

THE CORPORATION OF THE VILLAGE OF MIDWAY

OFFICIAL COMMUNITY PLAN



October 2007

The Corporation of the Village of Midway

BYLAW No. 380

A Bylaw to establish an Official Community Plan for the Village of Midway

WHEREAS an Official Community Plan may be enacted pursuant to the provisions of the Local Government Act and the Community Charter;

AND WHEREAS the Council of the Village of Midway has conducted a review of the Village of Midway Official Community Plan, Bylaw No.280 which has resulted in a comprehensive rewrite of the Plan's objectives and policies and substantial changes to the maps associated therewith;

NOW THEREFORE the Council of the Village of Midway, in open and public meeting assembled, enacts as follows:

1. Citation

This Bylaw may be cited as "Midway Official Community Plan Bylaw No. 380, 2007".

2. Repeal

Midway Official Community Plan Bylaw No. 280, 1996 and all amendments thereto are hereby repealed.

3. Plan Schedules

The Community Plan text (Schedule A), Schedule B (the Land Use Map), Schedule C (the Development Permit Area Map), Schedule D (the Water Service Area Map) and Schedule E (the Sewer Service Area Map) attached hereto and forming part of this Bylaw, are hereby designated as the Midway Official Community Plan.

READ A FIRST time this 18th day of June 2007.

READ A SECOND time this 18th day of June 2007.

PUBLIC HEARING NOTICE ADVERTISED this 4th day of July 2007.

and also

this 11th day of July 2007.

PUBLIC HEARING HELD on this 23rd day of July 2007.

SECOND READING RESCINDED on this 4th day of September 2007.

READ A SECOND time this 4th day of September 2007.

PUBLIC HEARING NOTICE ADVERTISED this 19th day of September 2007.

and also

this 26th day of September 2007.

PUBLIC HEARING HELD on this 3rd day of October, 2007

SECOND READING RESCINDED on this 5th day of November 2007.

READ A SECOND time this 5th day of November 2007.

PUBLIC HEARING NOTICE ADVERTISED this 14th day of November, 2007

and also

this 21st day of November 2007.

PUBLIC HEARING HELD on this 26th day of November, 2007

READ A THIRD time this 3rd day of December 2007.

RECONSIDERED AND FINALLY PASSED AND ADOPTED this 3rd day of December 2007.

Mayor

Village Administrator

TABLE OF CONTENTS

<u>PART I: INTRODUCTION</u>	<u>PAGE</u>
1. Purpose of the Plan	2
2. Enabling Legislation	3
3. Interpretation	3
4. Review and Amendment of the Plan	4
<u>PART II: GENERAL OBJECTIVES AND POLICIES</u>	
2.1 Compatible and Energy Efficient Land Use	6
2.2 Transportation	7
2.3 Natural Hazards	8
2.4 Natural Environment	8
2.5 Community Appearance	9
2.6 Municipal Services.....	10
2.7 Agriculture.....	12
2.8 Residential.....	13
2.9 Mobile Homes.....	16
2.10 Commercial.....	16
2.11 Industrial.....	18
2.12 Recreational.....	18
2.13 Institutional.....	19
2.14 Heritage.....	20
<u>PART III: DEVELOPMENT PERMIT AREAS</u>	
3.1 Highway Light Industrial / Commercial.....	22
<u>PART IV: LAND USE MAP</u>	
4.1 Interpretation.....	26
4.2 Explanation of Designations.....	26
<u>PART V: IMPLEMENTATION OF THE PLAN</u>	
5.1 Interpretation.....	31
5.2 Zoning and Subdivision Control.....	31

5.3 Development Cost Charge Bylaw 29
5.4 Minimum Maintenance Standards/ Unsightly Premises Bylaw..... 30
5.5 Miscellaneous Bylaws..... 30
5.6 Capital Budget 30
5.7 Agricultural Land Commission 30
5.8 Public Involvement..... 30

Schedule 'A'
Village of Midway
Official Community Plan

This Schedule 'A' is the Schedule 'A' to the Village of Midway Official Community Plan referred to in the Village of Midway Official Community Plan Designation Bylaw No. 380, 2007.

I, Jim Madder, Administrator of the Village of Midway, hereby certify that this is a true and correct copy of Schedule 'A' to the Village of Midway Official Community Plan Designation Bylaw No. 380, 2007.

Administrator

Dated this day of , 2007.

Schedule A - Plan Text

PART I
INTRODUCTION

Community Vision

Midway, unique because of its small town atmosphere and its strong sense of pride, will aspire to be a complete community where:

- Citizens have a collective sense of belonging, and contribute to the quality of life in the community;
- The community celebrates a vibrant culture and heritage;
- The environment is nurtured for present and future generations;
- Planned development strengthens the character of the community; and
- Economic diversity contributes to the prosperity and well-being of the community.

1.1 Purpose of the Plan

To guide the development of municipalities in British Columbia, the Province has authorized municipalities to adopt community plans under the Local Government Act and the Community Charter.

An Official Community Plan (OCP) is a general statement of the broad objectives and policies of the local government respecting the physical, environmental, economic and social development of the community. It sets out, in reasonably clear terms, the goals of the community and the policies which must be followed in order that these goals may be achieved. Once adopted, an OCP serves as a foundation for all policies, regulations and decisions pertaining to land use and development in the municipality.

The purpose of the Plan is to ensure that new development takes place in an orderly and economical way; that sufficient and appropriate lands are designated for all necessary purposes; that services are adequate to serve present and future development; that the social, health and economic needs of the residents are provided; and that the environmental qualities of the area are preserved and even enhanced.

In an age friendly community, policies, services, settings, and structures support and enable people to age actively by:

1. recognizing the wide range of capacities and resources among people of all ages;
2. anticipating and responding flexibly to age-related needs and preferences;
3. respecting decisions and lifestyle choices of all age groups;
4. protecting those who are most vulnerable; and
5. promoting the inclusion in and contribution to all areas of the community life by all age groups.

1.2 Enabling Legislation

The Official Community Plan has been prepared in accordance with the requirements of Section 877 of the *Local Government Act*, which states that the plan must include statements and map designations for the area covered by the plan respecting the following:

- (a) the approximate location, amount, type and density of residential development required to meet anticipated needs over a period of at least 5 years;
- (b) the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- (c) the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- (d) restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- (e) the approximate location and phasing of any major road, sewer and water systems;
- (f) the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites; and
- (g) other matters that may, in respect of any plan, be required or authorized by the minister.

Section 884(2) of the same Act states that all bylaws enacted or works undertaken after the adoption of an Official Community Plan shall be consistent with the relevant plan.

1.3 Interpretation

This Plan consists of a text (Schedule 'A'), a Land Use Map (Schedule 'B'), a Development Permit Area Map (Schedule 'C'), a Community Water System Map (Schedule 'D') and a Community Sewer System Map (Schedule "E").

This Plan is not intended to be a precise instrument, and contains broad policies that apply to the Village over a long period of time.

Boundaries shown on the Land Use Map are approximate and shall be defined in detail in the implementing bylaws that will follow. Similarly, references in the text to uses, density and similar matters are to be considered flexible, provided the intent of the Plan is not altered.

The policies of this Plan are those of the Council of the Village of Midway.

1.4 Review and Amendment of the Plan

This Plan is intended to act as a guide for development within the Village of Midway until approximately 2012 and a projected population of about 658 people, based upon B.C. Stats population projections for the Boundary School District. This population projection is subject to a considerable amount of potential error, as population projections for small communities are particularly difficult to establish accurately, as changes in the circumstances of the community that might be considered minor in a larger municipality can result in significant changes in population estimates and growth trends in a municipality such as Midway (eg. one new employer moves to town, one new subdivision is developed, or one existing employer leaves town).

Although an effort has been made to anticipate most situations which could arise in the foreseeable future, new information and changing circumstances must be monitored to ensure that this Plan remains current. The Plan should be reviewed on an annual basis and a comprehensive review should be undertaken at least every five years.

Amendments to this Plan must be made by bylaw and in accordance with the provisions of the *Local Government Act*.

Persons requesting revisions to the Plan shall submit an application to the Village Council, along with such supporting material as may be deemed by Council to be necessary.

PART II
GENERAL OBJECTIVES AND POLICIES

2.1 OBJECTIVE: COMPATIBLE AND ENERGY EFFICIENT LAND USE

It is an objective of the Plan to realize an orderly form of development in which land uses of various types are appropriately located and compatibly interrelated. This promotes the safety, convenience and health of residents and visitors as well as the efficiency of services and facilities.

This Plan will encourage energy conscious community planning and building design and will support all efforts to promote energy conservation and the use of alternative energy sources which are environmentally friendly and sustainable.

Policies: Compatible and Energy Efficient Land Use

1. Council shall endeavour to prevent land use conflicts, and landscaped buffers or screening between non-compatible uses may be required.
2. The Village has a role in promoting energy efficiency as a component of land use and development planning. The responsible location of land use, site planning, and building design can all contribute to a reduction in energy use. Staff and Council are directed to consider energy efficiency principles and practices in land use planning, site planning, and building design
3. The Village of Midway will seek partnerships with Terasen Gas, Fortis, the Regional District of Kootenay Boundary, provincial and federal agencies, and others to foster achieving the energy objectives of the community.
4. The Village of Midway will participate in appropriate programs and initiatives that address climate change impacts, and that help municipalities plan for local-scale impacts of climate change.
5. Areas which are not readily identifiable as being well-suited to a particular land use at this time are designated as Open Space on the Land Use Map. Such lands may eventually become useful for residential, commercial or some other recognized land use as current land reserves become more fully utilized.
6. Minimum parcel area requirements in areas designated as Open Space on the Land Use Map shall be in the range of 5 to 10 hectares in the implementing zoning bylaw.

2.2 OBJECTIVE: TRANSPORTATION

Both the Southern Trans-Provincial Highway No. 3 (Crowsnest Highway) and the local airstrip are important assets to Midway. In addition, an efficient local road network is important for the convenience and safety of local residents and visitors. Therefore it is an objective of this Plan to support improvements to Highway No. 3 and actively pursue improvements to the airstrip, and to carefully manage the Village's road network.

Policies: Transportation

1. Adequate off-street parking shall be required for all commercial, institutional, religious, cultural, industrial, and residential development.
 2. Adequate loading facilities shall be required for all commercial and industrial development.
 3. Council shall work with the Ministry of Transportation to ensure a safe and convenient route for truck traffic through the Village.
 4. Council shall pursue all avenues to upgrade the airstrip and related facilities, recognizing that it is a valuable asset to the community.
 5. Council shall discourage direct access to the highway from light industrial and highway commercial areas, in favour of common entrances.
 6. Council shall work with the Ministry of Transportation to pursue the development of a left turn lane to allow eastbound traffic on Highway 3 safe access to the museum site.
 7. Council shall work with the Ministry of Transportation to seek a realignment of the Cleghorn Street intersection with Highway 3 to provide a 90 degree intersection to improve traffic safety.
 8. Council supports the development of the area located along the highway directly facing Palmerston Avenue as a rest area / pull-out with access to the site via Cleghorn Street or Palmerston Avenue.
-

2.3 OBJECTIVE: NATURAL HAZARDS

It is an objective of this Plan to avoid areas which are prone to natural hazards when designating land for intensive uses such as residential, industrial and commercial.

Policies: Natural Hazards

1. Areas which, due to existing physical conditions or known natural hazards such as flooding, rockfall and erosion, are not useful for urban uses shall be left in a natural state.
2. Lands which are known to be subject to high water table or flooding shall not be used for residential, commercial, institutional or industrial use. New developments shall be constructed in accordance with the Village of Midway's Floodplain Management Bylaw, unless a site specific exemption to that bylaw has been granted by Council. Where an application for a site specific exemption is submitted by a property-owner, a report prepared by a qualified engineer or geoscientist will be required to be included with the application.
3. The Village of Midway will require, during the rezoning and subdivision approval process, developers to demonstrate how they will address wildland/urban interface fire hazards.

2.4 OBJECTIVE: NATURAL ENVIRONMENT

It is an objective of the Plan to ensure that development occurs in a manner that is in harmony with the natural environment.

Policies: Natural Environment

1. Activities which would have a detrimental effect on the natural environment of the
-

Village should be mitigated to the greatest extent possible.

2. Construction within the Village shall minimize adverse effects on the natural environment.
3. Council opposes the exploration and mining of uranium and other potentially hazardous minerals within the Watershed area of the Village of Midway.
4. Council does not support significant upstream diversion of water from the Kettle River, nor developments anywhere on the river that may negatively impact the municipality's water rights.
5. Council recognizes that Lewis's Woodpecker (red-listed) and Western Rattlesnake (blue-listed) species have been identified within District Lots 637 and 424.
6. Council recognizes that Lewis' Woodpecker (red-listed), Western Rattlesnake (blue-listed) and Gopher Snake (blue-listed) have been identified within District Lot 2227.

2.5 OBJECTIVE: COMMUNITY APPEARANCE

It is an objective of the Plan to realize a form of development which is visually attractive, and to realize the conservation, rehabilitation and development of structures and sites of high visual and architectural quality.

Policies: Community Appearance

1. Council encourages the proper care and maintenance of all properties and buildings as a means of upgrading the general appearance of the Village, and will require that all properties are maintained in accordance with the municipality's unsightly premises bylaw.
 2. Council may undertake a program for improvement of the Village's image, with landscaping being a major component of that program and the corridor between the international border crossing and Florence St. (Dominion St – Fifth Ave) being considered a priority. This may include participation in the "Communities in Bloom"
-

program.

3. Council will endeavour to ensure that the municipal works yard is maintained in a neat condition, which will include weed control, and may erect a landscape screen around the site to reduce its visual impact.
4. Council may consider the acquisition of land for a rest area for highway travellers, and financial aid for this endeavour will be sought from the appropriate Provincial authorities.
5. Council regards heritage buildings and structures as valuable social and economic resources; their rehabilitation and preservation shall be encouraged.
6. The CPR station buildings are considered to be valuable heritage structures, and the Village may operate these as a historical park, museum, hostel, and tourist information centre.
7. Council shall strive to improve local amenities for the benefit of residents and visitors, and also as a means of attracting new residents and businesses.

2.6 OBJECTIVE: MUNICIPAL SERVICES

It is an objective of this Plan to attain a form of development which ensures the safety of residents and visitors, and to which services can be provided economically.

Policies: Municipal Services

1. Areas serviced by the Municipal Water and Sewer systems are identified on Schedules D and E. The location of sewer and water infrastructure is identified on these maps. In addition, properties which are serviceable or presently serviced are identified on the map. Permitted densities within the Village shall reflect the level of service available to each lot.
 2. Potential extensions to the service areas, as indicated on Schedules D and E, which may be contemplated under different circumstances shall be reviewed by Council having
-

regard for the following:

- (a) the need for development of additional lands in the particular land use category;
- (b) the maintenance and operational costs of the proposed service extension;
- (c) such other factors as may be considered to be of relevance by Council.

Service extensions to areas not identified as possible service area expansions on Schedule D or E shall not be permitted without the prior amendment of this Plan.

- 3. Urban development should take place within the serviced portions of the Village, maximizing the efficiency of services (e.g. schools, recreational areas, sewer and water).
 - 4. Proposed Village Residential subdivisions shall not be permitted unless Council believes it to be economical to service them with both municipal water and sewer. The cost of any such extensions and any required system upgrades shall be paid for by the developer.
 - 5. Areas designated as Agricultural or Rural Residential on Schedule B - Land Use Map - shall not be provided with both municipal water and sewer services unless the Water and Sewer System maps (Schedules D and E) identify them as "possible future service area expansion". Any lands so identified shall not be used as a precedent in requests for the servicing of any other lands in the Agricultural or Rural Residential designations.
 - 6. Ground sewage disposal and private wells shall be located in conformity with requirements of the Ministry of Health.
 - 7. Council supports the continued provision of refuse collection and curbside recycling services within the municipality. The current private sector provision of the refuse collection service is supported, but Council would consider establishing a municipal service if the private service becomes unavailable in the future.
 - 8. Developers shall be required to provide services (roads, drainage, sewer, water and other such works) to a standard as required by the Village of Midway. Council may consider adopting a Development Cost Charge bylaw in order to address this issue.
 - 9. Existing vacant rights-of-way may be sold to private interests if Council has determined that they will not be required for future road or utility development. When such areas are subdivided, consideration shall be given to maintaining pedestrian walkways.
-

10. Council supports the provision of effective, efficient and economical emergency services.
11. Council supports the development and maintenance of a comprehensive well protection plan with respect to the municipal water system.

2.7 OBJECTIVE: AGRICULTURE

A significant proportion of the lands within the boundaries of the Village are in the Agricultural Land Reserve, and some of these are being actively farmed. It is an objective of this Plan to support agricultural activities within the Agricultural designation in the Village, while recognizing that there are sometimes other competing uses for some ALR lands which are justifiable.

Policies: Agriculture

1. Council encourages infilling of residential development in the townsite area, in order to promote the efficient services and to minimize urban encroachment on agricultural land.
 2. Council generally supports the agricultural use of lands lying within the Provincial Agricultural Land Reserve. In the event that a need is identified for a non-agricultural land use for which no suitable non-ALR location is available Council may support a location within the ALR where it can be established that the benefits to the community of the proposed use clearly outweigh agricultural considerations.
 3. Council encourages the Ministry of Agriculture and Lands to enforce the *Code of Agricultural Practice for Waste Management* on all ALR lands located within the Village.
 4. Council supports the maintenance the agricultural sector in the local economy and shall strive to minimize the opportunity for conflict between agricultural and other interests in the Village of Midway.
 5. All uses and subdivision of Agricultural Land Reserve lands shall be in accordance with decisions of the Commission in terms of the Agricultural land Commission Act,
-

Regulations thereto and Orders of the Commission.

6. Based upon the recommendations of the provincially funded Village of Midway Community Transition Study, it is the intent of Council to pursue a mixed residential, industrial and airport use development on a portion of the airport lands, requiring amendments to this plan, and the support of the Agricultural Land Commission will be sought as part of this endeavour.

2.8 OBJECTIVE: RESIDENTIAL

This Plan specifies that a wide choice of housing should be made available for Village residents.

Policies: Residential

1. Areas considered at this time to be suitable for single family residential purposes are designated as Village Residential on the Land Use Map.
 2. In Areas designated as Village Residential on the Land Use Map, only one dwelling unit per parcel shall be permitted outright in the implementing bylaws.
 3. Permitted minimum parcel sizes in the Village Residential designation shall be 500 m² if full community sewer and water services are provided to the parcel, 2000 m² if only community sewer **or** water service is provided and 1 hectare where no community sewer or water services are available
 4. Notwithstanding Subsections 2.7.2 and 2.7.3 above, Council may consider designating land within the Village Residential designation for duplex use on a site-specific basis, by way of rezoning without amendment to this plan, subject to the following:
 - (a) consideration of the uses prevailing on neighbouring properties;
 - (b) the need for rental accommodation in the village;
 - (c) the ability of the Village to adequately service the proposed development;
 - (d) community sewer and water services being available to the subject property; and
 - (e) any external effects which the proposed duplex may have.
-

5. Areas zoned in the implementing bylaw for duplex use shall be subject to a minimum parcel area of 800 m² if full community sewer and water services are available.
 6. Areas considered at this time to be suitable for multiple family residential purposes are designated as Multiple Family Residential on the Land Use Map.
 7. Multiple family residential uses may be considered, by way of rezoning, throughout the Plan area, without amendment to this Plan subject to:
 - (a) review of a traffic impact study to be prepared at the expense of the proponent;
 - (b) review of the visual compatibility of the proposed use;
 - (c) the availability of both community sewer and water services;
 - (d) the compatibility of the proposal with surrounding land uses; and
 - (e) the proposed form of tenure (*ie*: strata units or rental units) and the Village's need for rental accommodation.
 8. Areas zoned within the implementing bylaw for multiple family residential use shall have a maximum density of 60 units per hectare, with a minimum parcel size of 1000 m².
 9. Areas with larger parcels which, because of various constraints to development, are not suitable at this time for Village Residential subdivision are designated as Rural Residential on the Land Use Map.
 10. Areas zoned within the implementing bylaw for rural residential use shall be subject to a minimum parcel area requirement of 2000 m² if community sewer and/or water services are available to the parcel and 1 hectare if community sewer and/or water services are not available.
 11. Home-based businesses shall be permitted in single family residential areas, provided they do not adversely impact neighbouring properties and subject to regulations limiting the extent of such businesses which will be included in the zoning bylaw..
 12. Council encourages the construction of additional rental accommodation in the Village.
 13. Notwithstanding Subsection 2.7.5 above, upon receipt of a written request, Council may consider permitting, by way of rezoning, the subdivision of the parcel upon which a
-

- duplex is located into two lots subject to the following criteria:
- (a) the availability of, and demand for, rental housing units in the Village;
 - (b) consideration of the ultimate size of the resulting lots, which in no case should be less than 400 m² in area;
 - (c) the new interior lot line must be coincidental with a vertical common party wall; and
 - (d) the conformity of the existing building with the *B.C. Building Code*, this to be ascertained by the Building Inspector.
14. Council may consider, upon receipt of a written request, approval of a Form T conversion (into strata lots) for existing duplexes and multiple family dwellings pursuant to Section 242 of the Strata Property Act. In its deliberations, Council shall consider the following:
- (a) the availability of, and demand for, rental housing units in the Village; and
 - (b) the conformity of the existing building with the *B.C. Building Code*, this to be ascertained by the Building Inspector.
15. Council wishes to ensure a ten-year supply of residential land outside of the Agricultural Land Reserve to satisfy projected demand and offer sufficient choices of housing options.
16. Single and double-wide mobile or manufactured homes (certified under the CSA A277 - Z240 series and CSA A277 - modular series), constructed prior to June 1, 1989 shall not be permitted in areas not specifically designated for that use, or in new Village Residential subdivisions.
17. Areas suitable for single and double-wide mobile or manufactured homes and conventional single family dwellings are designated as Mobile Home Subdivision on the Land Use Map (Schedule 'B').
18. Areas zoned in the implementing bylaw for mobile home subdivision use shall be subject to a minimum parcel size of 400 m² for a mobile home and 500 m² for a single family dwelling if both community water and sewer services are available and 1 hectare if community sewer and/or water services are not available.
19. In striving to develop an aviation-oriented development, Council may investigate the
-

suitability of lands located between the airstrip and the Kettle River, located in the Agricultural Land Reserve. These lands may be zoned in the implementing bylaw for residential use provided the Agricultural Land Commission allows the use.

2.9 OBJECTIVE: MOBILE HOMES

Because mobile homes will not be supported for most residential-designated land in the Village, it is an objective of this Plan to offer two alternative designations for the use of all mobile homes.

Policies: Mobile Homes

1. Areas considered to be suitable for the exclusive use of mobile homes are designated as Mobile Home Park on the Land Use Map.
2. Areas zoned for mobile home park use in the implementing bylaw shall be subject to the provisions of Village of Midway Mobile Home Park Bylaw No. 52 as amended, or any successor thereto.
3. Areas considered to be suitable for the use of both conventional homes and mobile homes are designated as Mobile Home Subdivision on the Land Use Map.

2.10 OBJECTIVE: COMMERCIAL

It is an objective of this Plan to minimize the time-distance movement of population between areas of residence and business/shopping areas.

Policies: Commercial

1. Areas considered at this time to be suitable for commercial purposes are either designated as Commercial or Highway Commercial on the Land Use Map.
-

2. For areas zoned for various commercial uses in the implementing bylaw, the minimum parcel area requirement shall be between 200 and 1000 m² if both community water and sewer services are available, 2000 m² if only community water **or** community sewer are available and 1 hectare where neither community water or sewer are available
 3. Council may consider permitting Commercial development proposals on lands that are located in close proximity to areas designated for Commercial use under this Plan by way of rezoning, subject to consideration of the following criteria:
 - (a) submission of a report prepared by the proponent demonstrating that the site for which rezoning is requested is the most suitable location for the proposed use;
 - (b) consideration of the effects of the proposed commercial use on the neighbouring properties;
 - (c) a review of the ability of the sewer and water systems to service the proposed development;
 - (d) consideration of the effect of the proposed development and zoning on the traffic patterns in the area; and
 - (e) consideration of the effect of the proposed rezoning on the areas already designated as commercial on the Land Use Map, and whether such rezoning would impair the viability of these existing commercial areas.
 4. Commercial and institutional development shall remain concentrated where such activities are currently located in order to maintain a pedestrian oriented, compact community.
 5. Sufficient land should be designated to accommodate the expected growth in commercial activities. To enhance the commercial centre of Midway, Council shall encourage landowners along the Florence Street corridor between Ninth Avenue and Fifth Avenue to redevelop their properties for commercial and mixed commercial/residential land uses. This may be done by way of rezoning without amendment to this Plan.
 6. An aggressive promotional strategy, aimed largely at highway travellers, should be adopted as a means of increasing the viability of local commercial enterprises.
 7. The Village should continue to participate in the Regional District Economic Development Program, subject to review on an annual basis, as a means of supporting
-

new and existing businesses.

8. Notwithstanding Subsections 2.9.1 through 2.9.8 above, within commercially-designated areas, existing single family dwellings which were legally constructed shall be recognized in the implementing zoning bylaw as legal and conforming land uses.

2.11 OBJECTIVE: INDUSTRIAL

It is an objective of this Plan to support the industries which are currently within the Village and to encourage diversification of this industrial base wherever possible.

Policies: Industrial

1. Areas considered to be suitable for industrial purposes are identified as Industrial on the Land Use Map.
2. For areas zoned for various industrial uses in the implementing bylaw, the minimum parcel area requirement shall be in the range of 900 m² to 1 hectare depending upon the level of community services available to the parcel and the specific permitted uses.
3. Council will continue to maintain a dialogue with the various government agencies with respect to resource issues that effect the economy of the community.
4. The highest priority in budget allocations shall be the enhancement of the long term economic viability of the Village.
5. An available stock of land for light industrial use should be maintained in order to diversify the Village's economic base.

2.12 OBJECTIVE: RECREATIONAL

It is an objective of this Plan to offer a wide variety of recreational options to residents and visitors to the Village.

Policies: Recreational

1. Council promotes those areas of land designated as "Recreational" on the Land Use Map (Schedule 'A') for park and recreational facility use and development.
 2. Lands zoned for recreational and parks use in the implementing bylaw shall not be subject to a minimum parcel area requirement.
 3. Considering the need for recreational land in the community, approval of proposed subdivisions meeting the requirements of Section 941 of the *Local Government Act* shall be subject to a dedication of 5% of the total lot area for parks and recreation purposes, or an amount of cash in lieu of land which is acceptable to Council. Any land dedicated as park must be conveyed in a physical condition satisfactory to the Village.
 4. Council shall support the recreational potential of the Kettle River, including camping and picnicking facilities.
 5. Council may consider permitting institutional facilities such as community centres, libraries, churches, medical facilities, public schools and fraternal halls within Recreational areas by way of rezoning provided:
 - (a) negative impacts can be minimized; and
 - (b) municipal services are available.
 6. Council shall seek the cooperation of all Kettle Valley residents and local governments in upgrading and expanding recreational facilities which are located in Midway.
 7. Council supports the continued use and improvements to the community's recreational facilities and the expansion of Riverfront Park.
 8. Considering the recreational and economic benefits that they provide to the community, Council supports: use of and improvements to the Trans Canada Trail / Kettle Valley Rail Trail; the development of walking trails within the community; and improvements to the museum.
-

2.13 OBJECTIVE: INSTITUTIONAL

It is an objective of this Plan to ensure that a sufficient area of land within the Village is reserved for the necessary institutional purposes.

Policy: Institutional

1. Areas considered at this time to be suitable for institutional purposes are identified as Institutional on the Land Use Map.
2. Council may consider permitting institutional facilities such as community centres, libraries, churches, medical facilities, public schools and fraternal halls within Residential and Commercial areas by way of rezoning provided:
 - (a) negative impacts can be minimized; and
 - (b) municipal services are available.
3. Council supports on-going improvements to the appearance and maintenance of the cemetery.
4. Council shall dialogue with the School District regarding potential alternative uses of surplus school lands and buildings.
5. The Village of Midway will continue to incorporate energy efficient features into municipal facilities and use environmentally friendly building materials where feasible.

2.14 OBJECTIVE: HERITAGE

It is an objective of this plan to encourage the protection of archaeological sites.

Policy: Heritage

1. Residents are encouraged to report the discovery of archaeological materials to the Archaeological Branch of the Provincial government. Residents are also encouraged to
-

avoid the disturbance of native cultural sites.

PART III
DEVELOPMENT PERMIT AREAS

3. DEVELOPMENT PERMIT AREAS

Building construction within all Development Permit areas will be reviewed by Council having regard for the guidelines contained in this Section. Conditions and restrictions may be imposed on the proposed development accordingly. Similarly, some of the regulations contained in the implementing bylaws may be varied or relaxed in order to accommodate the proposed development. A Development Permit must be approved by the Council of the Village of Midway before a building permit can be obtained. All mandatory Development Permit Areas are identified on Schedule 'C' (Development Permit Area Map) attached to this Plan.

3.1 Highway Light Industrial / Commercial

A) Location

Area No. 1, as shown on Schedule C, is designated as a Mandatory Development Area pursuant to Section 919.1(1)(f) of the Local Government Act.

B) Justification

Development Permit Area No. 1 is located in a highly visible portion of the Village, being situated along Southern Trans-Provincial Highway No. 3. In order to preserve the visual and aesthetic integrity of this "gateway" to the Village, the form and character of any buildings constructed in these areas should be subject to the following guidelines.

C) Guidelines

- (i) The exterior design and finish of buildings should be safe and attractive, and should reflect the heritage motif of historic buildings located in the community.
 - (ii) The area surrounding the building(s) shall be landscaped in order to enhance the visual integrity of the site; landscaping plans shall be reviewed by Council prior to approval;
 - (iii) Off-street parking and loading spaces located on lands fronting on Hwy. 3 should be screened by landscaping (trees or shrubbery) from Hwy. 3;
 - (iv) Off-street parking and loading spaces should be paved with an all-weather hard surface, and should be designed to promote safety and ease of traffic circulation on and in the vicinity of the site;
 - (v) Signs should be designed and located in a fashion which is compatible
-

- with the site;
- (vi) The site should be adequately lit with sufficient power to make the manoeuvring of vehicles and pedestrians in the parking area safe;
- (vii) Any on-site lighting shall not be disruptive to the adjacent parcels of land, including Highway 3.

D. Security / Guarantee

A Development Permit may be issued on the condition that the applicant has provided the Village of Midway with a security in the form of an Irrevocable Letter of Credit, or such other form as may be approved by Council, for a fixed period to guarantee that the conditions contained in the Development Permit are satisfied. The amount of the security shall be set by Council, and be based on the estimated cost of the landscaping/screening and parking/lighting as proposed.

Should a permittee fail to fulfil the obligations required by a Development Permit, the Village of Midway may undertake and complete the works required by the Development Permit at the cost of the permittee, and may apply the Security in payment of the cost of the work, with any excess to be refunded to the permittee.

Should there be no default as described above, the Security provided under this subsection shall be returned to the permittee together with any earned interest (if applicable).

PART IV
LAND USE MAP

4. EXPLANATION OF THE LAND USE MAP

4.1 Interpretation

The Land Use Map (Schedule 'B') indicates general locations and distributions of major land use designations in the village.

In order to provide for flexibility in the interpretation of the Land Use Map, mapped land use boundaries may be considered approximate only, and minor variations may be permitted without an Official Plan Amendment, provided the general intent of the Plan is preserved.

4.2 Explanation of Designations

- (a) Village Residential: In areas so designated, single family dwellings, with the exception of mobile and manufactured homes, are permitted throughout. One residential unit shall be allowed outright in this designation.
 - (b) Mobile Home Subdivision: In areas so designated, single-wide mobile homes and conventional single family dwellings on individual lots are permitted.
 - (c) Mobile Home Park: In areas so designated, single and double-wide mobile homes shall be permitted on individual pads or spaces including accessory uses incidental to the operation of a mobile home park.
 - (d) Rural Residential: In areas so designated single family dwellings shall be permitted. Agricultural uses including the keeping of a limited number of animals are also permitted.
 - (e) Multiple Family Residential: In areas so designated, multiple family residential buildings containing three or more dwelling units shall be permitted.
 - (f) Commercial: In areas so designated, retail and wholesale outlets, offices, services, hotels, motels, restaurants and other such general commercial or highway commercial uses are permitted. In addition, institutional uses shall be allowed. Residential uses
-

shall also be permitted in conjunction with the above uses throughout the commercial area.

- (g) Highway Commercial: In areas so designated, commercial activities catering to the travelling public (e.g. service stations, motels), shall be permitted. Agricultural uses shall be an allowable interim use of such lands, as its operation would not jeopardize the ultimate highway commercial use. Limited light industrial uses (e.g. farm machinery service, mobile home service) may also be permitted.
 - (h) School: In areas so designated, educational facilities including related uses shall be the predominate permitted use.
 - (i) Other Institutional: In areas so designated, accommodation for senior citizens, medical, governmental, judicial, religious as well as community buildings and cemeteries shall be permitted.
 - (j) Heavy Industrial: In areas so designated, manufacturing, storage, disposal and extraction industries are permitted. These uses are sufficiently segregated from residential development such that their manner of operation, and associated sounds and smells, should not adversely effect the quality of life in the Village.
 - (k) Light Industrial: In areas so designated, industries (including light manufacturing, repair and storage) whose appearance and manner of operation are adequately screened from adjacent urban uses shall be permitted. Also, commercial activities catering to the travelling public (e.g. service stations, motels and restaurants) are permitted uses. Agriculture shall be an allowable interim use of such lands, as its operation would not jeopardize the ultimate light industrial use.
 - (l) Recreational: In areas so designated, facilities and grounds for both active and passive recreation, including playgrounds, tennis courts, sports fields, schools, school related facilities, ice rinks and promenades, shall be permitted.
 - (m) Agricultural: In areas so designated, farming and ranching are permitted uses. Intensive agricultural uses are permitted; their effects on other land uses will be managed with setbacks and lot coverages as per the Ministry of Agriculture publication
-

“Guide for Bylaw Development in Farming Areas”, encouraging the use of “normal farm practices” as per the *Farm Practices (Right to Farm) Act* and by encouraging the ministry of Environment to ensure that wastes are managed as per the *Code of Agricultural Practice for Waste Management in the Agricultural Waste Control Regulation of the Environmental Management Act*. Other, "interim", uses (e.g. gravel pits, sawmills, guest ranches, dog kennels, etc.) which would not jeopardize the ultimate use of the land for agriculture may be permitted, subject to the joint approval of Council and the B.C. Agricultural Land Commission where necessary. Subdivision of lots less than two acres and between Thirteenth Avenue and Highway 3A will be considered by Council only after an adequate, proven water supply is available. This designation may be expanded within implementing bylaws to include Rural residential uses on smaller parcels.

- (n) Transportation corridor: In areas so designated, only those uses associated with transportation and Agriculture are permitted. Other uses may be considered through re- zoning.
- (o) Major road/proposed major road: These designations indicate roads that are, or will be used for long, medium and short distance trips, and will carry relatively high volumes of traffic, compared to local roads.
- (p) Road Closure: These designations indicate undeveloped road right-of-ways which will be closed, once it has been determined that they will not be needed for future rights-of-way.

- (q) Airstrip: In this area, the airstrip is the only permitted use aside from agriculture. Airport-related structures such as hangars, service centres, aircraft fuel sales outlets shall be allowed on nearby lands marked as "Airport Development" on the Land Use Map.

- (r) Open Space: Certain areas of the Village, which by reason of excessive slope, high elevation, type of surface or difficult access, are deemed unsuitable for development and thus have been designated as "Open Space". Non-urban uses (e.g. grazing, recreation or rural subdivision) may be permitted in such areas.

PART V
IMPLEMENTATION
OF THE
PLAN

5. IMPLEMENTATION

The purpose of this section is to indicate the means available to implement the policies and achieve the objectives and goals contained in the Official Community Plan. This Plan shall be implemented by both public and private development and all municipal bylaws in conformity with the Plan are deemed to implement it.

5.1 Interpretation

Once adopted, deviations from the policies advanced in the Plan or deviations from the Land Use Map (Schedule 'B') will require an Official Plan Amendment, including a public hearing.

In order to provide for flexibility in the interpretation of the Land Use Map, mapped land use boundaries may be considered approximate only, and minor variations may be permitted without an Official Plan Amendment, provided the general intent of the Plan is preserved.

5.2 Zoning and Subdivision Control

- (a) The existing zoning and subdivision bylaws for the Village of Midway shall be reviewed and may require redrafting in order to conform with the policies of this Plan. Subsequent applications for amendment to the implementing bylaws will similarly be reviewed in light of this Plan and shall only be approved if in conformity therewith.
- (b) The minimum parcel sizes referred to in this Plan apply only to subdivision proposals presented after this Plan is approved. In the implementing bylaws, existing undersized parcels shall be recognized and may be occupied or developed in accordance with the respective land use designation in which they are located and shall be in conformity with the regulations of the implementing bylaws.

5.3 Development Cost Charge Bylaw

In order to ensure that new subdivisions do not result in a tax burden for the Village, a development cost charge bylaw may be adopted in order to provide funds to pay the capital costs of various municipal works and services as outlined in Section 933 of the *Local Government*

Act.

5.4 Minimum Maintenance Standards / Unsightly Premises Bylaw

Council intends to carry out measures, such as landscaping, to improve the appearance of Village owned structures, streets and other properties, however, such actions may be ineffective if private properties and structures are unsightly. To ensure that Council's attempts are not undermined, consideration should be given to establishing minimum maintenance standards. Sections 8(3) and 64 of the Community Charter empowers Council, by bylaw to regulate nuisances, including the unsightly conditions of property.

5.5 Miscellaneous Bylaws

In order to ensure that development within the Village of Midway is consistent with the objectives of this Community Plan Council may enact a bylaw or bylaws respecting: parking, works and services, drainage, signs and screening as provided for in the Local Government Act.

5.6 Capital Budget

The policies of the Official Plan will form a basis for Council to formulate and adopt a five year capital budget. The highest priority in budget allocations shall be given to projects which will enhance the long term economic viability of the Village.

5.7 Agricultural Land Commission

Property adjacent to the existing built-up area is almost exclusively within the Agricultural Land Reserve. Cooperation must be sought from the Agricultural Land Commission (the administrator of the reserve) that those lands which are necessary to ensure the Village's economic viability will be maintained.

5.8 Public Involvement

Successful implementation of the policies of the Plan will be dependent upon public participation and support. In recognition of this, Council shall endeavour to maximize public participation in civic affairs. Council shall hold an annual general meeting, in the "old town hall" tradition, with an open agenda where all residents are invited to raise issues, express views and voice complaints. In this manner, as the planning process continues and the Plan is implemented, and updated, the views of the residents will be considered in determining the direction of development.