the site area.

**5.40 FRONT YARD**

A front yard shall be provided of not less than 15 metres depth.

**5.41 SIDE YARD**

A side yard shall be provided of not less than 5 metres in depth.

**5.42 REAR YARD**

A rear yard shall be provided of not less than 15 metres in depth.

**5.43 SIGNS AND NOTICES**

A sign or signs not exceeding 4.7 square metres in total, or one percent (1%) of total floor space, whichever is greater, are permitted on any lot.

**5.44 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

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**5.45 OFF-STREET LOADING**

Off-street loading facilities shall be provided in accordance with Division Ten of this bylaw.

**5.46 COMBINED COMMERCIAL AND RESIDENTIAL DWELLING UNITS**

Where a lot is used for combined commercial and residential use, the residential use shall:

- a) be contained in the same building as the commercial use;
- b) have an entrance from outside separate from the entrance to the commercial use;
- c) not exceed the gross floor area of the commercial use;
- d) be contained in a dwelling unit which shall have a minimum building width of 5 metres.

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**DIVISION SIX - INDUSTRIAL DISTRICTS**

**I-1 INDUSTRIAL - SERVICE**

**6.1 PERMITTED USES**

The intent of the I-1 zoning district is to accommodate the demand for service industrial lots.

In the I-1 District, the following uses and no other uses are permitted:

- a) animal hospital and animal beauty parlour;
- b) auction house;
- c) automobile repair garage for passenger and commercial vehicles, including body repairs, painting, battery manufacturing, engine rebuilding, tire retreading or rebuilding;
- d) automotive parts sales, showroom and car sale lots;
- e) bakery;
- f) boat building, boat showroom and display yard;
- g) bottling and distribution plant;
- h) building material supply and lumber yard;
- i) car wash or truck wash;
- j) cartage, delivery and express facilities including truck terminal;
- k) cleaning and dyeing establishment;
- l) commercial nursery and greenhouse including related retail outlet;
- m) commercial parking facility;

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- n) food product manufacturing, processing and packaging, excluding processing and packaging of fish and including only re-dressed and government inspected meats and eviscerated poultry;
- o) gasoline service station;
- p) key-lock fuel installation;
- q) light manufacturing and assembly;
- r) machine shop and parts manufacturer, machinery and assembly not involving forging, casting, punch presses or drop forges;
- s) laundromat and dry cleaning;
- t) heavy equipment dealership and repair;
- u) farm implement dealership;
- v) municipal worksyard;
- w) offices, storage buildings, workshops and yards for the following trade contractors:
  - building, cement, electrical, excavating, fumigating, heating and air conditioning, masonry, painting, plumbing, refrigeration, roofing, septic tank and sign;
- x) packing and crating;
- y) plumbing, sheet metal and welding workshop;
- z) printing and other reproduction processes;
- aa) sash and door and other woodworking shops;
- bb) septic tank service;
- cc) sheet metal fabrication;
- dd) storage;
- ee) tire shop, retreading and rebuilding;
- ff) warehousing;
- gg) trailer manufacture, repairs, sales and display yards;
- hh) residential use in conjunction with permitted service industrial uses;

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- ii) gravel pits, and quarry pits which meet the approval of the authority having jurisdiction; and
- jj) accessory buildings uses.

**The regulations in Sections 6.2 to 6.13 of this bylaw apply in the I-1 District.**

**6.2 COMBINED INDUSTRIAL AND RESIDENTIAL DWELLING UNIT**

One dwelling unit per lot in conjunction with the uses permitted in Section 6.1.

**6.3 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of buildings and structures shall not exceed 10 metres in height.
- b) Residential buildings shall not exceed the lesser of 10 metres or two storeys height;
- c) No other accessory building or structure shall exceed 5 metres in height.

**6.4 LOT AREA AND FRONTAGE**

Each lot shall have an area of not less than 450 square metres and a frontage of not less than 15 metres.

**6.5 LOT COVERAGE**

Maximum lot coverage shall be sixty percent (60%) of the lot area.

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**6.6 FRONT YARD**

On any lot which abuts any portion of a highway, a setback of 7.5 metres shall be provided, except for sidewalks, access and egress, and the prescribed setback shall be landscaped to its full width and depth by the planting of shrubs and lawn or the retention of existing natural growth.

**6.7 SIDE YARD**

A side yard shall be provided of not less than 1.5 metres in depth.

**6.8 REAR YARD**

A rear yard shall be provided of not less than 7.5 metres in depth.

**6.9 SIGNS AND NOTICES**

A sign or notice not exceeding 4.7 square metres in total is permitted on any lot.

**6.10 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

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**6.11 OFF-STREET LOADING**

Off-street loading facilities shall be provided in accordance with Division Ten of this bylaw. No off-street loading space is required for car, boat, travel trailer, or mobile home sales lots, gasoline service stations or nursery supply uses.

**6.12 WASTE DISPOSAL**

Where the use is not served by a community sewer system, the discharge of human and other wastes shall be in accordance with the *Health Act* and the *Waste Management Act*.

**6.13 SCREENING**

All industrial activity and storage not contained within a building shall be enclosed by a wall or a tight board fence not less than 2 metres high.

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**I-2 INDUSTRIAL - HEAVY**

**6.14 PERMITTED USES**

The intent of the I-2 zoning district is to accommodate the demand for large lots suitable for heavy industrial users.

In the I-2 District, the following uses and no other uses are permitted:

- a) auction house;
- b) car wash or truck wash;
- c) cold storage;
- d) cleaning and dyeing establishment;
- e) furniture manufacturing and storage;
- f) key-lock fuel installation;
- g) light manufacturing and assembly;
- h) manufacture processing and storage of gravel, asphalt and tar products;
- i) machine shop and parts manufacturer;
- j) heavy equipment dealership and repair;
- k) farm implement dealership;
- i) manufacturing;
- j) offices, storage buildings, workshops and yards for the following trade contractors:
  - building, cement, electrical, excavating, fumigating,
  - heating and air conditioning, masonry, painting, plumbing,
  - refrigeration, roofing, septic tank and sign;
- k) metal processing;
- l) plumbing, sheet metal and welding workshop;

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- m) printing and other reproduction processes;
- o) sawmill;
- p) sheet metal fabrication;
- q) storage;
- r) wood processing;
- s) warehousing;
- t) accessory buildings uses;
- u) residential use in conjunction with permitted heavy industrial uses;
- v) gravel pits, and quarry pits which meet the approval of the authority having jurisdiction.

**The regulations in Sections 6.15 to 6.26 of this bylaw apply in the I-2 District.**

**6.15 COMBINED SERVICE INDUSTRIAL AND RESIDENTIAL DWELLING UNIT**

One dwelling unit per lot in conjunction with the uses permitted in Section 6.14.

**6.16 HEIGHT OF BUILDINGS AND STRUCTURES**

No height limitations shall apply.

**6.17 LOT AREA AND FRONTAGE**

Each lot shall have an area of not less than 16,000 square metres (1.6 Hectares) and a frontage of not less than 30 metres.

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**6.18 LOT COVERAGE**

Maximum lot coverage shall be sixty percent (60%) of the lot area.

**6.19 FRONT YARD**

On any lot which abuts any portion of a highway, a setback of 7.5 metres shall be provided, except for sidewalks, access and egress, and the prescribed setback shall be landscaped to its full width and depth by the planting of shrubs and lawn or the retention of existing natural growth.

**6.20 SIDE YARD**

No side yard shall be required except where a lot abuts a lot in a Residential or Rural Residential district such side yard shall be 6 metres. No eaves or overhangs shall be permitted within the side yard.

**6.21 REAR YARD**

No rear yard shall be required except where a lot abuts a lot in a Residential or Rural Residential district, such rear yard shall be 6 metres.

**6.22 SIGNS AND NOTICES**

A sign or notice not exceeding 4.7 square metres in total is permitted on any lot.

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**6.23 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Division Nine of this bylaw.

**6.24 OFF-STREET LOADING**

Off-street loading facilities shall be provided in accordance with Division Nine of this bylaw.

**6.25 WASTE DISPOSAL**

Where the use is not served by a community sewer system, the discharge of human and other wastes shall be in accordance with the *Health Act* and the *Waste Management Act*.

**6.26 SCREENING**

All industrial activity and storage not contained within a building shall be enclosed by a wall or a tight board fence not less than 2 metres high.

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**DIVISION SEVEN - PARKS AND SCHOOLS DISTRICT**

**P-1 PARKS AND SCHOOLS**

**7.1 PERMITTED USES**

The intent of the P-1 zoning district is to accommodate the demand for a variety of public and privately owned park sites, including school sites, which are intended for public use.

In the P-1 District, the following uses and no other uses are permitted:

- a) cemetery;
- b) greenbelt;
- c) public park;
- d) public playground;
- e) public schools including colleges, technical and vocational institutes;
- f) day care centre;
- g) pre-school centre;
- h) golf course;
- i) kindergarten; and
- j) accessory buildings and uses.

**The regulations in Sections 7.2 to 7.11 of this Bylaw apply in the P-1 District.**

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**7.2 ACCESSORY USE - LIVING QUARTERS**

In the P-1 District the residential use of one dwelling unit as a caretaker's residence in conjunction with a use in 7.1. is permitted.

**7.3 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 15 metres nor three storeys, whichever is the lesser;
- b) The height of accessory buildings and structures shall not exceed 5 metres;
- c) Residential buildings shall not exceed the lesser of 10 metres or two storeys in height.

**7.4 LOT AREA AND FRONTAGE**

Each lot shall have an area of not less than 500 square metres and a frontage of not less than 15 metres.

**7.5 LOT COVERAGE**

Maximum lot coverage shall be fifty percent (50%) of the lot area.

**7.6 FRONT YARD**

A front yard shall be provided of no less than 5.0 metres in depth.

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**7.7 SIDE YARD**

A side yard shall be provided of not less than 3.0 metres in width. No eaves or overhangs shall be permitted within the side yard.

**7.8 REAR YARD**

A rear yard shall be provided of not less than 5.0 metres in depth.

**7.9 OFF-STREET PARKING AND LOADING**

Divisions Nine and Ten of this bylaw shall apply for off-street parking and off-street loading respectively.

**7.10 WASTE DISPOSAL**

Where the use is not served by a community sewer system, the discharge of human and other wastes shall be in accordance with the Health Act and the Waste Management Act.

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**DIVISION EIGHT - INSTITUTIONAL DISTRICT**

**P-2 INSTITUTIONAL**

**8.1 PERMITTED USES**

The intent of the P-1 zoning district is to provide for public, institutional use.

In the P-2 District, the following uses and no other uses are permitted:

- a) administrative offices of government and government agencies;
- b) areas of public assembly;
- c) arena;
- d) cemetery;
- e) church;
- f) civic use;
- g) community centre;
- h) historic sites and historic parks;
- i) hospitals;
- j) libraries;
- k) museum;
- l) public parks and recreation sites;
- m) public works yard;
- o) rest home;
- m) accessory buildings and uses.

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**The regulations in Section 8.2 to 8.11 of this bylaw shall apply in the P-2 District.**

**8.2 ACCESSORY USE - LIVING QUARTERS**

In the P-2 District the residential use of one dwelling unit as a caretaker's residence in conjunction with a use in 8.1. is permitted.

**8.3 HEIGHT OF BUILDINGS AND STRUCTURES**

- a) The height of principal buildings and structures shall not exceed 15 metres nor three storeys, whichever is the lesser;
- b) The height of accessory buildings and structures shall not exceed 5 metres;
- c) Residential buildings shall not exceed the lesser of 10 metres or two storeys in height.

**8.4 LOT AREA AND FRONTAGE**

Each lot shall have an area of not less than 900 square metres and a frontage of not less than 20 metres.

**8.5 LOT COVERAGE**

Maximum lot coverage shall be fifty percent (50%) of the lot area.

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**8.6 FRONT YARD**

A front yard shall be provided of not less than 7.5 metres in depth.

**8.7 SIDE YARD**

A side yard shall be provided of not less than 3.0 metres in width.

**8.8 REAR YARD**

A rear yard shall be provided of not less than 7.5 metres in depth.

**8.9 OFF-STREET PARKING AND LOADING**

Divisions Nine and Ten of this bylaw shall apply for off-street parking and off-street loading respectively.

**8.10 WASTE DISPOSAL**

Where the use is not served by a community sewer system, the discharge of human and other wastes shall be in accordance with the *Health Act* and the *Waste Management Act*.

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**DIVISION NINE - OFF-STREET PARKING**

**9.1 PURPOSE**

No land, water, building or structure shall be used by the owner, occupier or any other person for any use unless the off-street parking requirements for that use have been provided for in accordance with Section 9.4 of this bylaw. Provision shall be made for off-street parking on the same lot as the principal building.

**9.2 OFF-SITE PARKING**

NOTWITHSTANDING Section 9.1 of this bylaw, off-site parking is permitted on a lot within 150 metres of the use for which it is provided only in the Commercial districts (C-1, C-2, and C-3) and shall conform to all of the requirements of this Division.

**9.3 PHYSICAL REQUIREMENTS**

NOTWITHSTANDING any other provision of this bylaw, all spaces provided for off-street parking, whether public or private, shall conform to the following requirements:

a) Size

All parking spaces shall have a clear length of not less than 6.0 metres and clear width of not less than 2.7 metres and a clear height of not less than 2.5 metres.

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Notwithstanding the foregoing sentence, twenty percent (20%) of the total required parking may be used for small car parking, providing that each stall has a clear length of 5.4 metres and a clear width of 2.7 metres and a clear height of not less than 2.5 metres. Where small car areas have been provided, a sign shall be posted indicating small car parking only.

b) Access

Ingress and egress to and from all parking spaces shall be by means of unobstructed manoeuvring aisles. The manoeuvring aisles shall be not less than 6 metres in width for right angle parking and may be reduced to 5.0 metres in width for angle parking up to forty-five degrees from the manoeuvring aisle.

c) Layouts

Where more than ten (10) parking spaces are provided, they must be so designed that vehicles are not required to back out or drive directly onto a highway.

d) Location

If parking is provided on the site, the parking must be on the same lot as the building or use.

e) Surface

Every off-street parking area shall:

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- i) be graded to provide an even surface;
- ii) be drained so that no surface water:
  - accumulates thereon;
  - runs off onto any sidewalk;
  - runs off onto any highway if the area is not paved;
- iii) be surfaced with gravel, crushed rock, asphalt or concrete, treated to suppress dust, and kept free of weeds;
- iv) have access to and from highways other than limited access to highways in accordance with Ministry of Transportation and Highways regulations and having constructed sidewalk crossovers.

f) Parking Setbacks

In Commercial districts where parking is located on the same site as the principal building, no part of the parking lot shall be located closer than 1.5 metres to any adjacent dwelling unit.

g) Mixed Occupancy

In the case of mixed uses, the total requirements for the off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

h) Handicapped Parking

If any development requires or provides more than fifty (50) off-street parking spaces, one (1) parking space shall be provided for the use of persons with a physical disability, together with one (1) additional disability space for each

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additional one hundred and fifty (150) off-street parking spaces required or provided. Each physical disability space shall be 4 metres (13 feet) in width and shall be properly identified.

**9.4 SCHEDULE OF PARKING REQUIREMENTS**

<u>Uses</u>	<u>Minimum Parking Spaces Required</u>
Auto sales and repair, dealerships, automobile and trailer sales and rental, sale of new automotive parts and accessories, salesrooms and car lots	1 per 70 square metres of gross sales floor area plus 2 per service bay
Bank	1 per 20 square metres of gross floor area
Bowling alley	3 per bowling lane
Boat and recreation vehicles; sales and service	1 per 70 square metres of gross display area (covered and inside)
Building supply	1 per 50 square metres of gross display area (covered and inside)
Campground/overnight	1 per campsite
Church	1 per 10 seats
Clubs, lodges	1 per 6 seats

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<u>Uses</u>	<u>Minimum Parking Spaces Required</u>
College	5 per classroom
Convenience store	1 per 20 square metres of gross floor area
Contractor's workshop and yards	1 per 100 square metres of gross floor area
Cultural facility (art gallery, museums, etc.)	1 per 50 square metre of gross floor area
Drive-in business	1 per 20 square metres of gross floor area
Fast-food pick-up	1 per 20 square metres of gross floor area
Funeral parlour	1 per 6 seats in chapel
Gasoline service station	3 per service bay
Golf course	50 per 9 holes
Golf driving range	1 per tee
Health space hospital, public	1 per bed
Hospital, private	1 per 3 beds
Hotel, motor hotel	1 per unit, plus 1 per 6 seats in bar, café, etc.
Laundromats	1 per 3 washing machines
Machinery sales	1 per 100 square metres of gross sales floor area
Manufacturer, industrial	1 per 100 square metres of gross floor area

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<u>Uses</u>	<u>Minimum Parking Spaces Required</u>
Marina	1 per 2 moorage spaces
Motel or auto court	1 per unit plus 1 per 6 seats in a café, etc.
Neighbourhood public house	1 per 3 seats
Nurseries, greenhouses	1 per 20 square metres of gross floor area retail sales building
Offices, medical	4 stalls per doctor or dentist
Offices, other	1 stall per 50 square metres of gross floor area
Pool, swimming	1 per 12 square metres of water surface
Public bus depot	1 per 20 square metres of waiting room area
Recreation centre	1 per 10 sq. metre of ice area and 1 per 12 sq. metre of pool surface, and 1 per 40 sq. metre for other sports
Residential, single family and duplex	2 per dwelling
Residential, senior citizen housing	1 per 3 dwelling units
Residential, other than single family and duplex	1.5 per dwelling unit
Restaurant	1 per 5 seats

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<u>Uses</u>	<u>Minimum Parking Spaces Required</u>
School, elementary	1 space per classroom
School, secondary	3 spaces per classroom
Store, supermarket, liquor, other retail, personal service except convenience store	1 per 40 sq. metres of gross retail floor space
Stadium	1 per 5 seats
Theatre (not drive-in)	1 per 10 seats
Taxi stand	1 per taxi
Tire shops, sales and service	2 per bay
Warehouse	1 per 100 square metres of gross warehouse space

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**DIVISION TEN - OFF-STREET LOADING**

**10.1 PURPOSE**

No land, water, building or structure shall be used by the owner, occupier or any other person for any use unless the off-street loading requirements for that use have been provided in accordance with this Division of this bylaw; provisions shall be made for off-street loading on the same lot as the principal building.

**10.2 UNIT OF MEASUREMENT**

When calculating off-street loading requirements, the gross floor area shall include the floor area of accessory buildings or basements, except where they are used for parking or heating.

**10.3 MIXED OCCUPANCIES**

In the case of mixed uses, the total requirements, for off-street loading facilities shall be the sum of the requirements for the various uses computed separately.

**10.4 REQUIRED OFF-STREET LOADING SPACES**

- a) On every lot used as a retail store, business, industry, warehouse or other similar use, the minimum number of spaces shall be as follows:

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<u>Total Gross Floor Area of Building(s)</u>	<u>Spaces Required</u>
Less than 500 sq. metres	1
500 sq. metres - 2,000 sq. metres	2
2,000 sq. metres - 5,000 sq. metres	3
Each additional 5,000 sq. metres or each fraction thereof in excess of 2,000 sq. metres	1 additional

- b) On every lot used as an office building, place of public assembly, hospital, institution, hotel, club or lodge, auditorium, public utility, school or other similar use, the minimum number of spaces shall be as follows:

<u>Total Gross Floor Area of Building(s)</u>	<u>Spaces Required</u>
Less than 3,000 sq. metres	1
3,000 sq. metres - 6,000 sq. metres	2
Each additional 6,000 sq. metres or each fraction thereof in excess of 3,000 sq. metres	1 additional

**10.5 LOCATION AND SITING OF LOADING FACILITIES**

Off-street loading spaces and facilities shall be located on the same lot as the use served, but not within the required front yard nor closer than 15 metres to the nearest point of intersection of the centre lines of any two road allowances.

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**10.6 DEVELOPMENT AND MAINTENANCE STANDARDS**

- a) The location and size of all points of ingress and egress to a loading area shall be subject to the access regulations of the District.
- b) All off-street loading and unloading spaces shall be of adequate size, and with adequate access thereto, to accommodate the types of vehicles which will be loading and unloading, but as a minimum shall be sufficient to accommodate a vehicle 6 metres in length, 3 metres in width and 4 metres in height.
- c) All loading areas shall be provided with adequate curbs in order to retain all vehicles within such permitted loading areas, and to ensure that required fences, walls, hedges or landscaped areas, as well as any buildings, will be protected from parked vehicles.
- d) Each loading space shall be surfaced with asphalt, concrete, or similar pavement so as to provide a durable dust-free surface, and shall be so graded and drained so as to properly dispose of all surface water.
- e) Any lighting used to illuminate any loading area shall be so arranged that all direct rays of light are reflected upon the loading area, and not on any adjoining premises or highway.

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**DIVISION ELEVEN - FLOODPLAIN**

**11.1 FLOODPLAIN DESIGNATION**

Pursuant to Section 910 of the *Local Government Act*, the following land within the District of Fort St. James is designated as floodplain:

- a) Land lower than the flood construction levels specified in Section 11.2;
- b) Land within the floodplain setbacks specified in Section 11.3.

**11.2 FLOOD CONSTRUCTION LEVELS**

The following elevations are specified as flood construction levels, except that where more than one flood construction level is applicable, the higher elevation shall be the flood construction level:

- a) elevation 683.1 metres Geodetic Survey of Canada datum for land adjacent to Stuart Lake;
- b) 1.5 metres above the Natural Boundary of Nahounli Creek, or of any other watercourse, lake, pond, or marsh area.

The flood construction levels specified in this section may be achieved by structural elevation of the habitable area or by adequately compacted landfill on which any building

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is to be constructed or mobile home or unit located, or by a combination of both structural elevation and landfill.

**11.3 FLOODPLAIN SETBACKS**

The following distances are specified as floodplain setbacks, except that where more than one floodplain setback is applicable, the greater distance shall be the floodplain setback:

- a) within 30 metres of the Natural Boundary of Stuart Lake;
- b) within 30 metres of the top of bank of Stuart Lake for the shoreline south of the mouth of Nahounli Creek;
- c) within 15 metres of the Natural Boundary of any other watercourse;
- d) within 7.5 metres of the Natural Boundary of any other lake, pond, or marsh area.

**11.4 APPLICATION OF FLOODPLAIN SPECIFICATIONS**

- a) Pursuant to Section 910 of the *Local Government Act*, after a bylaw has specified flood construction levels and floodplain setbacks:
  - i) the underside of any floor system, or the top of any pad supporting any space or room, including a mobile home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above that specified level, and

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- ii) any landfill required to support a floor system or pad shall not extend within any setback from a watercourse or body of water specified by the bylaw or the Minister of Environment, Lands and Parks.
  
- b) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the flood construction levels specified in Section 11.2. The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
  
- c) The Building Inspector, or such person appointed by the District of Fort St. James may require that a British Columbia Land Surveyor's certificate be required to verify compliance with the flood construction levels and floodplain setbacks specified in Sections 11.2 and 11.3. The cost of verification shall be assumed by the land owner.

**11.5 GENERAL EXEMPTIONS**

Pursuant to Section 910 of the *Local Government Act*, the Minister of Environment, Lands and Parks may exempt types of developments from the requirements of Section 910, subject to conditions he may impose. The general exemptions which have been approved by the Minister are provided for information purposes only in Appendix "B" of this bylaw.

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**DIVISION TWELVE**

**ADMINISTRATION, ENFORCEMENT, PENALTIES AND AUTHORIZATION**

**12.1 INSPECTION**

The Building Inspector, the Administrator, the Approving Officer or the Bylaw Enforcement Officer of the District is hereby authorized to enter, at any reasonable time, upon any property or premises to ascertain whether the provisions of this bylaw are being obeyed.

**12.2 ENFORCEMENT**

Every person who contravenes any provision of this bylaw or permits any contravention of any provision of this bylaw shall be guilty of an offence thereof, and shall be liable to the penalties herein imposed.

**12.3 PENALTIES**

Any person or persons guilty of an offence under this bylaw (and for the purposes hereof, every offence shall be deemed to be a continuing, new and separate offence for each day during which the same shall continue) shall, upon conviction of such offence by a Court of competent jurisdiction, pay a fine not exceeding the sum of Two Thousand Dollars (\$2,000.00) for each day or part thereof for which any offence has taken place, together with the cost of prosecution for each such offence.

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Nothing herein contained shall prevent the District of Fort St. James from taking such other lawful action as is necessary to prevent or remedy any violation.

**12.4 AMENDMENTS**

Any application for amendment of this Zoning Bylaw shall be made in writing to the District Administrator and shall:

- a) provide a legal description of the subject property;
- b) provide a map showing the dimensions of the subject property or properties and the location of all properties immediately adjacent to the subject property or properties except where the subject of the Zoning Bylaw amendment is 10 or more parcels owned by 10 or more persons;
- c) provide a list of the present and proposed uses of the subject property;
- d) indicate the proposed addition, deletion or change of any provision of this bylaw;
- e) indicate the needs, conditions or circumstances which necessitate or justify such amendment, including a demonstration of fact that such need cannot be adequately and readily met under the existing provision of this bylaw.

**12.5 PUBLIC HEARING**

No amendment to this bylaw shall take place without a public hearing in accordance with Sections 890 to 892 of the Local Government Act.

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**12.6 NOTICE OF PUBLIC HEARING**

When a public hearing is held, the District of Fort St. James shall give notice of the hearing in accordance with Section 892 of the Local Government Act.

Where any proposed bylaw alters the permitted use or density of any area, the notice of public hearing shall be mailed or otherwise delivered at least 10 days before a public hearing to all properties within 100 metres of the subject property.

**12.7 EFFECTIVE DATE OF BYLAW**

This bylaw shall come into force and take effect upon the date of registration.

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READ A FIRST TIME THE 28th DAY OF March, 2001.

READ A SECOND TIME THE 28th DAY OF March, 2001.

PUBLIC HEARING HELD ON THE 25th DAY OF April, 2001.

READ A THIRD TIME THE 25th DAY OF April, 2001.

RECEIVED APPROVAL OF THE MINISTRY OF TRANSPORTATION AND  
HIGHWAYS FOR THE PROVINCE OF BRITISH COLUMBIA THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2001.

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MINISTRY OF TRANSPORTATION AND HIGHWAYS

**DISTRICT OF FORT ST. JAMES**  
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APPROVED UNDER THE PROVISION OF SECTION 910 OF THE LOCAL GOVERNMENT ACT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2001.

\_\_\_\_\_  
MINISTRY OF WATER, LANDS AND AIR PROTECTION

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2001.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ADMINISTRATOR

I hereby certify that this is a true copy  
of Bylaw No. 738, 2001 cited as "District  
of Fort St. James Zoning Bylaw No. 738, 2001."

\_\_\_\_\_  
Administrator

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**APPENDIX "A"**

**SUMMARY OF ZONING REQUIREMENTS**

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**APPENDIX "B"**

**FLOODPLAIN PROVISIONS - "GENERAL EXEMPTIONS"**

**DISTRICT OF FORT ST. JAMES**

**ZONING BYLAW NO. 738, 2001**

**APPENDIX "A"**

**SUMMARY OF ZONING REQUIREMENTS**

<b>ZONING DESIGNATION</b>	<b>DESCRIPTION</b>	<b>MINIMUM LOT AREA</b>	<b>MINIMUM FRONTAGE</b>	<b>MAXIMUM LOT COVERAGE</b>	<b>YARDS</b>		
					<b>FRONT</b>	<b>SIDE</b>	<b>REAR</b>
<i>R-1</i>	<i>Residential - Single Family</i>	<i>500 m<sup>2</sup></i>	<i>18 m</i>	<i>40%</i>	<i>7.5 m</i>	<i>1.5 m</i>	<i>7.5 m</i>
<i>R-2</i>	<i>Residential - Duplex</i>	<i>750 m<sup>2</sup></i>	<i>23 m</i>	<i>40%</i>	<i>7.5 m</i>	<i>1.5 m</i>	<i>7.5 m</i>
<i>R-3</i>	<i>Residential - Apartment Building</i>	<i>Varies</i>	<i>Varies</i>	<i>40%</i>	<i>7.5 m</i>	<i>3.0 m</i>	<i>7.5 m</i>
<i>R-4</i>	<i>Residential - Mobile Home</i>	<i>450 m<sup>2</sup></i>	<i>15m</i>	<i>40%</i>	<i>5.0 m</i>	<i>1.5 m</i>	<i>3.0 m</i>
<i>R-5</i>	<i>Residential - Mobile Home Park</i>	<i>5,000 m<sup>2</sup></i>	<i>10%</i>	<i>As Per Mobile Home Park Bylaw</i>			
<i>RU-1</i>	<i>Rural Residential - Small Holding</i>	<i>1,300 m<sup>2</sup></i>	<i>18 m</i>	<i>25%</i>	<i>7.5 m</i>	<i>1.5 m</i>	<i>7.5 m</i>
<i>RU-2</i>	<i>Rural Residential</i>	<i>40,000 m<sup>2</sup></i>	<i>90 m</i>	<i>10%</i>	<i>7.5 m</i>	<i>7.5 m</i>	<i>7.5 m</i>
<i>RU-3</i>	<i>Rural Residential</i>	<i>40,000 m<sup>2</sup></i>	<i>90 m</i>	<i>10%</i>	<i>7.5 m</i>	<i>7.5 m</i>	<i>7.5 m</i>
<i>C-1</i>	<i>Commercial - Core</i>	<i>450 m<sup>2</sup></i>	<i>10%</i>	<i>100%</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>
<i>C-2</i>	<i>Commercial - Highway</i>	<i>700 m<sup>2</sup></i>	<i>15 m</i>	<i>60%</i>	<i>Nil</i>	<i>Varies</i>	<i>6.0 m</i>
<i>C-3</i>	<i>Commercial - Lakeshore</i>	<i>1,400 m<sup>2</sup></i>	<i>30 m</i>	<i>45%</i>	<i>5.0 m</i>	<i>3.0 m</i>	<i>7.5 m</i>
<i>C-RU</i>	<i>Commercial - Rural</i>	<i>3,700 m<sup>2</sup></i>	<i>30 m</i>	<i>45%</i>	<i>15.0 m</i>	<i>5.0 m</i>	<i>15.0 m</i>
<i>I-1</i>	<i>Industrial - Service</i>	<i>450 m<sup>2</sup></i>	<i>15 m</i>	<i>60%</i>	<i>7.5 m</i>	<i>1.5 m</i>	<i>7.5 m</i>
<i>I-2</i>	<i>Industrial - Heavy</i>	<i>16,000 m<sup>2</sup></i>	<i>30 m</i>	<i>60%</i>	<i>7.5 m</i>	<i>Varies</i>	<i>Varies</i>
<i>P-1</i>	<i>Parks and Schools</i>	<i>500 m<sup>2</sup></i>	<i>15 m</i>	<i>50%</i>	<i>5.0 m</i>	<i>3.0 m</i>	<i>5.0 m</i>
<i>P-2</i>	<i>Institutional</i>	<i>900 m<sup>2</sup></i>	<i>20 m</i>	<i>50%</i>	<i>7.5 m</i>	<i>3.0 m</i>	<i>7.5 m</i>

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**APPENDIX "B"**

**FLOODPLAIN PROVISIONS - "GENERAL EXEMPTIONS"**

- 1. The following types of development are exempt from the requirement of Section 910 of the Local Government Act, as it pertains to the Flood Construction Levels specified in Section 11.2 of this bylaw:**
  - i) A renovation of an existing building or structure that does not involve an addition thereto;
  - ii) An addition to a building or structure, at the original non-conforming floor elevation, that would increase the size of the building or structure by less than 25 percent of the ground floor area (excluding carports or garages) existing at the date of adoption of first bylaw containing floodplain provisions provided that the degree of non-conformity regarding setback is not increased;
  - iii) That portion of a building or structure to be used as a carport, garage or entrance foyer;
  - iv) Farm buildings other than dwelling units and closed-sided livestock housing;
  - v) Hot water tanks and furnaces behind Standard Dykes;
  - vi) Closed-sided livestock housing behind Standard Dykes;
  - vii) Heavy industry behind Standard Dykes;
  - viii) On-loading and off-loading facilities associated with water-oriented industry and portable sawmills.
  
- 2. The following types of development are exempt from the requirement of Section 910 of the Local Government Act, as it pertains to the Flood Construction Levels specified in Section 11.2 of this bylaw, subject to the following conditions:**
  - i) Farm Dwelling Units: Farm dwelling units on parcel size 8.1 hectares, or greater, located within the Agricultural Land Reserve, shall be located with the underside of a wooden floor system or the top of the Pad of any Habitable Area (or in the case of a Mobile Home or Unit, the top of pad or the ground surface on which it is

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located) no lower than 1.0 metre above the Natural Ground Elevation taken at any point on the perimeter of the building, or no lower than the Flood Construction Levels specified in Section 11.2 of this bylaw, whichever is the lesser.

- ii) Closed-sided Livestock Housing: Closed-sided livestock housing not behind Standard Dykes shall be located with the underside of the wooden floor system or the top of the pad (or in the case of a Mobile Unit the top of pad or the ground surface on which it is located) no lower than 1.0 metre above the Natural Ground Elevation taken at any point on the perimeter of the building, or no lower than Flood Construction Levels specified in Section 11.2 of this bylaw, whichever is the lesser.
  
- iii) Industrial Uses: Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the Pad (or in the case of a Mobile Unit, the top of pad or the ground surface on which it is located) no lower than the Flood Construction Levels specified in Section 11.2 of this bylaw, minus freeboard. Main electrical switchgear shall be no lower than the Flood Construction Level.